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OFFICIAL REPORT
(HANSARD)

Tuesday, April 20, 1999

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Tuesday, April 20, 1999

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

- (1000)
- [*English*]

COMMITTEES OF THE HOUSE

NATURAL RESOURCES AND GOVERNMENT OPERATIONS

Mr. Brent St. Denis (Algoma—Manitoulin, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Natural Resources and Government Operations.

In accordance with its order of reference of Monday, March 15, 1999 the committee has considered Bill C-66, an act to amend the National Housing Act and the Canada Mortgage and Housing Corporation Act and to make a consequential amendment to another act, and agreed on Thursday, April 15, 1999 to report it without amendment.

In tabling this report I wish to thank all hon. members for their co-operation.

- (1005)

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 70th report of the Standing Committee on Procedure and House Affairs regarding the changes the committee is making to the list of criteria for the selection of votable items.

The committee believes that this simplified list of criteria, modified for the first time since the establishment of the guidelines in 1987, will provide greater assistance to members whose responsibility it is to select votable items.

This report would not have been possible without the energy and dedication of the present and past members of the subcommittee on Private Members' Business. I commend also the work of the committee members and hope this new list will facilitate the work of the subcommittee members.

I also have the honour to present the 71st report of the Standing Committee on Procedure and House Affairs regarding the membership of the Standing Committee on Aboriginal Affairs and Northern Development, and I should like to move concurrence at this time.

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. I need clarification. I was not paying close enough attention and I want to know which report number it is.

Mr. Peter Adams: Mr. Speaker, it is the 71st report regarding the membership of the Standing Committee on Aboriginal Affairs and Northern Development.

The Deputy Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

* * *

PETITIONS

MERCHANT NAVY VETERANS

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, few finer examples of Canadian wartime success and magnificent effort can be found than in the annals of the battle of the Atlantic where merchant seamen sailed the enemy infested sea to keep allies supplied until the Atlantic war tide turned in 1943 toward victory.

Now, 50 years hence, merchant navy veterans are still held hostage to unresolved concerns. Merchant navy veterans are not seeking great wealth, only the respect and benefits given their—

The Deputy Speaker: Order, please. The presentation of petitions is not an opportunity for a speech, it is for a brief summary of the petition and I would urge the hon. member to come to the point.

I am sure the House appreciates his remarks, but it is contrary to the rules to make a speech during the presentation of petitions.

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Mr. Peter Goldring: Mr. Speaker, these petitioners call upon the Parliament of Canada to enact legislation to accord the merchant navy veterans the specific recognition and benefits that have been denied since world war two.

[Translation]

HOUSING IN NUNAVIK

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, I would like to table a petition from the Inuit community of Aupaluk, in Nunavik.

The petitioners state that there have been no housing starts by either federal or provincial governments in Nunavik in the past three years. At the present time, there are 16 to 20 people living in three bedroom dwellings.

The Inuit find the housing conditions at Nunavik extremely distressing. They consider the situation totally intolerable, because it contributes to the high incidence of tuberculosis, infectious diseases and social problems. At the end of October 1998, there was a shortage of 425 houses in Nunavik.

[English]

HUMAN RIGHTS

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order No. 36, I am pleased to present a petition on behalf of a number of Canadians, including those of my own riding of Mississauga South, on the subject of human rights.

The petitioners would like to draw to the attention of the House that human rights abuses continue to be rampant around the world in countries such as Indonesia and Kosovo. They also acknowledge that Canada continues to be recognized as a champion of internationally recognized human rights.

• (1010)

Therefore, the petitioners call upon parliament to continue to speak out against human rights abuses and also to seek to bring to justice those responsible for such abuses.

RIGHTS OF GRANDPARENTS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, it gives me pleasure to present a petition signed by grandparents from across the country. They want the House of Commons to ask the government to amend the Divorce Act so that grandparents will be able to have access to their grandchildren in the event of the divorce of their own children without having to go to court.

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, my petition is in the same vein as that of my colleague from Ottawa Centre. It is a request to have the law amended so that grandparents can have access to their grandchildren when there is a divorce.

[Translation]

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[English]

Mr. Peter Adams: Mr. Speaker, I would be grateful if you would ask for unanimous consent to return to motions.

The Deputy Speaker: Is there unanimous consent to revert to motions?

Some hon. members: Agreed.

* * *

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the House gives its consent, I move that the 71st report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to)

Mr. Peter Adams: Mr. Speaker, I appreciate your patience and the patience of members of the House. I would be grateful if you would seek unanimous consent to return to tabling of documents.

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

* * *

[Translation]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 25 petitions.

GOVERNMENT ORDERS

[Translation]

CRIMINAL CODE

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): moved that Bill C-79, an act to amend

the Criminal Code (victims of crime) and another Act in consequence, be read the second time and referred to a committee.

She said: Mr. Speaker, I rise with pleasure to speak to a subject that is one of my top priorities—improving the treatment of victims in the Canadian criminal justice system. On Thursday, I introduced Bill C-79, which will make changes to the Criminal Code.

[*English*]

I am encouraged by the positive response I have received to these amendments. This response is evidence of the impact the voices of victims of crime and concerned Canadians have had on policy makers and legislators. The fact that so many people are prepared to support this bill and thereby advance the role of victims in the justice system indicates to me that the legislation has appropriately addressed those issues which have for too long caused victims to feel ignored or overlooked.

There is no need for me to speak about these amendments in detail. All members have had an opportunity to review the bill. I also anticipate that the Standing Committee on Justice and Human Rights will conduct an appropriate review of the legislation.

• (1015)

I would like to highlight the key features of the bill, but first let me comment briefly on how we arrived at these amendments.

The amendments I have tabled result from a thoughtful consideration of the federal government's role and jurisdiction in addressing the concerns of victims of crime as set out in the Criminal Code. We have moved beyond the rhetoric of a victims bill of rights and have engaged in a dialogue with victims and their advocates, with victims service providers and with our provincial and territorial colleagues about concrete measures to support the concerns of victims.

We have advanced this through the concerted effort of the Standing Committee on Justice and Human Rights whose review of victims issues led to a singular achievement, a unanimous report with recommendations entitled "Victims' Right: A Voice, Not a Veto".

The standing committee heard from victims, victims advocates, service providers, crown attorneys, defence lawyers, restorative justice practitioners and countless other interested Canadians in its hearings, town hall meetings and ultimately at its national forum held last June chaired by our colleague and friend, the late Shaughnessy Cohen. With her commitment to this issue and her ability to put participants at ease and encourage them to fully express their views, the report of the standing committee captured what crime victims really want, what they should be entitled to, and what we as a federal government can deliver.

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The standing committee recognized and emphasized two significant points. First, the provinces and territories and the federal government share responsibility for the criminal justice system. While we enact the criminal law that applies throughout our country, the provinces are responsible for enforcing the law and prosecuting offenders, and more generally for the administration of justice which includes providing services and assistance for victims of crime.

The second point recognized by the committee is that in Canada, both at the federal and provincial-territorial level, we have already made significant progress in responding to the concerns of victims through legislation, policies and programs. We are not starting from the very beginning.

The committee noted that despite the significant progress of the last decade and despite the current laws and programs, there continue to be gaps and much more can be done by both levels of government to fill those gaps. I want to congratulate every member of the committee for his or her efforts and co-operation.

The Bill C-79 amendments I have tabled fully respond to the recommendations of the standing committee and will build upon the solid foundation of provisions already in the Criminal Code. While these amendments are significant in their own right, what is even more significant is the cumulative and comprehensive nature of the Criminal Code provisions which will result from the proclamation of these amendments. Upon proclamation, Canada will stand out as a leader in addressing the role of the victim in the criminal justice system while at the same time fully respecting the rights of accused persons.

As I promised, I do not intend to describe in detail every provision of Bill C-79, but I would like to highlight a few key features.

First, the preamble to this bill reflects why we as parliamentarians and members of the government are bringing these amendments forward. The preamble expresses our concerns about the impact of crime on society and on victims. It emphasizes that the criminal justice system depends on the participation of victims and witnesses of crime, that this participation should be facilitated and encouraged and that victims and witnesses should always be treated with courtesy, compassion and respect by the justice system.

The preamble also highlights our belief that the views and concerns of victims should be considered particularly with respect to decisions which have an impact on their safety, security and privacy.

• (1020)

The preamble also reflects a key principle of these amendments. That is that this government is committed to ensuring that all

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persons have the full protection of the rights guaranteed by our charter and that those rights which do often come into conflict are to be reconciled and accommodated. In other words, these improvements to the justice system in the name of victims of crime will in no way take away from the rights of persons accused of crime.

The substantive amendments deal with several key concerns: enhancing the victim impact statement provisions; expanding protection for victims and witnesses to facilitate their participation; ensuring that the concerns of victims and witnesses regarding their safety and security are taken into account when determining whether an accused person should be released on bail; and revising the victim surcharge provisions.

The victim impact statement amendments build upon the current regime which requires that the judge consider any victim impact statement prepared at the time of sentencing of the offender. The amendments will make it clear that where the victims want to read that statement to the judge at the time of sentencing, they shall be permitted to do so. This opportunity to present their statement will assure victims that in addition to the requirement that the statement be considered, it will actually be heard by the judge and persons present in the courtroom at sentencing, including the accused.

The amendments will also address the frequent and significant concern of victims that they did not know about the opportunity to make an impact statement. The code will require that the sentencing judge ask whether the victim has been informed of the opportunity to prepare and submit a victim impact statement. This legislative provision coupled with other initiatives to improve the flow of information to crime victims will greatly assist victims in their awareness of their role in the justice system, that they have a voice and that it can be heard through the victim impact statement.

Other amendments will permit victims of mentally disordered offenders to describe the impact of the offence by providing for victim impact statements at a disposition hearing following a verdict of not criminally responsible on account of mental disorder.

Significant changes have been made to the victim surcharge provisions. The new regime will place the obligation to pay the surcharge squarely on the accused. As hon. members know, the revenue raised by the victim surcharge stays in the province or territory and goes into a dedicated revenue fund to provide programs, services and assistance to victims of crime.

This new surcharge regime should result in a significant increase in the revenue available to provinces and territories to help victims. Equally important, the victim surcharge holds offenders accountable, albeit in a small way, to victims of crime as a group.

As I said when I tabled this bill last Thursday, victims need a voice that is listened to and respected. These amendments reflect this philosophy in a concrete and practical way. These amend-

ments are an important and significant step in a strategy to improve the criminal justice system. This strategy requires not only that we as a federal government do our part, but that we encourage others, including provincial and territorial governments, to continue their invaluable work in providing information and other necessary assistance to victims and that we encourage all the players in the criminal justice system to willingly recognize the role of victims and witnesses.

As the federal government we intend to do our part. Today we are focusing on essential Criminal Code amendments. My colleague the solicitor general is eager to address the concerns of victims in the context of the review of the Corrections and Conditional Release Act currently being carried out by a subcommittee of the Standing Committee on Justice and Human Rights.

In addition to the legislative initiatives, I am committed to full implementation of all the recommendations of the standing committee. These include the establishment of a policy centre within my department to provide the victims lens for all policy and legislative initiatives, to provide a centre of expertise on victims issues and to ensure that we continue to liaise with our provincial and territorial partners and with representatives of all components of the criminal justice system, including victim advocates and service providers to explore emerging issues and to ensure continued progress and improvements.

• (1025)

[*Translation*]

I count on having the support of all members for Bill C-79. It reflects our collective opinion that victims should be able to speak out and our shared commitment to providing this right.

[*English*]

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I am pleased to speak to Bill C-79.

Victims of crime are finally going to see a start of some significant initiatives toward rights and privileges. It has been a long struggle but the government appears to have finally recognized and accepted the necessity of rebalancing the scales of justice to more adequately reflect the interests of victims of crime.

First I would like to acknowledge and compliment the hon. member for Langley—Abbotsford. He definitely got the ball rolling in this place. Throughout the 35th parliament he and his Reform colleagues pressured the government to introduce a victims bill of rights.

It was he who moved the Reform supply day motion of April 29, 1996 which was successful. This place voted to direct the Standing

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Committee on Justice and Legal Affairs as it was then called to draft a victims bill of rights. The Minister of Justice was also to initiate consultations with the provinces to arrive at a national standard for a victims bill of rights.

At the time of the debate, the Minister of Justice, now the Minister of Health, acknowledged the severe shortcomings of our legislation in regard to victims rights. He stated: "Although steps have been made toward progress in recent years, they have been imperfect. There remains a great deal to be done". He promised specific victim legislation by the fall of 1996. He did not fulfill that promise. In fact it was not for two more years that the government put victims rights on its agenda.

In June 1998 the justice committee finally got around to conducting a review into what changes to the legislation were necessary to acknowledge and respect victims of crime. In October 1998 the justice committee submitted its report "Victims' Rights—A Voice, Not a Veto". It was a good report. It essentially had all-party support.

The Bloc submitted a short minority report but it essentially encouraged the government to respect the provincial jurisdiction within our Constitution in the area of victims issues. Even the Bloc did not have much complaint over the recommended changes to the federal legislation. Those changes merely enhance the role of victims in our criminal law process. The actual financial, physical and psychological assistance programs for victims would still remain a provincial initiative.

For one of the few times in this place, all participants seemed to be onside. The co-operation among the various political parties at the committee table was refreshing and appreciated.

Bill C-79 is merely the response to the committee report. It is long overdue. Victims have been waiting for far too long for many of these rather simple rights. There has been little reason for the government to delay as long as it has. Hopefully this legislation will be a start to rectifying the historical injustices to innocent members of our society who through no fault of their own happen to become victims of crime.

For years the government has fallen all over itself to safeguard the interests of criminals. Victims in many respects have been completely forgotten. Perhaps this legislation is an indication of change. There must be a more proper balance between the rights of the criminal and the rights of the victim.

As I have said, the committee report was an example of how parliamentarians could work together to produce a valuable product for all Canadians. The report contained 17 recommendations. Bill C-79 really only addresses about seven of the recommendations.

Recommendation No. 6 proposed changes to the Criminal Code to require consideration of the complainant's safety concerns prior to judicial interim release decisions, more commonly referred to as bail. There are a number of provisions to protect society as a whole or to protect specific portions of our community such as school children, et cetera, but there is a deficiency when it comes to considering the safety concerns of the specific victims of crime. It is the victim who is most likely to be the subject of intimidation regarding providing evidence and it is the victim who is most likely to be the subject of additional victimization. It only makes sense to consider that particular victim's concerns.

● (1030)

Paragraph 3 of the legislation requires a police officer to consider the safety and security of any victim or witness prior to releasing the accused from custody. Paragraph 4 of the legislation requires the officer in charge to make similar considerations. Paragraph 8 of the legislation places similar controls over the judge. The safety and security of any person, but particularly a victim or witness, must be considered.

Recommendation No. 7 proposed changes to the Criminal Code to facilitate exclusion orders and to prohibit cross-examination by an accused personally during proceedings involving specific offences where the witness is under the age of 18, rather than the current age of 14. The committee found that persons under the age of 18 were more easily intimidated by accused persons when permitted to cross-examine these young members of our society and, in effect, subjecting these victims to be victimized again.

Paragraph 2 of the legislation appears to fulfill this recommendation. Section 486 has been amended to change the age from 14 to 18 years. The judge may appoint counsel for the purpose of conducting the cross-examination.

Recommendation No. 8 proposed changes to the Criminal Code to permit a judge to ban the publication of identifying information concerning a victim, a complainant or a witness in certain circumstances. Concern was expressed over respecting the dignity and privacy of victims. Concern was expressed over hesitancy for complainants to come forward as witnesses should they not wish to have their identities revealed to the public.

Subparagraph 2(3) of the legislation appears to fulfill this recommendation. The judge or justice is given power to ban publication of information that could identify a victim or a witness if necessary for the proper administration of justice.

Recommendation No. 9 proposed changes to the Criminal Code to permit victims the right to read their impact statements into the record either personally or by other means provided the accused has received a copy of the statement in advance. As I have said

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before, the opportunity to present a victim impact statement in court helps the victim to feel that they are an important part of the justice process, not merely a spectator. It gives them a measure of closure in that they have had the opportunity to impress upon the court just how they have been harmed by the offence. It gives them an opportunity to impress upon the offender just how they have been damaged by the actions of that individual. It gives them the opportunity to hope that their words may cause the offender to reflect upon their misconduct and perhaps move them on the road to rehabilitation.

This recommendation was of special significance to me. As some may know, my son was murdered six and a half years ago. I was not permitted to present my impact statement orally. I have been working for this change, among others, ever since.

Paragraph 17 of the legislation appears to fulfill this recommendation. The court shall permit the victim to read victim impact statements.

Recommendation No. 10 proposed changes to require impact statements to be provided to the offender or counsel and to the prosecutor as soon as practicable after a determination of guilt. Concern had been raised over the fact that victim impact statements were to be provided to an accused as soon as it was filed. They were often used as evidence during the trial through cross-examination to attack the credibility of the victim, even though they were not permitted as evidence until the sentencing portion of the hearing, if any. To provide fairness, this recommendation proposed notice to the offender as soon as practicable after the finding of guilt. They cannot and should not be used until sentencing so they should not be available to the defence until sentencing. There will be ample opportunity at the sentencing for the defence to challenge the statement.

Paragraph 18 appears to fulfill this recommendation. The clerk of the court shall provide a copy of the report to the offender or counsel and to the prosecutors. We, as proponents of victims' rights issues, are fair. We certainly recognize the necessity to provide the offender with notice of the contents of an impact statement.

• (1035)

Evidence must not be presented in surprise although the rules of disclosure currently allow the defence to do just that, but that is a fight for another day. In this case, the offender must be provided the opportunity to lead contradictory evidence, if any.

Recommendation No. 11 proposed changes to oblige the sentencing judge to determine whether the victim had been provided an opportunity to prepare and submit a victim impact statement and to grant an adjournment for that purpose where satisfied it would not interfere with the proper administration of justice.

Paragraph 18 of the legislation appears to fulfill that recommendation. The court inquires of the prosecutor whether the victim has been advised of the opportunity to prepare a statement.

One of the primary problems with victims' issues is that no one can forecast becoming a victim of crime. As such, victims most often have little idea of what rights, privileges or provisions are available to them. It is one thing to provide victims with rights. It is quite another thing to ensure that the victim is made aware of those rights.

Recommendation No. 11 was made by the committee to ensure that the victim was made aware of the right to present a victim impact statement and the opportunity to prepare and submit the statement. Bill C-79 meets this test. The court has discretion whether to adjourn the proceedings to permit the victim to prepare a statement if satisfied that the adjournment would not interfere with the proper administration of justice.

Recommendation No. 13 recommended that the Criminal Code and the Young Offenders Act be amended to allow for the automatic imposition of a mandatory minimum victim fine surcharge that could be waived by the court to avoid undue hardship to the offender. Paragraph 20 appears to fulfill this recommendation in respect of Criminal Code cases.

The government has refused to initiate similar provisions with respect to young persons. In the recent legislation introduced in the youth criminal justice act, the government has essentially left victim fine surcharges to the provinces. If the provinces do not provide leadership in this area the court may impose a surcharge. The government has left this type of provision in spite of the Minister of Justice's comments that the practice of leaving it to the courts has not worked. Judges have had that power for years but they either refuse to use it or forget about it when imposing sentences. It was because of this problem that the justice committee recommended a mandatory minimum surcharge or a sort of reverse onus clause. It requires the court to automatically assess a fine surcharge but leaves it up to the defendant to argue economic hardship. The justice committee was attempting to provide sufficient financial resources to assist the provinces to provide sufficient resources to victims of crime.

We will be attempting to have this amended in the current legislation or in the new youth justice act.

As members can see, Bill C-79 addresses a number of recommendations of the justice committee report. The recommendations that have been addressed have been relatively simple and not too painful. None of them really require any additional funding from the government or in actual fact the taxpayer. None of the accepted recommendations impact on the rights of the accused to any great extent. Yes, the accused may be held in custody if there is a decision that the victim or witness is at risk of further harm. Yes,

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the accused may no longer personally cross-examine young victims in cases such as sexual assault. Yes, the victim is being provided with enhanced rights to present a victim's impact statement. Yes, there is a better method of obtaining fine surcharges to provide assistance to victims.

All of these are long overdue and are not a particularly burdensome imposition on our accused or our criminals. They all make common sense. It is indeed a wonder why we have waited so long to bring them into being.

I will now move to comment on recommendations that have not been addressed by the government. Victims have waited for years to finally obtain substantive recognition and respect for their interests. The justice committee heard from a number of victims and victims' groups both in testimony and in a one and a half day round table forum last summer. There was a co-ordinated response from the committee of the necessity to act and act now. Unfortunately, this same sentiment is not as present with the government.

In recommendation No. 5, the justice committee proposed the tabling of an omnibus bill to address needed amendments to the Criminal Code and the Corrections and Conditional Release Act. Bill C-79 only addresses the Criminal Code aspect. The minister has used the excuse that the justice committee is presently reviewing the Corrections and Conditional Release Act so the government will await that report before deciding whether to initiate reforms to that legislation in regard to victims' rights. The minister has also claimed that the Corrections and Conditional Release Act is the responsibility of the solicitor general. My first thought is the old problem of the chicken and the egg. Which came first?

