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OFFICIAL REPORT
(HANSARD)

Monday, February 4, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, February 4, 2002

The House met at 11 a.m.

Prayers

● (1100)

[*English*]

BUSINESS OF THE HOUSE

The Speaker: It is my duty pursuant to Standing Order 81(14) to inform the House that the motion to be considered tomorrow during consideration of the business of supply is as follows:

> That, since the government has failed to give effect to the motion adopted by this House on March 31, 2001, calling for the establishment of a sex offender registry by January 30, 2002, the Standing Committee on Justice and Human Rights be instructed to prepare and bring in a bill reflecting the spirit and intent of that motion;
>
> That the committee shall make its report to the House no later than June 1, 2002;
>
> That in its report, the committee shall recommend the principles, scope and general provisions of the said bill, and may include recommendations regarding legislative wording;
>
> That the tabling of a report pursuant to this order shall be an order to bring in a bill based thereon; and
>
> That when a minister of the crown, in proposing a motion for first reading of a bill, states that the bill is in response to the recommendations contained in a report pursuant to this order, the second reading and subsequent stages of the bill shall be considered under government orders; or
>
> When a private member, in proposing a motion for first reading of a bill, states that the bill is in response to the recommendations contained in a report pursuant to this order, the second reading and subsequent stages of the bill shall be considered under private members' business and the bill shall be placed immediately in the order of precedence for private members' business as a votable item.

[*Translation*]

The motion standing in the name of the hon. member for Langley —Abbotsford will be votable. Copies of the motion are available at the Table.

* * *

● (1105)

[*English*]

PRIVILEGE

REFERENCE TO STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS

The House resumed from February 1 consideration of the motion.

Mr. Gerald Keddy (South Shore, PC/DR): Mr. Speaker, usually we would say that it is with some honour and privilege that we rise on debate in the House. I am not sure that is the case this time. The debate that started last Friday over sending the Minister of National Defence to the Standing Committee on Procedure and House Affairs is a very serious debate, and one to which I am sure most members of parliament would like to add a few of their thoughts.

This is a greater issue than the fact that the Minister of National Defence misled the House. That is a serious issue and one we want to look at, but there is a greater issue behind this. It is the question of why the minister misled the House.

I do not think it is any surprise to any members in the House that the government had been fielding questions on the status of prisoners of war who may have been or could be captured in the future by Canadian forces, in particular JTF2 forces in Afghanistan, or by troops of the Princess Patricia's Light Infantry, which were sent over there this past weekend.

The issue surrounding possible capture of prisoners of war has been fielded by the government. Repeatedly it has said it is not an issue, that it has not captured anyone, therefore it does not have to deal with those sticky and messy items, such as the Geneva conventions, which our Canadian forces in the field would want to adhere to the Geneva conventions.

It all boils down to a pretty simple read of the Geneva conventions. Civilized nations follow the rules of the Geneva conventions because they expect their soldiers, if and when captured in battle, to be treated under the same set of rules. This is not a complicated thought process.

However last Wednesday, January 30, was the first time that the Minister of National Defence admitted to the capture of prisoners by Canadian troops on January 20 or January 21. Not only did he admit knowledge of it but he admitted that he knew within 24 hours.

The expansion of the issue becomes the fact that it is inconceivable that the Minister of National Defence would have known that JTF2 troops had captured Taliban fighters or al-Qaeda fighters and not reported that to the Prime Minister for eight, nine or ten days. It is very difficult to believe that the Prime Minister was that far out of the loop. The reasoning behind it again was simply that the government did not want to discuss the issue of treatment of prisoners.

If we look at the chronology of events, on January 29 the Minister of National Defence said to the Speaker at the time:

> 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.

Apparently he informed the House last. In fact, he even informed the Privy Council and the Prime Minister last . However we are far beyond the point in this debate where I think anyone would think the Prime Minister or the Privy Council did not know prior to January 29 or January 30.

● (1110)

The fact that Canadian troops were put in a foreign battlefield under American command was something with which this government was not comfortable. It was not comfortable with the treatment of prisoners or how to explain that.

During questioning, the minister of defence actually referred to the chief of defence staff being in full control of our troops. It would have been impossible for the top ranking officer, who we obviously believe is in full command of the troops, not to know we had taken prisoners. Being a good military man, I am certain that without question he passed that on to the minister immediately. The minister doing his job, as I expect he should have, passed that on to the Privy Council and the Prime Minister.

The end of the quote by the minister of defence was: "However, at all times the chief of defence staff retains full command over the battle group and the work that it does". This was in answer to queries about who was actually in charge of our troops in Afghanistan.

It is important to look at the take note debate where again the minister of defence misled the House, after misleading the House for several days, but he was much more careful in his wording because he knew at that time we had taken prisoners and had transferred them to U.S. forces. Yet he only mentioned that we met our obligations when transferring them. He said nothing about what happened once they have been transferred.

He said:

> Let me assure members of the House that the Canadian forces will treat detainees in accordance with international law and always fairly and humanely. International law, as reflected in the Geneva conventions, establishes requirements for all detainee states when transferring detainees. The Canadian forces will meet its international legal obligations on transferring detainees.

At the same time, the minister was obviously laying the groundwork to protect himself should the issue of the death penalty for prisoners that we handed over be raised in the future. Clearly he knew then that prisoners had been handed over to the U.S., which has the death penalty. The minister's exact words in his statement were:

> They have every right, though, for a tribunal to determine whether in fact they have status as a prisoner of war or have status as an unlawful combatant. Canada stands by that determination process in accordance with international law. International law does not prohibit the use of the death penalty with respect to military tribunals.

We can already see a very uncomfortable minister of defence laying the groundwork to admit to the fact that not only have we handed prisoners of war over to the U.S. but it could well come to be realized that these prisoners would face the death penalty.

There are civilian prisoners languishing in Canadian jails that we will not send to the U.S. because they use the death penalty. It may be a matter of debate whether that is approved of or not, but that is Canadian law.

The minister of defence, in full realization that we had taken prisoners and turned them over to the U.S., was clearly separating some of the fact from the fiction as well as what we would do when we had them and what would happen to them when we turned them over. He said very clearly in the take note debate:

> —we will not keep detainees. We do not have detention facilities. None of the other allied forces in Afghanistan do.

I guess he was referring to the fact that the Brits intend to follow the Geneva conventions.

He went on to say:

> The only one that has detaining facilities and the capability of taking these people is the United States, but when they are under our jurisdiction or care they will be treated in accordance with the Geneva conventions.

● (1115)

It is interesting to look at some of the other statements that the minister of defence made in the take note debate. He stated:

> Canada will not be party to any violations. We intend to abide by international law and abide by Canadian law.

He further said:

> We are not about to outsource our moral obligations. With respect to the Geneva conventions, we will be following the Geneva conventions.

I would like to know how? I would like to listen to the logic of that statement.

We have a situation where a member of the House, and may I say an important member of the House, none less than a minister of the government, deliberately misled his fellow MPs when he knew differently. He has admitted that in the House of Commons. We can send this to committee. I realize this is not the place to be judge and jury but the minister of defence fully realizes that is the only door open to him, the only option that he can take to save face.

This is not about blaming this series of events on the Canadian military nor about risking operations in Afghanistan. We have good military men and women on the ground in Afghanistan who will do and have done their job. Without question, the military part of the chain of command is working and fulfilling its obligations. It has passed information on to the people to which it is supposed to pass it on to. There is a weak link in the chain of command. We all know exactly where that weak link is in the chain of command.

The sad fact is that what should have been a story that Canadians could take pride in, that we are pulling our weight and doing something in the fight against terrorism, has turned to further embarrassment over the minister's inept handling of the situation. He has taken away that sense of accomplishment and pride that Canadians should feel when their troops are in the field doing the job that is put in front of them. Instead, he has taken any sense of pride and accomplishment away and turned it into a sense of misgiving toward the government. Certainly there must be some sense of misgiving from the troops in the field toward a government that is supposed to support them.

It is our job as members of parliament to support our troops in the theatre, not to cast aspersion or doubt, particularly in a time of war. This is not casting aspersion or doubt on our troops in the theatre. They have done their job.

The process went up the chain of command. Someone needed to be a scapegoat when it got to the ministerial level and I suspect when it got to the prime ministerial level. They had to admit the truth, that they knew prior to when they said they knew, otherwise it would reflect badly upon the Privy Council and, lo and behold, the Prime Minister. I do not think anyone seriously considered the second option in this case, that somehow the Prime Minister did not know.

● (1120)

I have outlined fairly quickly and concisely the chronology and series of events of how this event unfolded as we understand it in the House. I move:

> That the motion be amended by striking out the words "the Standing Committee on Procedure and House Affairs", and substituting "a special committee of the House, the membership of which will be on the same party ratio as the Standing Committee on Procedure and House Affairs and be elected in each caucus by a secret ballot to be conducted under the direction of the Speaker in a process similar to that used by the House to elect the Speaker."

The Acting Speaker (Mr. Bélair): The Speaker will consider the motion to be under deliberation and will come back to the House as soon as possible.

Mr. Rick Borotsik (Brandon—Souris, PC/DR): Mr. Speaker, I commend my colleague from South Shore for putting forward such a succinct position with respect to the Minister of National Defence.

I had an opportunity over the past weekend to talk with a lot of people about this particular issue, people who had no political agendas and who simply wanted to know what was going on with respect to our soldiers in Afghanistan. Their comments were quite open. They asked why it was so important that the Minister of National Defence tell the Prime Minister when, and what happened, and what kind of prisoners were taken.

It is important that Canadians know that this is not specifically about the Prime Minister knowing or not knowing. It is about a defence minister who has the responsibility to put forward rules of engagement for our soldiers who are on the ground. Some of those soldiers come from my community. I have a Canadian forces base in my community and some of those people are currently in Afghanistan.

It is the defence minister's responsibility to make sure that when those soldiers are put into a theatre of war, not peacekeeping, that we know how those soldiers will be treated should they ever, heaven forbid, be captured by Taliban forces. Does my colleague from Shore Shore believe that soldiers on the ground in Afghanistan have been put in jeopardy because of the lack of direction from the Minister of National Defence?

Mr. Gerald Keddy: Mr. Speaker, I appreciate the question from my colleague. It is a more complicated question than one might think upon first hearing. I believe we have to break it into at least two, possibly three, categories.

Without question there is a question of confidence in the government and in the military because when the government acts badly it reflects upon the military. That should not be the issue and we can disclaim that aspect of it. Canadians realize that the military has done its job. It is not the proverbial weak link in the chain of command. It is higher up. Where we have an issue of confidence is when it get to the Minister of National Defence, the Privy Council and the Prime Minister.

As far as the treatment of Canadian forces if captured, that is something we cannot ignore. In no way shape or form am I trying to pretend that war is some type of a civilized exercise. Obviously the thin veneer of civilization falls away completely when we engage in acts of war, but in this case it was a result of the terrible events of terrorism on our own North American shores. It was something we could not ignore.

Yes, there was a legitimate reason to commit troops to the field and to the theatre of war. Yes, it does endanger our troops when we are up against an enemy who we know does not follow the rules of engagement, the rules of war, or the Geneva convention.

However, that taken aside, if we do not adhere to the Geneva convention then we cannot expect our opponents to adhere to it. The ability of the Geneva convention to protect non-combatants, to protect the very soldiers who are engaged in battle, is legendary. The point of following the convention is to make sure that in the case of capture our troops are treated as fairly and humanely as possible. They risked their lives the day they signed up for the Canadian military. They understand the risk involved. Without question, in this conflict and every other conflict our soldiers have ever been in, they have fought with honour and distinction as I am sure they will here.

The question on the Geneva convention cannot be ignored. It is absolutely essential that Canadian troops follow the Geneva convention so that we can expect that anyone who captures Canadian forces would follow it as well.

● (1125)

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I believe that what my hon. colleague and friend from South Shore is saying is that if the troops pay the ultimate liability, government and parliamentarians must pay the ultimate responsibility for their well-being. I agree with him that this needs further review and serious consideration about the competency of the government.

It has come to our attention that a lot of depleted uranium is being used in Afghanistan. We saw what happened with depleted uranium being used in the gulf war. Does the hon. member' party support the use of depleted uranium in the conflict in Afghanistan.

The Acting Speaker (Mr. Bélair): Before I give the floor to the hon. member I would like to remind members that the question has to do with the Minister of National Defence and not necessarily what is happening in Afghanistan. I will let the hon. member answer very briefly if he wishes.

Mr. Gerald Keddy: Mr. Speaker, any use of depleted uranium by Canadian troops would need to be authorized by the government. I expect it is.

The first part of the question I can answer very quickly. If the minister did not know then he was incompetent. If the minister did know and deliberately withheld the information from parliament then he is completely untrustworthy, and that is a totally different issue.

● (1130)

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ) Mr. Speaker, the Bloc Quebecois supports the motion, which reads as follows:

> That the charge against the minister of defence, for making misleading statements in the House, be referred to the Standing Committee on Procedure and House Affairs.

To begin with, we have the facts, which I feel it would be pointless to repeat. It is our conviction that the minister deliberately misled the House. On January 28 he made the following statement concerning prisoners during the take note debate in the House of Commons:

> Let me assure members of House that the Canadian forces will treat detainees in accordance with international law and always fairly and humanely.

He went on to say:

> The Canadian forces will meet its international legal obligations on transferring detainees.

On January 29 we had the first changed version. He told the House that he had been informed on the previous Friday of the possibility that Canadians had taken prisoners.

On January 30 his version changed once again. He told the House that he was first informed about the detention of prisoners within 24 hours of when it actually occurred. As we know, this probably occurred on January 21, since that was the date on which the infamous photo of Canadian Special Security Forces personnel with the prisoners was taken. Some people were able to recognize that the personnel in question were not Americans, despite the *Globe and Mail* caption to that effect.

He told the House on January 30 that he was informed of the arrests within 24 hours of the event.

We find ourselves in a situation where the Prime Minister was maintaining up until January 28 that the Canadian Forces did not have any detainees. He denied this vehemently, in the style for which we know him well "Come on now, this is a hypothetical question". This means that while the Prime Minister was saying, "We will see when we have prisoners", the Minister of National Defence already knew that Canadian soldiers had detainees in their custody.

Is this serious? I heard the Deputy Prime Minister say "In any case, what difference would it have made?" Allow me to say, on behalf of the constituents in my beautiful riding of Mercier, that it does make a difference that the Prime Minister should say "we will see, this is a hypothetical question", when already prisoners had been detained by Canadian soldiers. It would have made a difference if the Prime Minister had known and had not answered the way he did, if he had to deal with the substance of the issue, instead of brushing off the question.

We find this issue extremely important, not only because it put the House in a situation where a minister was not telling it the truth—and we have every reason to believe that this was intentional—but also because of the matter involved. The treatment of prisoners, not just those in Guantanamo, but also of the other prisoners who are still in Afghanistan in conditions that we do not really know, and under the "protection" of the Americans.

● (1135)

We know that the Canadian soldiers who left on Friday will be deployed within the next two weeks in the Kandahar region. They will be in a position to capture other prisoners. These prisoners will not immediately be sent to Guantanamo Bay under the rather close scrutiny of the media but will be treated in a way and subjected to conditions in Afghanistan that are unknown to us.

Why is it important to talk about prisoners of war? I am sure this issue has not often been debated in parliament. In fact, I did not discuss it often during my life.

Since September 11 and since President Bush declared that the United States felt at war and justified in terms of the means taken to overcome the Taliban and then the al-Qaeda network, there has indeed been a war going on, and I do not think anyone can deny that.

We find ourselves in a situation where we could take prisoners. It is possible that Canada will find itself in that situation, since this time we are not only taking part in a peacekeeping operation, but also in an operation designed to restore peace, which is a high risk operation. Those are the words used by the Minister of National Defence in the House. He himself said that this was a high risk operation.

Why is it important to talk about this issue of prisoners of war? It is important because it has to do with Canada's international obligations. The Geneva conventions were signed following extensive talks after World War II. The parties were looking for something that would be fair for those who have taken part in a war, who have been defeated, but who have served their country, regardless of what one might think about the other country which has been attacked or which has been victorious, so that a law could be established for those who fight for their country.

Over the years, this law has also been extended to include resistance fighters. The purpose of the law—this is a view held by many—is to assure all countries that if soldiers or those who fight for their country are taken as prisoners, they will be treated as provided for by international law, according to principles known to everyone and, everyone hopes, respected by all nations.

According to these rules, any prisoner captured during a state of war in the role of combatant must first be treated as a prisoner of war. As such, he may be required only to answer a limited number of questions and only until he is brought before a tribunal, which may be military or regular, for soldiers or for civilians, of the country in which he is being detained. I could describe the conditions at some length.

● (1140)

The problem we are having in the House is that it is obvious that the United States is not respecting these ground rules. I have read and reread the answers that I have been given. We have been told that the prisoners are being held under humane conditions. That is not what we are asking.

We are asking whether Canada, which gave an undertaking when it signed the Geneva conventions, has in fact respected them or, when it transfers prisoners to another country, has undertaken to ensure that that other country respects the Geneva conventions. And, should that other country no longer be respecting them—therefore, Canada needs some means of ensuring that the other country really is respecting the conventions—Canada must be able to repatriate the prisoners and ensure that the Geneva conventions are respected.

Clearly, this is not the situation right now. But I would like to go back to the dates.

At the meeting of the Standing Committee on Foreign Affairs and International Trade held on January 17, the Minister of National Defence said that no agreement had been concluded between Canada and the United States. We know that the prisoners we saw in the photo—fortunately, because, had we not seen that, we might never have known—were under the authority of Canadian soldiers on January 21.

The questions are quite simple: When was the agreement concluded, by whom, and how? We have yet to get any answers, no matter how many times we ask the questions.

What we do know for sure is that during the week of January 21 to 28 the issue was hotly debated in the United States, between the U.S. secretary of state Colin Powell—he can be named because he is not a member of parliament—who said that the prisoners should be treated according to the Geneva convention, fully, and not in part, and defence secretary Rumsfeld, who was supported by President Bush.

We saw on the news for a week that there was a debate going on. Even the weekend prior to the House's return it was on the news, and the folks on the right in the United States, such as Mr. Safire, were very pleased by the fact that Colin Powell was holding his own.

We arrived here, in the House, to be told by the Prime Minister that there was an agreement reached on January 29.

How and when did this happen then, that Canada agreed that prisoners would not be treated according to the Geneva convention, when was this agreement reached?

If there was an agreement by which the Geneva convention would be respected, then it is safe to believe that the prisoners handed over by Canada would not be treated in the same manner as those taken by American soldiers.

This is not an issue about dates. It is not simply an issue of the Minister of National Defence seemingly not having told the Prime Minister the whole truth, which kept him unaware that there were prisoners, which should have prompted him to answer the question that he was trying to brush off. What this boils down to, is that Canada has been placed in a situation where we have not respected the Geneva convention.

● (1145)

The government can tell us that Canada respects international law. I would respectfully point out that it should really tell us when and how, because it is not the case.

There is also an aspect that I would like to stress. We dealt with it in the debate we had last Monday night in the House, a debate on the sending of troops. All those considerations should bring us back to the troops now in Afghanistan.

I indicated many times that it is extremely unfortunate that the House did not have to vote on the sending of troops. Then all of us, including government backbenchers, would have been interested to know what kind of a mandate those soldiers would be given. It is a serious thing to send soldiers into a situation where they will not be able to respect Canada's commitments. That is the truth of the matter. Those soldiers are entitled to respect from the House and the government.

Besides having to live in excessively difficult conditions, which everyone agrees with, besides having to do humanitarian work and demining work and to live through a highly risky situation, those soldiers should at the very least know that the mandate we are giving them is consistent with the international conventions that Canada is committed to respect. However I do not see how the government will convince us of that.

Since my time is limited let me simply add that the Supreme Court of Canada has ruled that it is illegal to extradite an individual to the United States if capital punishment could be applied. We know the rules of the American military courts, which are set up by ministerial order, do not provide for a full defence of prisoners, far from it. We are not even sure prisoners will have a lawyer. It appears that their lawyer could be appointed by the court or the American defence secretary. These prisoners could be sentenced to death. Judicial proceedings will be held behind closed doors. Need I say more?

Right from the start, the Bloc Quebecois, along with many other international actors, has pleaded repeatedly for the creation, by the UN Security Council, of a criminal court to try the prisoners when the war in Afghanistan is over. I think it is obvious now how important it would have been to make sure the prisoners get a fair trial. This same debate will take place in other countries, but I know Britain, France, Spain and other countries, have shown their disapproval by asking the Americans to hand over the prisoners who are their nationals so they can be tried according to the laws in their own country.

This is a very serious issue. We have to know what happened. We should know all the truth. I tend to think that the Canadian government, instead of having our troops under UN command, preferred to have them under American command without paying any attention to the implications for Canadian soldiers.

● (1150)

[*English*]

The Acting Speaker (Mr. Bélair): Before proceeding to questions or comments I would like to inform the House that the motion that was tabled a while ago is receivable.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, first of all I wish to thank my colleague, the hon. member for Mercier and foreign affairs critic for the Bloc Quebecois, who is doing an excellent job. Thanks to her insistence on bringing up the lot of prisoners, questions were asked by the Bloc Quebecois in the House, which in turn allowed members to have a discussion about the way prisoners, and in particular those captured in Afghanistan, are being treated.

I would like my colleague to inform us of the impact that the government's decision had on Quebecers, our sons and daughters, who are—

The Acting Speaker (Mr. Bélair): I am sorry to interrupt the hon. member, but I wish to remind members that we should stick to the subject matter of the motion, namely the charge against the Minister of National Defence of making misleading statements to the House.

If the hon. member has a question for his colleague, I suggest he should put it. Otherwise, I will have to interrupt him again.

Mr. Mario Laframboise: Mr. Speaker, in the context of the discussions concerning the position taken by the minister, the question is, what impact will it have on our soldiers, our fellow citizens from Quebec, who are in Afghanistan?

Ms. Francine Lalonde: Mr. Speaker, I believe my colleague is raising an important point.

Actually, if, and I say if, the Prime Minister had known as early as on the 21st that prisoners were being detained by Canadian soldiers, he should have tried to find answers to the questions. He would probably have been able to add support to the pressure brought to bear by Colin Powell, or make a different decision about the Canadian troops who were to leave at the end of last week. Those are important matters. Canada's reputation is at stake, for one thing.

It is also a matter of how easily our troops will be able to perform their duties in Afghanistan. Again, all prisoners will not be sent immediately to Guantanamo but will be captured and detained in Afghanistan.

[*English*]

Mr. Gerald Keddy (South Shore, PC/DR): Mr. Speaker, when does the member believe the Prime Minister knew? I think that is essential to the debate.

The debate so far has only focused on the Minister of National Defence but there is a real question here as to when the Prime Minister knew. He has said, I believe, that he knew on Tuesday, January 29, yet the government would have us believe that he only found out on the 29th even though the government had a caucus on Sunday and a cabinet meeting on Friday prior to that Tuesday.

Does the hon. member honestly think that somehow the Prime Minister was not in the loop and that he did not know until Tuesday, or is he simply using the Minister of National Defence as a scapegoat?

● (1155)

[*Translation*]

Ms. Francine Lalonde: Mr. Speaker, the hon. member is asking a very important question. Frankly, when I look at the course of events, I find it extremely difficult to believe that a Minister of National Defence, who is competent, concerned and aware of all the consequences we are now mentioning, would not inform the Prime Minister earlier than he did.

The member's question is twofold. As I have shown, it is a serious matter for the Prime Minister not to be informed and it is absolutely unacceptable. I cannot understand how one can maintain one's confidence in the Minister of National Defence. This is not a matter of personality or considerations of that nature. What he has done is quite serious.

However, if the Prime Minister was informed and did not act accordingly, that creates a completely different spectrum of possibilities which, naturally, I consider to be very serious. That is why the committee is so important. We will see how it will work and how it will get to the bottom of the matter. We know that it is never an easy task. In this House, we do not have the powers and the checks and balances that are available in the United States or in other parliaments. It is not easy for this House to get to the bottom of things and find out all the truth.

[*English*]

Mr. Paul DeVillers (Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the motion was debated for the entire sitting day on Friday following the Speaker's ruling. All members have had ample opportunity to take part in the debate. On several occasions the Speaker has had to intervene to refocus the debate so members could stay on topic.

At the beginning of the debate the government indicated that it would be supporting the motion unequivocally. There is very little that can be further added to the debate at this time. I suggest the real work needs to be done in committee.

I would therefore move:

That the debate be now adjourned.

Mr. Randy White: Mr. Speaker, I rise on a point of order. I would like the government House leader to let us know whether this particular issue will be coming back to the House and that it will not be adjourned for a long period of time. The question of privilege in the House is important. It is a precedent.

● (1200)

Hon. Ralph Goodale: Mr. Speaker, for the information of the House leader of the official opposition and all members of the House, I am happy to indicate that we do intend to return to this matter at the earliest opportunity, obviously subject to discussion among House leaders. The government indicated at the very outset that it supports the motion. We are anxious to have the matter ventilated in the appropriate standing committee. Following the appropriate consultations, we will endeavour to come back to this matter.

[*Translation*]

Mr. Michel Gauthier: Mr. Speaker, allow me to draw some considerations to your attention.

If I am not mistaken, when a question of privilege is debated before the House of Commons, this debate has priority over any other activity that may be occurring and is the subject of routine proceedings.

I do not know whether there is a precedent, but before you rule on the matter, I would like to ask what precedent the Chair may use to suspend the debate on a question of privilege to go on to routine proceedings, as though nothing has happened. Personally, I am not satisfied with the government leader's commitments.

I would like to know why, suddenly, this debate should be suspended and we should revert to it at the earliest opportunity. Is there an urgent matter, a state matter, that does not allow us to discuss here in the House the fact that a minister of parliament has allegedly misled members? I think this is the most serious misdeed that can be committed in this parliament.

The question of privilege is in order and it seems to me that this debate has priority over any other situation, including, of course, discussions about a Senate amendment.

The Acting Speaker (Mr. Bélair): I wish to inform the member for Roberval that the motion is in order. There are many precedents, since it says in Marleau and Montpetit :

> During the proceedings on a privilege motion, motions to adjourn the debate, to adjourn the House, or to proceed to Orders of the Day are in order, as are motions for the previous question...for the extension of the sitting—

I believe the standing orders are quite clear.

I also wish to inform you that first thing tomorrow morning the debate on the main motion will resume.

[*English*]

The question is on the motion that the debate be now adjourned. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

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

● (1240)

[*Translation*]

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

Privilege

(Division No. 220)

YEAS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Bélanger	Bellemare
Bennett	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Boudria
Bradshaw	Bryden
Bulte	Byrne
Caccia	Cannis
Caplan	Carroll
Castonguay	Catterall
Cauchon	Charbonneau
Coderre	Collenette
Cotler	Cullen
Cuzner	DeVillers
Dhaliwal	Dion
Drouin	Duplain
Easter	Eggleton
Finlay	Fry
Gallaway	Goodale
Graham	Guarnieri
Harb	Harvard
Harvey	Hubbard
Jackson	Jennings
Jordan	Karetak-Lindell
Keyes	Kilgour (Edmonton Southeast)
Knutson	Laliberte
Lastewka	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	Macklin
Mahoney	Maloney
Manley	Marcil
Marleau	Martin (LaSalle—Émard)
Matthews	McCallum
McCormick	McGuire
McLellan	Mitchell
Murphy	Myers
Nault	Neville
O'Reilly	Owen
Pagtakhan	Paradis
Patry	Peric
Peschisolido	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pratt	Price
Proulx	Provenzano
Redman	Regan
Richardson	Robillard
Saada	Scherrer
Scott	Serré
Sgro	Shepherd
St-Jacques	St-Julien
St. Denis	Stewart
Szabo	Telegdi
Thibault (West Nova)	Thibeault (Saint-Lambert)
Tonks	Valeri
Vanclief	Whelan
Wilfert	Wood– — 120

NAYS

Members

Bachand (Saint-Jean)	Bailey
Bellehumeur	Benoit
Blaikie	Borotsik
Bourgeois	Breitkreuz
Brien	Brison
Cadman	Clark
Crête	Desjarlais
Doyle	Epp
Forseth	Fournier
Gauthier	Godin
Hanger	Hearn
Herron	Hill (Prince George—Peace River)
Hilstrom	Hinton

Johnston	Keddy (South Shore)
Laframboise	Lanctôt
Lebel	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Martin (Winnipeg Centre)	Ménard
Meredith	Merrifield
Mills (Red Deer)	Nystrom
Pallister	Penson
Rajotte	Reynolds
Ritz	Sauvageau
Schmidt	Skelton
Sorenson	Spencer
Stoffer	Toews
Tremblay (Rimouski-Neigette-et-la Mitis)	White (Langley—Abbotsford)– — 54

PAIRED

Nil

The Speaker: I declare the motion carried.