• (1040)

We have a victims' rights report. It addresses the needed changes to the Corrections and Conditional Release Act. This is after years and years of waiting. It is difficult for me to accept having to wait some more months, perhaps many months, before the government might bring forth the needed victim legislation as it pertains to our prisons and our parole system.

It is difficult to understand why the government does not just do the job necessary. Why does it always have to seem to need to be forced to introduce legislation that is best for its citizens? Why does it play political games to procrastinate and to prolong the suffering and disregard of innocent Canadians who just happen end up as victims of crime?

For the minister to claim that the Corrections and Conditional Release Act comes under the responsibility of the solicitor general may be acceptable to the general public but we all know that it is the Minister of Justice's department that puts together legislation of a legal nature. Yes, the solicitor general has overall responsibility but he and his predecessor have had the committee recommendations the same time as the Minister of Justice. Surely the Corrections and Conditional Release Act response to the commit-

tee report could have been completed in the same time as the Criminal Code portion. In fact the more substantial portion of the report dealt with changes to the Criminal Code.

There were essentially four recommendations dealing with the Corrections and Conditional Release Act. These changes were relatively simple. They were of the same nature as the changes to the Criminal Code. There is no satisfactory explanation as to why the solicitor general's area of response is not now before the House. That is a travesty to victims of crime. It is unacceptable.

A number of recommendations had to do with developing a victims of crime strategy, co-ordinating federal-provincial responsibilities, establishing a national office for victims of crime and creating an advisory committee on victims of crime. All of these aspects do not really require legislation.

The Minister of Justice has announced that she will be creating the national office within her department. We have seen little evidence of how it is to operate. We hope it develops into more than just a public relations exercise or a haven for patronage appointments. It cannot be allowed to develop into just another bureaucratic department.

As a member of the justice committee, I know that this recommendation had more to do with creating a substantial initiative to properly assist victims toward obtaining justice and closure for their unwanted and unfortunate involvement with crime. This national office and any advisory committee must provide concrete solutions and resolutions to victims' issues. Canadians are looking for action, not some more bureaucratic delay, not more red tape and certainly not more excuses.

I am concerned about the definition of victim. It has been added to the definition section of the Criminal Code and merely states, "includes the victim of an alleged offence". For the purposes of section 722 there is a broader definition of victim. This includes a person to whom harm was done or who suffered physical or emotional loss as a result of the commission of an offence. Section 722 is restricted to victim impact statements.

During the anticipated justice committee review of this legislation, I will be interested in hearing why a broader definition, similar to what is included in the Corrections and Conditional Release Act, has not been used. Without getting carried away and making everyone a victim of any crime, there may well be sufficient argument to ensure true victims are not excluded merely because of the wording of the legislation.

I will conclude my submission with a couple of stories which I hope will drive home to my hon. colleagues the shoddy treatment some victims of crime are subjected to.

My son Jesse's best friend was at his side when he died. Can anybody here even begin to imagine the trauma? Jeremy's parents attempted to get him some help but were told the waiting list was months long. Five months later, on the eve of my son's birthday,

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Jeremy acted out by committing a very minor offence himself. As an offender he received help within days. What does that tell us?

Two weeks after our own tragedy, Laurie Woods and her roommate were brutally stabbed to death.

• (1045)

To make a long story short, Laurie's mother Pat anticipated the possibility of requiring counselling. When Laurie's dad Bob inquired about financial compensation for counselling, should it be required, some thoughtless bureaucrat promptly told him that his wife did not qualify because she did not personally witness the killings.

Family members of homicide victims witness the event every night in their nightmares. Bob and Pat are friends of mine. A short time later we along with others were successful in getting the rules in British Columbia changed. Granted these are provincial issues but I think the point is made. The issue must be approached at all levels.

I do not intend on being entirely of gloom and doom. The legislation is a start toward victims rights provisions. It has been far too long in coming. Even the government's response to the justice committee is only half done. We will still have to wait for the changes to the Corrections and Conditional Release Act. Hopefully Canadians, and especially victims of crime, will not have to wait too much longer for the government to fulfil the needs of these individuals. Today is a start. There is still a long way to go.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am pleased today to take part in the debate on Bill C-79, an act to amend the Criminal Code (victims of crime) and another act in consequence.

This bill addresses several legitimate public expectations regarding how our criminal justice system should treat the victims of crime.

Criminal justice is defined in various ways. Some will say that the purpose of the justice system is to punish those who have broken the law. In fact, living in society involves respect for certain fundamental values that help maintain social equilibrium. If we do not respect these values, we expose ourselves to the disapproval of our fellow citizens and face a sentence judged appropriate by the community. This sentence must meet various considerations, one of them being to protect society. The sentence imposed must make it possible to decrease, if not eliminate, the probability of a repeat offence, thus lowering the medium and long term social costs of crime.

The criminal justice system therefore has a very significant social dimension. This is shown primarily by the fact that it is the

state that brings criminals before the courts. Contrary to civil proceedings, it is the attorney general, representing the community, who must defend our interests by proving the accused's guilt before the courts.

In this context, we see that criminal justice is evaluated basically according to our shared needs. When we pass legislation aimed at fighting crime, we do so in light of an overall analysis of the situation. We avoid legislating based on specific, individual, cases. We ensure that the justice system is properly integrated.

A good body of legislation is described as being consistent, with punishments that match the crimes committed, and as effectively addressing the harmful consequences of these crimes on society in general.

Crimes have always had names associated with them. The suspect's first and last names appear on the court decision. The media pick them up, and associate a face and an identity with them. The suspected perpetrator has not only rights, but also has obligations, freedoms but also constraints.

As we have seen, crime has an adversary: the state. Criminal justice does not just involve us and the crime, us and evil. There are also, above all, those who have been the victims.

Too often we lose sight of the fact that crime, to which we have attached a name, also involves another set of names, the first and last names of the person who has been killed, hurt or otherwise affected, a person with a face and a specific identity. That person might be our friend, our relative, a child we know.

• (1050)

That name imposes the unlooked-for status of victim of crime, with all the suffering, torment, distress and of course anger that entails.

The legal process the victims are required to take part in does nothing to lessen all this suffering. On the contrary, the victim is forced to face the perpetrator and to relive in every last detail an unbearable event he or she wishes to forget as quickly as possible. The criminal justice system is therefore often perceived as more of an irritant than a balm.

The members of the House of Commons must assume their responsibilities and work to reduce the negative effects of criminal proceedings on the victims of criminal acts. They must not only ensure that the victims are not obliged to relive the drama, but they must also enable them to speak out.

Accordingly, in the spring of 1998, the Standing Committee on Justice and Human Rights began to study the role of victims of criminal acts in the criminal justice system. After lengthy consultation, the committee, of which I am a member, tabled a report, some elements of which are reproduced in the bill before us today.

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In this regard, we would point out that the amendments proposed by the committee and approved by the minister in her Bill C-79 serve to protect victims and involve them in the criminal justice system and to increase the funding available for the services offered them. We will see briefly how each of them is expressed in the bill.

The so-called protective measures include the fact that the bill recognizes the urgency of better protecting victims as they are cross-examined by a person accused of sexual assault. The Bloc Québécois has repeatedly asked in recent years that this protection be reinforced, since cross-examination is probably the hardest thing for a victim to face, especially when the accused is doing the questioning.

Unfortunately, sexual offences are regularly committed by people known to the victims. In fact, the statistics and files on these cases indicate that a friend, a parent or someone in a position of trust, an object of affection, not hatred, is often found to be responsible for the sexual aggression.

Since the victim must be very brave to report this sort of offence, even more courage is, understandably, required to face one's aggressor in court. The additional protection provided under Bill C-79, which prohibits cross-examination by the accused of victims under 18 years of age, is therefore a step in the right direction. It will certainly allow the most vulnerable to prepare for the effects of this difficult stage of the process.

This limitation for victims under the age of 18 also ensures that the bill meets the test of the Canadian Charter of Rights and Freedoms.

With respect to the provisions for greater victim participation in the judicial process, there are the amendments regarding victim impact statements.

Once Bill C-79 has been passed, victims will be allowed to read a statement describing the impact of the crime on their life and that of their family. This amendment would have the merit of allowing victims to play a more active role in sentencing mechanisms. In addition, the new wording of the Criminal Code would require judges to ensure that victims were duly informed of the possibility of preparing such a statement.

Parliament has responsibilities towards the victims of crime. However, its role, although extremely important, is linked to the criminal procedures defined in the Criminal Code and the Corrections and Conditional Release Act. In essence, the role of the Parliament of Canada is limited by the distribution of powers.

• (1055)

In fact, under this distribution of powers, the provinces have primary jurisdiction for coming to the aid of victims of crime. Any legislative measure concerning victims, other than measures set out

in criminal law and proceedings, falls exclusively under provincial jurisdiction.

As an example, the Government of Quebec has implemented a system of co-operation between the CSST, the Department of Justice and the Department of Finance in order to provide financial support to victims through the application of its crime victims compensation act.

The Quebec Department of Justice funds a number of programs including those offered by the Quebec crime victims assistance centres.

These provincial programs may be numerous, but they are also costly. Maintaining these essential services cannot be assured unless the funding is equal to the demand. Since 1988, part of this funding comes from a victim fine surcharge that is imposed by the courts.

This compensation is a penalty over and above any sentence that is intended to involve the criminal directly in making reparation to the victim. In fact, it goes toward the funding of provincial victim assistance services.

It must be made clear that the victim fine surcharge does not come from any of the resources generated by the federal government. By imposing this surcharge, the court taps into the financial capacity of the offender, not that of the federal government. Thus, in approving any change to the victim fine surcharge system, great care must be taken that the federal government does not play any part whatsoever in the funding of provincial services for victims.

According to the provincial prosecutors involved in the various victim assistance programs, the surcharge authorized and collected under the Criminal Code is not enough for improvements to the victim assistance programs.

By making this subject to a maximum of 15% of the fines imposed on sentencing, or setting it at \$35 if there is no fine, the Criminal Code did not guarantee basic services of the financial health they required.

Bill C-79, reflecting the recommendations from the Standing Committee on Justice and Human Rights, makes a substantial change to the victim fine surcharge system, first of all by making it mandatory for all offenders. Unless the court is of the opinion that its imposition would cause undue hardship, the surcharge ought to be paid by all offenders, regardless.

As for the amounts, these would in future be 15% of any fine imposed on the offender for the offence, or if no fine is imposed, \$50 in the case of an offence punishable by summary conviction, and \$100 in the case of an offence punishable by indictment. As well, the court may order an offender to pay a higher amount if it is satisfied that the offender is able to do so.

It may prove necessary to review the provisions on victim surcharge. The provinces, responsible for managing all direct

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services for victims of criminal offences, count on this significant contribution the offenders must provide. [English]

The victims of criminal offences deserve attention commensurate to the tragedy they have undergone. Policies on criminal justice can be fair only insofar as they take the victim's interests into account.

So, Bill C-79 is welcome. The measures it contains will gradually rebalance the interests at stake in the criminal justice system. The victims and their families will now be able to count on protection and greater involvement in the criminal proceedings they are thrust into, much against their will.

It is from this perspective, that the Bloc Québécois welcomes Bill C-79 from the Minister of Justice.

• (1100)

Nevertheless, I would like to conclude by recalling that the role of the federal government with respect to the victims of criminal acts must be limited to jurisdictions relating to criminal proceedings and law. The minister cannot, under any pretext, succumb to the temptation to cross into provincial jurisdiction in connection with providing help to victims of criminal acts.

In introducing Bill C-79, on April 15, the minister announced the establishment of a victim strategy centre. In a press release, she stated that the new centre would manage, co-ordinate and increase federal initiatives to victims. Despite the minister's good intentions, we feel that crime victims would be better served if the federal government stopped duplicating existing provincial services.

In fact, the Bloc Québécois is not only convinced that respect for the distribution of powers serves the interests of crime victims, but it fears that the minister's announcement will lead to additional administrative costs that could be avoided if the tools now available were better used.

The Bloc Québécois will therefore ensure that the mandate of the Victims' Policy Centre is defined in terms of federal jurisdiction, so that the provinces' constitutional authority with respect to victim assistance is respected.

I would remind the Minister of Justice that, in response to the dissenting report I tabled during consideration of this topic, she said that she would do everything she could, that she agreed with me that this centre should fully respect provincial jurisdictions, and that she would intervene in an area of provincial jurisdiction only with the agreement of the provinces. I am confident that, in such a case, the minister will act in accordance with her response to my dissenting report.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, it is a pleasure to rise on behalf of the New Democratic Party to address Bill C-79, an act respecting victims of crime.

All the previous speakers who worked on the committee and the minister herself mentioned that this was a good day. It is a recognition of what a committee can do when parties put aside partisan differences and work in a constructive way for the benefit of Canadians. It is, and the minister referred to it, a tribute to the late Shaughnessy Cohen who chaired this committee.

I am cognizant of the remarks of the member for Surrey North. Much of the preliminary work was done for the committee prior to my election in June 1997. It was done in the last parliament. It is against that backdrop we should examine the work of the committee, the recommendations of the committee and the bill brought forward by the minister.

I came to the House and became the spokesperson for the New Democratic Party on justice as a former defence lawyer. I came to the committee dealing with the role of victims with much of the preconceived ideas that one would have, as did my colleague from Pictou—Antigonish—Guysborough who came here as a former crown prosecutor. It is fair to say that all parties brought a perspective to the committee which helped to shape what became a unanimous report by the committee presented to the House of Commons.

It is a tribute to both the Conservative member for Pictou—Antigonish—Guysborough and the member for Surrey North who brought the perspective of the victim to the committee. Also a Bloc Québécois member brought to the committee the perspective of provincial rights and the importance of understanding the roles of the federal and provincial governments. Members of the Liberal Party brought a sense of listening to the victims.

We put aside our differences. We debated some very fundamental issues about which I will speak in a moment. As a result we were able to come to a unanimous report which is a tribute to both the chair of the committee and to the work that went into it. I do not think we can underestimate the importance of the day and a half long meeting all members of that committee from all parties had with not just victims of crime but with representatives of every aspect of the criminal justice system.

• (1105)

There was goodwill. Whether they were from the National Police Association, groups representing victims of crime, the Canadian Bar Association or the Defence Lawyers Association, there was a real attempt by the participants in that meeting to work constructively and represent to members of parliament the kinds of

changes that had to be made in the criminal justice system to accommodate what has for a long time been neglected, that is the role of victims in the criminal justice system.

Much has been said about the rights of victims and much has been said about the rights of criminals. Working at this level on the committees I think all of us struggled with some difficult questions. On the surface it seems fairly straightforward. One is a victim of crime. One ought to be afforded certain rights. One is a criminal. Certainly criminal rights ought not to supersede those of the victim.

However, when we scratch the surface and begin to explore what that means, there are difficult questions. When does one move from being an accused to being a criminal? When does one move from being the accuser to being a recognized victim?

The member for Surrey North has mentioned that there is a definition of victim in the act which requires careful scrutiny. There is a hazy area where we still have to ensure the balance between the presumption of innocence and a recognition that a wrong has been done, a balance between the rights of the accused before a finding of guilt or innocence and the rights of the person who is accusing them, and then competing balances when there is a finding by the court of guilt. Where one becomes a criminal the accuser moves into a different area and certainly the victim has been affirmed as in fact a victim.

We struggled with those competing rights and how best the legislation could meet the balance of ensuring the protection of the rights of the accused on one hand and the role of the victim on the other.

We have to be very careful when we talk about rights to understand that rights are not a little package which each independent individual person carries around in a briefcase. Rights are collective. They are all our rights. When the rights of an accused are infringed upon my rights are infringed upon, as are the rights of every citizen in the country. When a victim's rights are not adhered to, my rights are not adhered to. Nor are the rights of anyone in the country.

It is not as though we have a section on victims rights here that goes to war against the accused rights there. They are the collective responsibility and fall into the safeguard of all of us as citizens. That is why the committee struggled so hard. That is certainly the perspective that we from the New Democratic Party brought to find that important balance where we safeguard the rights of all Canadians and ensure that justice is done and seen to be done.

The legislation responds to a number of unanimous recommendations that came forward from the justice committee and which all parties signed on to. The act does a number of things. I think it is worth examining exactly what is in the legislation.

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As has been commented upon, it provides that all offenders must pay a victim surcharge of a fixed minimum amount, except where the offender establishes undue hardship, and provides for increased amounts to be imposed in appropriate circumstances. Not only is that important in bringing responsibility to bear on the part of the offender, which it does. It also provides a revenue by which many of the programs can be funded.

This was a criticism, some may recall, that we had of the initial act to replace the Young Offenders Act because of the costs. These things cost money. It is important to know where the sources of revenue will be and who will bear those costs. In many cases it will be the provinces in both this legislation and in the legislation to which I just referred. It is important to know where the source of revenue will come from.

This provides some moneys to go toward establishing what will be necessary to implement the law. This law will create a greater burden on the courts. There is no question about that. It will create a greater burden on the role of crown prosecutors or crown attorneys, as they are referred to in some provinces.

● (1110)

Prior to this legislation the crown answered almost exclusively to the state which it represented. There will be increased pressure on the crown to respond and to ensure the victim plays an essential role in the criminal justice process. Some of those costs to the provinces can be recouped through this victim surcharge tax.

There are also provisions to ensure victims are informed of their opportunity to prepare a victim impact statement at the time of sentencing. One of the most important aspects of the legislation to the victim is that it is essential to the victim of a crime, especially after the finding of guilt at the time of sentencing.

At that point we are no longer talking about the competing rights of the accused and of the person who accuses. At that point there is a determination of guilt. We know then there is an offender who has committed a criminal offence and a person who has been done wrong. It is important they be given an opportunity at the time of sentencing to prepare a statement and to deliver it either in written form or orally before the court.

Many cases before the courts today involve young victims. That is why there is a section extending protection to victims of sexual or violent crime up to the age of 18. It restricts personal cross examination by self-represented accused persons.

The purpose of that was to ensure where a young person of 16 or 17 years is a victim of a sexual crime and an accused wants to be self-represented that the accused did not intimidate the young person. An important caveat to that, which indicates the balance

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between the rights of the accused and the rights of the victim, is contained in the legislation. It is one that we on behalf of the New Democratic Party brought to the table at the justice committee.

The section actually reads that protection is provided to the young person and the accused cannot personally cross-examine him or her. It also makes a provision for the court to appoint a lawyer for the purposes of cross-examination. We cannot refuse the accused the right to question the person who accuses them. At the same time we do not want the accused to be able to intimidate the victim, so we have provided for the court to appoint a lawyer to perform that function. That is a very important aspect of the balancing act in the legislation.

I am pleased to say that the NDP supports the overall intent of the legislation to give victims and witnesses of crime a greater role in the criminal justice system and to increase safeguards for those victims. The legislation attempts to strike that balance which we will be looking at very carefully in committee to ensure it does. I have already spoken about the need to ensure it does not infringe upon the rights of the accused at the same time as it provides an opportunity for the victim.

The establishment of the policy centre for victims of crime announced earlier this year is important. That is intended to ensure that all federal policies and legislation take into account the concerns of victims. This is a major step forward. It is something we recognize and applaud. It is the type of approach that could be applied in other areas of social policy.

I have often thought we ought to have a policy centre for poverty where we might ensure that legislation is looked at through a lens in terms of what it will do to those who are currently poor in this wealthy country. It is a step and it may provide a model we can use in other areas.

It is our hope that the legislation will redress many of the concerns raised by victims and make it easier for victims and witnesses to play a meaningful role in the courts.

From my own years in the courts it is clear that the judiciary in many cases looked in the past to the crown to represent the views of the victim to some extent, especially at sentencing hearings. This will provide victims an opportunity to fulfil that role themselves. It is important legislation in that regard.

It goes some way to meeting the needs expressed by many victims at the round table. Again I applaud them for coming forward. I think that much of this would not have happened but for their work. It is a testament to the way laws can be drafted in a democratic society when a group of people who feel they have a contribution to make, and this group certainly did, can come forward through their elected representatives and the government can respond to an all-party committee and accept the recommendations.

• (1115)

As has been indicated, there are some areas that have not been accepted yet. We will be watching very carefully to see what kind of changes take place under the solicitor general's department with regard to the Corrections and Conditional Release Act. We will be watching that to ensure they match up with the recommendations of the all-party committee. However, it is an example of the government responding and I think it is to be congratulated for that.

I believe also that members of the committee in the other parties are to be congratulated for coming forward in the positive way they did. Let us hope we can continue to reform the criminal justice system with that kind of spirit.

We will be looking at the legislation carefully. We in the NDP will continue to advocate for a sensible, compassionate response to the victims of crime, but one that takes into account the essential balancing that is so necessary for justice to be done in the criminal justice system.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, as previous members have mentioned, I am very pleased to take part in the debate on Bill C-79, which I feel is a very positive piece of legislation brought forward by the minister. I congratulate her on her wisdom in recognizing the recommendations that were put forward by the justice committee.