[*English*]

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. I would like to have clarification as to whether the minister of defence voted correctly on this since it is a conflict of interest involving him directly.

● (1245)

The Speaker: The hon. member will note that this is a procedural motion to adjourn the debate. It is not a vote on the main motion, nor is it one in which the minister could possibly have a financial interest. Accordingly, I find there is no problem whatever.

Mr. Randy White: Mr. Speaker, I rise on a point of order. I am sure all members of the House would like to expedite this issue and get it to committee as soon as possible. I therefore seek unanimous consent of the House to have all questions relating to the privilege motion on the order paper to be put immediately without further debate.

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*English*]

YOUTH CRIMINAL JUSTICE ACT

BILL C-7—TIME ALLOCATION MOTION

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.) moved:

That in relation to Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts, not more than one further sitting day shall be allotted to the stage of consideration of Senate amendments to the bill, and fifteen minutes before the expiry of the time provided for government business on the allotted day of the consideration of the said stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this Order, and in turn every question necessary for the disposal of the said stage of the bill shall be put forthwith and successively without further debate or amendment.

● (1250)

The Speaker: I propose one minute questions and one minute answers if that is satisfactory to the House, because there appear to be many questions to be asked. Is it agreed?

Some hon. members: Agreed.

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, with respect to the Senate amendment, Gail Sparrow, former chief of the Musqueam Band, has been very critical of this type of legislation. The majority of crimes by aboriginals are committed against other aboriginals. The legislation would diminish the suffering and recognition the victims deserve. Sufficient guidelines already exist for judges to consider all mitigating factors for all offenders irrespective of race. The declaration of principles already sets out respect for ethnic, cultural and linguistic differences.

Why is it necessary to introduce an element of race into the legislation? Why should any victim receive a lesser degree of justice based solely on the racial origin of his or her victimizer?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as has been mentioned by the hon. colleague, if we look at Bill C-7 and go to the declaration of principles, which is where its foundations are, we will find reference to the question of native people across the land and how we must act with regard to young native people.

The amendment before the House today which was referred by the Senate would ensure we considered the question of native people during sentencing. If we look at paragraph 18.2(e) of the criminal code we find more or less the same principle.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, where exactly does the urgency lie in an issue like young offenders that would require a gag order to be imposed on those wishing to speak out clearly and openly on it?

I am asking the Minister of Justice, who is first and foremost a member from Quebec, if he has at least had the decency to meet with the members of the coalition, stakeholders from Quebec and specialists in the field, who have devoted their entire lives to the young offenders of Quebec and to creating a Quebec model for the treatment of young offenders?

I am asking the minister to at least have the decency to rise and tell us that no, he did not meet with them and that, merely to satisfy his Prime Minister, he has decided to renounce his pride and the fundamental principles of Quebec. I am asking the minister to stand up and at least tell the truth on a matter as fundamental as that of the Young Offenders Act.

Does or does not the minister acknowledge that we in Quebec have a specific approach to young offenders? Does or does not the minister acknowledge that in Quebec we have a different way of doing things than the rest of Canada?

Hon. Martin Cauchon: Mr. Speaker, I have already said several times before that the procedures developed throughout Canada over the years are derived essentially from the same piece of legislation. It is true that some provinces have developed a more forward looking approach. Quebec has an excellent one and Bill C-7 has borrowed heavily from it. British Columbia is another province that has had good results and meets the goals of Bill C-7.

As to the need to deal with the bill right now, we know that actors in the field are examining the bill and want to proceed with the implementation of this legislation based on rehabilitation. I will get a chance later on to talk about the number of hours opposition members have had to discuss this bill.

● (1255)

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, this has become an emotional issue for many, including those in the minister's home province of Quebec. We in opposition and I think Canadians generally recognize that he inherited the mess from his predecessor who in turn had inherited it from her predecessor. It has been around for eight years.

Can the minister indicate whether he has had serious consultations with his provincial attorneys general since taking his new post? Can he speak to the financing of the implementation of the new youth criminal justice act? Somewhere in the range of $207 million is earmarked for its implementation, and I stand to be corrected. However we are hearing from provincial attorneys general that the legislation's implementation costs would be much closer to $100 million per province and territory given its scope, complexity and cumbersome nature.

Has the minister had consultations with his provincial colleagues? Can he speak to the issue of bridge funding and the costs associated with this cumbersome and costly bill?

Hon. Martin Cauchon: Mr. Speaker, we must be quite clear about the situation we are facing today. The debate must focus on the amendment coming from the Senate, not on the bill. The bill is not back in the House. It has been voted on.

Yes, I have talked to some of my counterparts, people who have been working in the field at the provincial level and some ministers. Yes, the Canadian government is involved in the funding. Agreements have been signed with the vast majority of provinces across Canada.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I ask the minister to consider these numbers.

The number of youth charged with violent offences last year increased by 7%. The number of youth charged with sexual assault increased by 18%. The violent crime rate among female youth has jumped a staggering 81% in the last decade. Some 72% of Canadians believe our youth justice system, including this bill, is so weak it needs a complete overhaul.

Virtually every provincial government in Canada has asked the government to address the issue of violent crime. One province, Ontario, has even drafted and presented amendments to the act to address Canadian concerns.

Will the Liberals ignore these statistics? Will the minister scrap the proposed act which promises to be worse than the Young Offenders Act? Will he come back to the House with a new bill strong enough to do something?

Hon. Martin Cauchon: Mr. Speaker, let us be clear one more time. We are talking about an amendment coming from the Senate.

The point raised by the hon. member is interesting. Some members say the bill is too flexible and soft. Others say it is too rigid. In Bill C-7, which will not come back to the House, we find a balanced approach which focuses mainly on the rehabilitation of young offenders. That is what we believe in.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, the minister has talked several times about the flexibility in his bill. His predecessor was saying the same thing. From what we are told, under this bill that is about to be passed, Quebec will be able to remain a distinct society as far as young offenders are concerned.

I have a specific question for the minister. Could he tell me exactly —

An member: Oh, oh.

Mrs. Suzanne Tremblay: Mr. Speaker, could you ask the hon. member for Provencher to be quiet? He is just awful.

The Speaker: Order, please. The hon. member for Rimouski-Neigette-et-la Mitis.

Mrs. Suzanne Tremblay: I would like the minister to tell me exactly which clauses in his bill provide for this flexibility. In Quebec, we have been looking for them, we still have to find them. Maybe they are written in invisible ink.

● (1300)

Hon. Martin Cauchon: Mr. Speaker, again, I understand that the opposition parties would like the bill to come back in its entirety before this House but this is not the case.

What is coming back before the House is a very specific amendment that we have to deal with, an amendment that we support.

With regard to the issue of the flexibility of the legislation, the bill is in its third reincarnation, if I may use this word. It has been the subject of 160 amendments. It includes a declaration of principle that deals first and foremost with the rehabilitation component.

Principles in clause 3 are found throughout the bill. There is flexibility everywhere in the bill.

An hon. member: Wrong. Wrong.

Hon. Martin Cauchon: Let us take, for example, the issue concerning 14 to 16 year olds. It is true that for some presumptive offences the age will be lowered to 14 years, although a province may maintain it at 16. This is a good example of flexibility.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the bill may be in its third incarnation but it has a lot of incarnations to go before it reaches such a state of perfection that it need not be reincarnated again. That is part of the problem.

The provinces do not like the bill. It would put a burden on them. It would not be flexible enough with respect to provinces like Quebec that have a distinctive way of doing things when it comes to young offenders.

Having had the bill come back from the Senate, the Minister of Justice could have taken the opportunity to address some of the concerns various provinces have raised instead of insisting rather arrogantly that the bill will do the trick. It will not. Ten years from now, five years from now or whenever, we will be sitting here with another incarnation of the youth criminal justice bill because the government has not been willing to listen to what people have been telling it.

Hon. Martin Cauchon: Mr. Speaker, again I will be precise. The bill does not come back to the House. It is the amendment that comes back to the House.

Regarding the question of the government listening to people and being open minded about the bill, I remind the House that the process started in 1995 with some amendments to the legislation. We then proceeded with Bill C-68 in March 1999 and Bill C-3 in October 1999. Before those bills were introduced we proceeded with a full hearing across Canada by a standing committee of the House which tabled a report in 1997. After that the bill came before the House. We are talking of course about first reading, report stage and third reading. Altogether we have been discussing the bill in the House for almost 19 hours.

When we compared Bill C-7 to Bill C-3 we went through over 160 amendments. If opposition members have been unable to make their point with all this discussion they will never be able to.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, my concern with these amendments before the House is the amendments themselves, because as I understand it they require judges to take into consideration whether a person is aboriginal during sentencing.

I would ask the minister, is that not asking judges to consider race in sentencing rather than other factors like ethnicity, poverty or societal circumstances?

Hon. Martin Cauchon: Mr. Speaker, the amendment proposed by the Senate is based essentially on the declaration of principle in clause 3 of the bill. It is in accordance with the vision of the legislation. There is a similar provision at this point in time in the criminal code.

● (1305)

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, I need clarification. Let us look at a victim, a woman who is brutally raped and beaten by a young aboriginal offender.

In the minister's words of a moment ago the legislation would allow for special consideration when sentencing aboriginals. The minister has thus confirmed it is possible, indeed probable, that offenders will get less of a sentence because they are aboriginal. That would be a disgrace to the woman.

Why is the government moving in the direction where fair and firm justice would reside with non-aboriginals only?

Hon. Martin Cauchon: Mr. Speaker, as I have said, the amendment is essentially based on one of the principles of Bill C-7. Clause 3 of Bill C-7 takes into consideration young aboriginals. The Senate amendment takes this into consideration as well as the sentencing. The exact same thing is found in the criminal code.

This is always a very sensitive issue. We on this side of the House do believe in rehabilitation. If we look at clauses 3 and 19 of Bill C-7 there is a place for victims which did not exist in the previous legislation.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, in this debate the minister is moving from one mental restriction to another. He says that the issue is about one amendment pertaining to the aboriginals when in fact there is a subamendment requesting that the bill be withdrawn from debate in the House and reviewed all over again. It would have been interesting to see the minister follow the debate he himself has generated.

Can the minister tell us about the dichotomy between a proposal for a meeting and a motion for closure? How can he explain the rationale behind that? He offered to meet with the coalition and the groups opposing the measure and will not even be doing so before the bill is passed. Now he is supporting a motion for closure to ensure that his bill will pass before all the stakeholders, the Quebecers and the Quebec representatives tell him that his bill does not make any sense.

How can the minister explain to the five Liberal members from Quebec sitting behind him that they will be voting against the movement taking place in Quebec, where a unanimous report against this position? How will the minister explain—

The Speaker: The hon. Minister of Justice.

Hon. Martin Cauchon: Mr. Speaker, what we are dealing with today is called overstatement. It should be pointed out that those members have a tendency, when they speak about Quebec, to claim that they do so in the name of all Quebecers.

I would simply tell them that I have also been elected by Quebecers, like many other members of the Liberal Party caucus. There are people on the government side who come from Quebec, who are proud to be Quebecers and who are doing a very good job of protecting the interests of the whole population of Quebec.

With regard to meetings, one only has to look at the work that was done on Bill C-7, for instance, by the Standing Committee on Justice. Ninety-three witnesses appeared before the committee on Bill C-7 and Bill C-3.

In the Senate, 72 witnesses were heard. I believe the time has come to move on and to find a way to work together to implement a bill that will serve the whole population of Canada.

[*English*]

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, my question is directly related to the motion on closure.

The reason the government has brought in closure is that we on this side strenuously object to the bill and to the racist attitude expressed in the amendment from the Senate. We know it is wrong and a whole bunch of Liberals know it is wrong.

I would like to ask the minister and the Prime Minister a specific question. When it comes to voting on the bill and voting on the amendment from the Senate, will they at least allow free votes for members on that side who agree with this anti-racism that we support and who are against the racism that the Liberals are trying to promote? Will they give free votes so that members over there can express that displeasure?

● (1310)

Hon. Martin Cauchon: Mr. Speaker, we do not have any lessons to learn from the other side of the House. Our party has given more free votes to its members than any other party in the past.

With regard to the amendment, as I have said many times, such a provision is found in the criminal code. Essentially the amendment reflects the principle of the legislation that we find in clause 3. With regard to the possibility of the opposition parties voicing their concerns to Bill C-7, I will just mention the number of hours we have spent discussing the bill.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I have two questions for the Minister of Justice. He just mentioned the number of witnesses heard by the committee. What I wish to hear is not the number of witnesses but what those witnesses said. Second, how many groups from Quebec appeared before the committee to support the bill? None. Finally, how many groups has the minister met in Quebec since his appointment as minister?

Hon. Martin Cauchon: Mr. Speaker, as I said earlier, the debate has begun.

Let us have some fun. They want to talk about the time spent on reviewing the bill, which is not up for debate today.

The process began in 1995. Hearings were held across the country, including in Quebec, by a House committee, which tabled its report in 1997. We had Bill C-68, followed by Bill C-3 and then Bill C-7.

The House of Commons committee heard 93 witnesses, while the Senate committee heard 72 witnesses. The bill was under consideration for a total of 75 hours in the House committee and 40 hours in the Senate committee, and over 160 amendments were put forward.

What we have before us, namely Bill C-7, is good legislation. People now want us to move forward so we can work together as partners to implement this legislation and the measures needed to promote the rehabilitation of young offenders.

[*English*]

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, in 1995, under Bill C-41, the Liberal government undermined one of the most fundamental principles of our justice system, that all Canadians are equal before the law. We see it eroding again today.

In its 1997 report on the role of victims in the justice system, the justice committee recommended a mandatory minimum victim fine surcharge for both adults and young offenders. The government chose to implement the recommendation for adults but decided not to recommend the recommendation for the young offenders.

Why should convicted young offenders not have the same obligation to the victims as does those of the adults?

Hon. Martin Cauchon: Mr. Speaker, as I have said many times today, what we have today in the House is the amendment from the Senate.

If we look at clause 3 of the bill we find a declaration of principle. It seems quite obvious that the bill focuses on rehabilitation. We believe there is a possibility for those young people. This is always very sensitive. We need to have a balanced approach. With regard to the victims, the bill gives more room for the victims than the actual legislation.

Mr. Peter MacKay: Mr. Speaker, I would like to follow up on the question by my friend from Crowfoot.

We know this amendment was aimed very much at bringing parity to the justice system as it pertained to aboriginal people, both in the adult court system and in the youth court system. The reason for the amendment was to ensure that we were treating aboriginal people in a similar fashion. We also know that the minister's own department has made a policy decision not to have the same parity as it pertains to the victim surcharge that would apply in the youth court system.

His own department, as Canadians would know and as the minister has recited here today, brought in 160 amendments to its own bill, almost the same number of provisions in the new legislation. The new legislation is of course double the size of the old Young Offenders Act.

Would the minister also confirm for the House today that not only did the Senate recommend this particular amendment but that there were 12 others that were in fact polled or vetoed by his predecessor? Would the minister confirm that?

● (1315)

Hon. Martin Cauchon: Mr. Speaker, the hidden goal of the actual discussion is the amendment that was sent back by the Senate to the House of Commons, an amendment that reflects a principle that already exists in Bill C-7.

I would refer the House to clause 3, the declaration of principle. The amendment is in conformity and according to the provision that we have in Bill C-7.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I am sure the people in the capital city of Saskatchewan would like some answers to this particular bill. Regina has now become the car theft capital of Canada, with an average of 20 cars being stolen every day.

The bill sets out that victims have the right to be informed of certain information concerning an offender or the case but there is no requirement that the victims be informed that they have that right. Could the minister tell us why that is?

Hon. Martin Cauchon: Mr. Speaker, I know all parties on the other side of the House would like to re-open debate on the bill but the bill is not in the House at this point in time. We are talking about an amendment.

It is rather curious that they would want to re-open debate on the bill knowing the amount of time we have spent discussing Bill C-7. The process began back in 1995.

What I am saying today is that it is time to move forward and proceed with the full implementation of this brand new reform and vision.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, before putting my question, I want to make sure the minister is aware that an amendment to an amendment with a special provision for Quebec has been tabled and will be voted on.

I have a very simple question and I will let people judge the answer for themselves. The minister alluded to the number of witnesses. How many witnesses appeared before the parliamentary committees to support his bill? How many witnesses from Quebec supported his bill?

Hon. Martin Cauchon: Mr. Speaker, once again, it should be noted that it is not the bill that is before the House but rather the amendment.

On the opposition benches they say that the government is being inflexible. I think it is important for people to understand that after testimony was heard—we know that the House committee travelled across the country—the bill was amended. There were more than 160 amendments.

Some people say that the government is not listening. Has any other bill received over 160 amendments? The government's position on this demonstrates, at the very least, a great deal of flexibility. With those 160 amendments to Bill C-7, we were able to put in place reforms that will benefit all the population.

[*English*]

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the minister has not answered the question about the basic Canadian principle of equality before the law. I would specifically ask the minister the following question. Is the principle of equality before the law for all Canadians officially being declared dead today by the government?

Hon. Martin Cauchon: Mr. Speaker, as I have said, if we look at the bill as a cornerstone, even though it is not in the House, it seems clear to me that it focuses first and foremost on the rehabilitation of young offenders. We believe that principle is important. We believe as well that in proceeding with rehabilitation there is a chance for young offenders. Let us look at the way provinces have applied the legislation in past years. Some have been very successful with that principle. We are very proud of that. We are also proud to be moving forward with a bill that would put in place rehabilitation as a principle which can be found in Bill C-7.

● (1320)

[*Translation*]

Mr. Benoît Sauvageau: Mr. Speaker, the question the minister was asked earlier was a simple one. How many groups from Quebec appeared before the committee and how many supported his bill? One, five, ten, twenty-five? How many?

Hon. Martin Cauchon: Mr. Speaker, it is important to understand that what the members opposite do not like is quite simple: after the hearings, the government decided to listen and make amendments.

The members opposite do not like reality. The fact is that the government has shown itself to be flexible. The government made over 160 amendments. Clearly they would like to continue debating the bill ad nauseam but there are people working in the field who want us to move forward, and that is what we will be doing.

[*English*]

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, could the minister tell the House whether one of the reasons for this particular section in the bill is that first nations peoples are overrepresented in our jails? Is it a question of us trying to use some of the alternative sentencing measures available to the first nations?

Hon. Martin Cauchon: As I said, Mr. Speaker, the question of native young offenders is very important. It is so important that in looking at the declaration of principles, we will see that aboriginal people are taken into consideration in many principles.

The Speaker: It is my duty to interrupt the proceedings at this time and put forthwith the question on the motion now before the House.

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, I rise on a point of order.

On Wednesday, January 30, I raised a question about the Senate amendment regarding the English and French versions. I know that the Deputy Speaker handed down a ruling on Thursday, but I do not think that it enlightened the House as to whether the French or the English text—

The Speaker: The hon. member knows that this is not the question before the House right now. We are debating an issue of time allocation on the bill. Perhaps the member could raise his point of order after the House's decision on this matter.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: Call in the members.

● (1340)

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

(Division No. 221)

YEAS

Members

Adams	Allard
Anderson (Victoria)	Assadourian
Augustine	Bagnell
Bellemare	Bertrand
Binet	Blondin-Andrew
Bradshaw	Bryden
Bulte	Byrne
Caccia	Cannis
Caplan	Carroll
Castonguay	Catterall
Cauchon	Coderre
Collenette	Cotler
Cullen	Cuzner
DeVillers	Dion
Drouin	Duplain
Easter	Eggleton
Finlay	Fry
Gallaway	Goodale
Graham	Guarnieri
Harb	Harvard
Harvey	Hubbard
Jennings	Jordan
Karetak-Lindell	Keyes
Knutson	Laliberte
Lastewka	LeBlanc
Leung	Lincoln
Longfield	MacAulay
Macklin	Mahoney
Malhi	Maloney
Marcil	Marleau
McCallum	McCormick
McGuire	McLellan
Murphy	Nault
Neville	O'Reilly
Owen	Pagtakhan
Paradis	Patry
Peric	Peschisolido
Pettigrew	Pickard (Chatham—Kent Essex)
Pratt	Price
Proulx	Redman
Regan	Richardson
Robillard	Saada
Scherrer	Scott
Serré	Sgro
Shepherd	Speller
St-Jacques	St-Julien
St. Denis	Szabo
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Valeri
Vanclief	Whelan
Wilfert– — 103	

NAYS

Members

Bachand (Saint-Jean)	Bailey
Bélanger	Bellehumeur
Benoit	Borotsik
Bourgeois	Breitkreuz
Brien	Cadman
Clark	Crête
Desjarlais	Epp
Fitzpatrick	Forseth
Fournier	Gagnon (Québec)
Gauthier	Godin
Hanger	Hearn
Herron	Hilstrom
Hinton	Jaffer
Johnston	Keddy (South Shore)
Laframboise	Lanctôt
Lebel	Lunn (Saanich—Gulf Islands)
Lunney (Nanaimo—Alberni)	MacKay (Pictou—Antigonish—Guysborough)
Martin (Winnipeg Centre)	Meredith
Merrifield	Mills (Red Deer)
Nystrom	Plamondon
Rajotte	Rocheleau
Roy	Sauvageau
Schmidt	Skelton
Sorenson	Spencer
St-Hilaire	Toews
Tremblay (Rimouski-Neigette-et-la Mitis)	Wasylycia-Leis
White (Langley—Abbotsford)– — 53	

PAIRED

Nil

The Speaker: I declare the motion carried.

The Speaker: I wish to inform the House that, because of the debate on the time allocation motion, government orders will be extended by 30 minutes.

[*English*]

SECOND READING AND CONCURRENCE IN SENATE AMENDMENTS

The House resumed from January 31 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): Mr. Speaker, I am very grateful that you recognized me because with the time allocation motion just passed, had you not I would have been precluded from speaking on this since I have committee duties immediately following question period today.

I would like to begin by saying that what we are observing in the House is absolutely and totally despicable. Time allocation is only necessary when the opposition so strenuously opposes a bill that it goes on and on.

What the government is failing to recognize is that there is a very solid reason why the opposition is against the bill and the amendment . If this place worked correctly with free votes, as it should, then the government members, the backbenchers, would recognize that the amendment is simply and totally a racist amendment, and therefore is totally and absolutely wrong.

In Canada we do not divide people based on their race or ethnic background. We believe in the equality of Canadians. Then the appointed Senate comes along and passes a motion to include a specifically racist determination for sentencing in the youth justice system. That is plainly and simply wrong.

How I wish this place would function properly so that instead of having the amendment and a government forcing the amendment through with whipped votes and entrenching into our law a law, which is very wrong, we could act as representatives of our people, evaluate such an amendment, decide that it should not be supported, vote against it and carry on.

It is shameful that every time we vote in this place, we are not voting on bills before us. Instead, we are voting on whether or not there should be an election. We are off the topic. When the Liberal members vote, they say they have to vote the way they are told because if the government loses the bill, it will be considered a vote of non-confidence and they will have to call an election. That is absurd. The ultimate of absurdity is to have the House of Commons run the country with rules that do not permit us to defeat or amend a bad bill or motion. That is really despicable.

I worked for some years on a school board. Sometimes when a motion was moved, the person moving it thought it was a good one and moved it in faith. However during our debate one member would say that we should think about it, then give us some suggestions and other members would pick up on it and a train of thought would develop. If we decided the motion should not pass because it would be detrimental to the well-being of our school, our students and our teachers, we would defeat it. We did not then say we had to see whether we could get re-elected. No, we had done our job. By defeating the motion, we did exactly what we were there for.

If the House of Commons would get it into its head that it has the ultimate power and if those members over there would start telling the Prime Minister and their whip to give them the option of using their own abilities and their own heads to analyze issues and come to their own conclusions, the result would be much better laws. If it was a good idea, they would support it. If it was a bad idea, they would seek to amend it or defeat it.

The amendment, which has come from the Senate, specifically says that judges must take into account the racial origin of the person being sentenced. I know this is probably well-intentioned. I think probably many members in the House, myself included, have knowledge of aboriginal people. We know some who have really been behind the eight ball a lot in their lives.

● (1345)

I taught a number of native students at the technical institute. I always felt they were somehow disadvantaged because of their previous education and it was difficult for them to catch up. I tried as much as I could to help them, in addition to the help I gave to my other students. That is the way to bring these people on board. To tell them that they are not equal or that we will not care if they commit a crime is wrong.

I need to clarify this. There is this impression that because there are so many aboriginals in our jails we need to have sentencing laws which try to counteract what is a bias in the courts.

My colleague from Surrey previously mentioned this in the debate and it needs to be underlined. I do not believe that there is a single aboriginal in a Canadian jail who was put there because he was aboriginal. I have more faith in our justice system than the government does. If that is the case, if the system is biased against them at the court level, then we should fix that at the court level to ensure that everybody is treated equally.

If the Senate would have come with an amendment stating that aboriginal people would be sentenced 50% more than other people, then all of us would have been up in arms. If someone would have said that aboriginals were to be sentenced more harshly than non-aboriginals, I believe every Liberal would have risen in objection to such an amendment. I believe every member on this side would have screamed in protest at such an absurd bill.

However, the corollary of the amendment that is before us is very simple. It says that sentencing of non-aboriginals will be more severe. How can we simply put a different group into that same sentence and not recognize that it is just as bad? If it is bad to say that aboriginals will get an extra sentence, then it is equally bad to say that non-aboriginals will get an additional sentence or one which is harsher.

If we stop to think about it, it is totally clear how wrong and absurd the amendment. What frustrates the dickens out of me, if I dare use that kind of non-parliamentary language, is that we probably all recognize that this is a wrongheaded notion which needs to be corrected. We should have the ability in the House of Commons to reject that amendment without having to call an election. My goodness, this is totally absurd.

I want to say something about the purpose of the law, specifically regarding young offenders.

I do not need a law to tell me that I shall not murder. I have that law written in my heart. It was taught to me in my youth. It has been reinforced through my whole life. If I lived in a country in which there was no law against murder, I still would not murder anyone. I do not need a law which tells me not to rape a woman. I will not do it in any case.

Then one could ask this. If we in Canada are such wonderful people that we would not do these things, why should we have the law? The law has one purpose only. It is to restrain those who do not have a built in law. That is the purpose of the law. People who would not do it anyway do not need the law. However, for those who would, the law becomes a restraining power. It ensures that those people who would offend the lives others, their personal safety or their property shall be restrained. That is the purpose.

To my knowledge this is an aspect of the amendment which has not been mentioned yet, and I listened quite carefully throughout the day when we started to debate the amendment from the Senate. The act of the law to restrain the lawbreaker should apply as much to the aboriginal as to others because we do not want them to break the law.

● (1350)

If we have a law that says that because there are so many others of a particular race in our jails, we will not punish that race as harshly, it reduces the restraint aspect for the aboriginals and consequently does them a huge disservice because it removes the disincentive for them to commit crimes which are against society.

I do not believe murder is right whether it is in Canada, the United States or any other country. Nor do I believe murder is right if it is done in an aboriginal home or a non-aboriginal home. The principle is the same. The restraint to people of committing these crimes must be the same. We cannot give the message to the aboriginals that they care less, therefore we will restrain them less when they have in their minds to do wrong. It really is a wrongheaded notion and one that needs to be corrected. It is a notion that we cannot let slip by.

In my debate here, part of my purpose is to ensure that we prevent this racist law from being passed. Mention has been made that it is in some other laws. It ought not to be there either. We cannot justify a wrong because it exists in another location. If it is wrong, it is wrong.