I also want to take a brief moment to recognize the contributions of the previous speakers and previous members of the justice committee for their positive contribution to this bill, which has now come to the stage where it is before the House for debate.

At this time in our country's history and in the world's history the issue of victims rights is certainly something about which there is a raised awareness. We have seen in Kosovo every evening news coverage which shows disturbing images of people dying, people being injured and families separated, crimes being committed under the guise of war. We continually hear of accounts of terrible crimes being perpetrated on individuals at the hands of Milosevic's forces.

It saddens me to think that victims such as this will never have an opportunity to reach justice or to seek justice or retribution for these attacks. It also makes me and I think others reflect on how lucky we are to have a criminal justice system in this country that at least attempts to address those issues of victimization.

I would also be remiss if I did not pay some tribute to the late Shaughnessy Cohen, the chair of the justice committee at the time of the drafting of this report, and also recognize her very significant contribution to this cause, which I believe is embodied in the legislation that is before the House.

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We are fortunate to live in a society that is progressive with regard to our criminal justice system. I think this bill displays an attitude of non-partisanship concerning a justice issue as important as this.

As a crown attorney I found myself considering daily the rights of victims and the issues they were wrestling with in seeking judicial retribution from criminal parties who preyed upon them. We need to recognize that there is also more that we in this parliament and we in the justice system can do to address further those needs.

As I said at the outset, I believe that this is a positive step forward. With that being said, the Progressive Conservative Party will support this legislation and will continue to work toward improvements to our Criminal Code which will entrench the rights of victims during the prosecution of offences.

I also want to commend the minister for accepting that these recommendations are necessary and timely. However, supporting the protection of victims and supporting legislation that perhaps sometimes raises expectations beyond their real means is a very dangerous thing to do. It is a shame that the Liberal government has once again failed to recognize that these amendments to the Criminal Code are going to cost a great deal of money to implement. While Bill C-79 is comparable to the youth justice bill in that regard, the government has enacted legislation that is essentially going to leave the provinces holding the bag in many instances with respect to the cost of implementation. In the House of Commons we have unfortunately come to expect this to a degree.

• (1120)

With respect to false hopes and expectations, we have seen that type of legislation before in two bills, ironically both labelled Bill C-68. However, for the victims of crime who want their ideas to be heard, and for their safety and protection, the actual implementation of this bill is very timely and very important.

The biggest disappointment, as I said, pertains to resources.

It was also mentioned by previous speakers and certainly at the time of the round table that was held in the summer and during the implementation and discussions of this bill that there was hope there would be a national office to address the needs of victims. It was hoped that there would be one central point where victims could go to receive information, a place where victims could receive answers to their very serious questions, having gone through a justice system that often seems very sterile and cold. That was the hope of the Progressive Conservative Party as well as other members of the opposition who were involved in the drafting of the report.

The victims office would be modelled after what is called the correctional investigator's office. For the benefit of those present who are not aware, there was a correctional investigator's office set up to address the needs of those who are serving time in federal institutions, those who are paying their debt to society. The office has a budget of close to \$2 million and is staffed significantly to address those needs. I am not saying that is necessarily a bad thing, but to not have a similar office with a similar budget, at the very least, for victims of crime, I find completely perverse and offensive.

Correctional services currently has an investigator who deals with concerns and complaints of prisoners. To suggest that victims should not have similar treatment is certainly paying short shrift to the suffering which victims have endured.

Since elected to parliament, it has been increasingly clear to me that victims in our justice system are in need of such an office. As a critic for my party I have had the opportunity to speak to victims of crime. Previous to that I spoke with victims and dealt with victims quite regularly. These individuals are not looking necessarily to change the outcome of a trial or to have the judge or the prosecutor act upon their every demand.

I believe that this piece of legislation and the report that led to the enactment of these changes is quite aptly named "Victims' Rights—A Voice, Not a Veto". I think that encompasses the spirit of what victims are looking for in our justice system. They are looking for the recognition that they should be heard and that their input should, at the very least, have some impact on the court decisions that have to be made.

Victims are also spouses, children, parents, siblings; many of whom have lost loved ones as a result of criminal activity. All of those individuals often are extremely affected by this. The previous narrow definition of victims is also something that had to be changed. We certainly welcome the fact that we see that encompassed in the bill today.

Our party also understands the need which Canadians and victims of crime have to get support from their elected officials. I think that a very important signal is being sent today in the non-partisan and, for the most part, very positive comments that we have heard emanating from all members who have spoken to this bill.

I certainly feel that the office which I mentioned has been an oversight. It has to some degree been overlooked by the minister. There is still hope that burns eternal that in future months and future opportunities that will arise in this place that will change. I know that hope exists also amongst the stakeholders in the community who have worked so tirelessly to bring legislation forward to this point and who have worked with the minister and her departmental officials to encourage them to open or to move toward an office such as this.

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• (1125)

The reason for not doing so appears to be jurisdictional. We have heard a number of comments made by my colleague in the Bloc about the fear that exists—and perhaps it is a legitimate fear on some occasions—about jurisdictional matters treading into the matters of the provinces. However, not only are victims rights a non-partisan matter, but when it comes to positive change I would suggest that this is not an issue that would offend anybody with respect to treading into jurisdictional matters. This is a purely good news initiative.

We should have an office that would work in conjunction with existing offices in the provinces. I know that Ontario and, to a large degree, Quebec have been leaders in this particular area. I am sure that a schedule or scheme could be worked out where victims could be given information and there could be a better co-ordinated effort to provide this type of information through one central office that should, in terms of its national scope, be coming from the federal government and not the provinces.

The minister herself was quick to admit that it is the provinces which administer justice at the street level and she quite correctly points out that fact. However, the federal government is ultimately the drafter of much of the legislation and is ultimately the one to pay the piper. It should take the leadership role in setting up a national victims office and naming the person who would act as an ombudsman and an ongoing source for the information which victims need.

It is not only in the first instance when victims become victimized—and we all know that begins the moment it happens—it is also the follow up and ongoing contact that the victims seem to be most offended by in our criminal justice system. That is where that type of office would be extremely important, in addressing those very real needs of victims.

There are other positive amendments that I will speak to briefly. I welcome and to a large degree commend the minister for recognizing the need. One of those positive issues includes the sections that pertain to the publication ban of a victim's name or a witness's name. That protection of identity will make it easier for victims to take part in court proceedings.

There are also amendments that will permit a victim impact statement to be heard at a parole eligibility hearing to ascertain whether a person should be released at the time of serving a certain portion of their debt to society.

The initiatives that will permit the oral presentation of a victim impact statement are extremely important. The knowledge element of informing a victim that a person convicted of a life sentence will in fact be eligible for parole at some point is once more a

bitter-sweet bit of knowledge. I am hopeful that at some point in the future we will see the removal of section 745 from the Criminal Code so that this terrible piece of information will not have to be made known to a victim that parole eligibility exists for a first degree murder conviction.

Improvements have also been made concerning the conditions upon the release of an accused with respect to the participation of the accused in programming and the participation of the accused in their own rehabilitative efforts. Amendments were also made to improve the criteria of a victim impact statement. One of those mentioned includes the protection of both victims and witnesses in their participation in the system. The impact is often the only way victims can express their concerns and feelings resulting from incidents of criminal behaviour.

I do not want to leave anyone in the Chamber with the impression that this is entirely a good piece of legislation. I believe there were some missed opportunities which existed for the minister to perhaps go further with respect to matters such as the enactment of a victims' office and an ombudsman. Certainly there is a further need, and it is not a legislative need, but a need for the recognition that there is going to be a cost associated with this.

• (1130)

I was very encouraged to hear the comments from the previous speaker, the hon. member for Sydney—Victoria. He pointed out quite aptly that there is going to be a greater emphasis on crown prosecutors, and I would go further and say on judges as well, that emanates from this bill. It has been my experience that most crown attorneys have been doing much of what is now enacted in this legislation when it comes to information sharing. This bill will certainly be the impetus for crown attorneys to do so in a more systemic way.

Unfortunately victims have had no one to turn to for assistance at the federal level when those individuals were faced with lack of information. Oftentimes that fell to the discretion of crown prosecutors when it came to the drafting of things such as victim impact statements. So clarification does come from this bill, which is certainly a welcome and necessary change.

In my home province of Nova Scotia there is a victim services division within the Department of Justice. There are very dedicated individuals like Judy Whitman and Coreen Popowich who work in the New Glasgow office who daily make great contributions to the cause and needs of victims.

In Quebec le Bureau d'aide aux victimes d'actes criminels, BAVAC, provides information and assistance to victims of crime. We have seen Progressive Conservative governments in provinces like Alberta, Manitoba, Prince Edward Island and Ontario which

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have also increased the level of services available to victims at this time.

Again we see that the provinces have had to act upon a problem and have used their political expediency because of the fact that the federal government has not been moving quickly in this direction.

We heard from previous speakers the fact that much of the initiative for this legislation was announced publicly. Huge press conferences were held and ministers toured the country. It has been very slow to see the change that was initiated and which has come forward today. That is not something the federal government can be proud of. The federal government is getting on board.

Initiatives were taken in the previous parliament by members of the Reform Party as has been mentioned. Once more the victims themselves and their advocates and members of that community who have lobbied so strongly for these needed changes are truly the ones who should feel a sense of redemption and should be reaping the credit and the reward that is due today.

Under normal circumstances one would think that this would be a day for celebration. Certainly a great deal more can be done to ensure that victims are going to be participating in a system that affects them greatly, that has affected them and will continue to do so for a long period of time, if not until the end of the day.

The fact that legislation such as this is slow to come about must leave victims with somewhat of a sour taste in their mouth. In my opinion, our justice system has been moving in the wrong direction for a long time. There is almost a feeling of begrudged giving in on the part of the government when it comes to acknowledging the role of victims in our system.

If this bill was treated like that of the Young Offenders Act in that the provinces themselves were so active in lobbying for change, then I would have hoped that this bill would have come about in a much more timely fashion.

Certainly a federal agency would go a long way to assisting individuals like Carolyn Solomon of Garson, Ontario. I want to cite this example because it is one which I think epitomizes some of the problems not only in the correctional system but throughout the entire process.

In 1997 Mrs. Solomon lost her son Kevin who was murdered by Michael Hector. Hector was a federal parolee who was not properly supervised. Moreover, Hector's parole supervisor was not provided with sufficient information about this individual to make informed decisions about his release. This was no doubt due to lack of funding, lack of resources and also I suggest in some small part, due to the fact that Correctional Service Canada was already initiating the early phases of its 50/50 prison release quota.

Michael Hector breached conditions of his parole and should not have been out on the street in the first place. Consequently he was free to kill. Three young individuals lost their lives as a result, including Carolyn Solomon's son Kevin.

● (1135)

Mrs. Solomon wanted to know, and rightly, why Michael Hector was permitted to breach these conditions of parole and not held accountable at that time. She wanted to know why Correctional Service Canada did not provide Michael Hector's full criminal record and psychological record to his parole supervisor. She also wanted to know why the parole supervisor took everything that Michael Hector told him at face value, a sense of self-reporting, and why there was no in-depth investigation of the information statements that were provided by the parolee.

To their credit, Correctional Service Canada and the National Parole Board have a mechanism in place to promptly undertake a review when cases like this are botched. Mrs. Solomon was a victim, as was her son, of Michael Hector's crime which resulted from mistakes by Correctional Service Canada and the National Parole Board and they are charged with investigating themselves in the wake of this tragedy.

I raise this point because of the fact that there was an opportunity to also incorporate some of these entrenched rights of victims within the changes we are currently looking at in the Corrections and Conditional Release Act review. As was previously mentioned, there was an opportunity to encompass these recommendations from the entire justice panel and they were simply ignored. Once again, if we could put aside the partisanship and move toward positive change in our justice system, surely it would be much the better for Canadians.

More recently there are other sad examples of this which I do not have the time to cite at this moment. Anyone who has been involved and who has been a victim of crime will know that this is a focus which we in this place must have if we are to improve our justice system.

The bill itself I admit is a positive step. We have arrived at this point through a great deal of effort by all and I commend those individuals. I look forward to continuing to work with those same individuals in this place and at the justice committee to make improvements.

Mr. Reg Alcock (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I appreciated the member's comments and his involvement in the development of this bill. I have a specific question to help me think through a solution to a problem which arose this week.

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Many years ago a young woman in my constituency was abused repeatedly over a period of time. The abuser was arrested, charged, convicted and served time. Subsequently he finished serving his time and was released back into the community in another province. Many years later he applied for a pardon and was pardoned.

Fifteen years later he has re-emerged in the community and has contacted the victim. In attempting to get a restraining order or a peace bond to keep him away, she has found it extremely difficult because of the pardoning process.

Has that situation arisen before? Was there some discussion of that in the preparation of this bill? Will the passage of this legislation give her some avenues to protect herself?

Mr. Peter MacKay: Mr. Speaker, I thank the hon. member for his question.

I certainly understand the frustration and difficulty that his constituent would feel and that perhaps the hon. member himself must feel.

There is also another piece of legislation coming forward in this place very soon, Bill C-79. I think the issue of pardons, which makes this a rather unique situation where information such as that cannot be shared and cannot be considered by a court in the granting of a peace bond, which this particular victim is seeking, will be addressed better in that legislation than in the bill currently before the House.

A peace bond is certainly a discretionary instrument that a judge has at his or her disposal.

The issue itself of this person's security and her feeling of frustration in not having the information available to her and more importantly the court not having that information available to it in deciding whether or not she has a legitimate case, and obviously she does, to have a peace bond granted, I believe, will be addressed better by Bill C-79.

• (1140)

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, just for clarification, was that Bill C-79 or Bill C-69 the member was referring to?

Mr. Peter MacKay: Mr. Speaker, it was Bill C-69. Bill C-79 is the bill before the House. I may have misspoken.

I am not going to single anybody out but I will take the opportunity to say that efforts have been made by members of the committee to suggest that, in the context of the new legislation, Bill C-69, certain offences be absolutely excluded from the granting of the pardon, or at least the protection that a pardon provides to prevent the public at large from obtaining knowledge of a previous conviction against the person whether it be a sexual assault or a

violent offence. I believe that type of information is pertinent and the public have a right to know to be protected in their communities.

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I am pleased to rise today in the House in support of Bill C-79, an act which amends the Criminal Code to enhance the protection and participation of victims and witnesses in the criminal justice system.

As the Minister of Justice stated last week when she tabled the bill, these amendments will strengthen the voice of victims of crime in the criminal justice system and increase resources for provincial and territorial governments to provide services directly to the victims of crime.

It is also important to note that these amendments to the Criminal Code respond to the unanimous recommendations of the all-party report of the Standing Committee on Justice and Human Rights. I take this opportunity to commend the members of the standing committee for their work and their recommendations. The report is entitled "Victims' Rights—A Voice, Not a Veto". The title of the standing committee report is important as it embodies the spirit and intent of these amendments.

The victim of a crime has the right to be informed and to be heard. These amendments provide the victim with a stronger voice, but there is nothing in the legislation that limits the rights of the accused.

Victim advocacy groups have been encouraging the government to ensure that the views and concerns of victims are considered especially on decisions that will impact on their safety, security and privacy. The government's commitment to respond to the concerns of victims of crimes is embodied in this legislation.

The preamble to Bill C-79 is unequivocally clear on this commitment. The preamble is very comprehensive. It addresses why this legislation is necessary, how the government is improving the criminal justice system and encourages greater participation of victims and witnesses in the criminal justice system.

I draw attention to two specific paragraphs of the preamble which embody the government's commitment to the victims of crimes and their concerns.

Paragraph 4 of the preamble states:

Whereas the Parliament of Canada supports the principle that victims of and witnesses to offences should be treated with courtesy, compassion and respect by the criminal justice system, and should suffer the least amount of inconvenience necessary as a result of their involvement in the criminal justice system.

Paragraph 5 of the preamble goes on to state:

Whereas the Parliament of Canada, while recognizing that the Crown is responsible for the prosecution of offences, is of the opinion that the views and concerns of the victims should be considered in accordance with prevailing criminal law and procedure, particularly with respect to the decisions that may have an impact on their safety, security or privacy.

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Before I go on, Mr. Speaker, I forgot to state that I will be sharing my time with the member for Scarborough East.

It is clear from the preamble that the amendments proposed to the Criminal Code need to reconcile the rights of victims and witnesses with the rights of the accused but at the same time ensure that victims and witnesses are treated with courtesy, compassion and respect.

While there are a number of amendments included in Bill C-79 to enhance the protection and participation of victims and witnesses in the criminal justice system, I would specifically like to highlight two provisions. First, I will talk about the victim surcharge on offenders.

• (1145)

The amendments include changes to the victim surcharge imposed on offenders. A victim surcharge is an additional penalty imposed on offenders at the time of sentencing. It is collected by the provincial and territorial governments and used to provide programs, services and assistance to the victims of crimes within their jurisdiction.

The proposed amendments in Bill C-79 would: would make the victim surcharge automatic to ensure that it is applied consistently to all offenders; and change the amendments to the surcharge to provide mandatory minimum amounts. Under Bill C-79, the surcharge amounts will be: 15% of any fine imposed on the offender; if no fine is imposed, \$50 in the case of an offence punishable by summary conviction and \$100 in the case of an offence punishable by indictment; or, an increased surcharge at the discretion of the judge in the appropriate circumstances.

The victim surcharge revenue will continue to remain in the jurisdiction within which it is collected. These amendments would significantly increase the revenue available for victim programs and services in all provinces and territories. It would be administered by the provinces and territories.

The constituents in my riding, led by a wonderful organization known as Parkdale Community Watch, have always urged me to support the passing of legislation that requires moneys to be reinvested into those communities and individuals affected by crime. This legislation is certainly an important step toward addressing their concerns.

The second amendment I will address is the victim impact statements. I highlight this because it is very important. Victim impact statements have an incredible role to play. A victim impact statement is a written statement prepared by the victim and considered by the court at the time of the sentencing of an offender. It allows victims to participate in the proceedings by describing the impact of the crime on them and on their families.

Proposed amendments under the legislation would ensure that the victim is permitted to read an impact statement at the time of sentencing if he or she wishes to do so. Under the present legislation, a judge is required to consider the written statement but allowing the victim to read it remains discretionary. Under the amendments, the judge will be required to ask before imposing the sentence whether the victim has been informed of the opportunity to prepare such a victim impact statement. The proposed amendments would authorize adjournment to permit a victim to prepare a statement or submit other evidence to the court about the impact of the crime on himself or herself and his or her family.

The amendments would further require that victim impact statements be considered by courts and review boards following a verdict of not criminally responsible on account of mental disorder.

Lastly, the amendments clarify that at proceedings to determine whether an offender sentenced to life in prison should have his or her parole eligibility reduced, the information provided by the victim may be oral or written. At present, the Criminal Code provides that any information provided by the victim will be considered. However, in practice some victims have actually been discouraged from making an oral statement.

Bill C-79 is just one of the proposals which is part of an overall government strategy to respond to the victims of crime.

Last month the Minister of Justice tabled the youth criminal justice act which also recognized in its principles the important role of victims in the youth justice system and their need for information. In addition, the youth criminal justice act acknowledged the important role played by communities toward combating crime in the community.

The creation of a policy centre for victims of crime announced in December by the Minister of Justice is a key element of the strategy to respond to the needs of victims of crime. The policy centre will ensure that all federal policies and legislation take into consideration the views of these victims of crime. The new victims policy centre will manage, co-ordinate and enhance all federal initiatives relating to victims and become a centre of expertise on emerging national and international trends in victim advocacy, legislation and services.

• (1150)

Last week when the minister tabled Bill C-79, she stated:

These measures are important steps forward to reform the way the criminal justice system treats victims. But our work is not over. Through our new victims policy centre, we will ensure that the victim's perspective will always be considered in the development of any future legislation.

While I certainly applaud the minister on the amendments to the Criminal Code embodied in Bill C-79, I must also comment on her

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statement that our work is not over and use this as an opportunity to present my constituents' concerns again, as voiced by Parkdale Community Watch, as to what we should examine in the future.

My constituents feel that in future we must continue to involve our communities to a greater degree, along with individual victims of crime. While Bill C-79 is the first step to ensuring that an individual victim is permitted to read an impact statement at the time of sentencing, I also believe that we should examine the possibility of giving communities the opportunity to read a community impact statement at the time of sentencing. The value of community impact statements must be acknowledged, particularly in cases of alleged victimless crimes such as drugs and prostitution where the impact on the community is significant.

I would like to confirm my support for Bill C-79. It is truly an important step in reforming the way the criminal justice system treats its victims, but most important, it shows that the government has not only listened to the victims and their advocacy groups but it has also proceeded to address their concerns.

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I had the privilege of sitting on the justice committee which produced the report "Victims' Rights—A Voice, Not a Veto", which is behind the legislation that we are currently dealing with.

I have only been in the House for two years, but I have never heard such compelling testimony as the testimony I heard from those who came before the committee. While sitting there, many of us would take off our glasses, stop reading the reports and literally put down our pens. For those of us who had been involved in the legal system in this country, we would hang our heads in shame listening to the horrific crimes that these people had been subjected to and the awful way in which our criminal justice system had treated many of them.

Mr. Speaker, you and I share a profession outside of the House which has, how shall I say, a problematic reputation at best, probably second only to that of politicians. Frankly, this was and is a shot across the bow of the justice system, a justice system that this country is supposed to serve.

This is a warning to judges, crowns, defence attorneys and the police that parliament and the public are watching. Parliament and the public will hold the custodians of our justice system accountable for how they implement legislation and how they treat many of the most vulnerable victims in society. Victims cannot be taken for granted. Victims want a voice, not a veto.

In some respects the title of our report captures the essence of what we had heard. Victims want to be able to say, "This is what happened to me. This is how the criminal act impacted on me and

my family". They want to be heard and to be taken seriously. They want the justice system to sit up and take notice when they speak.

In October 1998 the justice committee produced the report "Victims' Rights—A Voice, Not a Veto". The chair of that committee at the time, the late Shaughnessy Cohen, worked tirelessly in producing the report. I would also note the contributions of the member for Surrey North and the member for Pictou—Antigonish—Guysborough who were both very active in the production of the report.

I, along with many other committee members, held town hall meetings to ask members of our constituencies what they thought. We held the meeting in June 1998 and produced our own report. We had contributions from Barbara Hall, the former mayor of Toronto and now the national chair of the crime prevention initiative; Tim Danson, a noted civil rights lawyer; Priscilla de Villiers, the chair of CAVEAT; Carol Sparling from the National Parole Board; and, Terry Spencer from the Toronto Police Victim Services. We had an excellent meeting. My constituents were fully engaged in the discussion. These people were truly very articulate and those who came away from the meeting were very impressed by the extent of their knowledge and ability to articulate the problem.

• (1155)

That report, along with other members' reports, became part of the report that made 17 recommendations to the government in October 1998 to which the government, to its great credit, responded in a very detailed fashion in December 1998 and dedicated its response to the late chair. In its response it quoted extensively from the report and promised to make every effort to fulfill the spirit of the recommendations in a timely manner.

The tabling of the bill in April 1999 is a substantive response to the committee's recommendations. It is both timely and substantive and, I would argue, a good response in less than six months of the committee's report.

I will not go into a lot of detail right now, but I do want to pick up on a couple of points that may be of interest to members. The creation of a policy centre for the victims of crime is a good idea. All legislation should be looked at through the lens of the victim. The only fear I have is that it will raise false expectations among the victims' communities that have become something of an ombudsman's office. I think we need to be very clear about that.

The second area is with respect to victim impact statements. In the proposed amendments, it would ensure that the victim is permitted to read an impact statement at the time of sentencing if he or she wishes to do so. At present, the judge is required to consider the written statement, but allowing the victim to read it is discretionary. It removes the judge's discretion in this matter.

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It also requires the judge to ask before imposing sentence whether the victim has been informed of the opportunity to prepare a statement. It further authorizes adjournments to permit a victim to prepare a statement or to submit other evidence about the impact of the crime. After reading that, I wondered why someone had not thought of it before. In some respects that encapsulates why the public is in part so upset with the system of justice that we have in the country.

It requires that victim impact statements be considered by courts and review boards following a verdict of not criminally responsible on account of mental disorder. It also clarifies that at proceedings to determine whether an offender who is sentenced to life in prison should have his or her parole eligibility reduced, the information provided by the victim may be oral or written. At present the Criminal Code provides that any information provided by the victim will be considered. However, in practice some victims have been discouraged from making statements.

This is a good piece of legislation and I compliment the government. This time I think it got it right. The bill deserves the support of all members. I hope it will receive the support of all members and arrive in committee in a timely fashion so that the committee can determine whether it is in fact an adequate response to the testimony that the committee has already heard.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I want to commend the hon. member for his very insightful and in-depth remarks. It certainly signifies his awareness and his contribution as well to the process and to the justice committee in particular.

In the latter part of his remarks, he raised a very important issue with respect to a false impression or perhaps an unfair expectation on the part of victims upon hearing that there will be this policy office, which I think he characterizes correctly as being a lens on a lot of other federal legislation in terms of efforts to improve victims' participation in our justice system.

• (1200)

I would like to follow up on the issue of an office of an ombudsman filling the need of many victims for information sharing. I am sure the member conducted town hall meetings. I know I conducted one in Pictou—Antigonish—Guysborough. Repeatedly the number one complaint of victims was that they did not receive the information quickly. Sometimes they even received contradictory information from various sources in the justice system.

One person in particular who has a very strong feeling in this regard is Lynne Charron who lost her father Ferdinand to a terrible murder. She was very much in favour of an office where information could be obtained, a 1-800 number, and a system that would provide timely and important information to victims on

matters pertaining to their cases which might be pending before the criminal justice system. Equally important, in the aftermath when a person is incarcerated and parole is pending or rehabilitative programs are being attempted, victims have an ongoing unwilling attachment to a person who has intruded upon their lives. Members such as the member for Surrey North can certainly attest to that.

Does the hon. member opposite feel that this is an important step his government could take? The next step would be a national victims office with an ombudsman, similar to the correctional investigators office, to provide these needs to victims in a timely fashion.

Mr. John McKay: Madam Speaker, I am not quite sure I know how to respond to the good question of the member for Pictou—Antigonish—Guysborough.

The initial response of the government is to create an office which creates a lens on legislation. To move it to the stage of an ombudsman, a quasi-ombudsman or 1-800 number, we on this side of the House are tempted to hide behind the old federal-provincial saw, that all we do here is create laws and the provinces administer them.

Until and unless the provinces were on side in this manner I could express a wish as a private member that we would move in that direction. I agree with the member's analysis of the testimony that time after time we heard people just want information. They wanted to know about their situation in the system, whether it was at first hearing, at second hearing, at sentencing or at parole. That is all people want to know. That is perfectly legitimate.

Unless the provinces could be signed up to a 1-800 system, a website system or whatever, I could express all the wishes I would like from this side of the table as a government member, but I do not know how I would implement them. When it goes back before the committee possibly we could go over it. Maybe we should call in some provincial AGs and ask why we cannot set up this system.

In terms of wish, I would agree with the hon. member. In terms of the ability to fulfil it, we are only talking about one-half of the problem.

Mr. Randy White (Langley—Abbotsford, Ref.): Madam Speaker, it is a pleasure today to speak to Bill C-79. I will take some time to give the House and those watching an idea of the history of victims rights in the House of Commons, where they came from and why they got here.

To some extent the government is misleading people in Canada. I hear time and time again the government's initiative on victims rights, that it has done such a wonderful thing. It is a bit of a sad tale to tell because it is really not true. It was never initiated by the Liberal government. In fact it was done in spite of the Liberal government, quite frankly, and I will show that today.

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I do not want to dwell too long on that. We can thank the victims and those who were involved with them for all their hard work to get it to this point. Much more needs to be done yet, and we have to talk about that as well.

In 1993 when I first became a member of parliament I talked with many victims of crime. I remember being in the living room of Chris and Sue Simmonds, talking to two people who were very heart broken at their daughter's murder and wondering how they were ever going to get through such a legal industry and such a morass of difficulties on top of one thing after another.

● (1205)

It was more after the death of their daughter that they were so coldly treated by the system. I began to wonder even then in 1993, early in my stages of involvement in it, just why that was, why victims were so poorly treated in our society when it seemed the criminal had so many rights.

I began a fairly long and arduous exercise to find out more about the system. I attended many court trials. I spoke with victims across the country. I spent a great deal of time looking at prisoners rights and trying to compare prisoners rights to victims rights.

In 1994 I initially wrote the national victims bill of rights and presented it as a private member's bill. We looked at it and asked what we really wanted and how to get from there. All along victims rights groups were growing and growing and speaking out and speaking out. Yet nothing seemed to get done.

We brought the issue to the House of Commons many times during 1995 and 1996. It was difficult to have a debate on it because the Liberal government actually did not have an understanding of what we were looking for as politicians and what victims were really looking for.

I want to show what I mean by that. I recall asking the justice minister of the day many questions about victims rights. The answers he gave us were perplexing. In fact one of the comments of the justice minister was that the Reform Party was exploiting the very tragedies it pretended to decry. It hurt a great deal when he said that to me, in particular, because that was not what it was about. There was no exploitation at all. We were merely carrying a message forward. We see today that there is victims rights legislation, so those kinds of rhetorical, hard crusted comments by the government were needless and were quite unfair.

The minister made another comment on March 11, 1997. He said that the importance he placed on their experience, the importance he placed on respecting victims, was reflected in the many pieces of legislation they had brought forward in the House to protect and safeguard the position of victims in the criminal justice system.

They were talking about gun bills, the Young Offenders Act and all kinds of other bills, but they were not addressing the issue. The issue is victims rights.

After we developed a national victims bill of rights, I can recall that in my town of Abbotsford, B.C., we had a rally in 1995. One of the speakers at that rally was my colleague from Surrey North. He was not elected then. There were about 2,200 people there. The message became clearer and clearer to Ottawa that there was a growing problem, a growing need for more rights for victims, always comparing it to the rights of criminals. That was the largest rally of its time. It told us a lot about that growing movement, much of it due to the hard work and dedication of the victims themselves and victims rights groups.

We continued to raise questions in the House of Commons about it in 1995 and 1996. There was still not an understanding by the government. Late in 1995 I took a motion to the Reform Party assembly and it was overwhelmingly endorsed. It is now a part of our principles and policies that victims rights should be front and centre and should have certain principles involved in them. We moved it on from there. We had more questions in the House of Commons, but there still was not quite an understanding of what needed to be done.

● (1210)

On April 29, 1996, we tabled a motion in the House to get the work started on a national victims bill of rights. The justice minister and I had a great debate on that day. To my surprise he actually admitted at that point that we needed to do something.

From there it went to committee. I can recall being with victims in the justice committee who presented what had to be done. We were basically all on side at that point.

It was a difficult job convincing members on opposite side. When they stand to say we should look at what they have done for us, they should first thank us for teaching them, thank the victims who showed us as well, and look at what we are helping them do. That would be a much better approach.

I want to talk briefly about what was originally in the victims bill of rights. There are some who say that some of this is provincial so we should not deal with it. Personally I think that is hogwash, particularly since I had commitments in the House, and I can produce them, that the government was prepared to talk to the provinces about those other issues which were administratively their responsibility and to get them at least committed to the point where we were consistent across the country. That is one of the greatest problems in the country. From Newfoundland, to Nova Scotia, to British Columbia there are different processes. That does not help victims.

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One of the first things we wanted to do was to define what a victim was. I understand that the committee is looking at talking about that later. I am not interested in talking about it later. We should be talking about it now. Originally we defined a victim as any one who suffered as a result of an offence physical or mental injury or economic loss; or any spouse, sibling, child or parent of the individual against whom the offence was perpetrated; or anyone who had an equivalent relationship, not necessarily a blood relative.

We have to relook at the definition of a victim in the Criminal Code and all our documents. That job cannot be set aside today or tomorrow for expediency. They cannot tell us to look at what they have done, that the victims legislation is done and that the rest of it can be forgotten until some other day. We have to look at it now and be proactive on these issues.

Another right victims should have had was written into the original national victims bill of rights, that they should be informed of their rights at every stage of the process including those rights involving compensation from the offender. They must also be made aware of any available victim services. I hear again that is a provincial jurisdiction. That may be so but it does not exclude the House of Commons from saying that it will attempt to do its very best to work with provincial organizations to try to make it consistent across the country.

Another one of those rights was to be informed of the offender's status throughout the process including but not restricted to notification of any arrests, upcoming court dates, sentencing dates, plans to release the offender from custody, conditions of release, parole dates, et cetera. All information was to be made available upon request.

Some say that is provincial jurisdiction. Some say that it is the CRA, the Conditional Release Act. I suggest the House take seriously the issues which victims are concerned about and make a commitment in the legislation that something will be done.

• (1215)

How do we do that? We can make an appendix to any legislation we wish. We can make a commitment in the House of Commons. We can put it in a throne speech, which will likely be coming up next fall. All kinds of commitments can be made. Judging from my six years of experience in the House of Commons, without these commitments it will not get done.

I believe it necessary to go through a couple of the things we were looking for in a national victims bill of rights which are not in this legislation and which this government really has to pursue.

The first would be the right to be informed on a timely basis of the details of the crown's intention to offer a plea bargain before it

is presented to the defence. I cannot tell the House how many times I have spoken with people who have been absolutely flabbergasted by the fact that plea bargains or deals were made when they had no idea they were being made. Some would say, the technocrats I suppose, that it is provincial jurisdiction.

The fact of the matter is, we can do more with the provinces. The justice minister meets with the attorneys general of every province every year. Commitments can be obtained. To say that we cannot do it because it is within someone else's jurisdiction is wrong.

Another right is the right to know why charges were not laid, if that is the decision of the crown or the police. Some say again that it is within provincial jurisdiction, but if we talk to victims they will say "Will someone please make up their mind? Could we please get help?" Is it not our duty in the House of Commons to at least try to convince provinces on a wholesale basis to undertake these commitments?

We need protection from anyone who intimidates, harasses or interferes with the rights of the victim. We must have the police follow through on domestic violence charges. Once a victim files a complaint the police should have the authority to follow it through to the end. Do not tell me that this is a police problem and that we are not responsible in the House of Commons. If we adopt a head in the sand approach in the House of Commons in trying to get consistency across this nation, then more victims will suffer.

The last issue we had written in the national victims bill of rights way back in 1994 was to know if the person convicted of a sexual offence has a sexually transmittable disease. That seems reasonable to me. I have dealt with two individuals who have had that problem. One young lady was raped by an individual who finally was deported. He would not give consent to be medically tested, so he never was.

Those are the kinds of rights we need in this country. I will not be satisfied in saying that we have done all we can, the rest is up to the provinces, or the rest will come in another bill. I do not think that is practical. I think we have to do all we can, whenever we can, whatever the jurisdiction.

Way back in 1994 and 1995 when I was involved in this there were a lot of people who went the extra mile to fight for victims rights. It is necessary to thank people like Ron and Corrine Schaefer. Corrine's sister Angela was murdered. Corrine is now a member of CAVEAT and has done a lot of good, hard work. Both of them have been and still are avid supporters of CAVEAT.

Chris and Sue Simmonds initially helped tremendously in drafting and reviewing the national victims bill of rights.

Gary and Sharon Rosenfeldt are people I have met along the way, sincere people who are doing the very best they can to improve the rights of victims in this country.

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I should also mention Bula, who has had a very tough time as a victim. She was sexually molested by an individual who was allowed out of a prison on a day pass. That individual had 63 prior convictions. These are courageous people.

• (1220)

I should also mention Heather Fougere and Gail and Terry Smith. Heather and Dean are the aunt and uncle of Tanya Smith who was murdered in my town of Abbotsford. They have now joined the ranks of victims, which is sad to say, but they are also turning a negative into a positive in doing the very best they can to improve things in Canada.

I also want to thank Rosalie Turcotte from Mission, British Columbia. I want to thank Rosie from Windsor, Ontario, whom I spent a great deal of time with when preparing a private member's bill which dealt with prisoners changing their names.

All of these people and many more deserve much more than just some things in victims legislation. I very much encourage this House to do more. We should not stop here.

I want to talk about a rally that is going to occur which will shake this nation out of its complacency. The rally will consist of grassroots people from all over this country who will bring the issue of drugs to the House of Commons.

On May 27 we intend to hold a very large rally in my riding. The theme of the rally will be "Drugs: Are You Ready to Fight?" I would encourage members of the House on both sides to consider this very serious issue.

I have gone through the national drug strategy of the Liberal government. I have been on the streets in many difficult situations where drugs are everywhere. When we talk to the people on the streets who are trying to help, they look at the national drug strategy that the government has produced—and I am not belittling the government—and they say it is not helping on the street, that this is rhetorical stuff, that these dollars do not reach the street.

Ms. Marlene Catterall: Madam Speaker, I rise on a point of order. I am hesitant to interrupt the member, but I think he is carrying what would be constituted as a prop, which is contrary to the rules of the House. I am talking about what is on the back of his speaking notes.

The Acting Speaker (Ms. Thibeault): Surely the hon. member knows that props are not allowed in the House and I have not seen what is on the back of his notes.

Mr. Randy White: Madam Speaker, I will not belittle the issue of drugs by commenting on the remark of the member. If I had

another ten minutes the member would wear that comment. However, I will say that the issue of drugs is not a matter of a point of order. The issue of drugs in this country is serious.

An hon. member: Watch who you are talking to.

Mr. Randy White: Madam Speaker, I have just been told to watch who I am talking to. I have a feeling that we are going to be dragging the government through a knothole on the drug issue just like we did on victims rights. That is why I brought this issue up in my last two minutes.

We will take on the issue of drugs in this country. Members opposite can be sure that we will be as vociferous as we were on victims rights. Victims rights came to this House because of this party. Government members can be sure that they will not duck under the rocks they come from on that issue either.

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Madam Speaker, I was most interested in my colleague's comments about drugs. I wonder if the member wishes to comment on the DARE program, drug awareness resistance education. I am sure the member is aware of it. I wonder how it is working in British Columbia and whether the member thinks it is something we should be helping.

I would tell the member that I learned recently that 37,000 Alberta boys and girls in grade 6 took the course last year. It is a one hour course which lasts for 17 weeks. I wonder if the member has any comments as to how he thinks the DARE program is working in British Columbia and elsewhere.

• (1225)

Mr. Randy White: Madam Speaker, I welcome that comment. I have a feeling that the member opposite is probably as concerned as we are about this issue.

The DARE program, educationally, appears to be a very good program. There are many educational programs involving drugs today. What I see, however, is a lack of co-ordination nationally on all of these programs.

When I go into one needle exchange in one city, in one small office, and find out that there are 2.5 million needles per annum issued out of that office, I say that not only is this a national priority, but what is happening with the DARE program and all of the other programs? What are we missing that is not going from education into the addiction aspect of it?

I was in Sydney, Nova Scotia and Cape Breton last week and I was surprised to see a needle exchange there. Typically, needle exchanges are in areas where there are really very serious problems.

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I think this issue has crept up on us and is to the point now where it is not just education, it is that we have to stop treating drug addicts and people who commit crimes because of their addiction as criminals and look at them as a serious health issue. We have to look at those who are non-addicted and selling drugs as serious criminals and do something very serious with them.

I welcome the hon. member's question. I hope that when we get into this seriously, and we will, like it or not, we will get into this together. We have to look at all of the educational programs, all of the rehabilitation programs and all of the criminal aspects of legislation and make them work right across the country.

Mr. Peter Mancini (Sydney—Victoria, NDP): Madam Speaker, I took note of the fact that the hon. member was in my home town recently. I share with him the concern. I know he was surprised to see a needle exchange program in my community. I can share with him the reflections of many of the community groups that I have met with on this issue.

I want to go back to the hon. member's comments on the issue before the House today, which is the legislation providing for the role of victims in the criminal justice system. In my comments I talked about what I thought each of the parties brought to the table, as well as the participants. One of the things I talked about was rights and the competing balance between the rights of the accused and the rights of the victim. We have to find that balance.

I ask this in all seriousness because I am curious. The member refers to a bill of rights for victims. As I see it, there is a charter of rights for all Canadians. I know his party has long said that Canadians are equal in every aspect. If we all have rights under the charter, would the member then propose special rights for victims in a bill of rights and then perhaps special rights for those accused and special rights for other groups? Or is he proposing that we do away with the charter of rights for all Canadians and have particular rights for different groups?

I ask this because I see competing rights and I see rights as something that we all share and we all have to preserve. It is perhaps a philosophical question, but I ask it.

Mr. Randy White: Madam Speaker, actually it is a very good question. The charter of rights and freedoms has created some problems. What I did initially before I wrote the national victims bill of rights was to look at the prison system and compare the rights of criminals to the rights of victims.

When I looked at all of the charter fights, most of them, if not all of them, were for criminals. They ended up with the right to vote. They ended up with the right to refuse work. They ended up with Canada pension plan benefits. They ended up with virtually all of the rights and even more in prisons than they had when they were outside. They had the rights, but they did not have the privileges. I think we have mixed up the rights and the privileges.

• (1230)

Today and in the past victims have felt like third class citizens. They have felt like some party that is outside of the exercise when it has come to going to court or any other instance they were involved in. Many a lawyer has said publicly and to me that victims have no place in the courtroom. The crime was against the crown and the lawyers have ended up outside a criminal justice system and inside a legal industry where the best buck gets the best lawyer.

Victims were basically being told to go away, to keep quiet, to say nothing, "We will deal for you, we will do all of the plea bargaining, we will do everything. Don't worry, we will look after you". The fact is they were not being looked after. They were treated like third class citizens. That is why it has all come about. It is unfortunate.

We should all have the same rights and freedoms, with the exception of some of the rights and freedoms given to criminals in prisons. I do not agree with all that.