I am appealing to Liberal members. It is in their power to put a brake on this type of thing which we do not want in our country. On Monday there is a caucus meeting. If it were not for the time allocation and the pushed vote, maybe there would be time for them to discuss this in caucus. Maybe they could say that they do not want to be the party in Canada that goes down in history as having entrenched into laws policies, principles and sentencing laws that are based on race. Maybe they could say that they do not want to be called the Liberal racist party of Canada. That is something they should want to avoid.

Therefore this amendment needs to be defeated. I say to my Liberal colleagues to simply do what is right, to stand in their places when the vote is called, and say "Notwithstanding that this is what is being decided and notwithstanding that we have these whipped votes, I am going to do what is right this time".

Those members would find that if enough of them did what was right, they would not be punished by their party. I do not believe the Prime Minister would kick 40 of them out. He would not push himself into a position of a minority government simply because a number of his members exercised their own brains and did what was right.

I appeal to them to stand for what is right, to stand up and vote against this amendment, to stand and go down in history as doing what is right for the country and assure equality of Canadians, not differences based on their race.

Your body language, Mr. Speaker, tells me I should interrupt myself.

● (1355)

The Deputy Speaker: As usual the hon. member for Elk Island has read the body language right on, but he will still have approximately seven minutes remaining when we resume the debate. We will now proceed to statements by members.

STATEMENTS BY MEMBERS

[*English*]

PETER GZOWSKI

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, I would like to join in the tributes to Peter Gzowski, a great person and Canadian. Mr. Gzowski touched all our lives in various ways, whether it be his radio shows, his writings or his personality.

Peter Gzowski exemplified the Canadian image and helped to define our modern culture. He gave all Canadians insight into the far off reaches of the country and had a way of intriguing minds and captivating hearts.

His great-grandfather, Sir Casimir Gzowski, played a significant entrepreneurial role in my riding of Erie—Lincoln, being the owner of an engineering company that built the International Railway

Bridge across the Niagara River at Fort Erie, as well as the Grand Trunk Railway from Toronto to Sarnia. He also was the first chair of the Niagara Parks Commission.

The Gzowski family's contributions to Canadian society and Niagara will always be remembered. On behalf of Erie—Lincoln residents I extend our heartfelt sympathy to the family and friends of Peter Gzowski.

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PESTICIDES

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, when we asked the previous Minister of Health why the Pest Management Regulatory Agency was in such a mess, he stated that everything was just fine. It is not fine.

The government has failed to take any interest in the mismanagement at the PMRA. This neglect is costing producers and putting the environment at risk. For example, the PMRA is continuing to block applications from the Farmers of North America Inc. to import generic chemicals at a fraction of the current cost. By refusing the requests of farmers, the Liberals are siding with multinational companies against farm families.

Farmers across the country are suffering from disastrously low incomes. The cost burden imposed on producers by the federal government is a significant contributor to these low returns. The government could help farm families by immediately reducing the red tape and cost of the pesticide approval procedures.

Producers across the country are demanding that the Minister of Health immediately commit to revamping the prehistoric, deadlocked approval process at the PMRA.

* * *

● (1400)

LITERACY

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, literacy is much more than reading, writing and numeracy. It is the ability to understand and use printed information in all kinds of daily activities. Literacy touches almost every aspect of our lives. It is key to personal development and economic opportunity and a major factor in Canadians' ability to participate as full and active citizens.

Our literacy levels are linked to our quality of life, employment, health and self-esteem. In the knowledge based economy it is critical that Canadians continue to upgrade their skills to maintain their employability and adjust to the new demands of the workplace. Strong literacy levels are necessary to engage in lifelong learning and become full participants in the economy and society.

Forty per cent of adult Canadians still have low or limited literacy skills. HRDC through the National Literacy Secretariat works to improve this situation with the provinces, the territories, NGOs, business and labour.

Let us support all those who work to improve literacy in the home, the workplace and the community.

S. O. 31

FRED SABATINE

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, just before Christmas the last surviving World War I veteran of Cambridge passed away at the age of 102.

Fred Sabatine lied about his age and joined the armed forces at the age of 16. He served in the 43rd Battalion of the Canadian Expeditionary Force, fought in France and Belgium including Vimy Ridge, and faced the horror of mustard gas. Although proud of his British War and Victory medals, Fred never thought of himself as a hero. He did not glorify war but he spoke about its horrors and always implored that it never happen again.

To his wife, children, grandchildren, great grandchildren and to all those whom he touched, I extend my deepest sympathy.

* * *

WILLIAM HANCOX

Mr. Shawn Murphy (Hillsborough, Lib.): Mr. Speaker, I rise today to pay tribute to the late William James Hancox of Stratford, Prince Edward Island who passed away on December 7 of last year and was posthumously named to the Order of Canada in January of this year.

Mr. Hancox was the former managing director of the Confederation Centre of the Arts. Under his direction this national institution expanded and enhanced its programs, carried out national tours and developed stronger ties with the community.

Along with the late E. Frank Acorn, Mr. Hancox was the founding organizer of two of Prince Edward Island's most popular events: the Gold Cup and Saucer Harness Race, and the Gold Cup Parade.

William Hancox also used his talents for a number of fundraising campaigns and other community organizations. He was in every sense of the word a real community leader, a gentleman and a friend of many.

On behalf of all residents of the district of Hillsborough I extend my respect and praise to William Hancox's family and friends for his remarkable achievements and dedication to community service.

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SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, the cost of the softwood dispute for Canadian producers now stands at $700 million. Meanwhile the department of trade shrinks from aggressively supporting a NAFTA challenge launched by a Canadian lumber producer.

Our trade minister is suggesting that Canada's loyalty to fighting terrorism should help in trade disputes with the U.S. on softwood and other issues. The reality is that Canada was displaced at the front line by the U.K. and its unequivocal support after September 11 while this government sat on its hands until the Canadian Alliance and Canadians at large moved it from its inertia. During this important time of coalition building Indonesia had tariffs removed from plywood exports to the U.S. while our softwood situation worsened.

Empty statements from the minister and soft Liberal government policies on security, trade and defence are continuing to damage our prosperity.

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RURAL DEVELOPMENT

Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.): Mr. Speaker, last Friday in Charlottetown my colleague the Secretary of State for Rural Development officially announced the second annual report on rural and remote Canada. Entitled "Enhancing the Quality of Life for Rural Canadians", it outlines in detail the achievements for 2000-01.

Twenty-nine federal departments through their hard work have enhanced the lives of Canadians living in rural and remote areas. Just a few of these achievements, based on 11 priority areas, have been identified by rural Canadians and they include: $427 million dedicated to the rural infrastructure program; $125 million invested in environmental initiatives and connecting Canadians to federal government services online; and $90 million toward improving access to financial resources for business and communities.

This is our commitment to rural Canada.

* * *

● (1405)

[*Translation*]

GALA DES MASQUES

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, yesterday evening, the Académie québécoise du théâtre held its Gala des Masques. Three productions stood out: *Mademoiselle Julie*, *Dom Juan* and *Le Petit Köchel*.

In addition to being awarded the mask for a Montreal production, *Mademoiselle Julie* won the prize for best female performance in a support role, thanks to the performance of Annie Berthiaume, and for lighting, thanks to the work of Guy Simard.

Dom Juan won awards for the quality of the design of the costumes by Mérédith Caron, and for best male performance, with Benoît Brière.

Finally, Normand Chaurette's *Le Petit Köchel* won the masks for best original script and best staging, thanks to Denis Marleau.

The Bloc Quebecois congratulates the winners of the masks, the other artists, the nominees and the Académie québécoise du théâtre for holding this beautiful event again this year.

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RIGHT HON. HERB GRAY

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, since this is the first time that I rise since the House came back, I would be remiss if I did not take this opportunity to stress the admirable and most impressive career of the right hon. Herb Gray.

He served in this House from 1962 until last January, under nine Prime Ministers and 18 opposition leaders, including himself. He earned the confidence of his constituents by setting foundations that were used not only in his riding of Windsor West, but across the country.

For example, he learned the other official language long before it became the right thing to do.

[*English*]

When I was first elected he is the one whose advice I sought first and, dare I say it, heeding that advice has indeed served me well. He believed in serving the public good, and serve it he did very well for 40 years.

Last month the International Joint Commission got a gift, and if the people who work there enjoy rock and roll music then they are in for a real treat.

I wanted to thank Mr. Gray for his enormous contribution and hope that we will have an occasion later on this year to do so in a better way than we have so far.

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AGRICULTURE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, as we are all aware, there are many deficiencies within the ministry of agriculture. Many of the programs and aid packages offered by the minister of agriculture have extremely slow processing times and the results are often inadequate for farmers.

The Canadian Farm Income Program or CFIP is another example of the problem. I was contacted by a constituent recently who was told by a CFIP official that there were going to be massive layoffs of personnel within the CFIP department. Many producers are still waiting for their applications to be processed from last year. If these layoffs happen the processing of applications for cash strapped farmers will take even longer than it does now.

Can the minister of agriculture assure Canadian farmers their applications for CFIP will be processed in a timely manner, and are these layoffs a reality?

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INTERNATIONAL DEVELOPMENT

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, this week Canadians are celebrating International Development Week.

For over 50 years Canada has provided assistance to the world's poorest countries and communities. In the early years our teachers, nurses and administrators provided much needed services. Today they are working side by side with their capable and dedicated counterparts from around the world in a spirit of true partnership for development.

[*Translation*]

Polls confirm that the Canadian public supports international development. The government has acted on their concerns with good

reason: international development efforts have yielded considerable results.

In 1975, for instance, 40% of the world's population had access to drinking water, and today that figure is approximately 70%.

I invite all Canadians to show their commitment to international development during this International Development Week.

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● (1410)

[*English*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, Canadians are being overwhelmed by a cacophony of noise from advocates of for profit, private health care trying to drown out the voices of the vast majority of Canadians who want to preserve our cherished and proven public health system. Senators, provincial appointees, corporate think tanks and other mouthpieces are repeating as loudly and as often as possible their vision of a profit oriented future.

This is a time when Canadians turn to the federal government desperately looking for a clarion call for public health care, a clear and loud signal for all to hear that the government is committed not only to the letter but to the spirit of the Canada Health Act and to public health care.

Instead we hear the voice of the new health minister leading the privatization chorus. Since her appointment she has gone out of her way not to advocate for public answers to improving our health system but to open the door to private options.

The House can be assured that New Democrats will continue to actively promote innovative improvements within our public health system that will benefit all and not just profit the few.

Medicare is the Canadian way. We will not let them take it away.

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[*Translation*]

ABORIGINAL COMMUNITIES

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, according to the United Nations, the most serious human rights problem faced by the Canadian population at this time is the situation of our aboriginal people.

At a meeting in Geneva attended by some 300 participants from 30 or so countries, Roméo Saganash, speaking for the Grand Conseil des Cris, called upon all countries to follow Quebec's example. He went on to say that the October 23 peace of the braves represents a formidable step forward in the development of relations between a government and a first nation.

He could not fail to point out that Canada has not demonstrated the same interest as far as nation to nation discourse is concerned.

This coming February 7, Ted Moses, Grand Chief of the Cree, and Quebec Premier Bernard Landry will be signing an historic agreement, one which demonstrates Quebec's pioneering role as it does not hesitate to recognize the aspirations of aboriginal peoples and holds discussions in good faith, nation to nation.

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[*English*]

LIBRARY OF PARLIAMENT

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I am pleased to inform the House that Thomas Fuller Construction Co. from my riding has been awarded the contract for renovations to the Library of Parliament.

Mr. Fuller's great-grandsons are continuing the legacy of their great-grandfather, the original architect of the parliament buildings, who later became the chief architect for the Dominion of Canada. His son, Thomas W. Fuller, became chief architect in 1927 and his son, Thomas G. Fuller, not only had a brilliant military career but also 50 successful years in the building industry.

After 126 years of weathering Canadian winters and surviving two fires, the Library of Parliament will be undergoing major renovations to preserve its historic and architectural value and enhance its capacity to remain on the cutting edge of technology in providing services to parliamentarians.

On behalf of all members I congratulate Thomas Fuller Construction Co. and the fourth generation of Fullers for winning the contract to ensure the library can be enjoyed by generations to come.

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HERITAGE

Mr. Rick Borotsik (Brandon—Souris, PC/DR): Mr. Speaker, due to budget constraints one of Canada's most cherished historical sites is soon to be lost. The Diefenbaker homestead has been a symbol of frontier Canadian life and was the pride of Prime Minister Diefenbaker throughout his life. At the age of 11 John Diefenbaker helped his father build the house which is now preserved in Regina.

This national historic site has seen tens of thousands of visitors since it opened to the public nearly 35 years ago. Throughout this time the residence has remained the most dynamic symbol of Mr. Diefenbaker's legacy and the home has served as a hallmark of Canadian heritage. The Wascana Centre Authority, the agency responsible for the home, has stated that due to lack of funds it is unable to maintain the home as a tourist attraction.

Mr. Diefenbaker captured the imagination and admiration of all Canadians and it would be a shame to lose such an important reminder of one of Canada's most celebrated prime ministers.

Where is the minister of heritage? Where is Heritage Canada when we need it most? It was able to give $1.75 million to Just for Laughs and Jean Carle. Why can it not give a few thousand dollars to save this historic landmark?

[*Translation*]

LAVAL UNIVERSITY

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, researchers at Laval University have had a windfall. The Canadian Foundation for Innovation has awarded them over $54 million for a number of new projects. This in addition to the assistance from the Government of Quebec and the private sector, Laval will have invested close to $135 million by the summer of 2003.

Of that $135 million, $20 million will go to Laval's science and engineering faculty. Development here includes a second optic-photonics lab, the implementation of infrastructures and construction of a laboratory to investigate the lifespan of such infrastructures.

All of these new research projects, initiated as the result of commitments by the Canadian Foundation for Innovation, will lead to the creation of close to 400 jobs at the Laval University teaching hospital and a potential thousand or so jobs at Laval University, according to the rector.

This is just one more fine example of teamwork between the provincial and federal governments and the private sector.

* * *

● (1415)

[*English*]

HEALTH

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, the need for legislation governing reproductive technology is underscored by unscrupulous practices that amount to the production of babies for sale and for profit. Today's *Globe and Mail* describes a thriving underground baby making market that includes women who advertise on the Internet, agents who negotiate fees, and lawyers who draw up questionable contracts.

Twenty-one year old Krystal Morgan was talked into being a surrogate by a friend. She needed the money. She was promised $8,500 and a new computer. Another Manitoba surrogate code named Trish 74 was paid to produce a baby boy for a British couple unrelated to the child. A B.C. woman was offered $50,000 to produce a child using sperm from an unrelated source.

The Standing Committee on Health examined issues surrounding surrogacy. We have called for legislation banning commercial surrogacy to ensure women are not exploited and that children's interests and stable families are the focus of reproductive technology.

These issues underscore the need for the Minister of Health to act quickly and bring legislation back to the House without delay.

ORAL QUESTION PERIOD

[*English*]

MINISTER OF NATIONAL DEFENCE

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Minister of National Defence learned that Canadian soldiers had handed al-Qaeda terrorists over to the United States on Monday, January 21.

During the whole week that followed a fierce debate occurred over the handling of the al-Qaeda captives. We know what the defence minister has said but we do not understand why nobody else was informed.

Did anybody within the Department of National Defence inform the PCO, PMO or foreign affairs at the cabinet meeting that al-Qaeda terrorists had already been captured before last Tuesday?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the JTF2, our commando group, was involved in this matter. Everything was done according to policy. Certainly when I heard about it that is when I wanted to know: were our troops safe, had they carried out the mission successfully, had they done this according to policy, all of which was true. They had done it that way.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, joint task force 2 cannot deploy without the PMO signing off on its mission. Yet here we are on one of the most sensitive missions ever and the PMO seems to have been left in the dark.

Does the Deputy Prime Minister expect us to believe that for a whole week while the minister was in Mexico and an international debate was raging over the treatment of al-Qaeda captives nobody in the government bothered to tell the PMO or the PCO? Does he expect us to believe that?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, what we have endeavoured to make clear throughout the questions last week was first of all the history of events with respect to the knowledge held by the Minister of National Defence. He has taken some heat on that but he has explained what he knew and when. We expect he will appear before a committee to answer further questions from members of the opposition.

We have explained when the Prime Minister was informed, when he knew, and he has answered accordingly.

We will not start the business of trying to blame public servants. The ministers are accountable to parliament. The ministers have answered for their knowledge and the responsibility is properly borne in that manner.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, maybe we should call up Bono. He seems to know more about what is happening than anybody else these days.

This is about honesty in government and it is about civilian control of the military. When the Prime Minister said that the capture of al-Qaeda prisoners was hypothetical last Monday, had he or his office been informed by the ministry of defence? Had they been informed before last Monday, or certainly before the cabinet meeting last Tuesday?

He has not answered that question and we want an answer to it.

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, what is clear is that the Prime Minister was informed at cabinet on Tuesday. I have no information to indicate that others in his office did or did not know, but in point of fact that is not the responsibility they have to the House. It is the responsibility of the Prime Minister to account for his knowledge and the Minister of National Defence. That has been done.

We are not about to identify, on a witch hunt, some public servant who maybe knew something or maybe did not. They are not accountable to parliament.

● (1420)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, we are not getting answers. It is hard to imagine how a prime minister in the middle of a war would not demand daily briefings on what is going on in Afghanistan. It would be hard to imagine that.

My question is for the Prime Minister. With the largest contingent of our military serving overseas since the Korean war, how often does he receive briefings from the defence department?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the Prime Minister is satisfied with the adequacy of his briefings. He is briefed frequently and regularly and is satisfied with the content of those briefings.

The point we have tried to make here is that if there has been a mistake made the minister of defence has admitted that, but at the same time we do have troops going into the field and they deserve our active support and encouragement. The point of what parliament needs to be doing now is sending those messages to our troops who have a job to do on behalf of all of us.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I do not know why it is so tough to get an answer to a simple question such as how often the Prime Minister, is briefed. That should be a pretty easy answer to give.

How can Canadians trust the minister of defence? The minister of defence misled Canadians over the deployment of JTF2 last fall. He misled Canadians over whether the United States requested Canadian troops in January or whether in fact Canada asked to be allowed to go. Now he has presented two versions of events to the House on the capture of al-Qaeda prisoners.

How can our forces and the Canadian people trust the minster of defence?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I have been getting some lovely comments, e-mails and telephone calls from members of the Canadian Forces.

The one thing they say quite clearly: is that it is time to focus on the mission they are carrying out abroad. It is time to support our troops, not this kind of garbage.

* * *

[*Translation*]

FOREIGN AFFAIRS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on January 28 the Minister of Foreign Affairs admitted in the House that he had consulted with secretary of state Colin Powell on the treatment of Afghan prisoners. The minister even concluded from this conversation, that, and I quote him "Everyone agrees that the prisoners are being treated according to the humanitarian standards under international law".

I imagine that in order to have a balanced conversation, the Minister of Foreign Affairs had the same information as Colin Powell; that he knew there were prisoners, as did Colin Powell; that he knew Canada had captured Afghan prisoners.

Exactly when did he learn that Canada had taken prisoners?

Mr. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I was travelling last week, as the hon. member opposite is well aware. I was informed in London, after the cabinet meeting, at which my colleagues were also informed.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I remind the minister that he was here on January 28. I also remind him that it was a Canadian, Graham Bell, who invented the telephone, which has been around for some time. This may apply to the telephone, it does not necessarily apply to honesty.

He knew there was an ongoing public debate. Colin Powell was of one opinion, and Mr. Rumsfeld was of another, and this minister did not think to call his colleague, the Minister of National Defence, to find out what was going on, since there were divergent opinions among the Americans. He did not think of calling his colleague, the Minister of National Defence, before speaking with Colin Powell, who was fully informed.

Is that what the new minister would have us believe?

Mr. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Department of National Defence and the Department of Foreign Affairs are in regular contact with each other in order to serve the interests of Canadians at all times. I myself was only informed of this matter when the Prime Minister was informed. There is nothing suspicious about that.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I am delighted that the Minister of Foreign Affairs is in frequent, regular contact, daily even, with the Department of National Defence.

What I am asking him is merely this. On January 21, when the Minister of National Defence learned that the Canadian Forces had taken prisoners, was the Minister of Foreign Affairs still in regular contact with DND, either he or his deputy minister?

● (1425)

Mr. Bill Graham (Minister of Foreign Affairs, Lib.): Yes, Mr. Speaker, we were in touch.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I would like to know what kind of contact this was.

Very seriously, how can the Minister of Foreign Affairs claim in the House that he was in frequent, regular, daily contact with DND when Afghan prisoners were taken which is not an everyday occurrence? The Minister of National Defence has known this ever since the 21st, and yet the Minister of Foreign Affairs has just told us today that he learned of it eight days later? What sort of contact was there?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there is a frequent flow of information that goes to the PCO, the PMO and foreign affairs with respect to the involvement of our troops in the field.

The one exception made to that is the JTF2, the commando group. That just comes to me.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Deputy Prime Minister. We have a right to know who knew what and when without being accused of embarking on a witch hunt. Ultimately whatever civil servants may or may not have known it is the cabinet minister who has to answer for their behaviour, but we cannot ask that cabinet minister to give account for their behaviour unless we know what it was.

Did anybody in the Privy Council Office or the Prime Minister's Office know about the taking of these prisoners before the Prime Minister was informed at the cabinet meeting on the 29th?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, as indicated earlier we have no information that was the case. However I make the point once again that the answerable person in this case is the Minister of National Defence.

He has given an answer, a full answer, and we expect that he will be subject to further questions. Perhaps the hon. member will have a few when he appears before the committee.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, it begs the question whether the Deputy Prime Minister is seeking to know whether anybody had that information. He says he has no information, but is he trying to find out? We would like to know that from him, or is ignorance bliss, Mr. Speaker, when you are trying to cover up something that has happened or when you are trying to manage your own internal dissent?

It is really the Liberal backbenchers who were the primary object of this cover-up. They did not want the debate to take place in their caucus because they are divided on the behaviour of their own government.

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, the hon. member tries to make a mountain out of a molehill because the fact is the issue that becomes important to us is how do we deal with anyone who is apprehended in the course of the conflict.

Only in recent days did the issue arise out of comments made in Washington as to how the United States was making the determination, whether a particular apprehendee is being treated as a prisoner of war or as an unlawful combatant.

We have made interventions with respect to that with the United States. This does not represent in any way a division either on the part of this caucus or on the part of Canadians about the role that is being played by Canadians in defence of freedom and against terrorism on the ground in Afghanistan.

[*Translation*]

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

Has the Privy Council Office been kept in the dark as far as JTF2's activities in Afghanistan are concerned?

If so, why? And if not, if it did receive information, when exactly did the PCO receive the report that JTF2 had taken prisoners in Afghanistan, on or before January 21, 2002?

● (1430)

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I have indicated already, matters with respect to the JTF2 come to me. If there were any variance from the policy I could say that immediately I would be notifying the Prime Minister. There was no variance from the policy. The policy was fully followed.

It is a policy that has been in place for a great number of years. We do not have detention facilities. We turn them over in accordance with the Geneva conventions. That is what was followed.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, immediately or in eight days? Take a choice. The Deputy Prime Minister told parliament that it would not have made any difference if the Prime Minister had known earlier that taking prisoners was not a hypothetical question.

In a normal government the prime minister must take or approve significant decisions. Having troops in Afghanistan, having them take prisoners, is a significant matter. How can the Prime Minister give direction to our troops or to his government if there is no system to ensure that he knows what is going on?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, of course the Prime Minister knows what is going on. When I say that the difference would not have been made on the ground the hon. member knows perfectly well that our troops were present in Afghanistan, that they were carrying out operations which were important to the overall effort.

They conducted themselves in a professional manner in the way in which they were instructed to do. Nothing that they did required any intervention and censure by their political masters.

* * *

[*Translation*]

IMMIGRATION

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the Minister of Immigration must shed some light on the theft of hundreds of immigration forms. We now know that the government has known about this for two years. Nonetheless, last week, the minister told us that we should not let it worry us.

Will the minister stop playing this political game once and for all, tell us the truth about this situation, and explain how such important documents could have been stolen from his department?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, this is not new information. There have been thefts of documents since 1999. Since then, we have made major changes. Not only have we made a specific official in each international mission responsible for safeguarding documents, but we have also instituted serial numbers.

In the meantime, we have taken action. We have instituted and are introducing a new permanent resident card which will prevent this sort of thing.

[*English*]

Our middle name is action.

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, last week he called himself the minister for immigration. We learned last week that hundreds of Tunisians, some possibly connected to al-Qaeda, were allowed to disappear into Canada. This week we have learned that blank visa documents have gone missing and that there are no fewer than five ongoing investigations underway.

Will the minister now tell Canadians, is he the minister of missing immigration forms or the minister for missing immigration forms?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, not only should the member have prepared his question but he should have followed what happened this weekend.

First, not only did I confirm those 118 missing people, but thanks to the member of parliament for Brossard—La Prairie, I met the Tunisian committee and we organized ourselves together. Not only that, we made sure through CSIS and through our embassy in Tunis that we will find them.

The member should follow what we are doing and he will see that something is going on.

* * *

[*Translation*]

MINISTER OF NATIONAL DEFENCE

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Minister of National Defence knew that Canadian soldiers had taken prisoners but the Minister of Foreign Affairs did not.

Why did the Minister of National Defence not see fit to inform the Minister of Foreign Affairs that Canadian soldiers had in fact taken prisoners in Afghanistan, deciding instead to let him talk with the Americans—and not just anyone, but Colin Powell, according to what he said—in complete ignorance of the situation?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there are a lot of operations that our troops are involved with and will be involved with. There are a lot of things they do every day to help in this campaign against terrorism.

As long as they do it in accordance with policy, the rules of engagement, which are clearly established and clearly in place, following government policy, which they are doing, not everything needs to be instantly reported.

It was done in accordance with policy. That is the important thing.

● (1435)

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, one might think that the Canadian position was closer to that of Colin Powell.

When the Minister of National Defence realized that there was a debate in the United States between Defence Secretary Rumsfeld and Secretary of State Powell regarding the status of Afghan prisoners, why did he not think of speaking with his colleague, the Minister of Foreign Affairs, and pointing out to him that an agreement between Canada and the United States was being called into question and that it would be a good idea to address the problem?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, one has to wonder if the Bloc Quebecois is more concerned about the plight of the terrorists than it was about the victims of September 11. We certainly would not know it from the way they are going at this.

* * *

IMMIGRATION

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, once again the lax Liberal administration has compromised Canada's security.

The RCMP is investigating thefts in at least five immigration offices of hundreds of blank IMM 1000 documents which are used to let people into Canada.

In spite of all the flurry about security, the country is still rather vulnerable. This is just one more sad story reminding us once again that Liberals cannot manage.

As a minimum, has the immigration department informed the U.S. and other foreign governments of the serial numbers of the stolen documents?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, what is sorry is the kind of question the member has just asked. making people think there are some links. We have to be very careful about that. That can be dangerous. We have to be very careful.

There is nothing new under the sun. That was the same article in May 2000 from another media. We did what we had to do at the time. Not only is there ongoing research but at the same time we act, and the new card for permanent residents is an answer to make sure that everything is okay.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, the track record of Liberal failure is long: stolen documents, stolen computer information. It just should not happen. Not only do we have an entire tour of missing Tunisians wandering around the country, we have stolen documents. The government cannot even security check its own embassy people let alone the thousands tumbling over the barricades.

Will the minister stop hiding behind investigations and reviews and just simply tell Canadians what concrete actions his government has taken to make our immigration document system secure?

[*Translation*]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, rather than reading his question, the member should try listening to the answers.

Things have been done since 1999. Not only have we introduced concrete measures, such as adding a position to protect all the documents in diplomatic missions, but we have also changed the procedures.

The minister who preceded me announced that for security reasons we would be replacing the IMM 1000 with a permanent resident card. With the kind of information to be included, we are once again proving that we as a government are fulfilling our responsibilities.

* * *

FOREIGN AFFAIRS

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, Canada has violated international agreements by handing over prisoners taken in Afghanistan to the United States without having concluded a clear agreement regarding the status of these prisoners.