Mr. Chuck Cadman: Madam Speaker, I rise on a point of order. Since we have the originator of the original victims bill of rights here talking about it, could I seek unanimous consent that we extend questions and comments by 10 minutes?

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

Mr. Chuck Cadman (Surrey North, Ref.): Madam Speaker, I work a lot with the hon. member and I thank him for his comments. I worked a lot with him before I became a member of this place.

Would he care to elaborate on some of the more common complaints? What were the major complaints he was hearing from victims on their part in the process? Does he have any idea as to why it took so long to finally get to this day? Where was the resistance coming from if indeed there was any?

Mr. Randy White: Madam Speaker, I appreciate the member for Surrey North asking for the extra 10 minutes.

One of the things that touched me greatly was talking to victims. The member for Surrey North will probably not remember when I first met him. We were talking to some young kids in New Westminster. He was speaking to them and it touched me greatly. Here was a person who was trying to get a system changed from the outside and not in the House of Commons, who knew what he needed and what the problems were, yet it just was not coming together. Who was listening?

One of the frustrating things that happened and why it took so long to get victims rights in legislation in this country is that there

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was not the comprehension on the other side. The thought on the other side was that we were helping victims by bringing in Bill C-68, the gun law. It was the victim out there who said "Somebody in my family was murdered with a gun, but I am treated like dirt in a courtroom". Those were the kinds of issues.

I recall sitting at a sentencing hearing. One of the victims in the room was listening to a written victim impact statement she had prepared. She leaned over to me and said "I don't think that is mine". We found out that the thing had been purged so badly. We asked about it and the defence lawyer said "We had to take certain things out of the victim impact statement because it would harm the credibility of my client" who had murdered her sister. She was asking what rights she had as that guy was protected. Those are the kinds of things victims were asking about.

I have another story. I recall sitting in a room with a lady whose house had been torched by her ex-husband. She asked the system to tell her when her ex-husband would be getting out of prison, where he would be located, how long he would be there, and of any reports on how well he was doing. She was afraid of this fellow. They never told her a thing. And then he showed up with the gasoline and a car and drove through the carport and set the place on fire. She asks "Who cares about me?" That is what victims rights are all about: "who cares about me?"

• (1235)

Hon. David Kilgour: Madam Speaker, I have already asked a question, but I would like to salute the member and his colleague from Surrey for the work they have done on victims rights. It is a very important matter in their ridings, my riding and every riding across the country.

Going back to drugs, I believe the figure is 240 residents of Vancouver died of heroin overdoses in the first six months of last year. That is more than one a day. Sharing his concern about drugs enormously, I wonder if he would say anything more about why he thinks those 240 fellow human beings might have died the way they did last year and why people continue to die in Vancouver and elsewhere in the country.

Mr. Randy White: Mr. Speaker, if it were just 240 residents, but it is much higher than that as we speak. I was in Vancouver's downtown east side a week and a half ago. I was in one building and watched a person who had overdosed be carried out.

The drug market is extremely profitable. I have talked to people who have sold drugs. I talked to a 14 year old who was doing community time for selling cocaine. I sat down with this young fellow and said, "Why do I not help get your grades 10, 11 and 12 and then we can help you through post-secondary school". I had previous connections with school districts. This 14 year old looked at me and said "Listen fellow, I make 18 to 20 grand a month

which is non-taxable profit. I have a lawyer on retainer and I have a whatever car it was. He was not even old enough to have a driver's licence. Profit is the problem.

Meanwhile there are people who are so hooked on drugs that their job is to get kids out of the schools, young girls in particular. They come from Vancouver and go to the Fraser Valley and get kids on this stuff. They give it away to start with. They get them hooked and then it is on with the home invasions, the break and enters, and so on and so forth. I cannot impress upon the House how important this issue is. I think my colleague knows that. The co-operation we get could make the difference in this nation as to how we deal with all these issues.

By the way, the speakers we have for the May 27 rally are very serious people. There is a young lady who has been a drug addict and lived on the streets on Vancouver's east side for four years. She has been off it for a year but of course, addicts are never ever off it. There is the Washington state drug enforcement administration and the Vancouver narcotics squad. There is a mother whose daughter is actually on the streets in Vancouver. I am happy to announce that George Chuvalo will be attending as well. George has lost three of his kids to heroin.

This rally is not a show. It is not a partisan political body. I invite all members to show their support. There will be local and provincial politicians there. We should all go and listen and say we can do more about this problem.

Mr. Rick Casson (Lethbridge, Ref.): Madam Speaker, I want to add my congratulations to the members of the Reform Party justice team, particularly the member for Langley—Abbotsford and the member for Surrey North who worked so hard on this issue. I know the member for Langley—Abbotsford has promoted the victims bill of rights for a long time. It is nice to see that it has come but it is unfortunate it has taken so long for the government to act.

The member has talked at length about the victims who have come in contact with him. One issue is the definition of a victim. It is there in this bill and it is defined. I would like the member's comments and thoughts on what the definition of victim should be.

• (1240)

Mr. Randy White: Madam Speaker, the definition of a victim has to be changed. It has to acknowledge anyone who suffers as a result of an offence, physical or mental injury, economic loss, or any spouse, sibling, child or parent of the individual on whom the offence was perpetrated.

I can recall one case, and I know my colleague from Surrey North knows the individuals as well. I will not mention the names. Assistance was attempted for the individual's wife and the system said she was not a victim. Her daughter had been murdered and the system said she was not a victim. How appalling. How could we be

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so callous, so careless about that? Can we not make a better definition of what a victim is?

I am sure my colleague could speak a lot better than I on this subject. It is not necessarily the individual who was murdered but those left behind who are victims.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, before I got into politics I was somewhat cynical about the whole process of politics.

The member for Langley—Abbotsford lives in a community neighbouring mine. I saw a number of articles in the newspapers having to do with issues he was raising. It made a lot of sense, particularly in the area of victims rights. I know there were a number of incidents in my own community where victims were created by acts of criminal negligence.

There was a young gal whose sister was killed by a drunk driver just a few blocks from my home. I know the member was involved in that situation. His involvement in the lives of those victims is ongoing, as well as others he mentioned in his speech. I want to thank him for taking a stand on that. That is one of the reasons I got involved in this process, to make some positive changes.

It may be difficult in a short period of time, but I would like my colleague to give a few personal reflections of his involvement in this issue and how it has impacted on him and motivated him to seek these changes in such a positive way as he has.

Mr. Randy White: Madam Speaker, I thank my colleague. We do share the same surrounding areas and in fact our colleague from Surrey North is not that far away.

We do not have a unique market on compassion in this party. It is all through the House.

We have seen a lot of crime in our day. We have seen a lot of victims. As we have seen today, victims in fact are elected to the House of Commons. This is no small issue. This is serious.

I can only reflect this about all the people I have met, their desire and willingness to make a difference and change. I have to plead with the government since it is a majority government to go further with victims rights. Do not stop here. Much more has to be done. I think the government has the message now. It is on the first step of the ladder. Let us not stop. It has our support certainly for progression on victims rights.

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, I express my gratitude to my colleague from Langley—Abbotsford mainly for his seriousness about his work.

In the last parliament by 1996 he was able to introduce in the House a victims bill of rights which was strongly supported.

• (1245)

I know the reason the member worked so hard on that bill. I was there on a number of occasions with him when we had spent hours visiting with people who were victims of crime, listening to their stories, listening to how things were developing in their lives, and listening to some of the tragedies that were taking place. It just was not answering the call.

I watched the member put together this package and present it with great pride, as he should. He had full support of victims across the land from CAVEAT, CRY and FACT. A number of organizations commended him. When it left the House and was sent to the committee that was the last we heard of it.

To me that presents a serious problem. In 1996 a valuable document was presented in the House. Why is it now, three years later, that we will finally talk about this extremely important issue? My friend and colleague from Edmonton mentioned drugs and what we needed to do because the situation was so serious.

It is extremely serious. I am now visiting reserves with the department of Indian affairs. I am saddened to find that in many of our reserves in the last little while there have been a number of suicide victims. Those family members are telling me that it is mainly because of drugs. It is becoming so common that they do not even make the newspaper any more. In my own province of Alberta I know of at least six suicides in the last few weeks which have not even made the newspapers because they are so commonplace.

We are talking in the House briefly today about what we will do to prevent having future victims. That is one issue. We cannot have a three year delay. Three years can be terribly disastrous to a number of individuals.

I sat in a home on one reserve with a mother who had lost three children to suicide because of drugs. Her plea was for help because she did not want to lose any more of her kids. I talked to a fellow, Mike Calder, who works on the streets of Winnipeg with young aboriginal people who come from the reserves and are being roped into gangs that are promoting drugs, prostitution and all the evil things we could think about. Kids under 12 years of age are being scooped up and used by those who are profiting from these kinds of things.

My whole point in raising this point is that we cannot continually sit in the House and wait for three years to do something about a problem that is progressing so horribly. We have many people dying on the streets in Vancouver, as the member just said. How bad does it have to get before we would consider it to be an emergency and maybe decide to do something about it?

I am thinking about a person who was convicted in 1998 of a drunken driving charge. He had killed four people as a result of a stupid decision to drive while drinking. His victims lived in

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Saskatchewan and were killed on an Alberta highway. At the scene the individual was very upset that it had happened. He admitted his guilt. It was proven that he was terribly intoxicated. Yet it took 18 court cases to deal with what seemed so obvious. He immediately pleaded guilty. He was immediately remorseful. All the things were in the right place to deal with it.

• (1250)

The families of the people who were killed on the highway drove back and forth to Calgary 18 times in over two years to finally hear the verdict for the individual who had taken the lives of these people. It took 18 court cases on a cut and dry drunk driving case. He was obviously guilty and had pleaded guilty.

I cannot begin to describe the trauma and the major effect it had on the lives of the victims. I have become well aware of them over a period of time. There was the trauma of not knowing what the justice system would do for them. Eighteen courts cases is very profitable for the legal system but it does nothing for a justice system.

The military used to have a code, and I hope it still has, that some things need to be in place to have good justice. It has to be fast. It needs to be firm. It needs to be fair. It needs to be final. It used to be called the four *fs*. It would not take long to make decisions on cases like that one. If it had to be investigated it would take a lot of time and energy. Four families were involved. They lost their children in a car wreck caused by a drunk driver. For over two years they drove back and forth from Saskatchewan waiting for this cut and dry case to be dealt with.

Finally the House has a victims bill before it three years later. The victims have been calling for it for ages. It was introduced and passed in 1996 but something happened. It died somewhere. Is it because we have become so political that an idea from my Reform colleague is not acceptable by a Liberal government? Does it have to die at the committee level and then be reproduced later by a Liberal minister so it looks better? If that is the motive we need to examine how we operate in this place.

A five year old girl in Calgary went missing. By evening they found her in a dumpster. She had been murdered. It was very sad. They found the person responsible for her death. It was a next door neighbour who lived across the alley behind them. He had taken the little girl out of her yard.

His cry to the police was that the little girl had been coming on to him. He was 47 years old. They spent time and energy on him. The 47 year old individual received psychological guidance. He even went to the hospital to be checked over. I cannot imagine it but he received legal aid. All kinds of assistance were overflowing from our system to him.

The mother was a single parent and had two other children. She suffered a great loss when this little five year old girl was taken. The only counselling they got was from friends. The only professional medical help they could get was through psychology, psychiatry or whatever for which she paid herself. There was no program offered to help them overcome the grief they were going through.

However, the 47 year old man who claimed to have been led astray by this little girl was to go to a place where thousands of dollars would be spent to provide some kind of rehabilitation program for him.

• (1255)

For months and months it went on. Organized victim groups went to the home of this mother to hold her hand and give her a shoulder to lean on. There was absolutely no help from the system whatsoever.

We recognize the serious problems faced by victims in the land. In 1996 it was passed in the House, sent to committee and lost. 1999 rolls along and we finally get to doing something about it. What kind of a procedure is that?

In 1994 the 10 year review of the Young Offenders Act failed dismally. The government announced that something had to be done with that act. Now it is 1999 and, lo and behold, we are to have a new act. Nothing has changed in the meantime. There are still all kinds of problems. We concentrate so heavily on the rights of the criminals that we have completely forgotten the victims involved and how protecting them is so essential.

On behalf of my friend from Edmonton, we cannot delay fighting drugs any longer. We have to get at it. We have to consider it to be extremely serious and deal with it. It is time to put partisan politics completely aside when young people all across the country are dying on our streets from drugs.

I do not believe there is anyone in this place who would not co-operate with another person to help alleviate that problem. I do not believe that for a moment. Let us not do anything that would cause the kinds of differences that would make that happen. Let us just agree that there is a problem and, for heaven's sake, let us work jointly together to solve it.

A lot of it has to do with poverty. In 1993 when I came here there were one million children living in poverty. Now I hear talk about 1.5 million. That is not solving the problem. It seems to me like it is going in the wrong direction.

Let us start thinking about where we are spending our money and where it can have the best effect. I agree that it was extremely nice of our heritage minister to spend \$25 million to see to it that

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everybody got a flag, but there are children's aid societies all across the land that could really have used that money.

Why can we not make victims of crime our priority? Young people are a big part of the problem of being victims. They are victims of poverty. They are victims of all the things that could be fixed if we decided to do it.

When something good comes forward like my hon. colleague's bill of rights, something that was acceptable to every hon. member of the House as far as I know, it is time to get rolling and get it done. I know a few members may not have liked it but they were a very few. It went to committee and it died. Why? I do not know. We could only speculate from that point on.

Partisan politics interfere far too much in this place when we need to deal with serious problems. We need to visit more individuals out there who are paying our wages to be here. We need to learn of the problems they are facing and learn of the situations that can be overcome if we get our priorities straight in this place.

Hon. members can object to the spending of money as I just mentioned I did. I can see the headlines tomorrow: the hon. member for Wild Rose is anti-Canada; he did not want the heritage minister to give away flags. That is not the point at all. That is a very good thing to do. It is too bad we do not have an extra \$25 million lying around to do that with. However, how can we justify spending money in some areas, like committees for seniors for sexuality, when we have people committing suicide. In Vancouver alone over 300 young people have died this year because of drugs. Victims are growing by the numbers.

• (1300)

I plead with the government to start putting some fast tracks on some of this legislation so it can be debated and we can begin to solve the problems facing the nation. Forget all the rhetoric and baloney that goes on with some of these items. Let us get down to brass tacks and start looking at what the problems are and begin solving them.

I thank the justice minister for getting this at least to the floor of the House. I wish it had happened years ago. It should have. I encourage all members to get behind the bill and support it. Let us continue to look for ways to assist the victims in our land who number in the thousands.

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, my hon. colleague from Wild Rose mentioned a family from Saskatchewan who was obliged to come 18 times to court in Alberta on a guilty plea involving a terrible tragedy.

As the member knows, I spent 10 years in court as a defence or crown counsel. Could he tell us, if he has the case at his fingertips, whether the fault for that was because of a probation officer, the

judge, the crown or the defence counsel? Can he tell us the reason for this 18 time requirement?

Mr. Myron Thompson: Mr. Speaker, it is difficult for me to do that. I only know of the one time that it was delayed. I will have to work in reverse because there was so much going on in between. I was caught off guard that it had lasted so long. I thought it would have been over.

The last time we all thought we were going to court was on the day of sentencing. The families drove in from Saskatchewan. While we were sitting in the courtroom, the judge looked at the guidelines for sentencing only after the conviction had already been made. As he was going down the guidelines he noticed there was one little sentence that had been added in, not by this House but by order in council I presume or however some things get added in to the Criminal Code, "that before sentencing we must consider whether the person is aboriginal or not".

The judge looked at it and said he was not sure what it meant so he was adjourning court for the day. He scheduled it for five days later so he could investigate what that particular sentence was supposed to mean. Those are the kinds of things that get implemented into the Criminal Code that do not really make sense.

We had a drunk driver who killed four people. Pray tell, what difference would the person's nationality make? The circumstances in that person's life were all brought out through the 18 months in court. Neither his race nor his nationality were discussed until the last day when it was to be suspended. I think the judge was honestly surprised that it was even in there and he had to find out what it meant.

The family drove back to Saskatchewan. Five days later they had to come back again for the final sentencing which, I might add, was a big disappointment to the victims. They thought it should have been a lot more severe than it was.

That is the only incident that I can definitely say happened. I do not really know about the other times.

• (1305)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the member mentioned the terrible impact of drugs on young people and the local communities. He even mentioned the downtown area of my own riding of Vancouver East.

I would like to pursue this a bit further. There is no question that the impact of illegal drugs is overpowering in terms of death and destruction, not just on individual lives but on whole communities. As he has pointed out, this does have a relationship to crime. It marginalizes people and involves them in taking on a criminal lifestyle.

Does the member's party agree that in order to deal with the issue of reducing the harm of obtaining drugs illegally on the street that we have to provide a social and medical response?

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I have, for example, a motion coming up that will look at providing a heroin maintenance program. This will enable us to put chronic addicts into the medical system. They should not be out on the street leading very desperate lives and causing harm not only to themselves but to the whole community.

We have heard two members speak about the impact of drugs and the drug trade. Does the Reform Party recognize that there are victims and to continue with a criminalized approach does not really solve anything?

The member also mentioned growing poverty which, I agree, has been a tragedy in the country. I saw a letter the other day from a Reform member suggesting that housing and homelessness were not a national responsibility but a responsibility that should be left to the provinces. I am curious as to the Reform Party's position as articulated by the member today. Growing poverty also impacts on victims of crime and on the people involved in crime. The provision of housing as a basic human need is something that is very critical.

I would also like to know whether the Reform Party supports the provision of housing? Does it feel there is a role for the federal government to play in ensuring that there is no homelessness in Canada?

Mr. Myron Thompson: Mr. Speaker, unlike a lot of policies and parties I have seen, I think they are lacking a little ability to determine priorities.

The government should know where best to use the money that will benefit Canadians the most. Education, protection and health are always priorities. Our policy strongly suggests that there has to be an amount of money available for those who are severely in need. I am talking about people who are living on welfare and cannot do anything about it. I am talking about the handicapped who are unable to earn money because they cannot get a job. I am talking about a genuine need. That is where we would expect the dollars to go.

We would also expect the dollars to go into native affairs. For example, money should be used to eliminate the poverty and squalor that some of these people are living in on the reserves. I have seen it with my own eyes. It is a shame.

I do not think we need to look at people who are addicted and caught up in the activity of drugs as being anything more than victims. We need a system that is going to help as best it can. I am certainly no expert on what type of program we could have that would help people avoid drugs. We live in a country where drugs are rampant and available in our penitentiaries. This is where it could be corrected, but we have failed to even attempt that. That certainly has a bearing on what happens out in the rest of the world. People are supposed to be sent to penitentiaries for drug rehabilitation yet drugs are more available in the penitentiary than anywhere else. It hardly makes sense to me.

• (1310)

A lot of people come into Canada from foreign lands just for the purpose of distributing drugs and profiting highly. When we catch these individuals committing a crime, why do we want them to stay in Canada and impose their evil deeds on our young people? Let us deport them. Who needs them?

It is thoroughly disgusting to go into cities and see 12 and 13 year olds working as prostitutes. These are children who are victims. When they find the 20 or 30 year old individual who is called their pimp, he gets a small slap on the wrist and is back out finding a new victim. Why do we want to treat those people so kindly? If I suggest there are better solutions to dealing with criminals of that nature, then immediately the words would come out "Oh, the extremist".

Is it okay that a pimp can manage 11 and 12 year old kids on our streets, get a six month sentence and then be released back into our community? No, it is not okay. We have to take these criminals a little more seriously. They are going to try to suck all our young people into these programs and we have to stop them. We have to make up our minds to do it and get away from the political rhetoric of "Oh, what an evil thought" or "Oh, what an extreme man".

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, it is my pleasure to speak on Bill C-79, an act respecting victims of crime.

It is quite amusing that we should be debating a bill that was supposed to be a priority not only to the present Minister of Justice but to the previous Minister of Justice.

In 1996 the former Minister of Justice promised that specific victim legislation would be presented by the fall. Here we are, three years later and two justice ministers later, debating a bill that, according to the present justice minister in June 1997, listed victims rights as one of her top three priorities. It is two years later and we are debating this top priority of the Minister of Justice.

This is one area in which the Reform Party has played a very important role. Three years ago, a supply day motion was presented by the Reform Party, and supported by the House, which put a victims rights bill into the system and before a committee. The justice committee was instructed to come up with legislation that would be reported back to the House. I guess three years late is better than not at all.

I have several concerns with the legislation. Nowhere is the definition of a victim clearly spelled out. As many of us in the House know from visitations from constituents, a victim is not necessarily the person who received the abuse, the attempted murder, the rape or whatever. A victim can be family members;

sons and daughters, mothers and fathers, siblings. In many cases there can be lots of victims when these kinds of criminal actions take place.

I would have thought the government would have been a little clearer in the parameters of who it considered to be victims and who it considered should fall under the Criminal Code in reference to the rights given to victims.