Can the Minister of National Defence tell us what the fact that Canada has become a country that no longer respects the provisions of international law will mean for Canadian soldiers in Afghanistan?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the fact is that we do respect international law. That is the cornerstone of how we are conducting ourselves in this campaign. We respect international law and we respect Canadian law. The United States, to which we have turned over these prisoners, has given us assurances that it respects international law and will operate consistent with the Geneva conventions.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, if Canadian soldiers were taken prisoner, how could we demand that international law be respected in their regard when Canada does not respect it for prisoners taken in Afghanistan?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member has to remember that there is a difference in the Geneva conventions between those who are prisoners of war, those who are part of a military, versus those who are unlawful combatants, the terrorists. It is the terrorists whom the United States is interested in keeping, and only the terrorists, to account for what happened on September 11.

We operate in accordance with those laws. The United States will operate in accordance with those laws. We expect anybody else to as well.

* * *

● (1440)

[*Translation*]

THE ECONOMY

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, yesterday an economist from Export Development Canada boasted about the benefits of having a weak Canadian dollar against the Mexican peso.

Mr. Poloz said that the fact that our currency is down 11% against the peso helps our exports to Mexico.

My question is for the Minister of Finance. Why does Export Development Canada support a weak dollar? Will the minister finally admit that this is his government's policy?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the economist in question was surely giving his opinion. He is entitled to his opinion.

What I just said, and I am repeating what the Prime Minister and the Governor of the Bank of Canada have said repeatedly, is that the direction taken by the loonie does not really reflect the strength of the Canadian economy.

In New York, when we gave participants the facts, namely our competitive position, exports, growth and job creation, they were very impressed.

[*English*]

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, it seems that this weekend the Prime Minister found a new culprit for the falling loonie under his watch. He said that the international currency markets keep fleeing our dollar because "we're so humble...We're not braggers naturally".

It seems that the Prime Minister is not nearly humble enough, because in a poll published today Canadian CEOs give this government a failing grade for its mismanagement of the currency, which has lost 20% of its value under his watch.

If this government has done such a great job with the currency, then why are Canadian CEOs giving it a failing grade for its mismanagement of the loonie?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, a Canadian Federation of Independent Business survey of small businesses concluded that business confidence is rising. It said that there are going to be 250,000 net jobs created this year, 81% of the jobs effectively full time. It expects growth in all of the provinces. The fact is that if small business has confidence in the Canadian economy, why can the Alliance not have it?

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VETERANS AFFAIRS

Mr. David Price (Compton—Stanstead, Lib.): Mr. Speaker, my question is for the Minister of Veterans Affairs.

Yesterday our Canadian troops landed in Kandahar. I commend them for the service they are providing on behalf of all Canadians and, for that matter, the world.

I ask the minister, what will the government do upon the return of our brave men and women to ensure that they are all well taken care of?

Hon. Rey Pagtakhan (Minister of Veterans Affairs, Lib.): Mr. Speaker, first may I join my colleague in commending our troops in Kandahar. They are doing a splendid job.

Let me assure him and all colleagues in the House that any member of the Canadian Forces who suffers illness or injury as a result of service in Afghanistan will receive all appropriate disability pension and health coverage benefits.

Indeed, Canada as a nation can take pride that we take care of our veterans when they incur illness or injury as a result of service, whether in peace time or in special duty areas.

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FOREIGN AFFAIRS

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Minister of Foreign Affairs.

One week ago his colleague, the Minister of National Defence, said, with respect to the prisoners taken in Afghanistan, "They have every right, though, for a tribunal to determine whether in fact they have status as a prisoner of war or have status as an unlawful combatant. Canada stands by that determination process in accordance with international law".

One week later the United States has still not set in place any tribunals. I want to ask the minister, will Canada refuse to turn over any prisoners to the Americans until they have given us an assurance that these tribunals will be established? Or will we show total contempt for the law under the Geneva conventions and simply let George Bush run Canadian foreign and defence policy?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I said earlier, we have had the assurances of the United States government. We continue to seek them because all of the Geneva conventions were written at an earlier time. Not all of them are easily applicable to the conditions that exist today, but certainly the only interest the United States has is keeping the terrorists, not keeping anyone who is a prisoner of war. It has sent numerous people back already to the Afghan government or to governments of other countries from which they originated.

The United States just wants to keep those who are responsible for the September 11 attacks: the al-Qaeda terrorists.

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● (1445)

IMMIGRATION

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I want to follow up on the matter of missing documents at immigration offices in Canada, which may have resulted in a serious breach of our border security.

The memo in question actually refers to the fact that inadequate departmental staffing and resourcing have contributed to this problem.

I ask the minister of immigration if he will commit now to stop scapegoating refugees and legal immigrants as potential terrorists and turn his immediate attention to providing the full resources needed to keep his own department from becoming the greatest threat to Canadian security.

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I think my hon. colleague already has the assurance that we have to work with more resources. In fact that is what we did in the last budget regarding security, but at the same time we are in a very important process to make sure that everyone will do their proper duties. I can assure my colleague of that.

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NATIONAL DEFENCE

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I have been contacted directly by a member of the Princess Pats who said that he fears for the lives of the troops under his command because they are wearing improper uniforms. Put simply, he does not want to notify next of kin that a soldier's death was due to the colour of the camouflage.

This is not a minor issue as the minister asserts. The confidence of the troops and their mission have been undermined because of the government's continued underfunding of our military.

When will the minister of defence make the lives of our soldiers a priority and get them the proper equipment to do their jobs?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the Canadian Forces commanders are quite satisfied with the uniforms they have. I understand that even some of the Americans noted on the weekend how much better they are in terms of night operations.

It is not a question of funding. We want to make sure that whatever our troops need in that operation they will have it.

The commanders are happy with the uniforms they do have.

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, the commanders may be but the soldiers who are putting their lives on the line are concerned they might have to fight during the day, not just at night.

The truth is that last month Canadians were embarrassed to learn that the government sold our stock of desert camouflage uniforms just as our troops learned that they would be needing them.

Now the government asserts that they were not sold, that they were given to the JTF soldiers, but apparently not to the three shown on the front page of the *Globe and Mail* a few weeks ago.

Why has the minister not undertaken an emergency procurement of desert uniforms for our frontline combat soldiers?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we discussed that matter with the chief of defence staff and with the other commanders. They did not feel that was necessary. They were quite satisfied with what they had. In fact, I visited with the troops in Edmonton just before they left. They were quite satisfied with the combat uniforms they had.

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ARTS AND CULTURE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, patronage is no laughing matter. First the Prime Minister's friend Jean Carle was hired by the Business Development Bank for being a good Liberal. Then he was paid $150,000 to quit his job with the bank and stay quiet about his role in the Grand-Mère loan scandal. Now it has been reported that just after the Just for Laughs Festival secured $1.7 million of taxpayer money, Jean Carle was given a job with the struggling company.

How much are Canadian taxpayers going to have to shell out to keep the Prime Minister's friends quiet?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the hon. member in her question is suggesting that Mr. Jean Carle influenced the music and cultural fest, Just for Laughs Festival, in getting money two months before he even showed up on the job. I ask her rhetorically how he did that, by osmosis? He was not even there.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, when the hon. member is back on this side of the House, he can start asking questions.

An access to information request shows that Jean Carle might not have been qualified for the job at the Business Development Bank, but he got the job—

Some hon. members: Oh, oh.

The Speaker: Order. The Chair has to be able to hear the hon. member's question. The hon. member for Renfrew—Nipissing—Pembroke has the floor.

Mrs. Cheryl Gallant: Mr. Speaker, an access to information request shows that Jean Carle might not have been qualified for the job at the Business Development Bank but he got the job because he was the Prime Minister's friend. Then he was hired by the Just for Laughs Festival only weeks after Alfonso Gagliano and the Minister of Canadian Heritage tripled the government's support for the struggling Montreal festival.

Did the Prime Minister instruct his ministers to give out this money, or were they simply acting on their own self-serving Liberal instincts?

● (1450)

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, it is not a struggling company. It is the world's largest comedy festival which last year was chosen as the premier Canadian event for 2002 by none other than the American Bus Association.

The suggestion that the Government of Canada should not be involved in a festival that has attracted more than two million spectators from across the country and around the world, that operates in two official languages and that last year had a tour in 13 communities across the country is absolutely for laughs.

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[*Translation*]

SOCIAL UNION

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

Section 7 of the agreement on social union provides for review within three years.

Can the minister tell us whether he is preparing to renew this agreement, once again without Quebec's consent?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Indeed, Mr. Speaker, the agreement does call for review after three years and we are currently engaged in it along with the provinces.

However the provinces want another matter settled: the dispute resolution mechanisms in the health field. I am very confident that this too will be settled and an agreement will be forthcoming in both areas.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, can the minister indicate to us whether the Quebec Liberal leader, Jean Charest, has given him any assurance that he would be prepared to sign the social union agreement as it stands?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, this is a matter I will, I am sure, have the pleasure of discussing with a premier of Quebec who believes in Canada.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, the Minister of National Defence has just told us in this House that the reporting policy related to the JTF2 was followed in this case. It is our understanding the PMO is directly involved in the chain of reporting for JTF2 missions.

In order to assure the House that the policy was followed, as the minister just told us, will the minister table the chain of command and reporting policy for significant incidents regarding JTF2?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, for reasons of national security I will not do that.

Significant reports are not filed with respect to the JTF2. The reports are given entirely on an oral basis.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, how does the minister expect the people of Canada to believe his version of events if he will not at least table the chain of events that took place where the Government of Canada is responsible for mission control of JTF2?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I am responsible for the national security with respect to that organization. It follows government policy. Anything relevant to the policy it follows is discussed by the government.

If there is any variance from that policy. it is my duty to bring it to the government's attention. There has been no variance from that duty. It followed the law. It followed the rules of engagement. It is doing the job the government asked it to do.

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ZIMBABWE

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, in the lead up to the elections in Zimbabwe, some Commonwealth officials have indicated that any significant measures aimed at the government of President Mugabe could strengthen his hand by charging interference by other states.

Given that Canada has indicated that it supports international observers, will the Minister of Foreign Affairs tell the House what steps Canada has taken in conjunction with other states to ensure fair, free and open elections in Zimbabwe?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the government has been making strong representations to the government of Mr. Mugabe to ensure fair and free elections will be held in that country.

Last week on behalf of the government I attended the ministerial meeting of the Commonwealth. We proposed to send Commonwealth observers and I am proud to report that Canada agreed to send three. We made it clear to the Zimbabwean government that unless observers are accepted, our group will recommend that action be taken against Zimbabwe at the leaders' meeting in Australia at the beginning of March which would probably mean the removal of Zimbabwe from the Commonwealth.

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● (1455)

THE ENVIRONMENT

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, one of Canada's natural treasures is in trouble. The coast of Newfoundland with its colonies of sea birds is being put in danger by oil dumping. These spills are no accident. Foreign tankers and cargo vessels passing through our waters actually have an incentive to dump their oil because our fines are so ridiculously low.

When will the Minister of Transport increase his department's charges and fines for oil dumping so that we can stop this sabotage of our waters?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member has a right to be concerned about tankers that ply international waters and spill their waste. He would give recognition to the fact that Canada is a signatory to the Paris MOU and the Tokyo MOU to ensure that standards are maintained and improved and that they are enforced around the world.

With respect to individual fines, these are matters under constant review. I certainly note the hon. member's representations and will discuss them with my officials.

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[*Translation*]

INTERGOVERNMENTAL AFFAIRS

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, the Quebec Liberal Party critic for intergovernmental affairs has joined the government of Quebec and the Bloc Quebecois in saying that there is a major fiscal imbalance between Ottawa and Quebec.

Does the Minister of Intergovernmental Affairs, who is preparing to help Jean Charest fight it out at the polls, still maintain that there is no fiscal imbalance in Quebec or has the Liberal Party of Quebec helped him to see the light, and does he finally admit that this is a serious problem that must be resolved?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, we share with Quebec an ally who has his own views on how the federation can be improved. It is only normal that our views do not always coincide on everything.

One thing is certain and that is that we want a government which believes in Canada in Quebec City, and not a government which is seeking the secession of Quebec from Canada and which hides its secessionist option behind hazy concepts like "European-style partnership".

* * *

[*English*]

ARTS AND CULTURE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, the government's reckless spending practices are a bad joke.

The mobile and well-connected Jean Carle of APEC and Shawinigan infamy is at it again. It seems that everywhere the PM's prodigal son goes, taxpayer money is sure to follow. Recently released documents indicate that the Prime Minister's BDC cleanup man landed at Just for Laughs in Montreal, just in time to secure an additional half a million dollars from his former employer, the Government of Canada.

Why is the government increasing funding of scarce taxpayer dollars to Just for Laughs if it is doing so well as the Minister of Canadian Heritage indicated? More important, why was the money given retroactively?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the hon. member regrettably has his facts wrong. He said in the preamble to his question that the government had given the money just in time according to the representation made by Mr. Carle. Mr. Carle was not even working there at the time of the festival. It ran from July 12 to 22. He was hired two months later.

THE ENVIRONMENT

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, the Great Lakes ecosystem is of great importance to Canada. Can the Minister of the Environment give the House an update about recent initiatives the government has taken to restore and protect the environmental integrity of the Great Lakes basin?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I can assure the hon. member that the government is adding an extra $1 million to the Great Lakes sustainability fund, bringing the total to $3.4 million. This funding will assist in the creation of new fish and wildlife habitat, in the control of stream bank erosion and to minimize the effects of agriculture pollution.

We obviously have challenges that remain, but the government is committed to the environment and the Great Lakes.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, we need action right now. Birds are dying along our coastlines. Our surveillance is inadequate. Our fines are too low, often being under $20,000, and insurance companies often even cover those, whereas in Europe and the U.S., fines are in the millions of dollars.

When will the minister increase the fines in Canada?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, it is nice to know that Alliance members are concerned about environmental matters. Certainly, if we looked at their voting record in parliament, that obviously would not be the case.

Jesting aside, this is a serious matter. If fines have to be increased, they will certainly be increased. Canada has a regime in inspecting ship source pollution second to none in the world. We will look into this particular matter and see what can be done.

* * *

● (1500)

[*Translation*]

GAMES OF LA FRANCOPHONIE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the government of Quebec has already guaranteed $2 million in funding for the infrastructures needed to hold the Canadian Games of La Francophonie, which will take place in Rivière-du-Loup in the summer of 2002.

In the meantime, the federal government, whose idea these games were, has not committed a single cent, despite the promises made by the minister of immigration, who was then the secretary of state for amateur sport. The games will take place in August 2002. There is not a day to lose.

How much will the federal government put toward the operating budget and toward infrastructure so that these games can be held in Rivière-du-Loup, and when will it do so?

Mr. Paul DeVillers (Secretary of State (Amateur Sport) and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the Government of Canada is now receiving representations regarding the Games of La Francophonie to be held in Rivière-du-Loup.

We have policies in place to do these studies in order to determine the amount of the support we can provide. We are now studying the problem.

* * *

[*English*]

THE ENVIRONMENT

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, after already closing 75% of local weather offices, Environment Canada has now indicated that several of its 14 remaining weather centres will close.

Has the Liberal government not learned anything from the Walkerton inquiry? Has it not learned that cuts to environmental services affect lives?

Weather centres keep Canadians informed about dangerous weather: freezing rain warnings; marine weather warnings; flood warnings in places like the Red River Valley.

We cannot replace the specialized knowledge of local weather centres from a weather desk thousands of miles away. Why is the government putting lives at risk by closing more weather centres?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the decisions with respect to weather offices and forecasting offices have not been made by the government.

I can assure the hon. member and the House that as in the past we will continue to base our policies on resources available, on common sense and on potential efficiency gains to make sure we get the best protection for Canadians from coast to coast to coast.

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CANADIAN PARLIAMENTARY DELEGATION

The Speaker: I have the honour to lay upon the table the fascinating report of a Canadian parliamentary delegation to Thailand from November 13 to 18, 2001.

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 two petitions.

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INTERPARLIAMENTARY DELEGATIONS

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the 22nd General Assembly of the ASEAN Inter-Parliamentary Organization, for which Canada has observer status, held in Bangkok, Thailand.

● (1505)

CITIZENSHIP ACT

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance) moved for leave to introduce Bill C-428, an act to amend the Citizenship Act.

He said: Mr. Speaker, my private member's bill would correct a long-standing injustice in the Citizenship Act which has disallowed Canadian citizenship to certain individuals who seek and deserve this privilege.

My bill would be exclusive to those individuals who fall within the parameters of losing their citizenship through no fault of their own as a consequence of their parents taking out citizenship in another country.

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

Hon. Ralph Goodale: Mr. Speaker, I seek unanimous consent of the House to move that all questions relating to the privilege motion on the order paper be put immediately without further debate.

The Speaker: Does the hon. government House leader have unanimous consent of the House to propose the motion

Some hon. members: Agreed.

Some hon. members: No.

* * *

PETITIONS

RESEARCH AND DEVELOPMENT

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the privilege to present to the House a petition signed by more than 650 concerned constituents from the riding of Cambridge.

The petitioners wish to draw to the attention of parliament that it is unethical to use human embryos for stem cell research. Adult stem cell research holds great potential but does not pose serious ethical questions.

Therefore the petitioners pray and request that parliament take steps to ban human embryo research and to allow federal tax dollars only for promising ethical research that does not destroy human life.

HEALTH CARE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I rise pursuant to Standing Order 36 to present a petition from constituents in the county of Antigonish, communities like Heatherton, Afton and Bayfield. The petitioners call upon the government to draw attention to the issue of coercion within the medical practice which directly contravenes deeply held ethical standards of some in the medical profession, particularly nurses.

They urge the government in this petition to enact legislation explicitly recognizing the freedom of conscience of health care workers, prohibiting coercion and unjust discrimination against those health care workers because of refusal to participate in matters contrary to the dictates of their conscience and establishing penalties for such coercion and unjust discrimination.

Speaker's Ruling

RESEARCH AND DEVELOPMENT

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have two petitions totalling approximately 100 petitioners in the province of Ontario. Pursuant to the standing orders, they bring to the attention of the House the unethical nature of taking embryonic stem cells for the purpose of research and call upon parliament to ban human embryo research and direct Canadian Institutes of Health Research to support and fund only promising ethical research that does not involve the destruction of human life.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

YOUTH CRIMINAL JUSTICE ACT

The House resumed from January 31 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.

The Speaker: The hon. member for Berthier—Montcalm, on a point of order.

* * *

● (1510)

POINTS OF ORDER

SENATE AMENDMENT

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I rise on a point of order.

I tried earlier to bring this matter to your attention, but you asked me to do it later.

On January 30, I raised this question in the House, pointing at the discrepancy between the English and the French wording of the Senate amendment before us today.

In French, it says:

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

This is a requirement. In English, it says "should be". This is a suggestion. There is a significant difference between the two.

On January 31, in response to my question, the Deputy Speaker of the House said that he had checked the texts from the Senate and that there was no mistake, namely that the French version said "doivent faire l'objet d'un examen" whereas the English version said "should be" and that was as far as the Chair's responsibility went.

I walked across to the Minister of Justice, who told me to seek a decision by the Supreme Court on this matter. But we have to decide. In addition, closure was invoked on the bill, and we will be forced to vote on this amendment tonight.

I would like you to shed some light on whether the French version or the English version will prevail eventually, since the aboriginals themselves are wondering. I checked with English-speaking lawyers and they told me that, indeed, there was a problem as far as any future interpretation of this text is concerned.

Mr. Speaker, before the vote, could you shed some light on this issue for us and for the House, especially since the government has invoked closure and seems determined to expedite this matter. I would like us to be able to make an informed decision.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, I rise on the same point of order, in support of the Bloc Quebecois member.

[*English*]

I believe there is a straightforward solution to all of this. I am quite surprised that the government House leader has not returned to the House with some solution to this.

As has been pointed out, there is a very substantial difference in the wording of the text of the amendment. In the English text, the term discretionary would allow a judge to imply that the issue of a person's aboriginal descent would be a factor to be considered. In the French version of the text it would be obligatory for judges to go through that discretionary exercise before meting out a sentence. This is something that goes to the very root of what would be expected in terms of drafting and professionalism and to avoid this issue having to make its way through the courts, as was suggested by my colleague.

Why on earth would we recognize that there is a flaw in this particular drafting, simply let it go by the wayside and suggest somehow that we would leave it up to the courts to fix this? I would suggest there should always be consistency in the drafting and interpretation. We hope the government would react to this quickly so that the vote tonight would be on a text that reflects the same intent from the Senate and from this place.

[*Translation*]

SPEAKER'S RULING

The Speaker: I appreciate the fact that hon. members have raised this matter once again. It is perhaps an indication that it is a serious one.

I hope the comments made by the hon. Deputy Speaker and chairman of committees of the whole House when he was here, when the matter was first raised by the member for Berthier—Montcalm, will be applicable at this time.

In my opinion, they are.

[*English*]

I could cite the authority of Marleau and Montpetit on this point at page 674 where it states:

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

That citation in my view is important, direct and applicable in this case.

[*Translation*]

I can perhaps make a suggestion for the hon. member for Berthier—Montcalm and the hon. member for Pictou—Antigonish—Guysborough. They can consult the law clerk and parliamentary counsel and perhaps find other explanations with respect to these amendments.

● (1515)

[*English*]

The Chair has taken some steps to ensure the procedural regularity of things within the powers of the Speaker of the House of Commons in these circumstances. I have a feeling that if hon. members consult they might get, if not complete, at least increased satisfaction.

I will leave the matter there but I am afraid I am powerless to intervene in this matter.

[*Translation*]

The amendment was passed by the Senate and it is the amendment which is now being considered by the House.

* * *

[*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): Mr. Speaker, it is a tremendous challenge to enter into a meaningful debate with the government side at the best of times, but when one's speech is interrupted by question period and the audience substantially changes it is even doubly difficult to carry on a meaningful debate.

In the remaining time I have, I will restate what I said before. Hopefully the people here will respond, think about what I have said and then vote accordingly.

The basic issue is that if the Senate brought an amendment to the House stating that sentencing for aboriginals ought to be 50% higher, those members would object. I believe every member on this side would also object because we believe in equality for Canadian citizens under the law and that there should not be a more stringent sentencing law for aboriginals based on their race.

This one is exactly the same except it is a different group. Instead of aboriginals being given a higher sentence, it is non-aboriginals being given a higher sentence. This is fundamentally wrong. As I said in my previous intervention, on all counts this is wrong.

We, as members of parliament, must exercise our right to vote against things that are wrong, and this is one of them. I have appealed before and I repeat that appeal to the members of parliament here to exercise their authority as elected members to look at this amendment and to use their own heads to decide to vote against it because it is wrong, and to go down in history as having helped prevent the Liberal Party of Canada from being named the Liberal racist party of Canada because they have given assent to a law that entrenches racism into the sentencing law for youth and specifically for aboriginal youth.

This is the plea I am making to members. In view of the fact that I cannot give my whole speech over again, I will simply reiterate that this is of utmost importance. I believe it is a false assumption to think that people in the Senate are incapable of ever making a mistake. They are ordinary humanoids like we are here. It is a false assumption to think that the government cannot ever make a mistake when it brings in legislation.

Instead of trying to solve the problem by bringing in the big mallet, time allocation, when the opposition strenuously talks against and opposes a bill or a motion, such as the one we have here, the government would be well advised to simply listen to the arguments and to do what is right. In this particular case, we need to vote against the amendment. If the bill goes back, so what.

I remember a long time ago seeing a little placard stating, "If you do not have time to do it right, when will you have time to do it again?" This is one of those cases. This is not being done right. It will take more time of the House of Commons, parliamentarians and committees to fix it if we were to pass it now than if we were to simply get it right now. I urge all members to consider carefully doing that.

I wish we could put away this idea of the whipped vote this time. I do not think members who vote against a bill should be punished by their party or that we must have another election. That is absurd.

The vote today is not about whether there should be an election. The vote is about entrenching a racist policy into sentencing in our youth law. The answer to that question is no, we should not.

The answer to the question of whether we should have an election is probably also no. There are two reasons to vote against the bill. I urge the Prime Minister, the House leader and the whip on that side to give the members over there a free vote so they can, in this particular instance, vote the correct way, do what is right and, without any serious consequences, make it possible for us to have a better law in Canada than what we are getting.

● (1520)

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I would like to ask the member for Elk Island if he could give us his opinion in response to the Minister of Justice's comments earlier, in which he told us that the government was flexible because it kept some 160 amendments.

I would also like to know his position regarding the Bloc Quebecois' amendment, which reads as follows:

> 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 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.

Does the member and his party respect the amendment moved by the Bloc Quebecois and do they respect the fact that Quebec has a system that is the envy of other provinces because our youth crime rate is the lowest in Canada? And, based on the unanimous resolution passed by the National Assembly of Quebec, which asked that Quebec be exempted from the bill, could the member please tell us if he would respect Quebec's request, and that of the National Assembly, to opt out of Bill C-7?

[*English*]

Mr. Ken Epp: Mr. Speaker, I believe I could support the motion to hoist the bill, that is, to set it off for six months so we could work on it more and thereby get it right. However, I am afraid I would have to take some exception to the arguments put forward by the Bloc, namely that it does not recognize them as a unique society, a special group or having special laws.

I respect the fact that individual provinces have certain rights and privileges under our constitution to make rules and laws because that is the way it has to be done. However one of the biggest reasons we have so much trouble in the country these days is because federal governments over the last 25 or 30 years have not respected that. I agree with that component of it.

The fact is that if any member of my family were murdered in British Columbia, Saskatchewan, Ontario or Quebec, it would make no difference to me what kind of sentencing the criminal received. If one of my family members were murdered, assaulted, raped or whatever, it would be a huge affront to my family. I am not in favour of individuals being subject to different sentencing depending on where they live any more than I am in favour of individuals being subject to different sentencing depending on the colour of their skin or their genetic code. We should work hard to do everything we can to prevent these misdemeanors from occurring.

If there is a bias in the courts with respect to aboriginals, then we should fix it. I do not believe that is the case, but if it is then we should study it and fix it. If aboriginals are imprisoned because they have been charged with a crime and the evidence has found them guilty, they are no different from other Canadians in terms of the penalty they should pay. We have to remember that the purpose of the law is to restrain those who would do these dastardly deeds.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, I am very pleased to take part in this debate.

Today, we tried a new procedure. The government decided to limit debate on this most important bill. The new procedure consisted in giving us half an hour to ask questions of the minister.

I do not know if the minister had been informed of this new procedure and if he was aware of its meaning, but I must admit that he did not quite measure up to what I expected from a justice minister trying to enlighten the House and to answer what seemed to be legitimate questions from our various colleagues.

The minister said something that is indeed true when he said that the bill was not before the House, that we were considering a Senate amendment. However, my colleague from Berthier—Montcalm moved an amendment to the motion. That amendment would allow us not to proceed with second reading of the Senate amendment and would give the minister more time to look into the issue.

The minister comes from a department where everything was secret. Therefore he is not quite used to the kind of transparency that is required in the justice department. He should take the time to sit down and read all the evidence.

As for our side, several members rose and asked the minister to tell us how many individuals or groups from Quebec supported the bill during the hearings of the Standing Committee on Justice.

If the minister had cared at all about informing the House, he would immediately have replied that no individual or group from Quebec came to support Bill C-7. We heard voices behind him—I imagine that, thanks to the two fine persons who are sitting in the middle and taking notes, tomorrow we will know what these voices were saying—say that it was false, that there was no consensus in Quebec. In a way, there is not unanimity, but I would say that there is a consensus in the real sense of the term. When one masters the French language, one knows what it means.

There is a consensus. There is not unanimity. Of course, there are 36 Liberal members of parliament who support the bill and who are therefore opposed to the Quebec consensus. They are the only individuals whom we heard speak out against this bill.

All the Quebec stakeholders, from the least important ones to the most important ones, all the way up to the chief justice of the youth court, are opposed to this legislation. The hon. Justice Michel Jasmin came to testify before the Standing Committee on Justice. One can read his evidence and see the position of Quebec's youth court. He is opposed to the bill.

The minister is acting in bad faith, there is no other word for it. The former Minister of Justice was totally out of touch with reality. She did not know Quebec. She did not know what is going on in Quebec. She did not want to know what is going on in Quebec and she shifted the file over to her colleague. It was the same thing with her predecessor, who was from Ontario: he could not care less either.

In his replies, the minister said something to which I want to go back. He referred to 160 amendments. To claim that the government met the needs of the public by moving 160 amendments is pure demagoguery.

When the bill was first introduced, it was so flawed, so badly drafted that there was not a single legal expert in the country who could understand and accept it.