• (1315)

The other concern I have is that the committee, in recommending that the legislation be presented to the House, also recommended that there be amendments to the Corrections and Conditional Release Act which would support what this victims rights bill is attempting to do. It is difficult to deal with one and not deal with the other at the same time.

We are faced with dealing with part of an answer to a problem, rather than the entire answer which was recommended by the committee, which was to make amendments to the Corrections and Conditional Release Act and to install victims rights legislation.

Until we deal with the Corrections and Conditional Release Act we will not know whether we have resolved some of the issues because we will be dealing with them in isolation. This should be going hand in glove to make sure that what the government is attempting to do is in fact what the committee suggested the government do in order to deal with the issue.

Another concern I have, and I would be the first to recognize the difficulty with this given my responsibility, is that the federal government is responsible for the Criminal Code. The federal government is responsible for the legislation which sets the parameters of criminal activity, what the penalties will be, how they will be treated and the like. However, the provincial governments are responsible for the administration of the Criminal Code through their judicial processes.

I am a little concerned that there needs to be a closer working relationship between the provinces and the federal government to make sure that the changes in the Criminal Code are changes that the provincial governments can accept and enact. I believe that the committee which will be established might help with this, that it will attempt to work with the provinces in the enacting or the ability of the provinces to implement the legislation, but I really feel from my experience that there needs to be far more open communication between the provincial jurisdiction and the federal jurisdiction before things are set in stone.

I would like to believe that the committee which will be established will have the ability to work with the provinces, and to get the provinces to work together, but I would have liked to have

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seen a little more indication that the federal government had already gone through that process in a much more meaningful way before it produced legislation.

This legislation has been introduced into the House of Commons. The process will allow the government to once again hear from victims and from provinces as to whether they feel this particular drafting of the legislation really deals with the issue. I hope the government, through the committee, will be open to hearing what the victims and their families, support groups and community groups have to say. I hope they will listen to what the provincial governments have to say with respect to the administration of the legislation and that if there are problems, if there are ways of amending the legislation so that it will work better, then I hope the government will be open to bringing those kinds of amendments and changes to the legislation so that we end up with a statute that has meaningful application in today's world.

• (1320)

Those are some of the difficulties that I have with this legislation, but I would like to give credit where credit is due.

The committee which dealt with this issue did a good job, I believe, in making recommendations to the government. The committee went out of its way to listen to victims rights groups and other advocates to try to bring together in its recommendations meaningful changes and meaningful recommendations for legislation that the government could use to address the problem.

What the committee has recommended and what the government has included in Bill C-79 is that the victims are to be informed of their right to prepare a victim impact statement at the time of sentencing. One would think that is pretty common and that it is already done. Surprisingly, it is not already done.

Yes, a victim impact statement can be presented in writing, but there has never been an opportunity for the victim or the victim's family to relate to a court the impact of the criminal activity on themselves. To me it seems almost ridiculous that it has taken so long in the development of our criminal system, our court system and our judicial system for victims to be given this right to express the result of the action. It is far past the time that this recognition be granted. The government is to be commended that it has finally seen the opportunity to make this happen.

The government has given victims a choice. They can read the victim impact statement in court. As I said, this was never a choice which they had before.

It has also given victims of sexual assault or violent crime up to the age of 18 years the right to be protected. They can be protected from cross-examination by the offender. In other words, an offend-

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er who is representing himself would not have the right to attack and victimize, if you will, the victim for a second time.

We might feel that does not happen very often, but I think we might be surprised at how often it does happen. I was absolutely appalled when there was a chance that Clifford Olson, whom we all know about, might have an opportunity to cross-examine family members on a section 745 hearing. It was mind-boggling that somebody like that would even have the right to have personal contact to cross-examine a victim.

I think we would be surprised at how often a victim is forced to present themselves in our judicial system before their attacker and be faced with feeling very intimidated and very vulnerable for a second time.

It is interesting that this legislation brings up the issue of police officers and judges considering the victim's safety in bail decisions. How can it possibly be that this was not a consideration before? How can it possibly be that the safety of the victim was never a consideration? Once again I have to commend the government for at least acknowledging that something which seems so common sense finally sees the light of day in legislation.

Another issue it presents is that judges are required to inform the public of the possibility of a section 745 application for early parole for those people who have received life sentences. For those viewers who may not know what a section 745 application is, it is when a convicted first degree murderer who has been given a life sentence without eligibility for parole for 25 years can apply for an early parole release after 15 years. It is interesting that finally there is something in legislation which says it has to be made public when somebody is making that application.

• (1325)

That brings me to the issue of why it should be made public. In many cases a victim wants to make a statement during these hearings. We have these people whose crimes were considered to be violent, a crime of intent or a murder of intent. That is what a first degree murder charge or conviction is. They want to be let out after 15 years instead of facing at least 25 years. It seems to me that one would assume that in a first degree murder charge the families of the murdered individual would have an opportunity to express to the court, in making the decision of whether this individual should have early release, the hardship which that criminal activity caused them. They have never had that opportunity. Finally the victims will have an opportunity to present victim impact statements at section 745 hearings.

That is important to an individual who has been confronted with this kind of situation, who feels they can never leave behind the criminal activity which destroyed their lives because somebody is constantly appearing before a parole board looking for relief. They were never given an opportunity to express their concern or how their life changed because of the criminal act or murder. Finally these individuals will be given that opportunity.

Then there is the protection of victims by the banning of the publication of court transcriptions. That is a given. If a victim has survived and wants to put it behind them, the last thing they want is for the whole world to know what they suffered and to have to relive it over and over.

There are some very valid and very good things that the government has brought to this bill and has addressed through this bill. However, it is sad that it did not go the full nine yards by taking all of the recommendations of the committee, that it did not provide a better definition of victim and that it did not bring in amendments to the Corrections and Conditional Release Act at the same time so we could deal with it in its entirety.

I want to share with the House an individual's story. It is from the local newspaper and is entitled "The Life Destroyed".

A woman is scooped off the street, shovelled into the cab of a pickup truck, raped repeatedly by the passenger while the driver taunts her to "make it good for my friend".

Twenty minutes later, the vehicle stops. The woman is pushed out, then tossed like a sack of potatoes onto the tailgate, where the driver rapes her. The passenger plunges the knife into her back, twists it, then pulls it out. Then he kicks her body down a bank. At the bottom the body rolls into the cold water of the river.

How could there be anything more horrible, more appalling?

"There is", said the woman, "the Canadian justice system".

That is a sorry statement that we should even have to address in the House, but that is what this victim, who suffered what no one of us could possibly imagine living through, who did not think she would live through, had to address.

As appalling, odious and painful the crime, there was worse to come.

The Canadian justice system.

"I was on the witness stand for seven hours. That was longer than the rapes themselves. The court experience was the worst experience I have ever had to go through in my life".

Here is a young woman whose life was destroyed. She was 18 at the time. She had a child. The child later went with the father because mentally and physically she could not deal with the situation. She is now a bi-polar depressant person. She has to be on medication. She needs counselling. This is six, seven or eight years later.

She goes on to say about one of the rapists:

I am angry because he is getting full parole. He gets to choose what he gets and I have had to suffer for the past eight years.

• (1330)

She does not understand why Lee has had the chance to get out of jail. "I felt that he would be there for the full 12 years. I hate Lee and Bennett", the two individuals who raped her. "They destroyed my life. I became a terrible mother and I was a good mother before".

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This is an individual whose total life has been destroyed. One of the individuals got 12 years and I believe the other got 18 years. Both of them are out on parole.

For every parole hearing she has to prepare herself mentally and physically to once again address the issue and make statements, to make sure these individuals have to remain accountable for their actions. She is going through this time and time again. While these two individuals get counselling and all the necessities of life in prison, not necessarily the worst of the lot, this individual is struggling to put her life back together with little assistance from the government.

Her medication bills are \$165 a month. She cannot afford to go to counselling anymore because it is \$80 an hour. Even though this is making a terrible state of her life she has had to drop the counselling. She says that on \$10 an hour she just cannot afford it anymore.

Another insult the justice system has hurled at her is that it requires her, the victim of a crime, to undergo a criminal record check before she is allowed in the room where Lee's hearing is to take place.

One really has to wonder when it is the victim who is always victimized again and again by our justice system. It is time to let victims have closure, to move on and to restore the lives that have been destroyed.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, I would like to thank the member for South Surrey—White Rock—Langley for her comments. I acknowledge she is one of the members I worked very closely with on these issues long before I came to this place.

There is another case in her constituency that I find quite troubling. A number of years ago a man murdered his wife, or killed his wife. We cannot call him a murderer because he was accused of manslaughter. He served part of his time. He got five years. He was trying to have his kids visit him. These kids are victims. They are his kids and he killed their mother. He was trying to force them into having visits with him. Now the word is that upon his release he is going to try to get custody.

I am sure she is aware of the case I am talking about. I wonder if she has any comments on that issue.

Ms. Val Meredith: Mr. Speaker, I thank my colleague from Surrey North for bringing up that issue. It is not one that is easy to forget.

An individual murdered his wife and it was not a clean murder. He tried to hide it. He tried to clean her up, put her back into bed and pretend she died in the night even though she was battered and bruised. He was convicted of manslaughter. As so often happens we had plea bargaining. It was the easiest way to get a conviction and so he got manslaughter with five years and was out after

putting in his required number of years. He requested visitations with his children when he was still on parole. The children had to go through tremendous difficulties, counselling and the whole bit. The youngest child was still nursing when the mother was killed.

Now the family that has taken over the care of these children since he was charged and incarcerated is fighting in the courts at great expense to keep custody of these children knowing the psychological damage that has already happened to these children and which would continue if they were to go back to their father.

It is an ongoing case where the victims have to go into the court system over and over again to try to make sure justice is served.

• (1335)

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, it is a pleasure for many reasons to participate in the debate on Bill C-79. The single most important reason is because we would not be here today if it was not for the Reform Party, for its vision and its pursuit and acknowledgement of victims of crime in our criminal justice system.

Specifically the House owes thanks to the member for Surrey North and the member for Langley—Abbotsford for their dogged determination in forcing the government to acknowledge victims. There is no doubt this government would have procrastinated in the area of victims rights.

This initiative goes back a long way, in fact back to 1996. In the last parliament the member for Langley—Abbotsford introduced a victims bill of rights, an enlightened document. Its genesis was that victims have rights and they should be acknowledged as a fundamental right in our society. For too long, victims were the forgotten element in an impersonal justice system. The member for Langley—Abbotsford is to be commended for his tenacity and his vision.

Following that initiative by the member for Langley—Abbotsford, a Reform Party supply day motion was introduced, debated and passed in 1996. It finally got a lethargic government motivated to review and finally introduce the legislation we have before us today. That took another three years. If it was not for the continued pressure by Reform to get this issue before the standing committee, who knows how long the government would have delayed.

In October 1998 the Standing Committee on Justice and Human Rights tabled its report, "Victims' Rights - A Voice, Not A Veto". At this juncture was again the member for Surrey North who was responsible for many of the recommendations in the report and now for what we have before us today in Bill C-79.

In the fall of 1996 the former Minister of Justice promised to move on the issue of victims rights. His promise never materialized. Another broken covenant by this lethargic government. The 35th Parliament came and went and no victims rights legislation. On April 29, 1996 the former Minister of Justice admitted some-

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thing should be done to acknowledge victims of crime. Talk is one thing; action is another. That justice minister is now in health making more promises.

In June 1997 when the current Minister of Justice was sworn in she too promised action. In fact she said that victims rights were one of her top three priorities. Almost two years later we see what kind of attention her promises and her priorities get.

Let us face it. Reform's fingerprints are all over Bill C-79. Too bad the government did not see fit to complete the job and include all of their commitments. Recommendations in this bill, Reform's recommendations and the committee's recommendations, will probably take at least another two or three years for this minister.

As I just said, Bill C-79 is not complete. The justice committee in its report called for changes to the Criminal Code as well as the Corrections and Conditional Release Act. The latter was ignored in Bill C-79. Sadly, victims of crime will have to wait for legislative initiatives in the area of corrections. They will continue to have no right to participate in release hearings, to be advised of escapes, temporary absences or anything to do with corrections.

It is regrettable that the government can never complete the job. It is as if it has a problem with acknowledging the total picture or is just too small to give others credit for their initiatives. The only ones who lose because of the stubbornness of the government are the victims, as usual.

What do we get in Bill C-79 after four years of hard work on behalf of the Reform Party and the standing committee made up of members from all parties?

Victims will now be informed of their right to prepare a victim impact statement at the time of sentencing. This is a straightforward necessity which gives acknowledgement of the feelings of victims, a pure Reform Party initiative.

Victims will have the choice to read the victim impact statement in court, another Reform initiative. This is further acknowledgement of the victim in this criminal justice system that until now has abandoned them.

Bill C-79 will protect victims of sexual assault or violent crime up to the age of 18 from personal cross-examination by self-represented accused persons, a most logical and sensitive way to treat the victim. After all, who is accused here?

• (1340)

Bill C-79 will compel police officers and judges to consider the victim's safety in all bail decisions. That would seem to me to be something that should have been done a long time ago. The victim's safety should be considered in all bail decisions. Until now the victim's safety was a passing thought.

It is incredible how such obvious acknowledgements took so long for the government to consider and change. These things would not be changing today without the hard work of my colleagues in the area of victims rights.

Judges will now be required to inform the public of the possibility of section 745 applications for early parole for those who receive life sentences. This is welcome, but we all know what the ultimate position should be in the area of this scandalous and pathetic section 745.

As well, Bill C-79 will allow victims the right to present victim impact statements at section 745 hearings. Again this is a move forward, but if it were not for this nonsensical and insensitive section 745 to begin with, we would not need this in the bill.

Bill C-79 will allow victims and witnesses with a mental or physical disability the right to have a support person present while giving testimony. Going to court is intimidating at the best of times no matter what side of the law one is on. At least this gives some acknowledgement to this ordeal, particularly for the victim. It is a good move. Again, it is in this bill because of pressure from my colleagues in the Reform Party over the last few years.

Victims and witnesses will now have protection through the banning of publication of their identity where it is necessary for the proper administration of justice.

As I have said in the last few examples, there are some positive initiatives in this bill and thankfully, acknowledgement of the recommendations of the Reform Party in this four year ordeal to get the government to move. It is unfortunate that it has taken four years.

We have one concern. We plan to pursue the broadening of the definition of victim.

The minister touts the policy centre for the victims of crime as instrumental in a new strategy in acknowledging victims. She contends that all federal policies and legislation will take into consideration the views of victims of crime. We will hold her to that. And we will. If it becomes another federal sinkhole of rumination rather than action, we will not tolerate this indignity on victims.

As members are aware, a victim surcharge is an additional penalty imposed upon offenders at the time of sentencing. It is collected by provincial and territorial governments and used to provide programs, services and assistance to victims of crime within their jurisdiction. Bill C-79 will make some changes to the application of this surcharge. It will now be automatic to ensure it is applied consistently to all offenders. That is fair.

The new legislation will provide for mandatory minimum amounts. The new charge will be 15% of any fine imposed on the offender. If no fine is imposed, it will be \$50 in the case of an

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offence punishable by summary conviction and \$100 in the case of an offence punishable by indictment. Over and above that, an increased surcharge at the discretion of the judge can now be imposed in appropriate circumstances.

We have come a long way since 1996, but as I have said, not all the way with regard to victims rights. It is regrettable the government could not bring itself to complete all elements of the all-party committee report. This is not the first time. This is one of many bills that have come from the justice committee. Another is the Young Offenders Act for 10 year olds and 11 year olds. All parties in the committee requested it. They did not get it. The committee had many meetings and hearings across Canada. We did not get what the committee asked for. This is a government run by bureaucrats, not by elected officials.

It seems a shame that we could not be here today having just once completed something in this House that a committee of all parties recommended. The Reform Party will accept the work to date and will continue to work with the government to complete the task. We will work hard to complete the task. Victims deserve closure and Bill C-79 brings them at least a few steps closer to that.

• (1345)

The Reform Party and specifically two diligent and determined members of my caucus can take solace today that their work culminates in Bill C-79. I say congratulations to them for the great work they have done, not only for our party but for this parliament and for all Canadians.

I want to finish up by talking about an example. I was home this past weekend and there was a story in the *North Shore News* about a drug dealer who in February was sentenced to three and a half years in jail. The person was described by the crown prosecutor as a controlling mind who used six others to take the heat from him while selling cocaine to an undercover North Vancouver Mountie over 10 months. All together in this case there were 13 cocaine transactions involving as much as two kilograms of cocaine costing \$80,000 in this crime perpetrated by this Mr. Darmadi.

He was arrested in September 1997. He was released on bail on February 9 and a B.C. Supreme Court justice sentenced Darmadi to jail. On April 21, less than three months after his incarceration in a federal jail, Darmadi will return to North Vancouver to visit his parents on an eight hour escorted leave. What about the victims of this gentleman, the people whom he got involved in crime with him?

In a very short few months after receiving a three and a half year sentence he is home visiting with his parents. Children and young people visiting with their parents is a very nice and happy thing but

not for this type of individual. It galls me when I see people like him, one of the most serious criminals in our country, getting treated in this manner and yet victims of crime do not have those same rights.

I talked earlier about some of the things that are not done in the bill. Some of them are under provincial jurisdiction, for instance plea bargaining. My hon. colleague used the case just a while ago of somebody sentenced to manslaughter instead of murder because of a plea bargain. I know that is a provincial matter, but maybe we should be showing some leadership to the provinces in the House by saying that plea bargains should only take place where victims are concerned and victims should participate. They would probably agree if they were able to sit down and go through what happened, but we ignore victims and that is unfortunate.

In the area of corrections we moved to see changes with regard to release hearings and being advised of escapees. We heard from the minister that it was maybe the solicitor general's department and he would bring in some legislation in those areas. They could have been included in the bill. It seems strange to me that after all the work we have gone through there is still nothing which insists victims of crime be informed if somebody escapes from jail, especially in cases where there has been violence or threats have been made. There is nothing in the legislation which allows that to happen.

After the committee has travelled across Canada and made recommendations in all these areas, we in parliament should not have to wait for another government bill somewhere down the line. Most of all, victims should not have to wait for somewhere down the line. When a violent offender escapes from jail his victims should be notified right away by law.

When people involved in rape, murder and physical threats are going to release hearings, the victims of those people should be notified. That is not in the bill, and that is not helping victims. What would be worse than the victim waking up and reading in the paper that some vicious murderer or rapist just got released on bail after serving a short period of time? The victim should have known about it. There is nothing in the law which says that has to happen. That is not right and that makes the bill not good enough.

• (1350)

We will vote for the bill because there are some positive changes, but it does not encompass all the changes the committee recommended and that is the weakness of the bill.

I assure all Canadians that Her Majesty's official opposition and all its justice critics will keep on this issue to make sure the government moves it forward as fast as it can.

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Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, it has been interesting to listen to the debate today. We are discussing the impact crime has on people who are the victims of criminals and criminal acts.

While my colleague was speaking I realized that pretty well every speaker had said something about sentencing as well as the rights of victims. Although the bill does not address the question of sentencing, which is an entirely different matter, it seems it is one of the areas in which victims often feel greatly victimized because they lose so much.

A rape victim, the family of someone who is murdered, the family of the person killed or severely injured by a drunken driver, all these people are victims. It seems as if the person who perpetrates the crime gets away with a substantially inadequate sentence. In a way that gets into the realm of the rights of victims to see that justice is done, to see that there is a penalty commensurate with the act which has taken place.

Does my colleague, the critic of the justice department for our party, have any insights into how it impacts on the rights of victims when they are victimized by criminals?

Mr. John Reynolds: Mr. Speaker, I think my colleague's question is one of the most important ones. Part of the process involved in the youth criminal justice act was getting people in the room together, the victims and the people who committed the crime, to talk about what they did.

All members who have been in politics for any period of time and have dealt with constituents will notice that whenever we get involved in issues of crime and hurt we wonder how they get closure and get on with their lives. Under the system we have right now it is not easy for people to do that. They do not feel they are part of what is going on. They do not feel they have had their say or their chance to put forth what they think should happen.

Sometimes if we involve people, as we are to do with the youth criminal justice act, it works very well. It has been shown over the ages that the more we can involve victims in the process, the better they can come to some form of closure and get on with their lives. It is very difficult, especially when someone in the family is lost, when somebody is murdered or hit by a drunken driver. How do they get over that? It is not easy, but at least the victims could be part of the process.

It is not very difficult to make that happen. All of society would be better. They could get on with their lives feeling a little better. They will never feel whole again because of what they have lost, but the fact that they can be part of the process will make them feel they did the best they could for the person who is gone instead of sitting on the outside and not being part of the process.

The government did not do things in terms of parole hearings and releases. My colleague has also raised sentencing. These are

issues the committee looked at. The majority of members would agree these things should be in legislation. I talked earlier about plea bargaining. I know a number of these things are within provincial jurisdiction, but our country is not that big with a little over 30 million. The Parliament of Canada could make recommendations to the provincial governments that the victims be notified of plea bargaining, sentencing, releases and parole.