● (1530)

The minister herself modified her very own bill with 160 amendments but did not take into consideration the demands of Ontario, Nova Scotia, Quebec or western Canada. All she did was to redraft her bill into more understandable language, but without responding to anyone's needs. The purpose of the 160 amendments was to patch up a bad job done by the legal experts, a result of either too much haste or poor instructions from a minister, a member from the Toronto area, who has since been appointed to health.

When we hear what a good bill this is because of the 160 amendments, I call this nothing but demagoguery. There is no improvement whatsoever to the bill. It has not met any needs whatsoever.

Quebec called for a single amendment: for the minister to add a 161th amendment indicating that Quebec could opt out of Bill C-7 and continue to apply the Young Offenders Act. The minister did not want to hear of any such thing, nor does her successor.

Now we have a Senate amendment relating to aboriginal offenders. This is odd; once again, 160 amendments and still not able to satisfy the aboriginal people. I do not know who it was in the Senate who suddenly felt guilty enough, or whatever it was, to introduce this amendment. Without a doubt, the Senate did not want to go down in history as having blindly rubber stamped Bill C-7, because of all the challenges, so it found this little change to make, doing something for aboriginal offenders.

If all Canadians are treated equally, if what the Minister of Justice said is true, with the bill containing some flexibility and each case being dealt with on an individual basis, then the Senate amendment is totally pointless.

I would go so far as to say that Rosario Pinette, who spoke on behalf of the chief of the first nations at a press conference in Quebec City last week, has said they were opposed to the amendment, that they do not want the amendment that came from the Senate. They were not even consulted, and having a special amendment just for them is discriminatory. They were already included in the bill and do not want anything to do with this amendment.

The government was wrong when it claimed the bill was adjusted and designed to meet all of the needs, because it said it would add this 161st amendment.

The Bloc Quebecois was opposed to the 160 amendments from the outset. I would like to make it very clear here in the House that we will not support the 161st amendment, which is unjustified, unjustifiable, useless and which aboriginal peoples do not want.

Not surprisingly, we will be supporting our own amendment, which asks that this bill be put on hold so that we can have some time to study it properly and see how we could meet the needs of the provinces. I truly do not understand this government's stubbornness, that it cannot stop for two minutes to try and learn what needs to be done to have some harmony in Canada.

Everyone has been on edge since the violence that erupted on September 11. If the government continues to turn a blind eye, people will get tired of it. I think that in Quebec, people will begin to realize that there is no point in believing the Liberals election after election, both at the provincial and federal levels.

● (1535)

The Minister of Intergovernmental Affairs told us that he was looking forward to working with a Liberal premier who would understand Canada, who was for Canada. Obviously he is looking forward to it. They sent Mr. Charest to Quebec City on a mission, the great saviour of Canada. They sent him there to save Canada. He is going to sell out Quebec in order to save Canada, just like all of the ministers from Quebec.

I challenge all the francophone ministers from Quebec to run in ridings that are 100% francophone, like ours, to see if they can get elected. There are limits to how much they can mock us, pretending that there is no consensus in Quebec. There is consensus. We do not want Bill C-7.

Even if it were just for this bill, and we did not have any other reason to leave Canada, this would be an excellent reason for us to be able to create our own legislation in our own country to protect our young people and teenagers.

I will make a point to remind Quebecers, every day if I need to, that they have to be on their toes. In 2000 they were lulled by all the fine promises saying "We will reform the Employment Insurance Act", but there was no reform. Acadians and Quebecers, among others, were had. I presume some also believed the Liberals in the rest of Canada but not many, seeing as though this government represents only 38% of the wishes of the population.

I have in my hand a text that I find absolutely extraordinary. It appeared in *Le Devoir* on Tuesday June 19, 2001. It is fairly recent. It deals with young offenders. The text was written by a young man named Richard Tremblay. I was impressed. I do not believe we are related, but he is a member of the Canada Research Chair on childhood development and teaches at the University of Montreal. Moreover, he is a member of the juvenile delinquency task force of the National Science Academy of the United States. It is interesting to see—they made a study at the National Science Academy—that the academy finally gave an opinion on the subject. Mr. Tremblay writes:

> Canada and the United States are quite different as regards homicide rates involving young people.

We have to be very careful when quoting statistics. In certain parts of Canada people are more used to a north-south approach than to an east-west one. We have a tendency to use statistics from the United States thinking that it reflects Canadian society. We must be very careful. Situations and crime statistics are quite different in Canada. He goes on to say:

> For reasons that are difficult to clearly identify, "the young offender problem" has always seemed worse in the United States than in Canada. When it comes to homicides committed by young people, the gap between the two countries has grown wider between the mid-eighties and the early nineties. During that period, the United States experienced a very high increase in violent acts by young people, particularly homicides. It was even suggested that a new type of juvenile predator was born. Numerous states in the U.S. reacted quickly by passing laws imposing stiffer penalties on minors. In most cases, these laws authorize or order the transfer of minors to the adult system at an earlier age.

When I reread this and think about the bill proposed by the Liberal government of this country, I tell myself that it closely relates to the report of the U.S. national science academy and that, in this area as in many others, we are becoming increasingly americanized. We are increasingly losing our sovereignty and our specificity, and we refuse to see ourselves as being different and to propose different measures for different situations.

● (1540)

We are copying the Americans more and more. This could be very serious for the future of Canada.

I will quote something that was said a long time ago in 1904 by President Theodore Roosevelt when he was asking the U.S. congress to create a court for minors in the federal district of Columbia. He used the following arguments:

> No civilized Christian community can afford to be unconcerned about the young people of today because to do so would cost it very dearly in the future, through an increase in its financial burden and the deterioration of society.

So said Roosevelt in 1904 and in 1990 the district of Columbia had one of the highest homicide rates in the United States.

If we follow in the steps of the Americans on this issue, if we take a punitive rather than a rehabilitative approach, if we send young people to prison rather than keep them under supervision in more educational and rehabilitative settings, if we send 14- and 15-year-olds to adult court, to adult prisons, we will find ourselves in the same situation as the District of Columbia, with more and more young people committing more and more acts of violence.

There is no doubt about the research findings. There is no doubt about the evolution of societies or about the statistics. A focus on prevention and rehabilitation will produce positive results. A coercive approach will produce the opposite.

The article talks about legislation:

> As for the legislation concerning crimes committed by minors, the American group of experts presented the following conclusions:
>
> Tension has always existed between two reactions to juvenile delinquency: focusing on the needs of the young offender, or punishing him, making it impossible for him to harm, and protecting society.

What we have done in Quebec for 30 years, with real success, is to focus on the needs of young people. We even have a judge who, one day, sentenced a young person to be packed up and taken off to the minister's home because there were no longer any vacancies in the centres for him. Admittedly, this was felt to be a bit of an extreme reaction but one picture is worth a thousand words and people began to take a serious look at the problem saying that something had to be done.

Consequently, we must have time to rethink this bill and eliminate everything that could lead us to more violence and less rehabilitation or at least add a clause an amendment that would allow us to opt out of the application of this bill.

The minister was saying in the Senate that it was possible to continue, even afterward, to do what we were doing before. Since clause 199 of the bill repeals the Young Offenders Act, I do not see how, with the act repealed, we could continue to apply it afterwards. I do not have a law degree but it does not take a rocket scientist to realize that, if an act is repealed it cannot be applied and we must therefore apply the new one.

Here is another conclusion:

> During the last decade, American legislation and practices concerning youth crime became more punitive and now tend to break down the barrier between adult and minor treatment in the justice system.

● (1545)

This is exactly what we are doing. Again, we are copying the Americans. I am beginning to understand why Canada tried so hard to have Quebec stay in Canada. What makes Canada different is Quebec. Canada tried to keep us; I understand, because it does not know what sovereignty is. Every day, this government is giving up a little bit of sovereignty; it is copying the Americans, even when they should not be copied.

I find that the 20 minutes that were allowed to me went by very quickly. I would still have many things to say.

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, the questions and comments will certainly allow my colleague to continue what I found to be a most eloquent speech, particularly the last remarks she made about sovereignty, with which I totally agree. We can see what Canada is doing to its sovereignty. This is not the kind of sovereignty we want in Quebec. We want true sovereignty.

I would like my colleague to talk about these international conventions. We must always look at what is in the best interest of the child, instead of the interest of society. I think the picture that is being painted for us is not true. It is false to say that we must protect society by handing down harsher sentences to children.

Quebec has proven that rehabilitation and reintegration are the way to making our young people better. Our province has been enforcing the Young Offenders Act for some time. It took us 30 years to achieve such a low youth crime rate. It is one of the lowest in North America, one of the lowest if not the lowest in Canada.

Would it not be appropriate to respect what has been done, as requested by Quebec? The national assembly requested unanimously that Quebec be allowed to opt out of Bill C-7 and to continue using the Young Offenders Act.

Mrs. Suzanne Tremblay: Mr. Speaker, I thank the hon. member for his very interesting question.

As a matter of fact, thanks to the then Prime Minister, the Right Hon. Brian Mulroney, Canada led the way to the adoption by the United Nations of the convention on the rights of the child. Under that convention, every country in the world was to do its very best to eliminate poverty, stand up for children and, most of all, defend them. Children have no voice. We should be a strong voice for them, protect them, defend them and ensure that they have the best conditions possible in order to develop properly.

I wish to remind the House, for the benefit of some people, that for 35 years I have taken care of children at preschool and elementary school levels. As everyone knows, children are not born criminals. If a child becomes an offender, he is more a victim than a guilty party.

The minister is the father of young children. He should understand that when parents get up in the morning the first thing they say to themselves is that they will do everything they can to give the best to their children. Sometimes along the way there is peer pressure. Some parents are not always able to adequately supervise their children, to provide them with adequate education and support. This is why some children are led into deviancy by their peers and become uncontrollable.

When parents find themselves in such a such a situation, it is very important for them to find support for the sake of their child's protection. It is important to help parents solve their problems and avoid complicating even more the existence of their children.

I think the government should reflect seriously before proceeding to second reading because the future of young Canadians is at stake.

● (1550)

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, I would also like to hear my colleague say a few more things about this bill.

From a human perspective, the bill is badly flawed. I remember having assisted at a meeting between a stakeholder and a judge. The judge said to the adolescent, who was slightly delinquent "You are near the edge. But if you want to pick yourself up, the community loves you so much that it will set everything in motion to help you". Today, that adolescent is saved;. He makes a good living and he is not a delinquent anymore.

In Quebec, we have legislation that meets our needs. Can my colleague, who has more experience than me in parliament, tell me why there is a nearly unanimous consensus in Quebec? She said that only 36 federal Liberal members did not get it yet. Why is it that their views are overriding those of an entire population whose experience must be taken into account in this bill?

Mrs. Suzanne Tremblay: Mr. Speaker, my old philosophy professor used to say "When one is unable to find a valid argument, one uses authority as an argument rather than an authoritative argument"

Some members are comfortably sitting in their non-ejectable seat since, as we know, in some ridings if one is a Liberal one will be re-elected every time, no problem. However with a thin majority of only 38% for this government, and people who would rather make a career of being in government than serve their fellow citizens, I have come to the conclusion that in Canada there is only one minister, the Prime Minister.

All he wants is to give a little bit to the right, a little bit to the left, a little bit to the west to hang on to his votes, and a little bit to Ontario to keep his big majority. If necessary, things will be disguised to look different. This is very discouraging.

After nine years here, I realize, and my colleague will very quickly come to the same realization, that it is very discouraging to try to manage a country like this one. It is unmanageable. Quebecers will have to finally understand that the only way to allow our young people to develop to their full potential is to have our own sovereign country, and we will no longer come here and nag about our specificity and distinct society issues.

[*English*]

Mr. Loyola Hearn (St. John's West, PC/DR): Mr. Speaker, I have a short question for my colleague. I have listened to the debate over the last week or so on this very important issue. Everyone who has spoken, except the governing party, refers to the great act the province of Quebec has. It is recognized by most of Canada as being the pace setter in that area.

Why would the government not learn from that and use it as an example and a basis for a good piece of legislation? What is wrong with this government?

[*Translation*]

Mrs. Suzanne Tremblay: Mr. Speaker, I thank my colleague for his question, which is fundamental. It can be raised about many areas.

What is wrong with this government? It is unable to understand the problems faced by fishermen in the maritimes, the problem Quebecers have with Bill C-7 and the problems farmers have in Saskatchewan. Every time there is a problem in one of the provinces of Canada, we are stonewalled by a stubborn government blinded by its arrogance, which continues to get its way saying that there is no opposition in Canada.

Canadians are about to wake up and there will be opposition at the next election. If needed, there will be a maritime block, a western block, an Ontario block, and together we will form a block to save this country before we leave.

● (1555)

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, I am pleased to speak today to a bill that I consider very important. Since my election I have been sitting on the Standing Committee on Justice and Human Rights and have had the opportunity to thoroughly examine what is proposed in Bill C-7.

Today I wonder if I live on another planet. I hear my colleague from the Bloc and my colleague from the New Democratic Party, who do not seem to understand at all the fundamental aspects of this bill.

I congratulate my colleague, the Minister of Justice and Attorney General of Canada, for his recent speeches on this issue and also the former minister of justice for the work she has done. What she proposed is a modern bill that is in keeping with international conventions signed by Canada throughout the world, particularly concerning the protection of the rights of children.

The bill goes back some years. In 1985 the present Young Offenders Act, which applies to young people who commit crimes in Canada, was passed.

In 1997 there was a proposal that the youth justice system be changed and a bill was introduced, Bill C-68, which was subsequently amended by Bill C-3.

In September 2000, more than 160 amendments were moved with respect to the bill, and after my election, when I became a member of the Standing Committee on Justice and Human Rights, I had before me Bill C-7, a modernized piece of legislation that satisfied all the criticisms.

We must not delude ourselves; within our Liberal delegation there are some members who are concerned about the future of Canada's young people. They have proposed amendments, There have been numerous discussions to improve the system proposed for our young offenders.

Today, therefore, I am very pleased and proud to see that this government is proposing a rehabilitation based system for young offenders. Those who claim otherwise have, unfortunately, not read the bill.

I have had the opportunity to meet with the directors of the youth centre in my riding of Laval East, the Centre Jeunesse de Laval, and I can tell hon. members that the Bloc Quebecois opposition is greatly exaggerating when it states that all Quebec stakeholders are opposed to the bill.

As a government, we cannot of course please all the pressure groups. We have to make decisions. Had the bill been based on the proposals of the Quebec bar association, we would be accused of playing along with the lawyers and faulted for that. In this bill, the government chose from among the proposals that came from all sides.

I can only regret the opportunism of some members in the opposition, in the Bloc Quebecois, who have been very skilled at voicing criticisms connected with the existence of a so-called Quebec coalition.

As far as that so-called coalition is concerned, I have had the opportunity to look into just how serious a list this is. I can state in this House—

Some hon. members: Oh, oh.

The Acting Speaker (Mr. Bélair): Order, please. Of course, some things are said in the House that members do not agree with. However I would ask the members to be civil to each other.

The hon. member from Laval East.

● (1600)

Ms. Carole-Marie Allard: Mr. Speaker, the opposition does not want to hear the truth. We cannot deprive young people of their freedom and send them to a youth detention centre if they are not a threat to themselves and to society.

Youth detention centres are not the ultimate solution for youth. These centres should not take the place of the parents and the family. We should not take away all of society's responsibilities. In the last year, many articles have exposed the situation that prevails in many youth centres in Quebec.

It is therefore very important that the bill we are debating today deals with the excessive referral of youths to the courts. A lot of this is based on the premise that we do not help youths by hauling them into juvenile court if they are not a threat to themselves and to society and if there is no major offence.

As for the young offenders and the criminal justice system, the new bill contains five main principles.

There is the age at which a young offender is liable to an adult sentence. The new act will not change anything. It is set at 14 years of age. What is said is that provinces will have the power to keep the age limit at 14. Quebec will be allowed to use this provision to maintain the limit at 14 years of age.

There is also the place where the youths will serve their sentence. The new act provides that the youths will serve their sentence in a correctional facility for youth.

As for the court, youths will not appear before the adult courts anymore. Everything will be done before the juvenile court.

Let us talk about the frequency of detention. There are two kinds of offences: minor offences and major offences. Once again, why should we send a youth before the juvenile court for a minor offence?

Currently, if a police officer stops a young person who has just committed an offence, he has no choice. He is required to report the offence to a crown attorney who will decide on whether or not to maintain the charge. What this bill proposes is establishing a very clear distinction between minor offences and young people who are not dangerous, and serious crimes which require that the youth who commit them be rehabilitated. We also need to enhance the protection of society.

When it comes to minor offences, we would like to divert them from the courts. This means that we will allow the police and community organizations to take care of these young people instead of sending them to youth court. The police and other stakeholders will have more flexibility to apply what are known as extrajudicial measures, which have been used in Quebec for many years. These measures are not specified in the Young Offenders Act, but are contained in the new bill.

These extrajudicial measures exist in Laval and throughout Quebec and may need to be applied on a more regular basis throughout Canada. This is a bill that will help young people because it will keep them out of the courts.

For example, when I was touring the Centre jeunesse de Laval, I was able to observe a whole series of measures that are currently being applied. These measures are being applied and they will continue to be applied with Bill C-7.

For example, Bill C-7 will create community youth justice committees. Citizens from the community will sit on these justice committees. They will be able to advise community organizations with respect to the treatment of young people who have committed petty crimes.

I defy the Bloc Quebecois opposition members to prove me wrong. The wording of the bill is very clear. The objective of the new system is to ensure that custody and detention will only be used for repeat offenders or for those who commit serious or violent crimes.

Youth having been kept in custody or in a youth detention centre, even those having committed designated crimes and offences, will be subject to a mandatory supervisory period in the community. This is contained in the new bill. This is not found in the Young Offenders Act.

● (1605)

Some improvements are necessary in Quebec. This is a bill that modernizes the system and takes into account the convention on the rights of the child. It seeks to avoid having young people find themselves before the youth court too often, because then the consequences of their acts come too late.

I met police officers in Laval.

An hon. member: You were driving too fast.

Ms. Carole-Marie Allard: They told me that when young people commit an offence, we should be able to make them immediately realize the seriousness of their acts". When they arrest young people who scribble graffiti, they should make the offenders buy products to clean up their scribblings immediately.

These alternative measures, these extrajudicial measures, as they are called in the bill, are important. It is important to have some flexibility and this is what this bill provides.

Victims want to be involved. The new legislation includes a whole chapter that ensures that victims can participate, meet the young offenders, know what is happening and try to help them. The goal is always the same. Young people are our future. They are the ones who will see to it that tomorrow's society is a good society. We must help them and protect them. We must get adults involved. We must get the victims involved. We must not strip society of its responsibilities.

The Bloc Quebecois has been trying to tell us—and I have actual quotes from some members of that opposition party—that this is terrible, that from now on under Bill C-7 a young offender will not be arrested for a minor offence. For the Bloc Quebecois, putting a young person in a youth centre is a form of therapy.

What we are saying is that depriving a young person of his freedom must be a necessary measure. A young person is subject of the law just like an adult. What happens in a youth centre? I read the report of Quebec's Commission des droits de la personne et de la jeunesse. It mentions cases of young people who are forgotten in youth centres, young people who are there under the youth protection act with other young offenders and delinquents.

The system is not perfect. Despite the goodwill of those working with young people in Quebec, there is a danger of oversights and young people being forgotten.

I visited the Laval youth centre. It has locked cells where young people are forced to live in situations which deprive them of their freedom.

If we can find solutions, get community organizations to participate involve the greatest possible number of members of our community, let us do it. Are we helping our society by saying that this bill is repressive? It is not repressive. It takes into account a situation that already exists in Quebec and which is relatively successful. We must do something to ensure that young people are treated the same everywhere in Canada. We must be able to take what Quebec has done well and apply it elsewhere. The other provinces must be able to benefit from Quebec's success in implementing so-called extrajudicial or diversionary measures.

The existing Young Offenders Act is outmoded. It has no declaration of principle.

An hon. member: Oh, oh.

Ms. Carole-Marie Allard: I will give just one example. The primary purpose of the system is not stated in the Young Offenders Act. With the new legislation, it will be.

An hon. member: There is section 3.

Ms. Carole-Marie Allard: The principles are contradictory and not uniform. The Young Offenders Act is outdated.

● (1610)

Bill C-7 has the great advantage of ensuring that no longer will young people appear before an adult court. The youth court will have exclusive jurisdiction. Let us quit grandstanding and think of the young people of Quebec, who have rights, including the right to freedom and the right to be confident that their rights will be protected in our society.

I see that the game of the Bloc opposition has finally been revealed. Even our senators voted in favour of the bill. They passed it and are proposing a single amendment. Let us congratulate them as well and move forward with Bill C-7 because Quebec society is in great need of it.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, frankly it is difficult to remain calm when one hears a member from Quebec saying such things and adding that she is proud to use strong arm tactics against Quebec on an issue like the Young Offenders Act. It is unbelievable that she has the gall to say all those absurdities.

According to the hon. member, there is no coalition for justice for minors. According to her, the centres jeunesse are supporting Bill C-7 introduced by the federal government. I would point out to the member that there are at this time at least 42 groups from Quebec who are part of the coalition for justice for minors. This is practically every organization dealing with young offenders. There are judges, stakeholders, defence councils, deputy public prosecutors, psychologists from the Institut Pinel, academics. No one in Quebec wants this bill.

Worse, despite its 160 amendments, which, according to the government, answers all questions, there is still opposition in Quebec and no one wants this bill.

Another absurdity is that the member seems to be unaware that Quebec is the province with the least custodial sentences. As regards the Centres jeunesse, it is nonsense to say that they are jails. The Centres jeunesse do an excellent job and, thanks to them, we have a good rate of success in Quebec. The hon. member should apologize.

Ms. Carole-Marie Allard: Mr. Speaker, I have been misquoted. Quite the contrary, I have praised the work of stakeholders in Quebec. However, the hon. member has made his opposition to the renewal of the youth justice system in Canada his lifelong cause and I do have doubts about his motives.

Is he against the fact that youth are no longer brought before an adult court? Does he oppose the fact that youth no longer serve their sentences in adult jails? I would like him to answer that. I have met stakeholders in Quebec who are far from the position reported today by the member for Berthier—Montcalm.

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, my question is for the member for Laval East. It is obvious that the Quebec approach is better than what is done in the other provinces in Canada. The results are better in Quebec.

My question is really quite simple. She talked about the Quebec coalition that does not approve of this bill. Why did she decide not to respect their decision?

● (1615)

Ms. Carole-Marie Allard: Mr. Speaker, my colleague will understand that in Quebec, we have looked at new approaches. We have gone a bit further. We have developed many solutions, many alternatives.

The member will also recognize that in Quebec, a juvenile court judge rules according to two laws: the Youth Protection Act and the Young Offenders Act. Therefore, those who work with youth in Quebec have to deal with two groups of people, those who have been referred to them because they need protection, coming from a broken family or something like that, and those who are young offenders.

We have indeed developed community alternatives, perhaps more than other provinces have done. But there is still much to do. That is why Bill C-7 is trying to put forward an improvement, a standardization of what is being done in Canada, so that youngsters in British Columbia have the same opportunities and the right to the same alternative measures as those in Quebec.

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, first I wish to congratulate my colleague for her courage. It is not easy to take a stand that differs from the one taken by the Bloc, in particular by the member for Berthier—Montcalm.

An hon. member: By Quebecers.

Mr. André Harvey: No, not by Quebecers, but also by all Canadians and also by all Quebecers.

I wish to congratulate my colleague for having expressed views in the House that are different from those of the Bloc Quebecois, views that are more balanced. Her speech was so relevant that the member for Berthier—Montcalm can hardly stand it.

This good group moderator succeeded in bringing what appears at first glance to be historical consensus. We had historical consensus in Quebec in the past. We had one in the area of manpower training. And what were the results? Ask the clients in each of the ridings. They all tell us that federal management of manpower training was more efficient.

Allow me to come back to the speech of the hon. member. I would like her to tell us how she explains this consensus in Quebec, which seems to be so strong according to the Bloc member.

Ms. Carole-Marie Allard: Mr. Speaker, Liberal members did not feel compelled to hire an artist to promote the coalition against a bill.

The facts speak for themselves. Words are eloquent. The articles are there. I am proud of the fact that from now on young Quebecers will be dealt with in juvenile courts. They will no longer be dealt with in an adult court. Those having committed minor offences will not have to go before a juvenile court. There will be alternative measures in the community.

Police officers will be able to exercise—

The Acting Speaker (Mr. Bélair): The hon. member for Berthier—Montcalm on a point of order.

Mr. Michel Bellehumeur: Mr. Speaker, I understand this is a debate, but I invite the member for Laval West—

An hon. member: Laval East.

Mr. Michel Bellehumeur: I invite the member for Laval East to withdraw her statement. We did not hire an artist by the name of Marc Beaupré. Marc Beaupré volunteered his time and efforts because he believed—

The Acting Speaker (Mr. Bélair): Order, please. Obviously, this is not a point of order. This is a correction that should only involve the two members concerned.

The member for Laval East has two minutes left for questions and comments if she wants to resume where she left off.

Some hon. members: Oh, oh.

Ms. Carole-Marie Allard: Mr. Speaker, I must say it is indeed very difficult to speak in this House.

Why are opposition members across the way afraid of the truth? The truth is here. They should read the bill. They could see that from now on there will no longer be—

Some hon. members: Oh, oh.

The Acting Speaker (Mr. Bélair): Order, please. There is one minute and a half remaining. I would ask hon. members to try to get a hold of themselves.

The hon. member for Repentigny, for a brief comment.

● (1620)

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, is the truth only on one side or the other or both? I have a very simple question for the member for Laval East.

She has consulted many groups in Quebec. Could she name one group in Quebec that is in favour of Bill C-7?

Ms. Carole-Marie Allard: Mr. Speaker, I will answer this. I met stakeholders on the island of Laval and I did ask them to tell me. I can assure you that I did not find the opposition they are talking about today.

An hon. member: We want names.

Ms. Carole-Marie Allard: It was a very nice meeting and, on the contrary, they are looking forward to have that money to invest it in young people in Quebec, money that has been frozen for the past four years—

Some hon. members: Oh, oh.

The Acting Speaker (Mr. Bélair): Order, please. I ask hon. members to calm down a bit.

An hon. member: She is a liar.

The Acting Speaker (Mr. Bélair): Order, please.

An hon. member: She sold out.

The Acting Speaker (Mr. Bélair): Order.

Some hon. members: Oh, oh.

The Acting Speaker (Mr. Bélair): May I have the attention of the Member for Berthier—Montcalm. I am on the verge of naming you, sir.

Resuming debate. The hon. member for Saanich—Gulf Islands.

[*English*]

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Mr. Speaker, it is a pleasure to rise in the House to represent the constituents of Saanich—Gulf Islands in British Columbia. After sitting in the House for the last hour listening to the debate of members from the province of Quebec it will be nice to bring this discussion back to all of Canada.

We are talking about Bill C-7, a new youth criminal justice bill that will affect all of Canada in every province and every territory. Arguably I believe this is one of the most important things we have to do in the House. We have challenges to make our youth criminal justice act more effective and more accountable. After eight years of study it amazes me that this is the best that the government, the lawyers and the drafters at the Department of Justice can come up with.

We have an amendment put forward in the Senate that has been brought before the House. I would like to focus my comments on that for just a few minutes. Basically the Senate has suggested a change to Bill C-7 that when aboriginal youth specifically are to be sentenced the sentencing judge should take into consideration their aboriginal descent.

I do not disagree that there are absolutely massive problems within the aboriginal communities across the country. I have personally practised youth criminal law and seen many aboriginal and non-aboriginal people in our courts. I also acknowledge that a higher percentage of aboriginals is incarcerated.

What is that telling us? That is telling us that over past decades governments have failed aboriginal people. The Indian Act, which is still before parliament, is failing aboriginal communities.

We could get into a long discussion about the lack of accountability. It is completely unfair to put everybody in the same basket because there are some success stories across the country. Unfortunately they are few and far between.

I quote the current Minister of Justice from *Hansard* of Wednesday, January 30, at page 8491 wherein he said:

> The House of Commons now has an opportunity to consider and vote on this amendment which relates to the serious problem of the overrepresentation of aboriginal youth in custody.