I do not think there is a member in the House who would not agree, if somebody has escaped from jail, a murder, rapist or any violent offender, that his victim should be notified. We would all agree with that. It is not here and it is unfortunate because it should be here. It shows the arrogance of a government that does not listen to its committees in the House of Commons.

● (1355)

I read in the paper that one of our New Democrat colleagues is leaving to go into provincial politics. I will not mention what he said about his party because that would be unkind, but I will mention what he said about parliament. I tend to agree with him that the committees in the House are not working properly and that members should be able to go to committee knowing they are doing what is best for Canada from their point of view from whatever region they live in.

I agree with that member that parliament is becoming more irrelevant because of the dictatorial means of the government of the day. There is too much power in the PMO. There is too much control of what goes on in this place.

Members should be allowed to debate freely and openly and get their points of view across. They should be able to go to a committee, which they did, and talk about doing something with the bill in the areas of sentencing, escapes and plea bargaining. All those things were discussed in committee. Members from all parties agreed. Yet there is not one mention of those items in the bill. That is unfortunate. That has to change before parliament changes for the better.

The Speaker: There are about four minutes left for questions and comments, but I am going to table a report. I thought we could do that and then get ready for Statements by Members.

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[Translation]

AUDITOR GENERAL'S REPORT

The Speaker: I have the honour to lay upon the table the report of the Auditor General of Canada to the House of Commons, Volume I, dated April 1999.

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[English]

Pursuant to Standing Order 108(3)(e) this document is deemed to have been permanently referred to the Standing Committee on Public Accounts.

As it is almost 2 p.m., with the agreement of members we will proceed to Statements by Members.

STATEMENTS BY MEMBERS

[English]

CANCER

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, April is the Canadian Cancer Society campaign month. During the month thousands of volunteers will be knocking on doors across the country, trying to raise the millions of dollars needed for the fight against cancer.

Through research, education, patient services and advocacy for a healthy public policy, the Canadian Cancer Society in collaboration with the National Cancer Institute of Canada is fighting to eradicate cancer. Furthermore, dollars raised by the Canadian Cancer Society are used to enhance the quality of life of people living with cancer.

As virtually every Canadian knows, cancer takes thousands of lives each year. Only through increased awareness and further research will we see continued progress in the fight against cancer.

When volunteers are at our doors this month, we should try to think about how we and our families will be able to help in this campaign. Those who have questions or need for updated information on all aspects of cancer and cancer care can call Cancer Information Services at 1-888-939-3333.

* * *

ROYAL CANADIAN MOUNTED POLICE

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, the solicitor general's neglect and mismanagement of the RCMP is causing it to go bankrupt.

Officers are leaving the force for better paying jobs or are going on stress leave due to the pressure of not having the resources to fight crime. Frontline police are frustrated by laws without teeth that are passed by the Liberal government.

Surrey, B.C., has the largest RCMP detachment. No wonder it is hard to fight crime with at least 10% fewer officers and 20% fewer vehicles. The RCMP knows that the Liberals will not walk the walk when they are not even talking the talk about getting tough on crime.

Despite repeated requests by the city of Surrey, the solicitor general refuses to answer questions about how \$36 million per year is spent on RCMP service in Surrey. The city has been forced to threaten the solicitor general with a lawsuit to get the facts and figures. My constituents hold the Liberals responsible and the solicitor general accountable for our local RCMP service.

* * *

CANADA BOOK DAY

Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.): Mr. Speaker, this Friday, April 23, is Canada Book Day, the largest single day celebration of reading and book buying in Canada. It is also a day to celebrate Canadian authors. Communities throughout our country will participate in events, including book giveaways, contests, award announcements, readings and author signings.

• (1400)

World Book Day was declared by UNESCO in 1995 and since then has been celebrated all over the globe. Our contribution, Canada Book Day, is organized by the Writers Trust of Canada, a national charitable organization dedicated to the advancement and nurturing of Canadian writers and writing.

The federal government supports Canada Book Day through the Book Publishing Industry Development Program.

Books are windows into worlds, real and fictional, revealing our souls, our fears and our aspirations. They challenge us to learn about ourselves and to be better for it.

On Canada Book Day, I invite my constituents and all other Canadians to read a book, share a book, or give a book to someone. Spread the written word and celebrate Canada's literary wealth.

* * *

ST. PAUL UNIVERSITY

Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.): Mr. Speaker, last Sunday, St. Paul University in Ottawa, known for its commitment to Catholic education, granted honorary doctorates to four citizens of the world in Canada, Philippines and Germany: Ms. Marjorie Hodgson, respected aboriginal leader who has worked to support healing within aboriginal communities; Madame Labelle, Chancellor of the University of Ottawa; Father Wilhelm Steckling, Superior General of the Missionary Oblates of Mary Immaculate; and, Brother Andrew Gonzalez, President of the International Federation of Catholic Universities and the Secretary of State for Education, Culture and Sports of the Republic of the Philippines.

As a Canadian member of Parliament of Filipino heritage, it gives me a special sense of joy to see that two of the recipients are from Canada and one from the Philippines. These honours are a tribute to the recipients and therefore to the social value of

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education. This is welcome news since Canada has placed education as one of its national priorities.

When we salute the recipients, we show the abiding faith we have in our students, youth—

The Speaker: The hon. member for Abitibi—Baie-James—Nunavik.

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[Translation]

REGIONAL DEVELOPMENT

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, on April 13 in this House, a member of the Bloc Québécois stated the following in response to my question “The member knows well that the CLDs are replacing or complementing, with a broader mandate, the existing economic councils, even those that existed 15 years ago”.

Resolution CE-022-09 at a meeting of the Abitibi—Témiscamingue CRDAT on March 18 in Val d’Or provided “It is moved by Michel Cliché and seconded by André Brunet that the CRDAT’s discontent with the Quebec government’s handling of the distribution of the additional funds to the CLDs be expressed to the Minister, Jean-Pierre Jolivet, and that he be told the fact the regions were not consulted is unacceptable”.

The Bloc Québécois member should read the minutes of this meeting, where it was said “the Government of Quebec ignored the regions’ approach and failed to ask the opinion of the CRD”.

That is blockage Québécois of the CRD, 15 years later.

* * *

[English]

NATIONAL VOLUNTEER WEEK

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, this week communities across Canada will be celebrating National Volunteer Week. This week is set aside to thank and honour our communities’ unsung heroes, those people who donate time and energy to help their fellow citizens and the causes they believe in.

Every day volunteers take time from their work, their leisure and their home life to volunteer their talents and energies to solve problems in their communities. They come from all walks of life and from all ages. They share in common their citizenship and commitment to improving the quality of life in their community.

In observing National Volunteer Week, I encourage all members of the House to join with all communities across Canada in thanking the volunteers, Canada’s greatest natural resource.

NATIONAL VOLUNTEER WEEK

Ms. Carolyn Parrish (Mississauga Centre, Lib.): Mr. Speaker, this side of the House would also like to honour and acknowledge the countless efforts of millions of Canadian volunteers. From St. John’s to Vancouver, volunteers help to build and shape our communities and neighbourhoods. It is during this week we need to publicly honour and thank volunteers for their commitment, compassion and generosity.

Canada has more than 7.5 million volunteers who contribute to society in positive and significant ways. These contributions occur not only in times of crisis, but in the important day to day lives of many people. They work as health care aides, coaches, referees, tour guides, board members, mentors, researchers and search and rescue team members. It is this dedicated effort and support from volunteers of all ages and backgrounds that we as Canadians need to honour and appreciate.

Now is the time to acknowledge and pay tribute to these exceptional Canadians who donate their precious time to causes they believe in. These volunteers help to define what it truly means to be a Canadian.

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[Translation]

BILINGUALISM

Mr. Maurice Godin (Châteauguay, BQ): Mr. Speaker, I would draw to your attention another example of the application of the two official languages in this country. only.

• (1405)

I recently received a 78 page publication from the Department of Veterans Affairs, on media coverage of the 55th anniversary of the Battle of the Atlantic. While the title appeared in both official languages, 61 pages were in English and only a page and a half were in French. What a fine proportion.

However, the arrogance does not stop there. Declaration 31 on the 55th anniversary of the Battle of the Atlantic, which I made in the House on June 3, 1988 in French, appeared in this document in English only.

Quebeckers agree with Mr. Bouchard and his government. The defence of French and of the culture of our people cannot be left to a unitarian and centralizing federal government.

* * *

[English]

MEADOWVALE THEATRE

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, April 1 marked the 10th anniversary of Mississauga’s Meadowvale

Theatre. Since opening its doors on April 1, 1989, Meadowvale Theatre has hosted nearly 750,000 artists, technicians and audience members.

From professional theatre productions to concerts, seminars and conventions, classes in mime, puppetry and circus crafts, co-op programs in technical theatre and theatre management, the Meadowvale Theatre provides a tremendous variety of events for my community.

I want to congratulate the Meadowvale Theatre of Mississauga as it celebrates its 10th anniversary. I also want to thank all of those people who have worked and volunteered to make it so successful.

* * *

CFB CALGARY

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, the Liberals do not have to go to Calgary to find out why westerners feel alienated. I can tell them right here.

CFB Calgary has been closed. Its land can help address the educational, social and health concerns of Calgarians. However, this land is earmarked for sale to private developers for top dollars.

Mount Royal College needs land to expand. This government has refused Mount Royal's request.

Our veterans desperately need a hospital in Calgary. These are the men and women who have defended our nation. Sadly, the land that was set aside for this hospital is in the process of being sold to private developers.

Habitat for Humanity, a charitable organization, builds low cost housing for young Canadian families. It is interested in securing some affordable land. CFB Calgary would have been an ideal location.

The Prime Minister can still intervene. Calgarians plead to him to please do so.

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[Translation]

NATIONAL VOLUNTEER WEEK

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, as we celebrate National Volunteer Week, I am pleased to draw attention to the considerable contribution made by Canada's volunteers, particularly those in my riding of Pierrefonds—Dollard.

Volunteers' presence is everywhere: in hospitals, in food banks, in schools, in amateur sport, in human rights organizations, in seniors' centres, and in youth programs.

Volunteers give of themselves, and their unpaid efforts, their ongoing presence within our community, their solidarity, merit our consideration.

In this National Volunteer Week, let us pay tribute to these exceptional Canadians who give unselfishly of themselves to the causes they believe in. As we are all aware, volunteers open doors to a better world.

S. O. 31

My congratulations, and more importantly my thanks, to all those who volunteer.

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[English]

NUCLEAR DISARMAMENT

Mr. Svend J. Robinson (Burnaby—Douglas, NDP): Mr. Speaker, yesterday the Minister of Foreign Affairs tabled the government's response to the report of the foreign affairs committee on nuclear disarmament and non-proliferation.

While we welcome the government's call for an update of NATO's nuclear policy, it has failed to urge NATO to adopt a clear policy of no first use of nuclear weapons.

The government has also rejected the committee's strong and unanimous demand that Canada say no to burning MOX fuel in this country.

While we must work with Russia and the U.S. to address the problem of surplus fissile material, Canada must not become a nuclear waste dump for the world.

New Democrats urge the government to say no to MOX fuel in Canada and yes to a NATO policy of no first use of nuclear weapons.

As Physicians for Global Survival recently urged, let us give our children and grandchildren a world free of the terror of nuclear weapons.

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[Translation]

MINISTER OF INTERGOVERNMENTAL AFFAIRS

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, in his comments on the debates addressing citizenship that went on at the Bloc Québécois general assembly this past weekend, the Minister of Intergovernmental Affairs made a number of statements. "It is an evil thing to require this exercise of people" he said. He went on to state: "Canada as a whole is a small nation, an uncertain nation, one whose identity has never been assured. It holds tight to that identity. That is something that must always be kept in mind".

"It is an evil thing to require this exercise of people" he said. He went on to state: "Canada as a whole is a small nation, an uncertain nation, one whose identity has never been assured. It holds tight to that identity. That is something that must always be kept in mind".

• (1410)

The minister is once again demonstrating that the Liberal government is refusing to recognize the existence of the Quebec nation and people.

By what intellectual sleight of hand can he justify allowing Canada the right to reflect on its identity, but not Quebec?

What even more despicable is that the minister is seeking to again pass the sovereignty project off as ethnic. He wants to conceal the fact that it is open to all Quebecers of all origins, and that more and more of them are coming on side.

*Oral Questions***BLOC QUEBECOIS**

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, I must inform you that from 1993 to 1997 a non-Canadian sat in this House.

I am referring to the Bloc Québécois member, Roger Pomerleau, who represented the riding of Anjou—Rivière-des-Prairies for four years, and who said last week in Rivière-du-Loup that he is not a Canadian and is insulted that he is being treated like one.

We have seen the trouble the Bloc Québécois has defining who is a Quebecker and who is not, which is rather troubling for a party that wants Quebec to separate. We also know that, for these folks, it is not possible to be a Canadian and a Quebecker at one and the same time, contrary to what most Quebeckers think.

Could we know how many non-Canadians there are in the Bloc Québécois right now? Are the leader and the House leader of the Bloc Québécois as insulted to be considered Canadians as the fellow the people of Anjou—Rivière-des-Prairies did not re-elect four years ago?

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[English]

CANADIAN CANCER SOCIETY

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, for more than 60 years the Canadian Cancer Society has tried to eradicate cancer and sought to better the lives of people living with cancer.

The Canadian Cancer Society is the single largest funder of cancer research in Canada and provides support to thousands of the best scientists across Canada who are working on research that continues to prevent cancer, change treatment methods and improve patient survival rates.

The victories and the fight against cancer is not over. In 1998 129,200 Canadians were diagnosed with cancer and 62,700 died from cancer.

Please join me in wishing the Canadian Cancer Society and its volunteers success in fundraising activities during the April campaign month.

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NATIONAL ORGAN DONOR WEEK

Mr. Lou Sekora (Port Moody—Coquitlam—Port Coquitlam, Lib.): Mr. Speaker, I ask all members to recognize that this is National Organ Donor Week in Canada. Unfortunately, there is a critical shortage of donated organs in Canada.

British Columbia is working towards reversing this trend by having established a B.C. Transplant Society. This society co-ordinates all aspects of organ donations, including related health issues. The B.C. Transplant Society is a success story and, I

believe, a model in the future establishment of a national organ donor program.

* * *

NATIONAL ORGAN DONOR WEEK

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, this is Organ Donor Week. Sadly, Canada has one of the worst organ donor rates in the entire developed world. This year alone 150 Canadians will die while waiting for a transplant. Some will be children, some will be adults and many will die unnecessarily.

We can change all of that. The following are some suggestions that the Minister of Health can employ today: First, create a national organ registry of potential recipients, link this registry up with hospitals across the country and have a registry of intended donors; second, that there be a form on every patient's chart so a person can be asked to be a donor and have their wishes express to their family; third, have an organ procurement co-ordinator in every hospital; fourth, that a pool of funds be available for transplantation; and, fifth, require that all deaths be reported to the national registry.

During Organ Donor Week, I implore every Canadian across the country to sign up, be an organ donor and save a life.

* * *

PUBLIC SERVICE PENSION PLAN

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the minister responsible for the Treasury Board is in for the fight of his life if he thinks he is going to grab \$30 billion from the surplus of the public service pension plan.

The government may have succeeded in stealing \$25 billion from the unemployed workers in the EI fund—

The Speaker: Oral Questions. The hon. member for Calgary Northeast.

ORAL QUESTION PERIOD

• (1415)

[English]

KOSOVO

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, before I get to my question I want to remind the House of a saying often repeated during the second world war: "Loose lips sink ships".

All members of the House need to be cognizant of the fact that what we discuss here can have an effect on the safety of our troops overseas. In other words, some questions are better asked in private.

Oral Questions

My question is for the Minister of National Defence. The bombing campaign has been going on now for several weeks and the financial cost to the allies is enormous. The Americans are calling for more than \$6 billion in new money to finance their side of the operation.

Has the defence minister asked cabinet for more money to finance the Canadian effort in Yugoslavia?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there will be additional funds that I will seek, but the cost to this point in time in terms of the Canadian forces is approximately \$32 million in incremental costs going back to the first deployment of the CF-18s. However, there will be additional costs and there are efforts being put together now to get those numbers ready for members of the House.

I also want to indicate that I appreciate the comments of the hon. member with respect to the well-being of our troops. Interestingly enough, I received some additional comments from citizens, for example, of Calgary. This is addressed to the hon. member for Compton—Stanstead, the Conservative defence critic. He addresses the member by saying:

Your comments regarding soldiers in Kosovo are very dangerous and damaging to any ground troops that are undercover in that war.

He said:

Get real man. If those comments were made for political gain then you come up a big loser.

The Speaker: We have had the opening question and statement and now we have to tighten up a bit. The hon. member for Calgary Northeast.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, the government has repeatedly assured us that there will be enough money for the Canadian forces to carry out their mission in Yugoslavia; however, it often does not provide enough details for any assurance and the estimates do not predict war.

Could the Minister of National Defence tell the House how much the mission is expected to cost Canada and how much more new money is being set aside for our troops?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there are provisions for funds for special missions whether they be the kind of mission we are in now or other peacekeeping missions. However, when we run out of those funds then we have to seek additional funds for that purpose.

As I think I indicated in answer to the previous question, the costs are not of an unreasonable nature at this point in time—those are the incremental costs—but certainly if additional funds are needed then these matters will be discussed in cabinet.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, with 18 CF-18 fighters now in Aviano there will be an increased strain on both ground crews and particularly our pilots.

The situation in the Canadian forces is that there is a shortage of fighter pilots. With half of the combat-ready pilots now situated in Aviano, what measures is the defence minister taking to ensure that our borders at home are protected? After all, one never knows when there is a Korean missile flying from Korea over to Compton—Stanstead.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Yes, Mr. Speaker, I believe that is a quote which originated with the member for Compton—Stanstead.

We are endeavouring to add to our pool of qualified pilots, both jet fighter pilots and pilots of other aircraft that we have.

We are bearing in mind that they need to be kept for other purposes, such as the commitments we have to NORAD, as well as other training obligations. We are bearing that in mind in terms of the deployment of our jet pilots into this theatre in Aviano.

* * *

TAXATION

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, the government's high tax policies are forcing normally law-abiding Canadians to look for a way out. Today the auditor general revealed that the underground economy accounts for \$12 billion in lost revenues per year.

A growing number of Canadians are doing everything they can to avoid the taxman. The government's answer is more taxes and more tax collectors.

• (1420)

My question is for the Minister of National Revenue. Why can the government not see the real source of the problem? Why can it not see that high taxes are driving Canadians south of the border and into the black market?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, I have had the opportunity to meet with the auditor general in regard to his report.

Of course, when the auditor general talks about the underground economy he is talking about both federal and provincial revenues.

We have a voluntary compliance system. We have one of the highest rates of voluntary compliance. Ninety-five per cent of Canadians pay their fair share of taxes. We also have an enforcement program which has resulted in \$5 billion.

Oral Questions

The auditor general said that we have a balanced approach which ensures and encourages voluntary compliance, but at the same time we have a strong enforcement system, and that is—

The Speaker: The hon. member for Calgary Southeast.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, the auditor general said that the government has an approach which simply is not working and that the federal treasury is losing \$12 billion a year. Again the government's solution is to hire more tax cops.

Let us look at the facts. The auditor general said that in 1994 a poll showed that 58% of Canadians would accept an offer to evade taxes when buying goods or services. In a poll taken last year that figure had grown to 73%. Fully three out of four Canadians said they would be prepared to evade.

Instead of hiring more tax cops to intimidate Canadian taxpayers, why does the government not find the real solution to the problem and provide Canadians with tax relief?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, as usual this member and his party speak out of both sides of their mouths. Members opposite stand in this House to say that we collect too many taxes, that we have too much revenue, and now they are saying we are not collecting enough taxes.

What we have is a balanced approach to ensure that we provide better service to Canadians and that we provide access to Canadians to improve voluntary compliance.

This is a government that reduced taxes by \$16.5 billion. We do not just speak about it, we do it.

* * *

[Translation]

KOSOVO

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the Minister of Foreign Affairs said that the issue of sending ground troops to Kosovo would be discussed next Friday at the meeting of NATO leaders in Washington.

With the Americans mobilizing troops and equipment, and the British Prime Minister and NATO's secretary general talking openly about the possibility of a ground war, we can assume that the Prime Minister of Canada will present Canada's position in Washington.

Can the Minister of Foreign Affairs tell us today what position the Prime Minister will defend on behalf of Canada in Washington this weekend?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, to begin with, I did not say yesterday, and I ask the hon.

member to look at the transcript, that NATO summit leaders would be discussing ground troops. I said that there will be meetings at which they will be able to discuss a wide variety of options for the future. It is up to the leaders to determine what the nature of those discussions will be.

At this point in time the position of the Canadian government is as it has been, that we will only support ground troops as part of a peacekeeping force to implement a peace agreement. That was the decision taken by NATO. That was the decision taken by the Canadian government.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister himself said today that this issue could be raised by all NATO leaders during their discussions. So it could come up.