I have witnessed this firsthand. Instead of trying to fix the problem, instead of going to the root of the problem or the cause, an amendment is brought into the House that would base sentencing on race. That will not help aboriginal youth. That will not change anything.

When I practised law and did some criminal work in the youth courts I never met a judge whose interest was not to try to ensure that the youth did not come back before the court and to ensure that he or she got the help needed.

Yes, some punitive measures will also be considered. All those factors are considered, but should we write into statute that we will now sentence based on race? Is this the best the government can come up with, the best it can do to address the real problem that governments over past decades have failed the aboriginal community miserably?

● (1625)

When I have spoken in communities throughout my riding I have yet to find one non-aboriginal person who would be willing to trade his or her place in society for that of the aboriginal people who live in my riding. There is a lot of poverty.

Unfortunately the current government and past governments have failed them miserably. They spent hundreds of millions of dollars on aboriginal people. In recent years Indian affairs has budgeted somewhere between $23,000 to $25,000 for every man, woman and child of aboriginal descent. That is not reaching aboriginal people. There is no accountability within our aboriginal communities.

Again I qualify that by saying it is not fair to throw everyone into the same basket but it is a massive problem throughout our aboriginal communities. I am absolutely horrified that the best the government can do to address this problem is to put a provision into statute, into our criminal code, that if someone is of aboriginal descent he or she would get special consideration from a sentencing judge in youth court. I find that absolutely appalling.

Let me deal with the larger problem. I acknowledge that the member for Surrey North has not only faced very serious challenges of his own personally in this area but has used his experiences to try to improve the system, to try to come up with solutions that would actually make a difference.

The ultimate goal would be to help these people by ensuring that they get the tools and resources they require and by putting the ones who are committing serious crimes into some type of institution where they can get help, where they can learn to respect other people and where they will not be compelled to live a life of crime. That is the time to turn these people around.

Unfortunately after eight years of study when we actually speak to the experts who will be affected by the new youth criminal justice act we realize that we will bog down a system that is already bogged down. We will make a slow system even slower. We will create a whole lot of work for a whole lot of lawyers.

As we try to bring in a statute we try to regulate everything, all the discretionary powers which the police have now. We will bring it in so that what they have to do, what they have to go through, is all written in statute. Just to transfer a youth into adult court will be much more complex.

After eight years of study, after people across Canada have been crying out for change to the Young Offenders Act that it is not working, is this the best the government could come up with?

I emphasize that we on this side of the House have argued, and I completely agree, that we should not be putting into statute provisions of sentencing based on race. I acknowledge there is a problem, but that problem lies within the Indian Act and the lack of accountability that is there. It goes back over decades of chronic problems which have never been addressed.

When young aboriginal or non-aboriginal offenders come before a sentencing judge I submit that his or her goal should be to do whatever is necessary to make sure they do not come back before the courts.

● (1630)

Sometimes that might be a little bit of tough love. That does not mean, as the previous Liberal member just stated about the new youth criminal justice act, and I will look at my notes to make sure that I have that statement right, that it is not useful to sentence young persons unless they have committed major crimes. It will take them right out of the legal system. The member said that it is important to get them out of the legal system before it is too late.

I could not believe my ears when I heard the Liberal member state that. I would argue the very opposite: that it might be important to get that young offender, aboriginal or non-aboriginal, into the justice system. People in youth courts are not there to throw people behind bars and then throw away the key. It is very much the opposite. I would argue that they are there to help these young people. Do these young individuals need anger management? Do they need some kind of drug counselling program? Sometimes really tough discipline would be the best thing to bring into these young people's lives.

I do not disagree that many of the people brought before the youth courts, both aboriginal and non-aboriginal, have had horrific pasts. When these people come before the courts the best thing we can do is make sure that they are monitored very closely and that they are brought before the right probation officials. If they are put on long terms of probation and put on strict conditions such as curfews and other things that are enforceable and are closely monitored, there are a lot of things we could do to help them and ensure that they do not follow a life of crime.

I find it almost horrid that the other House sent back this amendment that gives special sentencing considerations to someone of aboriginal descent. Sentencing judges today take into account many factors, such as the background of the individual, the severity of the offence, whether the individual has been before the courts before, whether they want help and whether they have support. All of that is taken into consideration for aboriginal and non-aboriginal people now. Why are we bringing an amendment before this House that will, purely based on the race of an individual, give that individual special sentencing consideration? This is completely unacceptable.

The government has recognized the fact that there is a problem. The Minister of Justice has said that we have an opportunity to vote on the amendment, which relates to the serious problem of overrepresentation of aboriginal youth in custody. Again I come back to the quote of the justice minister that we have an opportunity to consider and vote on an amendment "which relates to the serious problem of the overrepresentation of aboriginal youth in custody". This is a problem, but the Liberal government for the last ten years or so, and governments over the past decades, have had an opportunity to do something about it. This is not a problem that has just materialized overnight nor has it materialized over the last eight years since I have been in this place. This problem has been around for a long time. This government had an opportunity during the last eight years to do something about it. It had an opportunity to change the Indian Act and bring in more accountability. Nobody is arguing that should not happen. That is the root of the problem.

What has the Liberal government done? It is unbelievable. This is its solution to the miserable failings and lack of accountability within the Indian Act. If we go into aboriginal communities and listen to the aboriginal people in those communities who are most affected, they will also tell us that.

I cannot support this amendment and I do not believe my colleagues in the Canadian Alliance will support it either, although I do not know for sure. We will find out when it comes time to vote.

● (1635)

I urge the government to look at the real problem. We cannot just slap a band-aid on the problem of having a higher percentage of aboriginal youth in our institutions and youth detention centres. Just saying that we will give them special consideration and will put it into a statute for the sentencing judge is not the solution. We have to go to the root of the problem.

I agree that something that has been this complex over many decades will not be fixed overnight. The government has been in power for eight years. Since I arrived here in 1997 we have heard promises from the then Minister of Justice, now Minister of Health, that this was a priority, that we would see a new Young Offenders Act or a new youth criminal justice act. When we actually speak to the experts in the field they say that what has been done will bog down the system even more. It makes one wonder if the government is in touch with local communities and with the people in our youth courts.

It is critical when our young people get in trouble with the law that they are dealt with in a very swift and decisive manner so that they will not be back in the courts six or eight months later. Unfortunately when they are in the courts, the system is bogged down and they are given conditions that are not enforceable.

I know of countless cases where young offenders have been released under the supervision of a probation officer and are given conditions. The conditions are not worth the paper they are written on. They are not enforced. There are curfews, they are picked up and the police get tired of bringing them back in because they get a slap on the wrists sometimes or the conditions are not enforceable.

There are many positive things we could do to change this, starting with making it mandatory that when a young offender is placed on a curfew it is incumbent upon the parents or legal guardians to report a violation. Obviously we cannot hold the parents completely accountable if they refuse, but they should know that when there is a violation of probation conditions the parents have a legal obligation to report it to the authorities, have the offender picked up and have it acted on.

No one in the Canadian Alliance wants to put our young people in youth detention centres and throw away the key. They are some very troubled people in our society who need help more than anyone. Aboriginals and non-aboriginals need help. They need programs. Some need anger management and some need drug rehabilitation and sometimes the only place they can get those services is before the youth court, because then they will be under some sort of surveillance or guidance or under the eyes of a probation officer, and even that, as imperfect as it is, needs a lot of help.

Again I want to come back to the crux of this problem and talk about what we are talking about here today, and that is the amendment on Bill C-7 that has brought the youth criminal justice act back before the House. If this is the very best that the government can do for a problem that is so apparent to Canadians across the country, it is mind-boggling. I read the first three paragraphs of the current MInister of Justice's speech. He stated that we have an opportunity that "relates to the serious problem of overrepresentation of aboriginal youth in custody".

The government's solution is just to give them special sentencing provisions, as opposed to trying to give them the resources and the tools needed to stop them from getting into the courts in the first place or to try to work with those people, aboriginal and non-aboriginal, when they do get into the courts.

I think it is absolutely dead wrong to start putting in provisions based purely on race. Again I acknowledge that there is a problem, but this is not the solution. We cannot just stick a band-aid over it and pray that it will go away. It will not.

I urge the government to look at the root of this problem and get serious about bringing in some effective legislation that will actually start turning these things around for aboriginal youth in our country.

● (1640)

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, I congratulate my colleague for his wonderful speech, which really shows the insight of an experienced lawyer who has worked with youth and is aware of what the government is ready to do in the House.

First, I want to ask him, if it is true that, in western Canada, there are many youths who are jailed with adults, many more than in Quebec. I want to know if this is true.

Mr. Michel Bellehumeur: There are none in Quebec.

Mrs. Suzanne Tremblay: There have been none in Quebec.

The second point concerns a program I heard on the radio. The prison ombudsman was saying that too many youths were in jail now in Canada.

Does my colleague think that, with the new bill the government is so proud of, we will reduce the number of youths who will be jailed or increase this number, thereby contravening the charter that was signed to protect the rights of children?

[*English*]

Mr. Gary Lunn: Mr. Speaker, first I will address the question of whether there are young offenders actually incarcerated with adults. I am not aware of any in British Columbia. That is the only province I have practised in. There are youth detention centres and provincial and federal institutions but they do not mix young offenders with adults; of course being over or under 18 determines where they are detained.

As for whether this legislation will ensure that there are more or less people behind bars, I have to argue that this will increase incarceration or keep it the same. It will not reduce it. The reason I say this is that it really is the status quo but with a higher level of bureaucracy. It probably will take longer in some cases because the bureaucracy will be bogged down more with a lot of these provisions.

It is not going to the root problem. The member for Esquimalt—Juan de Fuca put a motion before the House to bring in a head start program. I was fortunate enough to be able to second his motion. I applaud him for this. A head start program would ensure that children from birth until eight or nine years of age are given all the necessities of life. As someone who has practised in the youth courts, I will say there is no question that a high percentage of the people before the courts have had very troubled pasts and did not have these basic necessities.

States such as Michigan and Hawaii where this has been brought in have seen something like a 50% reduction in their youth courts. They went to the root problem. It was an investment in their communities. We are not doing that here. What we are doing is making a highly bureaucratic and complex system more bureaucratic.

Young people should be brought before the courts when they are in trouble, but the goal is to give them assistance and to ensure that these young people do not end up in a revolving door of crime, that they are not back in court as adults. I do not see any of these issues being addressed in the new youth criminal justice act.

I would argue that parliamentarians who stand in the House ten years from now will be talking about the same thing, just as I can go back ten years in *Hansard* and pull up debates that were virtually the same. I have looked at speeches from five and ten years ago and the same applies. Why? Because the government has not gone to the root problem. It has not addressed anything.

It is absolutely mind-boggling that after eight years of talk by the government, it has failed. I believe that government has failed and time will be the test. The amendment being brought back by the Senate is another prime example of the government just wanting to stick a band-aid on something, walk out the back door and hope that everything will go away, but it absolutely will not.

● (1645)

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, perhaps it is time for people on both sides of the House and the young and the old to ask ourselves a few questions as to why we have this bill and why we are at this position in our society. Fifty years ago we had more youth in my province than we have now. We had very few people appearing in court.

Why was car theft almost an unheard thing? Why have we listed all these crimes today? Our jails are not large enough to hold the people. Our courts are busy and stacked up. What were we doing right 50 years ago? Maybe we should take a look at that because obviously what we did then did not promote what we have today. We have to take a serious look at that.

Many of the institutions which held families together then are now gone. Many things we learned at school and beyond have been changed, so we now have a problem today. We try to take it to the courts instead of asking where we went wrong. Maybe we should have a study of why we went wrong.

Mr. Gary Lunn: Mr. Speaker, there is no question we live in a very different world today. I know we cannot turn the clock back, but I would argue that we need to have a serious look at the root failings. I would conclude that we need to ensure we give our law enforcement and police the tools to deal with this effectively.

When these young people are brought before the courts our goal is to ensure they get the help and assistance they need. Sometimes it will be a bit of a tough love approach and they will not like it. There may be a couple of years of some pretty tough conditions on probation, but it might prevent young people from entering a life of crime and it might get them out of the revolving door at the front of the court house so they can become productive members of society.

Not only does there need to be a punitive aspect, but there also needs to be more of a rehabilitative nature to ensure they do become productive members of society. That would be far better than putting in statutes sentencing provisions based solely on race that give special considerations to those of aboriginal descent. I do not see how that is possibly going to help anybody of aboriginal descent from getting out of the revolving door of crime. We are not helping them at all and time will tell.

● (1650)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, since I do not have much time, I mostly want to congratulate the member in my comment. In the end, his stand is not that far from the stand of the Bloc Quebecois. I think that we could sit down and surely find some common ground.

In fact, as regards its treatment of young offenders, British Columbia is one of the provinces that has listened the most intently to Quebec. I know quite well, since I talked with the deputy public prosecutor, who, I believe, appeared before the Standing Committee on Justice and Human Rights, that there have many years of consultation between Quebec and British Columbia to know exactly how the law was applied and particularly to know what the Quebec model was. In British Columbia, it was recognized that there was a Quebec model, that things were done differently as regards the treatment of young offenders.

What does the member think of a Minister of Justice who is rushing to have Bill C-7 passed even before consulting or meeting with the stakeholders in the field to understand the issues and to see how the law is applied in Quebec and, I would say, even in British Columbia?

[*English*]

Mr. Gary Lunn: Mr. Speaker, my colleague has got to the very root of the problem in the House. The House has become dysfunctional and needs overhauling.

I look at the member for Surrey North who has so much to offer, as I am sure all members from all corners of the country do. The goal is to improve and to make things better. However the systemic flaws in the House make the input of backbenchers on the government side of the House and the members on this side worth nothing.

Good amendments that are put forward are not taken seriously and the losers are the Canadian people. If we all looked out for the best interests of the whole country, we would all be a lot better off. We need to change how we operate in the House.

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, I am really quite fascinated by some of the debate that has gone on in here on this bill. I want to address a couple of the issues that deal with the amendment.

It is a sad thing to see someone playing a race card in this place in an attempt to obfuscate or confuse or to send out a message that somehow the government, through an amendment coming from the Senate, is showing particular favoritism toward one group or another, in this case aboriginal youth.

I know the speakers who have suggested that it is a race issue know better. For example, I know the previous speaker is a lawyer. That member would know, having worked in the criminal system, that this amendment deals with a requirement to consider non-custodial sentences for aboriginal youth. If someone reads that in its own context and does not know the law, maybe one would assume that it was indeed racist. However, if one knows the Criminal Code of Canada, subsection 718.2(e) of the criminal code requires that alternatives to custody be considered for all young people, particularly aboriginal youth.

That already exists in the criminal code. The amendment comes from the Senate. After having looked at this, the Senate, in doing its job of sober second thought and reviewing it, has said there is a problem because this bill does not totally match up to that section of the Criminal Code of Canada. Therefore it has recommended an amendment that would bring it in line with the criminal code.

To say that somehow this creates special status or is racist is nothing more than political opportunism and misrepresents an issue in attempting to speak to the factions existing in the country that might indeed be prejudiced against aboriginal people or might feel this was in some way a racist remark. To actually know the facts and understand the truth, yet to portray this as something it is not is politicking at the lowest possible level Frankly, I find it shameful.

Let me deal as well with the accusations that somehow government members are not listening or that because we are dealing with time allocation, which gets turned around and put under the guise of closure, that we are being whipped into shape. Earlier one member said that we should not be punished by the party and that if 40 of us were to stand up and vote against the amendment, the Prime Minister would not punish 40 of us because of the size and the sheer fact of it being 40 people.

Let me assure that member that were I to vote the way that member wishes, which is against the amendment and the bill, I would not be punished by the Prime Minister. No amount of punishment on this side of the House could cause me any concern. However I would be punished by my own conscience. I would be punished as I laid awake at night and thought that I had listened to this argument and voted that way.

The member should not confuse the fact that the Liberal caucus will support the government in the bill. He or anyone else in this place should not confuse the fact that what we believe in is in the bill. I can respect the fact that certain members in this place do not support the bill, but what could we possibly do to get that support.

● (1655)

We know there is some flexibility within the bill that allows the provinces to adjust the age of the young people with whom we are dealing to be either 14 or 16. We know the province of Quebec thinks the bill is too tough and the province of Ontario thinks the bill is not tough enough.

We also know the Canadian Alliance and its predecessor, the Reform Party of Canada, have stated in this place that they believe the age should be lowered to 10, and we should be putting the kids jail. We understand their position on that.

How could we arrive at a consensus? If we were to soften the bill, I would suspect that members of the Bloc Quebecois caucus would simply adjust their positioning to say that we did not go far enough. If we were to toughen the bill and somehow put all these young people who come into conflict with the law in an adult prison, then I believe the provinces—

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. There is a rule in this place that a member cannot say that someone is not telling the truth because it is assumed that everyone always does. That member should not be saying that we are calling to put 10 year olds in jail because that is untrue. He should not be saying it.

The Acting Speaker (Mr. Bélair): That is a matter of debate. I will recognize the hon. member in questions and comments and he can make that point.

Mr. Steve Mahoney: Mr. Speaker, if Canadian Alliance members want to stand up and say that they are not abdicating that the criteria for the determination of a young offender be established at age 10, I am willing to listen to that. However that is not what I have heard from Canadian Alliance members in this place. I have heard people over on that side of the House say that there is nothing wrong with taking a block of wood to the backside of a youngster as it will teach him or her something.

I just heard another member stand in his place and say that we should take a look at what we did 50 years ago, that out on the prairies things were not so bad back then, that maybe we could go back there and figure out what we were doing right; and that no matter whether we were dealing with aboriginal youth or dealing with other youth in this country that we should take a look at what went on 50 years ago.

I heard a really interesting quote the other day at committee by the new minister of immigration who said that there was a reason the front windshield in a car was bigger than the rearview mirror. He said that it was because we were looking forward, not backward.

It is so typical for a member of the official opposition to stand and say that the way we did it 50 years ago was the right way and that we should go back there. That clearly shows a lack of understanding of the problems that our youth face every day in this modern day world; the problems that confront them with young people, perhaps their peers, leading them astray; the availability of drugs; and the violence we have seen in our schools. Does anyone honestly think we should be going back 50 years to a policy, one which has been supported by members of the official opposition, that encourages the use of a cane as a disciplinary tool to whip our youngsters into shape?

This is the new millennium. Dinosaurs have no place in establishing the justice system, the rule of law and the way in which young people need to be dealt with. That is what we have been hearing from the opposite side and what we have been hearing all along.

If we were to agree to use age ten as the criteria for defining a young offender—and I am not suggesting that we would do that in a minute—I suspect that the official opposition would say that maybe it should be eight, seven—where do we stop this—or maybe it should be six.

What do we do when we put a 10, 11, 12, 14 or even 15 year old in jail with adults? Let me tell the House what we do. We create an incubating system for a full-fledged adult criminal to be abused and to learn what it is like to be a criminal. Is that what we want to do? Obviously not on this side of the House.

I reject the implication that somehow we on this side of the House are being forced by a government whip or a Prime Minister to vote for a bill. I categorically reject that. The bill would give an opportunity for young people to see rehabilitation efforts in the community. Why should that not happen? Should we put them in jail?

I have heard members opposite say that three strikes and they are out and that we should throw away the key. That is just terrific modern thinking on how to deal with our young people.

We want rehabilitation. We know statistically that Canada, on a per capita basis, puts more young people in jail than any other country in the west. We lead the way in that. That is shameful. Putting them in jail is not the way to solve youth crime. This is not about punishment. This is about rehabilitation and about saving lives.

The other thing I want to stress is that at no time have we talked in terms of young people who commit murder or rape. When we talk about the most serious aggravated assaults, the bill would allow those young people to receive an adult sentence but not be tried in an adult court. It would allow those young people to have representation in a youth court, with a clear recommendation and a clear judgment that an adult sentence should be imposed in those situations.

● (1700)

The bill would also do something that has been a major battle within our own ranks on this side of the House. In a situation where a young person is at large and is deemed to be a risk to the community, the name can be published so that the community can be aware that there might be a problem.

Those are positive steps that will offer a balance of protecting the community, giving people an opportunity to be aware of certain problems and, at the same time, not throwing out the baby with the bath water.

We have all witnessed some terrible tragedies. I cannot remember the name, but I recall the young baby who was beaten to death in England and thrown on the railroad tracks by two young children who were well under 10; I think they were 7 or 8 years old. The two children were arrested and actually convicted. In fact they have been in rehabilitation and in the care of the state for some time as a result of that.

My brother-in-law who lives in England made a comment at that time. He said that we know society is in trouble when the babies begin to kill the babies. We all abhor this. It is unimaginable. We cannot explain how a child can take a small child away from his parents and beat the child to death. It is just not within our power to conceive how that could happen. However the reality is that it has happened.

Does that mean we simply take those young children and lock them away? There has to be a better system. It is a tragedy for families on both sides: the victims as well as those who are found guilty.

I recall a story in my own community in Streetsville many years ago where a young man was killed in a brawl outside a bar. A group taunted this young man. Somehow pushing and shoving took place and all of a sudden someone shot their foot through—as they say, shot the boot through—and as he did so the youngster fell, hit his head and it killed him. It was an unbelievable tragedy. There were calls in Mississauga at that time for capital punishment. That was the solution.

Interestingly enough, in my days on municipal council I served on a body called the licensing review board. We had to review whether or not someone should have their licence revoked or reinstated after revocation. Lo and behold, before us appeared a young man with a lawyer who had just got out of jail having served 18 months for manslaughter. We were astounded. How does one serve 18 months for manslaughter? Our committee of three was given a copy of the pre-sentencing report. It was the exact case, a very high profile case, in Streetsville where the young man had been killed and we had before us the person who was convicted of manslaughter in that death.

We were being asked at the municipal level to return a licence for a particular type of vehicle to this young man. It was an astounding experience to find out that this was the person involved in that death. When we read the pre-sentencing report, all three of us on the committee understood that there was clearly a victim who could never be brought back and that was a tragedy, but the remorse shown by the young man who was involved in an altercation that led to a terrible incident, was very clear. What was also clear was that the young man had a family. He had a wife and two children. They had to move out of Mississauga to another city in Ontario to continue with their lives, and the young man simply wanted to get on with his.

He was a young offender when the incident occurred. He came back and was going out to work. The committee recognized that the anger in the community would be negative enough that it would be unproductive, that it would be a bad move to simply reinstate the licence in our city, and so we made other arrangements for that individual to get a job in another city in the province.

● (1705)

Should we have shown that kind of compassion? Some would argue, perhaps the family members of the victim—the young man who was kicked in the head and died—with some understanding, frankly, from me and others, that we should not have shown that compassion. However when we are faced with the actual information and know the entire story, it puts a different spin on it and gives us a different perspective.

I am proud to say that I think we did the right thing. We showed the compassion and helped the young man get on with his life.

One of the things we want to stress again is that we are interested in preventing crime and working with young people. Will we be able to prevent crimes by incarcerating young people? There are instances when incarceration may be the only thing we can do, but that should not be the first decision made when dealing with a young person in trouble with the law.

I believe the bill offers a balance. The balance is to work toward preventing crime and to rehabilitate and reintegrate offenders into the community, with a requirement, upon reintegration, that there be some community support.

Let us imagine young people who have been sentenced to prison for about two or three years. When they get out they are probably still only 16, 17 or 18 years old. Do we just turn them out into the community and leave them entirely on their own? The bill allows for and insists upon community support. It makes absolute sense.

There are many tremendous groups: church groups; NGOs; groups that work with new immigrants and that can work with youth; and the John Howard Society. Many different organizations are dedicated to helping young people get on with their lives. This is the positive aspect of the bill.

It is interesting to hear members opposite say that we are going too fast in invoking closure. I heard a speaker just a few moments ago say that the government has been debating this issue for eight years and that he has been following it and has been involved in it.

We know that for three years both the House of Commons and Senate committees have held hearings. Every time the bill has comes forward so far it seems to have fallen off the table for one reason or another. This time it will not. This time the amendment will carry, not because Liberals are being whipped but because Liberals believe this is just, this is fair and this is legislation that is overdue and about time.

● (1710)

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, speaking to the amendment, I would like to know what the previous speaker would say to former chief, Gail Sparrow, of the Musqueam Band in Vancouver, who commented on the case of two Musqueam youth who pled guilty to an assault that put a 17 year old young man named Joel Libin into a coma and caused him brain damage. The two youth were given conditional sentences?

Former Chief Sparrow said:

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

She further stated:

> The undercurrent here is that people are afraid to speak up because of the repercussions. They're asking, 'Why do we have a separate set of laws for us? Now my son will go and beat somebody up and think it's no big thing because it's home arrest.

A lot of people do not support that action and are very upset. There have been a number of other cases in British Columbia, incidents in the aboriginal community where that community has been completely upset with this kind of legislation and the way it has been applied. They do not feel it is appropriate. It is not fair to the victims or to anyone.

What would the member have to say to the aboriginal folks who are upset with this kind of legislation? They do not like it one bit either.

Mr. Steve Mahoney: Mr. Speaker, I respect the member's passion and feelings about the bill. I would say to him and the aboriginal community that the amendment to the bill today says custody should not be the first choice.

If we are dealing with repeat offenders, violent murders, manslaughter, rape and those kinds of issues I am quite confident our justice system will see fit to hand out adult sentences and publish names. That is what the bill calls for. The people the hon. member mentioned should take comfort in the fact that it will happen.

However the amendment says that in most cases dealing with young offenders we are not talking about murder, manslaughter or rape. It says that when these crimes come before the justice system we should look at alternatives like working in the community and finding ways to rehabilitate and help these young people because putting them in jail and incarcerating them is not the first choice. That is all it says. I have confidence that our judicial system will judge accordingly.

● (1715)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I think the speech made by the member for Mississauga West is just further proof that government members confuse things and do not understand Bill C-7 that is before us.

I will give you just two examples from the member's speech. He talked about the criminal code and Bill C-7 as two pieces of legislation that should be identical. He even referred to section 718 of the criminal code to justify certain changes made to the legislation dealing with young offenders.

They are two different systems. Each time the government amended the Young Offenders Act, it was to bring it more in line with the criminal code. It is a mistake. I think the member does not understand that.

He also does not understand when he said that Bill C-7 would allow us to use various extrajudicial measures, as if this were something new. The Young Offenders Act already provides for alternative measures. It is exactly the same thing as extrajudicial measures. Maybe it was easier for the member to understand when we were talking about alternative measures instead of extrajudicial measures, but it is the same thing. Once again, this shows that the member for Mississauga West does not understand the bill on which he will be voting.

When he says that he is representing his constituents, I am sure that if he were still in Queen's Park, he would be against Bill C-7, as the majority of MLAs in Queen's Park is against it, not for the same reasons as the Bloc Quebecois and Quebec in general, but rather because it is not repressive enough.

To illustrate the fact that there really is a problem with this legislation, it does not have the support of hardliners nor does it have the support of Quebec that has been using an approach based on rehabilitation and reintegration for 30 years. What should have been done is what we proposed, namely allowing provinces to withdraw. All those provinces wanting to withdraw from Bill C-7 to continue using the Young Offenders Act should be allowed to do so.

Does the member, who sits on the government side, find it normal that the new Minister of Justice is refusing to meet with the experts and stakeholders in Quebec to gain a better understanding of what we are doing there before ramming Bill C-7 through, as he has just done by limiting debate and gagging opposition members, particularly those from Quebec who want to properly defend Quebec on this matter?

[*English*]

Mr. Steve Mahoney: Mr. Speaker, let me first assure the hon. member that if I were still at Queen's Park it is highly unlikely I would be in support of the government of Ontario's position given that it is led by the hon. Mike Harris. I have seldom found myself in agreement with Mr. Harris or his party's policies.

In my home I receive the householder of the hon. Rob Sampson who is minister of corrections for the province and happens to be my MPP. I found it rather disgraceful that he was using it for political purposes to slam the Young Offenders Act and put forward the kind of misinformation we have heard today from certain opposition members about the nature of the bill. It was blatant use of a householder document to communicate with constituents to put forth a partisan view.

Speaker's Ruling

The member may think I do not understand the bill, but because we do not agree does not mean I do not understand it. I do. In the case of Quebec it is clear that flexibility is there. Contrary to the government of Quebec's claims, the bill would offer substantial flexibility to allow Quebec to maintain its approach to youth justice. Having said that, the member should know Quebec transferred 23 youths to adult court in 1998-99, making it the province with the second highest number of such transfers that year.

I turn to the hon. member and his caucus and ask, is this your solution to the Young Offenders Act?

● (1720)

The Deputy Speaker: I know there are strongly held views on the matter, perhaps not different from any other subject matter but certainly on this one the views are very different and strongly held. However at all times and on either side of the debate interventions will be made through the Chair and not across the floor.

Mr. Steve Mahoney: Mr. Speaker, you are absolutely right. I apologize. I say through you to the members opposite: Is that the solution for dealing with young people? I had thought the province of Quebec was more interested in a system that would provide rehabilitation and community based services to help young people.

I see the member shaking his head. I am not sure what that means. Either he believes in helping young people through rehabilitation and community support or he believes in putting them in jail like the Canadian Alliance does. I sure do not support that.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the bill would destroy federalism because provinces would be under no obligation to carry out the will of the federal government in this respect. The province of Quebec could opt out of the bill completely and say it would not enforce it. There is nothing in our constitution that could make any province carry it out. It would be a delicate exercise in co-operative federalism.

The hon. member for Mississauga West has said there should be alternatives. I think we all agree there should be alternatives. The act already provides that there be alternatives before one considers incarceration. The hon. member has been missing the dangerous aspect of the bill in that it would institutionalize racism in the country by mandating a category on the basis of race.

What is his reply to that issue?

Mr. Steve Mahoney: Mr. Speaker, for a former member of a cabinet of a provincial government who held a justice portfolio that claim is quite remarkable.

Perhaps the member was not here, but I said in my speech that the amendment would bring the bill into line with Canada's criminal code. If the member cares to look it up, paragraph 718.2(*e*) of the criminal code requires that alternatives to custody be considered for all young people, particularly aboriginal youth.

The hon. member represents a constituency where there would be substantial involvement with aboriginal youth. He would know as well as anyone in this place that there is a problem and we need to help our aboriginal youth break the cycle. That is what I believe the bill would do.

PRIVILEGE

STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS—SPEAKER'S RULING

The Deputy Speaker: Before I call for resumption of the debate I am now prepared to rule on the question of privilege raised by the hon. member for Provencher on Thursday, January 31, concerning the manner in which the Standing Committee on Justice and Human Rights carried out its order of reference with respect to unanswered questions on the order paper.

[*Translation*]

I would like to thank the hon. member for having raised this matter and the chair of the committee, the hon. member for Fredericton for providing additional helpful information on the committee's work. I would also like to thank the hon. House Leader of the PC/DR Coalition, the hon. member for Yorkton—Melville, the hon. government House leader and the hon. member for Surrey North for their contributions on this question.

[*English*]

The hon. member for Provencher in raising the question alleged that the Standing Committee on Justice and Human Rights violated Standing Order 39(5)(b) when at its meeting on Thursday, January 31 the committee voted down a motion to invite departmental officials to testify regarding the delay in answering Question No. 98.

He argued that the order of reference given to the committee on January 29 concerning the delay in replying to Question No. 98 constituted an order of the House to investigate the delay and report the matter back. He disputed the committee's right to decide that it was satisfied that there were mitigating circumstances and that, since a response had been tabled in the House, the matter could be considered closed. The chair of the committee explained that the committee considered a motion to invite the departmental officials to answer questions about the delay but that the motion was negatived and the committee passed on to other business.

Let us briefly review the basic procedures involved in this matter. With respect to written questions, Standing Order 39(5)(a) provides that the ministry must respond within 45 days. Standing Order 39(5)(b) states:

> 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 question shall be designated as referred to committee on the *Order Paper* and, notwithstanding Standing Order 39(4), the Member may submit one further question for each question so designated.

It is important to note that it is the matter of the failure of the ministry to respond that is referred to the committee, and the hon. member for Provencher rightly draws a distinction between that matter and any issue relating to the sufficiency of the reply, an issue that he wishes to pursue as a separate item.

● (1725)

[*Translation*]

There is a longstanding convention in this House that committees are masters of their own procedure. I refer hon. members to page 804 of Marleau and Montpetit which states:

> Committees are bound to follow the procedures set out in the Standing Orders, as well as any specific sessional or special orders that the House has issued to them. Committees are otherwise left free to organize their work. In this sense, committees are said to be masters of their own proceedings.

[*English*]

Again at page 885 it states:

> If there is an irregularity in the committee's proceedings, the House can only be seized of it once it is reported to the House.

In the case before us the delay in replying to a question stands referred to the committee, but it is important to remember that, like other matters before it, the committee may dispose of this as it deems appropriate. The committee in this instance has decided not to pursue the matter further. This is a decision that properly rests with the committee, and while the hon. member for Provencher may disagree with the decision it has been taken in full compliance with our rules and procedures.

The Chair has always refrained from interfering in the business of committees which are free to pursue the work before them as they see fit. In this instance the Chair has concluded that since the committee is empowered to decide how it will deal with its orders of reference and since there has been no report to the House concerning its proceedings, no further action is required on this point of order.

[*Translation*]

That being said, as hon. members know, I was the Chair of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons and this new procedure with regard to unanswered questions was one of the committee's recommendations that, like the rest of the report, was adopted unanimously by this House. As such, this is a matter that is of special interest to me and I believe that it might be helpful for committees faced with such orders of reference in the future, if the Chair outlines its understanding of how this procedure is intended to function.

[*English*]

Let me simply describe how the Chair sees these matters unfolding, always bearing in mind that each committee will decide how to handle its own order of reference.

First, upon the expiration of the 45 days, the Speaker informs the House that the question has been referred to a particular standing committee. The member in whose name the question stands is responsible for determining the committee to which the question will stand referred.

Second, the specified committee must meet within five sitting days of the referral to discuss the matter of the failure of the government to respond in the time period provided by the standing orders. The member in whose name the question stands should be advised at the committee meeting at which the failure to respond to the question will be raised.

[*Translation*]

Third, departmental officials may be asked to be available to explain why the question has not been answered within the 45 days. For more complicated questions, a committee may wish to invite the Parliamentary Secretary to the Leader of the Government in the House of Commons, who is responsible for co-ordinating the tabling of answers to questions.

● (1730)

[*English*]

Fourth, the committee decides how it wishes to proceed. It may decide to proceed no further with the matter; to invite witnesses to appear; not to report back to the House; or to report back to the House: one, stating that it has considered the matter and considers it closed; two, stating that it has considered the matter and recommending improvements in the departmental or agency responsiveness; three, stating that it has considered the matter and recommending to the member certain actions to facilitate a timely response; four, stating that it has considered the matter and making other pertinent recommendations.

[*Translation*]

The Chair has provided this guidance because this is a new procedure. Also, as the Government House Leader explained, Standing Order 39(5) (*b*) does not prescribe how the committee will dispose of the matter but only that it must meet on the issue within five sitting days.

[*English*]

All members of the House are conscious of the steps that we have taken recently toward modernizing our procedures. The changes that have been made as a result of the adoption of the report of the modernization committee represent a clear indication that members are committed to improving the way in which we conduct our proceedings. This is true of members from all parties on both sides of the House.

I would urge everyone to respect the decision that the House has made to institute new procedures to better serve members' interests. I hope that all of us will continue to be guided both by the letter and the spirit of the special committee's report.

I thank the hon. member for Provencher for raising his concern.

* * *

[*Translation*]

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. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak to the Senate amendment as well as to the amendment brought forward by my colleague from Berthier—Montcalm. I am all the more pleased because Bill C-7 now before us, the youth criminal justice act, has been around for a while.

Discussions have been going on in this House since 1995. I was not there then. Today, I am pleased to close this debate. I will probably be one of the last members of the Bloc Quebecois to speak to this issue.

I want to congratulate my colleague from Berthier—Montcalm who, since 1995, has done a good job defending Quebec's position as well as the interests of young people and of all Quebecers. I salute his work.

The amendment to the Senate amendment proposed by my colleague from Berthier—Montcalm is simple. It reads as follows:

> 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 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.

This amendment to the Senate amendment fully summarizes the position and the consensus reached by Quebec stakeholders. They did not want Quebec to be subjected to this legislation. They all wanted Quebec to have the right to opt out. Again, I am pleased, as the last speaker for the Bloc Quebecois, to name the members of the coalition: the Commission des services juridiques, the Conseil permanent de la jeunesse, the Centrale de l'enseignement du Québec, Jean Trépanier of the University of Montreal School of Criminology, the Centre communautaire juridique de Montréal, the Fondation québécoise pour les jeunes contrevenants, the Institut Philippe Pinel, the Association des directeurs de police et pompiers du Québec, the Conférence des régies régionales de la santé et des services sociaux, the Association des Centres jeunesse du Québec, the Crown Prosecutors' Office, which is under the Quebec Department of Justice, the Association des CLSC et des CHSLD du Québec, Marc Leblanc of the University of Montreal School of Psycho-Education, the Regroupement des organismes de justice alternative du Québec, the Child Welfare League of Canada, the Canadian Criminal Justice Association, the Association des avocats de la défense du Québec, the Société de criminologie du Québec, Dr. Jim Hackler, of the University of Victoria Department of sociology, Tim Quigley, a law professor at the University of Saskatchewan, Marge Reitsma-Street, an associate professor at the University of Victoria Faculty of Human and Social Development, the British Columbia Criminal Justice Association, the Innu, the Government of Quebec through a resolution unanimously passed by all the parties at the National Assembly, the Action démocratique du Québec, the Quebec Liberal Party and the Parti Quebecois.

All these stakeholders built a broad consensus in Quebec to ask the federal government to simply exempt Quebec from this legislation. Why? Namely because of the data that have been published over the past seven or eight years, since 1995. Why has it been so hard for the Government of Canada to adopt new provisions in the House? Simply because the numbers do not support such measures.

It wanted to amend the Young Offenders Act, which was passed in this House in 1984, and has produced results. I will give some statistics.

For instance, between 1991 and 1997, the indictment rate for youth dropped by 23%. The indictment rate for violent crimes among young people has dropped by 3.2% since 1995. In 1997, the national crime rate declared by the police was down for the sixth consecutive year. Rates for nearly every violent offence went down, including sexual assault by 9%, robbery by 8%, and homicide by 9%. The rate for youth charged with criminal code offences is down by 7%, confirming the general downward trend observed since 1991. The rate of youth charged with violent crime dropped by 2% for the second consecutive year. It should also be noted that the majority, 53%, of young people who were indicted were charged with property offences and 20% with violent crimes.

● (1735)

Furthermore, when one compares Quebec to the other provinces with regard to the youth incarceration rate, Quebec has the lowest rate. When comparing indictment rates among provinces, again Quebec has the lowest rate.

This is also true of British Columbia, when it comes to the incarceration rate. No wonder our colleague from British Columbia supports the Bloc Quebecois in its demands to keep the current act, which focuses mainly on rehabilitation and reintegration rather than indictment.

This is the harsh reality: in 1984, when the Young Offenders Act was passed by a Conservative government, there were more members from Quebec in the House at that time than there are now under the current Liberal government. The 1984 act came into being as a result of discussions started under the Liberal government of Pierre-Elliott Trudeau, which had many more Liberal members from Quebec than the current Liberal government has today.

Naturally, there is a good reason why the Young Offenders Act of 1984, which reflected a consensus on rehabilitation and reintegration, was passed. What does the Liberal government of today intend to do with its 35 Liberal members from Quebec? It wants to go against this direction given by a Tory government in 1984, following discussions held under a Liberal government. These two governments had a far greater number of members from Quebec and, naturally, they achieved a greater consensus from Quebec in this House.

Today, we have 35 Liberal members from Quebec, a fair number of whom are ministers. They do not want to antagonize the majority, which is, of course, from Ontario.

When you look at the charge, conviction and custody sentence rates, you see that Ontario and Western Canada, except British Columbia, are the regions where the number of custody sentences and the charge rate per province are the highest.

These provinces, these societies have not chosen the direction recommended in the 1984 act, that is an approach focused on rehabilitation and reintegration. In fact, given the results, only two provinces have chosen that path: Quebec and British Columbia.

There is a reason why—ironically—in this House today, we have a Minister of Justice from Quebec proposing and discussing closure. This is ironic because, since 1995, since the very first debates, we never had a Minister of Justice from Quebec to discuss such an important situation as that of criminal justice for youth or young offenders. So, ironically, it is a Minister of Justice from Quebec who had to answer our questions today.

He had to answer our questions on the Quebec consensus. The questions our colleagues have put repeatedly to the Minister of Justice were simple. How many stakeholders, individuals or groups from Quebec appeared before the Standing Committee on Justice to support Bill C-7?

The Minister of Justice, a minister from Quebec and a member from Quebec, has never been able to answer this question to which we, in the House, all know the answer. No individual, group or coalition from Quebec appeared before the Standing Committee on Justice to support Bill C-7.

Why? Because the Quebec consensus is virtually unanimous. We say virtually, because there are at least 35 Liberal members from Quebec in the House who support Bill C-7. And, of course, the government is rushing to invoke closure today. It rushed to invoke closure when Bill C-7 was debated in the House before being sent to the Senate. Why? So that government members would not have to speak.

● (1740)

When a gag is imposed, the time MPs have for interventions is limited, and the opposition is restrained in the expression of its opinion, but so are the Quebec representatives of the Liberal Party, who might have had the opportunity to go and explain to their constituents why they were supporting a bill like Bill C-7 that we have before us, on which there is nowhere near anonymity. It is even denounced by all those working in the field.

It is difficult for the Quebecers and Canadians listening to us to have a proper understanding of how we can end up today with a restricted debate and acceptance of a bill that is intended to bring in a totally new law. It does away with the 1984 Young Offenders Act, and with the consensus of that time, which brought the bulk of Quebec members of this House on side.

The 1984 statute was the work of the Conservatives. It followed on to the discussions held initially under the Pierre Elliott-Trudeau Liberal regime, at a time when there were more Quebec Liberal MPs than at present. There were more Conservatives as well, as this was the time of the Mulroney government. At that time, the majority of that House, including the representatives of Quebec, made the decision to pass a piece of legislation that was focused on rehabilitation and reintegration.

In 2002, the decision was made to set that legislation aside. This evening, the Liberal MPs from Quebec will likely be voting along with the others and C-7 will get passed, against the consensus in Quebec. This is very hard for the Quebec community to accept.

Once again, I thank the hon. member for Berthier—Montcalm for his tireless battle over the past eight years on amendments to the young offender legislation.

What the Quebec representatives were asking for was simple: the system is working well, as statistics show. The 1984 Young Offenders Act is working well, so why not allow Quebec to opt out of this bill?

I would remind hon. members that, after the 1995 referendum, this House passed a resolution—the Liberal majority of course ensuring that it was passed—recognizing the distinct character of Quebec society. It must be acknowledged that, when we are able to convince the Liberal majority that Quebec is distinct in the way it applies the Young Offenders Act, the way it handles youth crime, when we have the chance to apply that distinct character here in this House, then the Quebec Liberals vote against the specific nature and distinct character of Quebec.

This is why, for Quebecers who are listening to us, the federal government does not have a good reputation in the community, whichever party is in power. Federal politicians are terribly unpopular in Quebec. It is not like Bloc Quebecois members are not trying to boost the image of federal MPs.

The hard reality is that, once again, when the federal Liberal members from Quebec have a chance to prove to their constituents that they are useful and can defend their interests, they vote for a bill like Bill C-7, which has been criticized by the majority of stakeholders in Quebec and by the Quebec national assembly. This is the situation faced by the Quebecers listening to us and watching as they eat their supper. Once again, they are witnessing what will have been a hard day for Quebec's identity in Canada.

Our approach to adolescents and to the youth justice system is not the same as elsewhere in Canada. We have much better results.

● (1745)

We have much better results and, for over 30 years, we have had an entire organization made up of individuals and organizations who are working and who have worked to build the present system for young offenders throughout Quebec.

That is why these stakeholders, who were working well before 1984, managed at the time to convince the Liberal government of Pierre Elliott Trudeau and the Progressive Conservative government of Brian Mulroney that the solution needed in the case of young offenders was to have independent legislation targeting rehabilitation, which will no longer be the case with this bill.

It is why the majority of stakeholders, the Coalition pour la justice des mineurs, the organizations that I mentioned earlier, this series of organizations and all those who appeared before the Standing Committee on Justice and Human Rights, all denounced the bill before us, which will be voted on this evening. It will not be possible to change or amend this legislation for several years, since we have been working to change it since 1995. We have worked on it for eight years and it will probably take another eight years before any changes are made to it.

The stakeholders in Quebec, the various groups and politicians in Quebec, will have to be happy with what will be passed today by parliament, the Government of Canada, with 35 Liberal members who have decided to toe the line, and a Minister of Justice—I repeat, this is a terrible coincidence for Quebec, a Minister of Justice from Quebec—who, on this last day of debate on Bill C-7, had to answer such important questions as "How many stakeholders from Quebec appeared before your committee to support Bill C-7?" He did not wish to answer. He preferred to play politics and tried everything he could to change the direction of the discussion, when we know very well that there is no organization, no individual in Quebec, who appeared before the Standing Committee on Justice and Human Rights to support Bill C-7.

All the stakeholders who appeared asked that Quebec be recognized as a distinct society and allowed to opt out of the legislation for the good and simple reason that things are working for us in Quebec, and the statistics prove it. I repeat, it is not for nothing that, since 1995, this parliament has been unable to reach an agreement.

Somewhere, Canada's nation building is still not working. Different societies and communities have different policies. And the Quebec community, the nation of Quebec, has a position that is very different from the rest of Canada. That is the reality. And 35 Liberal members from Quebec have not recognized that reality, and will not recognize it a little while from now. Perhaps some of them will not be here to vote and will prefer to be absent, obviously.

However, it is a hard day for Quebecers and for all the organizations and stakeholders who work for youth justice, who work with young offenders. Once again, they will have to go along with different legislative amendments or different interpretations by judges, which will change the rehabilitation-oriented approach that Quebec has been proposing for the past 30 years.

I will conclude by thanking the member for Berthier—Montcalm for his efforts over the past eight years, for so relentlessly defending the young offenders file, for so relentlessly defending the interests of Quebecers who, once again, will never have been as ill-served as they will be this afternoon in the House.

● (1750)

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I was a member of Parliament in 1984. I believe that I am the only member still in the House today who was also a member of the Standing Committee on Justice that actually drafted the Young Offenders Act.

I rise today in support of the amendment moved by my colleagues from the Bloc Quebecois and more importantly to say that I believe that the Young Offenders Act has worked well in Quebec. It has worked well precisely because the Government of Quebec has respected the fundamental principles of this legislation by providing the necessary resources to support the alternatives found within the act and to achieve the results that those who drafted the legislation wanted. That was to reduce the number of young offenders and to emphasize rehabilitation and prevention, rather than imprisonment and retribution. It was designed in fact to avoid, as many provinces do, young offenders being put in the same jails as adults.

I would have hoped that all of the other provinces could have respected the principles of the Young Offenders Act, as Quebec has done.

I regret the proposal that Quebec opt out of Bill C-7. What I would prefer instead, is that Bill C-7 be withdrawn and that the fundamental principles adopted by Quebec by supporting the Young Offenders Act be applied throughout Canada, in every province and territory. That is what I would hope for. Unfortunately, such is not the case.

Therefore, I have no objection recognizing the distinct character of Quebec society and recognizing at the same time that the current legislation has worked well in Quebec. Our objectives, those of us who drafted this legislation, have largely been met in Quebec, but not in the other provinces.

For this reason, I rise today to congratulate Quebecers and to tell them that we respect you for the way that you have embraced the principles of prevention and rehabilitation instead of vengeance and imprisonment. I wish that these principles could be respected throughout Canada. If this cannot be done through this bill, then at least Quebec should respect them.

For this reason, I will be supporting the Bloc Quebecois amendment.

Mr. Mario Laframboise: Mr. Speaker, I would like to thank my colleague from Burnaby—Douglas. I am glad he mentioned that he was one of the parliamentarians responsible for the adoption of the Young Offenders Act in 1984. My colleague is entirely right. This bill had a stated purpose of reintegration and rehabilitation.

Some provinces decided not to enforce this act. The present Liberal government failed to enforce this act. Today, representatives from Quebec and the Quebec government are the ones who have to change their way of dealing with these matters and to try and adjust to those who have not enforced legislation that has been in effect since 1984. This is what is so difficult to swallow. Some 35 Liberal members from Quebec have decided to break with Quebec concerning the enforcement of an act that worked well. They did not tear their shirts to pieces in the House in order to defend Quebec's interests against their colleagues who would have liked to do away with something that was a success in Quebec.

● (1755)

[*English*]

Mr. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I enjoyed the member's speech. I am glad he mentioned rehabilitation because I heard from some youths on the weekend. It gives me a chance to pass along some comments from youths who are not in trouble.

I knew that this debate would take place today. Bringing Youth Toward Equality is the group and I would like to empower them. They would feel empowered if perhaps the member would comment on some of the remarks made by the three youths.

The first youth suggested that we spend more time fixing the problem rather than punishing the results of not fixing the problem and encouraging community work as punishment. The second youth suggested there should be more counselling. She also suggested that punishments are not as harsh and as a result youths are not as afraid as they used to be. It is not much of a deterrent. The third youth, who is from an aboriginal family, suggested that some children are raised in an environment of law breaking or inappropriate behaviour. They need to be taught otherwise because they do not know any better, which they may do in a different family environment. They cannot be blamed if they do not know any better.

Could the hon. member show these youths that they are being listened to by commenting on some of their remarks?

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, I would like to remind the member for Yukon that the questions on teenagers that his constituents have been asking him are something we do not hear in Quebec because we have already adopted this approach.

If members from Ontario, Western Canada or the Northwest Territories believe that it is important to change the legislation in order to adopt something that already exists in Quebec under the 1984 legislation, great. The problem is we have to give representatives from Quebec who have succeeded in enforcing the 1984 legislation while taking the needs of young people into account a chance to keep on doing so. This is not what is happening now in the House.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it is good to see that the hon. member for Argenteuil—Papineau—Mirabel has understood Quebec's approach, and it is equally good to see that the hon. member for Burnaby—Douglas, a western riding, has understood what we are doing in Quebec. I thank him for supporting our amendment.

It must be understood that we all stand for the amendment we moved to this motion, which deals with the Senate amendment. We will vote against the Senate amendment, not because we are opposed to what is being said about the specificity of the aboriginal people, but because this is already provided for in the Young Offenders Act.

Why is it already done for young aboriginals? Simply because the cornerstone of the act passed in 1984 was the needs of young people. It was not an issue of racism. Whether the issue is the needs of young aboriginals, of young Quebecers, of young Ontarians or any nationality or origin, we looked at their particular needs to rehabilitate these youths living in Canada.

We have no need for this reference to the specificity of the aboriginals because this is already provided for in the Young Offenders Act.

Since we know that the minister has not met with any member of the coalition, that he has not met with experts or stakeholders from Quebec on this issue, how would the hon. member qualify what the minister is doing to pass rapidly this bill, without consulting the people of Quebec?

● (1800)

Mr. Mario Laframboise: Mr. Speaker, I repeat, the irony of it is that today a minister from Quebec is challenging Quebec's orientations.

I find his reaction hard to believe. Of course, he washes his hands of it, like Pontius Pilate once did. He is not the one who passed this legislation, his predecessor did. Except he had a golden opportunity to show that a Quebecer, on behalf of all Quebecers, could reconsider a policy detrimental to Quebec society as a whole, especially stakeholders dealing with young offenders. He missed a good opportunity.

History will hold him responsible for the direction he is taking today. I am neither very happy with nor proud of the position taken by the Minister of Justice.

[*English*]

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, I am pleased to rise tonight to debate the Senate amendment to Bill C-7.

The proposed amendment and the rest of Bill C-7 would provide a legislative framework that would support a fairer and more effective youth justice system for all Canadians, including our aboriginal youth. Real change however, requires more than legislation. That is why Bill C-7 is only one element of a broader initiative to renew youth justice in Canada.

The youth justice renewal initiative was launched in 1998 as a broad based approach to dealing with youth crime in Canada. From the start, it was implemented in close collaboration with the provinces and territorial ministries responsible for youth justice. It is linked to other federal, provincial and territorial strategies including the government's response to the Royal Commission on Aboriginal Peoples, the National Strategy on Community Safety and Crime Prevention and the National Children's Agenda. It comes with significant new federal resources.

Since the launch of the youth justice renewal initiative, new five year financial arrangements worth $950 million have been negotiated with the provinces and territories to support the implementation of Bill C-7 and the overall policy objectives of the initiative. All provinces and territories except two, Ontario and Quebec, have signed the offers made to them.

The new agreements promote and support the program and services most likely to help in the rehabilitation and reintegration of young persons in conflict with the law and in reducing Canada's reliance on the formal court process and custody.

Additional financial support is also available again to provincial and territorial ministries responsible for youth justice but as well to aboriginal communities, bands and organizations, alternative measures societies, school boards, public legal education and information associations other non-governmental organizations, and community groups with a role to play in the renewal of youth justice in Canada.

The youth justice renewal fund is carefully targeted to lay the groundwork for and assist and support in the implementation of the youth criminal justice bill and the broader youth justice renewal initiative.

The capacity of aboriginal peoples to participate in and deliver community based youth justice programs is critical to repairing a flawed youth justice system, limiting the use of the formal court process for aboriginal youth and reducing their rate of custody. Through the youth justice renewal fund, funds would be available to assist aboriginal peoples and communities to build their capacity to develop, assume or expand their role in the youth justice system.

The aboriginal community capacity building component of the fund would be used by communities to, among other things, inform themselves about the youth criminal justice bill, assess their justice needs and develop their capacity to establish and deliver culturally relevant youth justice committees, extrajudicial measures and sanctions, alternatives to pre-trial detention, community reintegration initiatives and community based sentences.

To date, approximately 50 aboriginal based projects have been supported through the youth justice renewal fund including: reintegration and alternative measures programs in Barrie, Ontario; Saskatoon, Saskatchewan; and Punky Lake, British Columbia; community justice committees at the Cowessess First Nation in Saskatchewan, at Coral Harbour in Nunavut and in the Ermineskin region in Alberta; national training and information sharing conferences including the fourth national Metis youth conference in Regina, and the 2001 restorative justice conference in Winnipeg; as well as regional training and information sharing workshops in southeastern Vancouver and in first nations communities in Quebec and Nova Scotia.

There are many aboriginal and other communities across Canada eager to do more to reduce the number of their young people going into custody. In an effort to target the aboriginal community capacity building funds to those communities experiencing some of the greatest difficulty with their young people, a one day snapshot of aboriginal youth in custody was undertaken. This project, as well as providing vital information about aboriginal youth in custody, also served as a prime example of a collaborative approach to researching a problem and devising a solution through the involvement of a wide range of partners.

The study, conducted by the federal Department of Justice with the support of all provincial, territorial ministries responsible for aboriginal youth in custody, profiled aboriginal youth in custody on a single day. It indicated who these youth were, what their home communities were like, where they committed the offence leading to custody and where they would be returning upon their release.

● (1805)

The study provided a rough blueprint of the communities that needed support in dealing with aboriginal youth crime, thereby helping to target youth justice resources. Perhaps not surprisingly, the snapshot revealed a significant western urban problem of aboriginal youth in custody. The results of the study were shared with representatives of other federal departments with mandates relevant to youth justice matters and with provincial and territorial youth justice officials. Discussions were held on how best to respond to the study.

While the study pointed to western urban areas generally, it clearly identified Winnipeg as the city with the greatest number of aboriginal youth in custody on snapshot day. How do we respond? How do we ensure that this research does not become another shelved study?

We need to move quickly and first of all in Winnipeg. We need to bring together Winnipeg based community representatives, provincial and municipal officials, youth justice officials, federal representatives with programs in Winnipeg, aboriginal youth, police officers, arts and recreation specialists and elders to identify current programming for youth in conflict with the law, discuss gaps in programs and services, and plan how best to fill these gaps, both in the short term and the long term.

This initial Winnipeg workshop was held on November 12, 2001 in Winnipeg with over 60 participants. With a goal of marshalling current programs and services and tapping into some new money, the first step has now been taken in moving ahead collaboratively with what is being called the Cities Project for Aboriginal Youth.

Similar planning workshops will be held in several other cities over the next few months while work continues in Winnipeg. Frontline police officers are often, if not always, the first to confront young people about to be in conflict with the law. The new legislation would strengthen and promote the use of their discretion in dealing with youth. Many of Canada's police officers are using their discretion effectively, developing and bringing to bear innovative and creative ways of dealing with youth. Aboriginal police working with aboriginal youth are in the forefront.

The Minister of Justice national youth justice policing award, established in the year 2000 with the full co-operation and support of the Canadian Association of Chiefs of Police, recognized this innovation. In both years in which the award has been given, aboriginal police working with aboriginal youth have been the winners.

In 2000 the award was presented to Constables Rick Kosowan and Willie Ducharme of Winnipeg for their work with the Ganootamaage justice system, school justice circles and gang members, as well as their successful efforts to bridge the gap between police and aboriginal cultures.

This year the award was presented to Constable Max Morin who was recognized for his imaginative leadership in starting and supporting a number of innovative projects involving aboriginal youth in Ahousaht, British Columbia. It was an honour for me personally to present the award to Constable Morin last summer. Some of the projects included educational field trips, encouraging careers in law enforcement, active participation in healing circles, and discussions involving youth in conflict with the law, victims and families. Family circles, talking circles and circle sentencing were just some of the options used by Constable Morin as an alternative to the court system.

The role aboriginal peoples and their communities can play in the renewal of youth justice in Canada and how this role can be facilitated and assisted was a key feature of this initiative. As early as November 1999 Youth Justice Policy hosted a three day aboriginal youth justice information and skills exchange forum in Winnipeg for more than 180 representatives from aboriginal communities across Canada.

The forum was an opportunity to share experiences, advice and successful programming tips. Following the forum participants were invited to visit one or more of the programs they had learned about as a way of helping them determine whether a similar program might work within their own community.

Youth Justice Policy recently held a roundtable discussion on aboriginal youth and the proposed youth criminal justice bill here in Ottawa. The roundtable provided an opportunity for key professionals across the country to discuss the challenges and possible avenues associated with implementing the provisions of the new legislation in a manner that was culturally relevant and addressed the needs of aboriginal youth. This roundtable was one in a series in which Youth Justice Policy sought a discussion on the complex issues associated with youth and the criminal justice system.

Over 200 invitations were extended since the launch of Youth Justice Policy's internet based discussion forum on aboriginal youth justice issues.

● (1810)

This web based forum is a vehicle for sharing information and exchanging ideas on aboriginal youth justice issues. Following up on the round table discussion, the forum is open to all national and local aboriginal organizations and community groups as well as individuals working in the youth justice field.

These are just a few of the many initiatives for aboriginal youth supported by the Department of Justice through the youth justice renewal initiative.

In closing, the new youth criminal justice act and the broader youth justice renewal initiative provide us with an excellent framework to work together in addressing some profound aboriginal youth justice challenges. This new law together with the Senate amendment will give us the opportunity to build a better youth justice system, not just for aboriginal youth but for all Canadians.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, does the hon. member have any ideas or perception as to what the new youth legislation would do to address the chronic repeat offence of car thefts in Regina? I read the figure this week and have forgotten it but the number is around 4,000. These have been attributed primarily to a small group of 30 to 60 people who are stealing cars over and again.

What is in the legislation that would improve the situation in Regina and which would go a little further than the Saskatchewan justice minister's solution which was to hire six new social workers?

Mr. John Maloney: Mr. Speaker, as the member well knows, certainly one of the benefits of the bill is its balance. There is more rehabilitation, more diversions for first time offenders to keep them from getting into the criminal justice stream so to speak. We acknowledge that there are chronic repeat offenders.

The legislation provides for more severe treatment and punishment of those offenders. There is a part that allows that a portion of the sentence must be under supervision. There are stronger sentences for repeat offenders.

The member said it was a small group of people. We have to get at those people and prevent them from recruiting new members. There are rehabilitation measures. There is diversion.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I listened carefully to the hon. member's speech and I have a question for him.

The purpose of Bill C-7 is to repeal and replace the Young Offenders Act. Could the hon. member tell us what he believes is, in fact, not working in this act and what the new Bill C-7 will rectify?

[*English*]

Mr. John Maloney: Mr. Speaker, I certainly agree with my friend. The Young Offenders Act has worked well in the province of Quebec but no one has yet shown me why the new youth criminal justice act will not work equally as well. All the good features of the Young Offenders Act can still be applied under the youth criminal justice act.

There is also the whole criminal justice milieu in the province of Quebec. The provincial prosecutors are appointed by the province. The provincial court judges are appointed by the province and handle probably 95% of the cases. Many of the social assistance and social welfare agencies are funded by the province.

The same philosophy certainly will work under the youth criminal justice act as it does under the Young Offenders Act.

● (1815)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I am delighted to have to address my support for Bill C-7, the youth criminal justice act. I have followed the bill with great interest during its passage through the House of Commons, the Senate and now back before us for consideration of one amendment dealing with the overrepresentation of aboriginal youth in custody.

As the House knows, the youth criminal justice act was passed by the House in May 2001. The Senate then approved the bill in December with one small amendment dealing with a very important requirement: to consider non-custodial sentences for aboriginal youth. This is the amendment now before the House.

It is important to remember that Bill C-7 and its predecessors have been before parliament for over three years. It has been the subject of extensive and prolonged scrutiny by the House of Commons and also by the Senate. Many hours of parliamentary time have been spent in reviewing the proposals. Parliament has heard from dozens of witnesses whose views have been taken into account in the amendments that have been approved by both the House and the Senate.

It is important for us to recall that several months were dedicated to parliamentary hearings on Bill C-3 which was the predecessor to Bill C-7. Many hours were spent examining that bill. In fact the House standing committee heard from close to 100 witnesses. It found the substance of many of these interventions very compelling. Some 160 amendments to the bill were actually put forward.

Unfortunately Bill C-3 died on the order paper. It was reintroduced as Bill C-7 in February 2001. I should add that it was done so with the amendments. The overall direction and all key elements were retained, designed to reduce complexity and provide greater clarity and in fact improve flexibility for the provinces.

I must say that as a member of parliament who practised law for 18 years before seeking public office, and as a mother of three children, two boys and a girl age 20, 12 and 17 respectively, I have been impressed throughout the consideration of the bill by parliament, as well as listening to my constituents and the Canadian public as a whole, with just how much support there is across Canada for the government's efforts to provide solutions to respond to this complex area of youth justice.

People are genuinely concerned that our society finds fair and effective ways of dealing with young people who are alleged or are found to have committed offences. There may be some differences of approach in certain areas but I am very encouraged by the fact that the majority of those who appeared before parliament supported the bill's main objectives.

Members of parliament and Canadians from all walks of life have shown support for a youth justice system that is based upon clearly stated principles that emphasize the key features of the type of system we want for our youth who come into conflict with the law. Bill C-7 provides for this.

It acknowledges the fact that young people lack the maturity of adults. It includes an emphasis on rehabilitation and reintegration and holding young people accountable in a manner that is consistent with their reduced level of maturity. It requires that interventions with young persons be fair and proportionate, encourage the repair of harm done, and involve parents and others in a young person's rehabilitation and reintegration. In addition, interventions must respect gender, ethnic, cultural and linguistic differences, and respond especially to the needs of aboriginal young persons and of young persons with special requirements.

The bill is aimed at reducing use of the formal justice system and increasing the amount of diversion for the vast majority of youth crime. In fact experience in other countries shows that measures outside the court process can provide effective and timely responses to less serious youth crime as well as the opportunity for the broader community to play an important role in developing community based responses to youth crime.

As an aside, in my riding, community impact statements are something which my community has always called upon. In a sense, Bill C-7 addresses that with respect to young offenders.

Canadians also support a reduction in the overuse of custody in this country. It was amazing for me to learn that Canada has the highest youth incarceration rate in the western world, including the United States.

● (1820)

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

This bill also contains measures for the rehabilitation and reintegration of those who in fact do go into custody, putting an emphasis on assisting a young person to successfully make the transition back to the community. Young people can be reintegrated if they receive the proper support, assistance and opportunities.

The proposed youth criminal justice act will ensure a fairer and more effective system as well as address our overreliance on incarceration in this country. For those who do go into custody, it will increase their opportunity for reintegration into the community. Those appearing before parliament have reinforced that legislation alone will not change the course of youth justice and will not in itself reduce youth crime. That is why the legislation is part of a broader youth justice renewal initiative which was launched in 1999. The legislation is the centrepiece, the cornerstone of the federal government's youth justice renewal initiative.

There is more to the initiative however. The broader initiative recognizes the legislation will need to be carefully and effectively implemented. Officials and professionals implementing the new legislation will have the training and the tools they need to successfully implement it. In addition, public legal education materials will be available in easily accessible language to reach everyone involved, including youth themselves, parents, victims, schools and others.

This initiative includes significant resources to stimulate new youth justice programs consistent with the federal policy objectives and new partnerships with child welfare, schools, crime prevention workers and others for more enduring solutions to youth crime. The federal government has fostered consultations and funded projects as part of the strategy, inviting collaborative, multidisciplinary approaches to the developmental challenges facing children and our youth. Youth crime is a complex problem that cannot be effectively answered by discipline working in isolation.

The federal government has also made offers of financial support for youth justice programs under its spending power authority and consistent with the social union framework agreement. These offers are for five year financial agreements totalling more than $950 million to the provinces and territories in support of the policy objectives of the youth justice renewal initiative. This amount does not include the significant additional federal resources to support the intensive support and rehabilitative custody and supervision orders intended to provide therapy and support for the most violent and troubled youth.

Moreover, about $27 million of resources, that is, $12.7 million this fiscal year, $7.5 million in the last fiscal year and $7 million the year before that, have been made available to the provinces and territories to assist in preparing for the new legislation through training, encouraging partnerships, improving information systems, addressing implementation contingencies and preparing for reintegration planning and support.

The federal government is also firmly committed to preventing crime. The federal Department of Justice began the government's community crime prevention initiative in 1999, which includes children and youth as priorities for the $32 million available annually for community based crime prevention initiatives.

On July 5 last year, the Government of Canada announced that it will invest a further $145 million in the national strategy on community safety and crime prevention to strengthen its efforts to support community based responses to crime. This is in addition to the national children's agenda which focuses on supporting children's development, particularly for the critical ages of zero to six years.

I ask that all members of the House support Bill C-7, a bill that has been debated and looked at by both houses. We are here now to finally approve the final amendment. Let us start working together to stop youth crime.

● (1825)

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, I listened very attentively to the hon. member's speech. I would like to ask her only one question.

The bill is before the House because the Senate proposed an amendment concerning the aboriginals. During a press conference last Friday in Quebec City, aboriginals said that they did not want this amendment. They went even further. They are prepared to not enforce the law. If the bill is passed with this amendment, they want nothing to do with it.

What can the hon. member say? What does she think of the respect due to aboriginals and those who plead for changes, and why is her government paying no attention to such a simple request, that Quebec be exempted and that aboriginals not be forced to accept an amendment they do not want?

[*English*]

Ms. Sarmite Bulte: Mr. Speaker, my hon. colleague knows I have a tremendous amount of respect for her. My colleague should know that I also have tremendous respect for the people of the province of Quebec and the other provinces and territories.

It is important to look at the amendment not just in a specific way. The amendment is consistent with the criminal code. We have looked at not having to use custody as the first and foremost alternative to fixing things or preventing crime of any sort, not just youth crime.

As I said during debate, it is very important to remember, that the bill has been examined for three years by both the House and the Senate. The one final amendment is the result of additional consultations that have taken place.

We have a Senate and a House of Commons. The Senate, as the house of second thought, took it upon itself to listen to witnesses across the country, including aboriginal people, who felt this was something that would make the legislation better so we could work together with our youth to prevent youth crime.

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, in a society governed by the rule of law people should be judged on the basis of their characters and actions, not on personal characteristics such as race.

I had the pleasure of living in the United States for a good portion of the 1960s. I watched with interest the civil rights movement that took place during that era in the United States and the struggle that people went through. There are two main focuses of the civil rights movement that I would like to raise in this context today.

The first part of the civil rights movement was a full, frontal attack on laws that separated American citizens on the basis of race. It confronted Jim Crow Laws and segregation laws wherever they were found. They were found through all segments of American society, predominantly in the south. The movement was also based on high ideals. It abhorred segregation and it believed in a great society of integration where everyone would participate in that larger society, regardless of race or other personal characteristics.

Martin Luther King was clearly the leader of that movement. The clear goal of Mr. King's famous and memorable speech "I have a dream" , which was delivered in Washington before hundreds of thousands of Americans, was his passion that his children and grandchildren would live in a society in which they would be judged on the basis of their characters and actions and not on the basis of the colour of their skin.

This government has created far too much public policy based on separating Canadians on the basis of race. With this proposed amendment, we will be clearly judging people on the basis of race rather than on their characters and actions.

A little while ago we lost a very special Canadian, Mr. Justice Willard Estey. In my view, Justice Estey has been one of the many great gifts that Saskatchewan has given the country. As a law student at the University of Saskatchewan in the 1970s, Justice Estey used to make an annual pilgrimage to the University of Saskatchewan and provide special lectures to the students. He was a very friendly individual but also a very provocative individual who stimulated thinking.

Justice Estey underscored the importance of the rule of law and equality before the law. He saw these principles as fundamental to justice and the justice system, these principles that separated the Anglo-American tradition from many of the tyrannies and less tasteful societies in the world.

I would ask everyone to please note that the proposed amendment to our criminal code is a significant departure from the rule of law and equality before the law. When we depart from these principles, especially in the area of criminal law, we are creating unfairness and injustice. We are laying the basis for some very serious, negative, unintended consequences.

I intend to use a simple hypothetical to illustrate the importance of the rule of law and equality before the law.

Three people appear in magistrate's court on a Monday morning with identical charges, all parking meter charges.

● (1830)

The first person appears before the judge. The judge says that this is not a serious matter and he is assessed the minimum fine of $20.

The second person steps up before the judge and receives quite a lecture on the matter. The judge says that this is getting out of hand and that he is hearing this too often. He is assessed a fine of $100.

The third person appears before the judge with the identical charge. The judge says that this thing is becoming epidemic, that there are far too many people in the community who are breaking this sort of law and that he has to send out a clear message of deterrence to the community. The third individual is placed in jail for a week and is fined $500.

I think we can all see what Mr. Justice Estey was talking about when he talked about the importance of equality before the law and the rule of law.

Another problem with this approach is that it undermines what I think are some of the main features of our criminal justice system. The purpose of the criminal justice system, first and foremost, is to provide security and protection to law-abiding citizens. In this sense, it clearly sends out the wrong message. The strong likelihood of being caught and the fear of consequences are two of the best deterrents to crime anywhere.

In New York City, Mayor Giuliani developed an amazing reputation before September 11 as a mayor who came to one of the most crime-infested cities of the world. Central Park was a danger zone night or day and was run by gangs. There were areas of New York where one would not go into.

What did Mayor Giuliani do with this crime problem? He hired more police officers. He put them in the areas where there were high crime rates, at the time that the crime rates were taken. The criminals soon realized they were going to be apprehended. He returned to community policing, where neighbourhoods got to know their local police officers on a first name basis and saw these people as their friends and their protectors.

Excluding September 11, and I think my figures are accurate, New York City now has a lower crime rate than any city in Great Britain with a population of 500,000 people or more. This has been quite a remarkable accomplishment.

If this government really wants to reduce the crime rate it should focus on some of the things Mayor Giuliani did in New York. Give more resources to police officers and police work. That would help deter and prevent crime in the first place.

Criminal law is not a suitable instrument for correcting social ills. Nor is the failed policies of past Liberal governments in the areas of Indian and aboriginal affairs. The main aim of the criminal justice system, as I stated before, is to protect society from criminal wrongdoers and to deter others from committing such crimes in the first place. On both counts, the bill is a total, absolute failure.

A high rate of crime among ethnic groups is not an indictment against our court system or our criminal justice system. It is like blaming the barometer for the bad weather outside or blaming the justice system or the court system for a high rate of convictions among a certain ethnic group. It is a damning indictment on failed Liberal policies on Indian and aboriginal affairs. The Liberals approach, basically for 125 years, has been a dismal failure.

● (1835)

The bill is an example of the government's ability to competently manage the decline of the country. We have seen a lot of drift, decline and decay with the government. With this bill the law itself would be the cause of injustice, division and intolerance.

I ask Liberal members to seriously look at what we are doing. We are attacking a fundamental point of the Anglo-American judicial system: equality before the law and rule of law, especially in the area of criminal justice. This is the last area we want to get into with this sort of thing. I encourage Liberal members to talk the government into withdrawing the bill and taking a hard look at it.

I will use another example of the failure of dividing people on the basis of race and other social engineering. I often wonder what a Liberal government would have done in the 1980s if it had been managing the National Hockey League. The Edmonton Oilers had an outstanding team. I did not cheer for it because it beat my team quite badly, but it was a powerhouse of a team. It had Messier, Anderson, Kurri, Coffey, Grant Fuhr and, on top of it all probably the greatest player who ever played the game, Wayne Gretsky. It was an awesome hockey team. To watch it play was outstanding.

If the government had been involved with the NHL at the time I am sure it would have expanded the net for the Edmonton Oilers, given opposing teams a smaller net, limited Wayne Gretsky to maybe 12 minutes a game and made him play with a shorter stick, and allowed other teams to have an extra forward on the ice. It would have done this to balance it out so the score would be even at the end of the game.

This is what these kinds of policies are doing to our economy, our society and our criminal justice system. If we stand back and look we can see it is what the government is doing. Its policies are penalizing winners and often rewarding losers, leading to a society of mediocre performance, drift and decline. Some people say Canada will be Argentina north with these sorts of policies. They say we are slowly managing ourselves into a decline with lower expectations and a lower bar. I do not see what purpose the proposed law would serve.

When we have aboriginal youth before our court system who are in gang situations, people with Somalian or other immigrant backgrounds may also be involved with the gangs. How in the world is a judge to know who is aboriginal and who is not? Is there a medical test that can be performed? Is there a blood or DNA test which could be taken in court to determine who is aboriginal and who is not? Do we want to get into that sort of thing?

It is amazing that in this day and age a Liberal government would contemplate this sort of thing. Let us imagine the mental gymnastics which would be performed in our courts to deal with it. How much aboriginal blood would it take? Would it be 1%, 3%, 5% or 10%? What percentage would become the bar? Would Metis people be involved or only status aboriginal people? A whole lot of problems are inherent in the bill.

● (1840)

William Shakespeare said many years ago that the road to hell is paved with good intentions. Quite seriously, this piece of legislation is all about good intentions and would cause a whole lot of problems. If we continue down this path it will get worse and worse.

I remind members in the House of what Dr. King said in the 1960s, probably weeks or months before he was assassinated. He said he wanted to see a society in the United States where his children and grandchildren would be judged on the basis of their character and actions and not the colour of their skin.

Unfortunately with this bill we would be judging people by the colour of their skin. That is a serious problem. I did not think a Liberal government in the year 2002 would be doing the exact thing Martin Luther King fought against in the 1960s, but that is what the government is doing. It is creating an apartheid type regime in the criminal justice system. I find that most unfortunate.

● (1845)

[*Translation*]

The Deputy Speaker: It being 6.15 p.m., pursuant to order made earlier today it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the consideration of the amendment tabled by the Senate to the bill now before the House.

The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

● (1915)

[*English*]

And the count having been taken:

Mr. John Herron: Mr. Speaker, I would like to have my vote recorded as yes. I support the Bloc on this motion.

The Deputy Speaker: It appears that under the circumstances we would require unanimous consent to accept the vote of our colleague from Fundy—Royal. Is there unanimous consent?

Some hon. members: Agreed.

(The House divided on the amendment, which was negatived on the following division:)

(Division No. 222)

YEAS

Members

Bachand (Saint-Jean)	Bellehumeur
Bigras	Blaikie
Bourgeois	Brien
Comartin	Crête
Dalphond-Guiral	Davies
Desjarlais	Duceppe
Fournier	Gagnon (Québec)
Gagnon (Champlain)	Gauthier
Godin	Guimond
Herron	Laframboise
Lalonde	Lanctôt
Lebel	Martin (Winnipeg Centre)
McDonough	Ménard
Nystrom	Plamondon
Robinson	Rocheleau
Roy	Sauvageau
St-Hilaire	Stoffer
Tremblay (Rimouski-Neigette-et-la Mitis)	Wasylycia-Leis– — 36

NAYS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Assadourian	Augustine
Bagnell	Bailey
Bélanger	Bellemare
Bennett	Benoit
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Bonin	Borotsik
Bradshaw	Breitkreuz
Brison	Brown
Bryden	Bulte
Byrne	Caccia
Cadman	Calder
Cannis	Caplan
Carroll	Castonguay
Catterall	Cauchon
Chamberlain	Chatters
Clark	Coderre
Copps	Cotler
Cullen	Cummins
Cuzner	DeVillers

Dhaliwal
Discepola
Dromisky
Duncan
Easter
Epp
Finlay
Fontana
Fry
Gallaway
Goodale
Grewal
Harvard
Hearn
Hinton
Jackson
Johnston
Karetak-Lindell
Kenney (Calgary Southeast)
Kilgour (Edmonton Southeast)
Lastewka
Lee
Lincoln
Lunn (Saanich—Gulf Islands)
MacAulay
Macklin
Malhi
Manley
Martin (LaSalle—Émard)
McCallum
McGuire
McLellan
Mills (Red Deer)
Murphy
Nault
O'Brien (Labrador)
Owen
Pallister
Patry
Peric
Pettigrew
Pratt
Proulx
Rajotte
Reed (Halton)
Reid (Lanark—Carleton)
Richardson
Robillard
Scherrer
Scott
Sgro
Skelton
Sorenson
Spencer
St-Julien
Stewart
Telegdi
Thibeault (Saint-Lambert)
Toews
Torsney
Vanclief
Whelan
Wilfert
Wood
Dion
Doyle
Drouin
Duplain
Eggleton
Eyking
Fitzpatrick
Forseth
Gallant
Godfrey
Graham
Hanger
Harvey
Hilstrom
Hubbard
Jaffer
Jordan
Keddy (South Shore)
Keyes
Knutson
LeBlanc
Leung
Longfield
Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)
Mahoney
Maloney
Marcil
Matthews
McCormick
McKay (Scarborough East)
Merrifield
Mitchell
Myers
Neville
O'Reilly
Pagtakhan
Paradis
Penson
Peschisolido
Phinney
Price
Provenzano
Redman
Regan
Reynolds
Ritz
Saada
Schmidt
Serré
Shepherd
Solberg
Speller
St-Jacques
St. Denis
Szabo
Thibault (West Nova)
Tirabassi
Tonks
Valeri
Volpe
White (Langley—Abbotsford)
Williams
Yelich– — 172

PAIRED

Members

Asselin
Bergeron
Cardin
Comuzzi
Dromisky
Farrah
Girard-Bujold
Kraft Sloan
Marceau
O'Brien (London—Fanshawe)
Perron
Picard (Drummond)
Rock
Venne
Barnes
Bonwick
Collenette
Desrochers
Dubé
Folco
Guay
Loubier
Minna
Paquette
Peterson
Pillitteri
Tremblay (Lac-Saint-Jean—Saguenay)
Wappel– — 28

The Deputy Speaker: I declare the amendment lost.

The next question is on the motion.

Ms. Marlene Catterall: Mr. Speaker, I rise on a point of order. If you seek it, I think you would find unanimous consent that those who voted on the amendment be recorded as voting on the main motion with Liberal members voting yes, with the exception of the Minister for International Trade.

Mr. John Bryden: Mr. Speaker, with due respect to the whip's intervention, I will not be voting in favour of the motion.

The Deputy Speaker: Given the intervention by the chief government whip and subsequently the member indicating his preference, does the House give its consent to proceed as first indicated by the whip?

Some hon. members: Agreed.

Mr. Garry Breitkreuz: Mr. Speaker, Alliance members present will be voting no to the motion.

[*Translation*]

Mr. Pierre Brien: Mr. Speaker, the members of the Bloc Quebecois will vote against the motion.

Mr. Yvon Godin: Mr. Speaker, New Democrats will be voting yes to the motion.

[*English*]

Mr. Peter MacKay: Mr. Speaker, members of the Progressive Conservative/Democratic Representative Caucus Coalition vote yes to the motion.

● (1920)

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

(Division No. 223)

YEAS

Members

Adams
Allard
Assadourian
Bagnell
Bellemare
Bertrand
Binet
Blondin-Andrew
Borotsik
Brison
Bulte
Caccia
Cannis
Carroll
Catterall
Chamberlain
Coderre
Copps
Cullen
Davies
DeVillers
Dion
Doyle
Drouin
Easter
Eyking
Fontana
Gallaway
Godin
Graham
Harvey
Alcock
Anderson (Victoria)
Augustine
Bélanger
Bennett
Bevilacqua
Blaikie
Bonin
Bradshaw
Brown
Byrne
Calder
Caplan
Castonguay
Cauchon
Clark
Comartin
Cotler
Cuzner
Desjarlais
Dhaliwal
Discepola
Dromisky
Duplain
Eggleton
Finlay
Fry
Godfrey
Goodale
Harvard
Hearn

Herron
Jackson
Karetak-Lindell
Keyes
Knutson
LeBlanc
Leung
Longfield
MacKay (Pictou—Antigonish—Guysborough)
Mahoney
Maloney
Marcil
Martin (LaSalle—Émard)
McCallum
McDonough
McKay (Scarborough East)
Mitchell
Myers
Neville
O'Brien (Labrador)
Owen
Paradis
Peric
Phinney
Price
Provenzano
Reed (Halton)
Richardson
Robinson
Scherrer
Serré
Shepherd
St-Jacques
St. Denis
Stoffer
Telegdi
Thibeault (Saint-Lambert)
Tonks
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Hubbard
Jordan
Keddy (South Shore)
Kilgour (Edmonton Southeast)
Lastewka
Lee
Lincoln
MacAulay
Macklin
Malhi
Manley
Martin (Winnipeg Centre)
Matthews
McCormick
McGuire
McLellan
Murphy
Nault
Nystrom
O'Reilly
Pagtakhan
Patry
Peschisolido
Pratt
Proulx
Redman
Regan
Robillard
Saada
Scott
Sgro
Speller
St-Julien
Stewart
Szabo
Thibault (West Nova)
Tirabassi
Torsney
Vanclief
Wasylycia-Leis
Wilfert

NAYS

Members

Bachand (Saint-Jean)
Bellehumeur
Bigras
Breitkreuz
Bryden
Chatters
Cummins
Duceppe

Bailey
Benoit
Bourgeois
Brien
Cadman
Crête
Dalphond-Guiral
Duncan

Epp
Forseth
Gagnon (Québec)
Gallant
Grewal
Hanger
Hinton
Johnston
Laframboise
Lanctôt
Lunn (Saanich—Gulf Islands)
Ménard
Mills (Red Deer)
Penson
Rajotte
Reynolds
Rocheleau
Sauvageau
Skelton
Sorenson
St-Hilaire
Tremblay (Rimouski-Neigette-et-la Mitis)
Williams

Fitzpatrick
Fournier
Gagnon (Champlain)
Gauthier
Guimond
Hilstrom
Jaffer
Kenney (Calgary Southeast)
Lalonde
Lebel
Lunney (Nanaimo—Alberni)
Merrifield
Pallister
Plamondon
Reid (Lanark—Carleton)
Ritz
Roy
Schmidt
Solberg
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PAIRED

Members

Asselin
Bergeron
Cardin
Comuzzi
Dromisky
Farrah
Girard-Bujold
Kraft Sloan
Marceau
O'Brien (London—Fanshawe)
Perron
Picard (Drummond)
Rock
Venne

Barnes
Bonwick
Collenette
Desrochers
Dubé
Folco
Guay
Loubier
Minna
Paquette
Peterson
Pillitteri
Tremblay (Lac-Saint-Jean—Saguenay)
Wappel– — 28

The Deputy Speaker: I declare the motion carried.

(Amendment read the second time and concurred in)

The Deputy Speaker: It being 7.20 p.m. the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 7.20 p.m.)

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Monday, February 4, 2002

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