It is perhaps time that the government stopped giving evasive answers. We have more information about the intentions of the United States, Great Britain and Germany.

Will the Minister of Foreign Affairs admit how ridiculous Canada looks when it says that the question of sending ground troops is a hypothetical one here in parliament, while the Prime Minister himself says in a media scrum that it could come up during the Washington meeting and that it would therefore not necessarily be hypothetical?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the only thing that is ridiculous is the hon. member's question. That is all that is ridiculous.

What will take place during the summit meeting will be that the leaders will be examining the whole question of the present engagement in Kosovo, what can be done to help bring the refugees back, what can be done to help preserve their rights, what can be done to find a peace agreement and what can be done to support negotiations. Those are the key issues that leaders will be discussing; what are those kinds of options. One does not go in with a set position.

I know from the point of view of the Bloc Québécois that they like to have nice rigid positions before anything is decided.

● (1425)

[Translation]

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, we have a problem, a real problem.

We are more familiar with the position of the United States, the United Kingdom and France than we are with that of the Government of Canada, which is seated right across the floor from us in this House.

Oral Questions

My question is for the Minister of Foreign Affairs. Unless the government goes to Washington on Friday to receive their orders, would it not be to its advantage to gain support for its position on the German peace plan and the sending of ground forces to Kosovo with a vote in this House?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, there has been no decision by the USA or Great Britain on a change to the NATO position.

All options will be discussed, particularly the option of negotiation and the option for planning stability and reconstruction in the Balkan region. There will be extensive discussions among the leaders of the NATO countries.

The priority is to seek a solution to the crisis in the Balkans, not the Bloc Quebecois position on a vote.

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, by refusing to hold a vote in the House, the Liberals are going against what they themselves demanded of the Conservative government in 1991: a vote in the House.

We are fed up with being poorly informed by this government. Does the problem not lie basically with the fact that the government is being directed by a Prime Minister, a Minister of Foreign Affairs, and a Minister of National Defence who are incapable of getting their act together, and who lack transparency?

[*English*]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, what is instructive is that during the early part of the 1990s parliament was not even convened until two months after the ships were sent. We said it would be nice for parliament to at least be reconvened by the Conservatives. That was the position we took.

It seems to me that the hon. member is now indicating that his party is changing its position. It is now reneging on its commitment to support Canadian troops in trying to bring about a redress of the grievances in Kosovo. Why do you not speak up? Why do you not fess up to what your position is?

The Speaker: I ask hon. members to please address their remarks through the Chair.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is also for the Minister of Foreign Affairs.

NATO meets on Friday in Washington to discuss strategy on Kosovo. Military options will be considered, but diplomatic avenues must be pursued as well. Canada must use this opportunity to push for a diplomatic solution to the humanitarian crisis in Kosovo.

My question is simple. What specific diplomatic initiatives will Canada put on the table at the NATO summit?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, Canada has been promoting a diplomatic solution from the very beginning of the crisis in Kosovo.

Unfortunately, we finally came to the situation where the Milosevic regime refused any adherence to the fundamental rule of law or any kind of agreement whatsoever. Therefore, we had to opt for the enforcement of that rule of law and the protection of the innocent lives of people.

What we will be supporting at Washington is the continuation of allowing us to use every opportunity to support the initiatives of the secretary general, the NATO council and the leaders of Russia, who are all seeking to find a solution.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, we have just heard from the foreign affairs minister that Canada will do very little to take real leadership.

The foreign affairs minister said yesterday that to be a leader in nuclear disarmament Canada has to assume some responsibilities. The NATO summit in Washington gives Canada a clear opportunity to provide that leadership.

Will Canada accept its responsibilities by urging that NATO abandon its first use nuclear policy?

• (1430)

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member of the third party probably knows, we tabled in the House—

An hon. member: Fourth party.

Hon. Lloyd Axworthy: The fourth party. I gave her a promotion.

We tabled in the House a very exhaustive paper on Canada's intentions and objectives in seeking nuclear disarmament. We fully agreed with the all-party committee that recommended we bring forward for review the ways in which NATO can use its opportunities for disarmament and arms control. That is the position we are taking. I think it is a position that will be accepted.

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, my question is for the Minister of National Defence.

Can the minister advise us whether in the last two weeks we have had any CF personnel on the ground in any capacity in Yugoslavia?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, this is unbelievable. I said yesterday that there have not been any troops on the ground in Kosovo or Yugoslavia. I am not prepared to go beyond that for the security of our personnel.

The hon. member received a letter, of which I have a copy, from a citizen who said "When CF personnel go in harm's way it is the

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responsibility of all Canadians to do everything possible to ensure they are supported and protected to the maximum possible extent. In most instances, that includes keeping your mouth shut”.

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, *Jane's Defence Weekly*, the most respected defence publication in the world, has the headline “Special forces involvement confirmed”. The electronic *Telegraph* has been reporting SAS involvement in Kosovo since April 11. The Yugoslavians know from the targets being destroyed that NATO's special forces are operating on the ground. We also read today in the *London Times* that if CF personnel are not operating in theatre, then how can their lives be at risk?

Some hon. members: Oh, oh.

The Speaker: Order. I ask the hon. member to put his question.

Mr. David Price: Mr. Speaker, it is very straightforward. If CF personnel are not operating in theatre, then how are we putting their lives at risk?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we have to be careful of what we talk about in terms of our strategic involvement in the area of the Balkans now and in—

Some hon. members: Oh, oh.

The Speaker: Order. We wanted to hear the question and we did. We will hear the answer.

Hon. Arthur C. Eggleton: Mr. Speaker, we have CF personnel in Aviano working as part of the air campaign. We do have people in Macedonia and Albania who are trying to help the refugees. Tens of thousands of refugees are pouring over the border every day because of the terrible atrocities being committed on them by the Milosevic government. That is why we are over there. We are over there to help those people, to return to them their human rights, their dignity and their right to live in peace and security in Kosovo. That is why we are over there.

Why can we not have the support of that party in doing what Canadians want us to do?

* * *

TAXATION

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, the auditor general reported today that 4.5% of the gross domestic product is underground and that Revenue Canada hired 1,200 new auditors to find it and tax it. The Minister of Finance may think that more tax collectors make his bottom line look better, but what effect does he think that these tax cops will have on the bottom line of Canadian families? Why does he have a policy of squeezing more taxes out of Canadians rather than a policy of giving some taxes back?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, as the hon. member knows, we have \$16.5 billion in tax relief.

In terms of the underground economy there are many estimates as to what its size is. The auditor general has one estimate. What the auditor general has said though, and I hope the member will read it, is that what Revenue Canada is doing now is to have a balanced approach to ensure there is social marketing to make Canadians aware of their responsibility. All Canadians want to pay their fair share of taxes. We are confident that they do that. We are looking at methods to ensure we give proper service to Canadians to—

• (1435)

The Speaker: The hon. member for St. Albert.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, he may call it a balanced approach but when he squeezes \$40 billion more out of Canadian taxpayers since this government took office, I do not call that a balanced approach at all. That is why Canadians have been driven underground and are being driven out of this country. They cannot make a living here and pay the taxes too. Instead of adding more tax cops, why will the minister not cut taxes and do it now?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, let there be no doubt the government's revenues are up. They are up because there are a million and a half Canadians who are working, more than were working before. They are up because corporate profitability is up. They are up because our exports are up. Our revenues are up because Canada's economy is up. That is why.

* * *

[Translation]

KOSOVO

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, in 1991, the current Prime Minister was the Leader of the Opposition, the Minister of Foreign Affairs, a member on these benches, and the two of them rose in the House to demand a vote from Brian Mulroney before troops were sent to Iraq.

Seven years later, they are in the government. Why did they change their point of view?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, as with most subjects, the Bloc Quebecois distorts what has been said. What we said back then was that it was important for parliament to be involved in making these decisions. Since 1993 when we came in, every single initiative the government has taken in which we have had troops committed overseas has been the subject of a debate in this parliament.

Oral Questions

[Translation]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, it can be checked, it is in the *House of Commons Debates*, and I challenge the minister to prove what he has just said.

That is the absolute truth. They demanded a vote, and today, in power, they have changed their position.

I have a question for them. Do they consider it decent, in front of the people of Canada, for the Prime Minister to decide to use a talk show this evening to speak to the people rather than answer questions in the House, as is his duty?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I know this will come as helpful information to the hon. member. We have organized a major briefing this afternoon for all members in front of the committee to get the full information of what is going on in Kosovo.

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TAXATION

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, while the minister of taxes defends his high tax policies, 150 of Canada's largest companies are saying enough is enough.

The Business Council on National Issues told this government today that unless taxes come down, businesses are heading south. That is happening already. Clearly Canadian Beverages recently pulled the plug to go to the U.S. because according to its president the tax situation in this country is too tough to make a buck. Is this minister proud of the high tax policies that have made Clearly Canadian clearly American?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, what the BCNI said was that taxes should be brought down over a period of time in a way that would not threaten to put the country back into deficit. At the same time it said that there should be investments in research and development, education and all of those things that would give us a productive society. In short, the BCNI has essentially said that the slash and burn policies of the Reform Party are not going to build a productive society.

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, we have seen no commitment from this government to reduce taxes at all. The finance minister has actually raised taxes over the past six years. Canadians are paying much more. That is why we have younger Canadians going to the U.S. and not staying. The talent is not staying in this country. Yesterday it was Nortel. Today we read that Newbridge cannot keep its talented employees here because they are paying too much in high taxes.

I would like the minister of taxes to stand in this House and tell these 150 companies why he thinks high taxes are helping their bottom lines.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Reform Party sets up straw men. The fact is nobody thinks high taxes help the bottom line. That is why, as the Minister of National Revenue said—

Some hon. members: Oh, oh.

• (1440)

The Speaker: Order, please. I would ask hon. members to keep their voices low. I do not want to name members. Please keep your voices low.

The hon. Minister of Finance will answer the question, if he so pleases.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, why do we not simply look at the facts.

Fact, \$16.5 billion of tax cuts over the next 36 months. Fact, the child tax benefit, \$1.8 billion going to help low and modest income families. Fact, the most generous research and development grants in the country. Fact, technology partnerships that are going to help a number of our major industries. Fact, the lowest corporate rate for small business of any of the major industrialized countries.

Those are the facts. That is what this government has done.

* * *

[Translation]

MILLENNIUMSCHOLARSHIPS

Mr. Bernard Bigras (Rosemont, BQ): Mr. Speaker, yesterday the Minister of Human Resources Development took refuge behind the Gauthrin resolution, using it as an excuse for his refusal to move on the millennium scholarship issue.

This resolution calls for negotiations to be held government to government, leading to legislative amendments, and avoiding any duplication.

Instead of playing the wise guy, will the Minister of Human Resources Development admit that he is the one not complying with the Gauthrin resolution by refusing, for no real reason, to negotiate with Minister Legault, who is there in Quebec City waiting for him?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I see that the Bloc Québécois is taking refuge behind the "government to government" referred to in the Gauthrin resolution. There was government to government negotiation, which failed, I regret to say.

What I would like to see is for all of us to put the welfare of Quebec students first, the people who are entitled to loans and

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bursaries. I would like to see ministers like Messrs Landry and Legault quit intimidating the prominent Canadians who are seeking to help Canadian students, despite the bunch in the Bloc Quebecois.

Mr. Bernard Bigras (Rosemont, BQ): Mr. Speaker, if he wants to talk about the students, fine, we will.

Yesterday, the president of the FEUQ said "The federal government. . . is hiding behind the foundation legislation to refuse to negotiate an arrangement". The problem is not in Quebec City, it is here in Ottawa, with the Minister of Finance.

What is holding the Minister of Human Resources Development back from assuming his responsibilities and going to negotiate with François Legault in Quebec City?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, a resolution was passed unanimously in the Quebec National Assembly which gives us precisely the criteria the National Assembly supposedly wants. The foundation's legislative mandate allows it to accommodate the motion adopted by the Quebec National Assembly.

I believe we must work constructively toward helping Quebec students to obtain more funding for their studies.

* * *

[English]

TRADE

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, there is a crisis brewing in our backyard and once again the government seems to be paralyzed.

The United States has stripped Canada of its favoured nation status on defence contracts. Is it not shameful that the minister of trade did not even know of this impending action which threatens thousands of Canadian jobs? Why was the minister caught off guard when \$5 billion is at stake?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have been in very active discussions with authorities in the United States government over the past several months.

Unfortunately on Friday it gazetted regulations that will change the special exemption for Canadian defence industries. In reaction I have written to the Secretary of State. I intend to take up the matter with Madeleine Albright when I meet with her on Friday.

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, it is obvious that the minister of trade was asleep at the switch when \$5 billion worth of trade was at stake. Now we have the Minister of Foreign Affairs off to Washington to try to repair the damage.

• (1445)

How did the government allow \$5 billion worth of business to slip away?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I think the hon. member has matters confused. As the Minister of Foreign Affairs I am responsible for questions of allowing export permits on defence related matters. Therefore it falls within my responsibility.

We work very closely with the Minister for International Trade and the officials on the trade side. In fact they have been part of the negotiations. What I am saying at this point in time is that we regret the decision taken by the United States government. We think it works against the interest of both Canadian and U.S. industries. We will take up the matter directly with the secretary of state on Friday.

* * *

[Translation]

ATLANTIC GROUND FISH STRATEGY

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, in an effort to cover up its disastrous management of the groundfish stocks, the government established the Atlantic groundfish strategy. According to the auditor general, the Department of Human Resources Development failed miserably and spent \$150 million on ill-defined programs.

My question is for the Minister of Fisheries and Oceans. In the face of this monstrous disaster, for which the federal government is totally responsible, how can we fail to conclude that the Liberals tried to buy the silence of the fishers by spending millions of dollars any which way?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I am pleased to see that the Bloc Quebecois is opposed to the help given fishers in eastern Canada, including eastern Quebec. I find it rather lamentable that the Bloc Quebecois is criticizing us today for setting up an emergency aid program for our fishers in the midst of crisis. I would—

The Speaker: The hon. member for Kitchener Centre.

* * *

[English]

CANADA PENSION PLAN

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, my office in Kitchener gets many inquiries about the Canadian pension plan.

Several months ago a panel of actuaries was retained to examine Mr. Michael Hafeman's report which stated that CPP was safe and

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secure. Could the Minister of Finance advise the House what these actuaries have determined about the Canada pension plan?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the member for Kitchener Centre has had a long interest in the safety and security of the Canada pension plan and will be pleased to learn that the review panel fully supports Mr. Hafeman's conclusions.

While differing on some details, the panel shares the view that Mr. Hafeman's report was prepared according to the best professional standards and concluded, most importantly, that the Canada pension plan was indeed sustainable for the long term.

On behalf of all Canadians we would like to thank Mr. Hafeman and the review panel.

* * *

ABORIGINAL AFFAIRS

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, those fluffy questions just warm my heart.

Scowlitz Band Chief John Pennier, three times convicted of sexual assault, is back as chief four months after being released from jail. Now he is scheduled to be back in court in May on three more assault charges. Women who have testified against him are threatened, intimidated and denied band funds.

The band members have petitioned Indian affairs to remove the convicted sex offender. They fear for themselves, their families and their children. So far as we know the minister has done nothing. What has she done? When will she act?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am aware of the accusations made against the chief of Scowlitz. In fact it is before the courts and at this point it is inappropriate to comment further on the issue.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, this person was convicted; please remember that he was convicted. When he was released from jail he then entered back in as chief. Because of loopholes in the Indian Act and because he has a big family, it is possible for that to happen, and the minister knows it.

Band members are frightened and they are worried sick. When will the minister stand up for decency and do what is right, or is it okay with her that a serial sex offender is able to be chief of a band and intimidate their people?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I will not comment particularly on this case but I do want to say that the chiefs and council of every first nation have to be accountable to those men and women who elect them.

It is part of the democratic process and I would ask the hon. member to understand this.

• (1450)

FISHERIES AND OCEANS

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, the auditor general has just released his most damning report to date on the operations of the Department of Fisheries and Oceans.

This evening the House of Commons will vote on Bill C-27, an agreement to conserve and manage the fish stocks outside our 200 mile limit. Yet the auditor general said, although parliamentary procedure will not let me show the map, that we do not have the capability or enforcement possibilities to contain our shellfish industry within our 200 mile limit.

How does the government expect to enforce the agreement on the high seas when we do not have the capability to monitor the fishery within our own 200 mile limit?

Mr. Wayne Easter (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, we welcome the auditor general's report and its constructive criticism.

I think the member knows full well that the standing committee on fisheries made similar recommendations. The Department of Fisheries and Oceans and the minister have been moving ahead in that regard. In fact this year we have increased the number of enforcement officers to start to deal with that concern.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, unfortunately in 1997 the former minister who was in the House ignored the advice of four different people and opened up the turbot fishery in Newfoundland.

Now the current minister is also ignoring advice from his department's observer reports. The auditor general is hinting to us that the environment is absolutely ripe for a total collapse of the shellfish industry in Atlantic Canada.

We have seen the movie cod one. Do not let us see the movie shellfish two. It will be disastrous for Atlantic Canadians. It will be disastrous for the taxpayers of the country.

Mr. Wayne Easter (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member knows full well that the minister has been moving ahead in this area.

As I already mentioned we increased the number of enforcement officers. He has put in place a plan to double egg production for lobster by 2001.

The hon. member opposite was one of the ones to complain about those measures. The minister is moving ahead. He is taking

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the advice of not only the standing committee. He is consulting with the fishing community and he is doing the right thing.

* * *

[Translation]

KOSOVO

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, through you, I would like to tell the Minister of National Defence that, because of his arrogance and his lack of information or consultation, because of what you did, you have lost the war, the war of diplomacy and democracy right here in Canada.

I hope, sir, that you will understand—

The Speaker: Order, please. The hon. member will address his remarks to the Chair.

Mr. André Bachand: Mr. Speaker, through you, will the minister answer the question put to him by the member for Compton—Stanstead with a yes or a no? Could he simply tell the House whether or not the Canadian army has special operation forces in the Balkans? Or is it a national security issue?

Some hon. members: Oh, oh.

The Speaker: The hon. Minister of National Defence.

[English]

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I think the people from the fifth party are hallucinating. I have the two articles that the defence critic cited from earlier in his question to me in terms of our involvement. Neither one of them mentions the Canadian forces at all.

[Translation]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, you see, he has still not answered the question.

It is now one month since we have been at war, and there has been no real debate, no real information session. It is a war of improvisation. We have gone from 6 planes to 18, and perhaps more. One month of war, no information, no consultation, no vote.

Can the minister tell us whether the information we raised yesterday falls into the category of national security, yes or no? Can he answer? It is easy. Is it, or is it not, a national security issue?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, where was the hon. member during the last few weeks and months? There was consultation after consultation.

We consulted the House on these issues more than any other government under similar conditions. We were transparent, consulted and provided the necessary information.

We will fulfil our obligation to the Canadian public, unlike the party to which the hon. member belongs.

* * *

• (1455)

[English]

AIR SAFETY

Mr. Mark Assad (Gatineau, Lib.): Mr. Speaker, could the Minister of Transport tell the House if his department has made good on his commitment to air safety in reference to his declaration of February 1988 to ensure appropriate levels of aircraft firefighting and emergency response services for the flying public?

Hon. David M. Collenette (Minister of Transport, Lib.): Yes, Mr. Speaker, I can confirm that we have started discussions on proposed amendments to the Canadian aviation regulations that will ensure a better level of emergency response at smaller airports across the country.

These regulatory changes are part of a comprehensive review of all emergency response measures at Canada's airports, because the federal government is absolutely committed to flight safety for all Canadians.

* * *

CODE OF ETHICS

Mr. Richard M. Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, since 1995 the Prime Minister has told the House and all Canadians that he has a ministerial code of ethics to which his cabinet has to adhere. Unfortunately, despite all the requests, he has never made it public. We have asked him a number of times.

I would like to ask a question of the government and the cabinet members, any one of them. Does it not embarrass them that their boss has a code of ethics for them that he is afraid to make public?

Will the cabinet members ask their boss as soon as possible to table it in the House and end all the—

The Speaker: The hon. government House leader.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, it appears that the hon. member and his party must have run out of questions at 2.55 p.m. today in the House of Commons in order to ask something like that.

The Prime Minister is obviously quite free to consult with his colleagues in cabinet whatever way he wishes. The conflict of interest code is a public document. The blue book, as it is sometimes referred to, is a document that is well known to all Canadians.

If the hon. member cannot get one, I will endeavour to ask someone to go to the Library of Parliament to get a copy for him.

[Translation]

FISHERIES

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, in his report tabled today, the auditor general says that the problems in the management of Atlantic groundfish are now appearing in the management of shellfish in the same region.

How does the government explain that the Atlantic groundfish management disaster, for which it was responsible, is now about to repeat itself with shellfish? Did the government not learn its lesson?

[English]

Mr. Wayne Easter (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, as I mentioned earlier, the minister has been very proactive in terms of the shellfish industry to ensure the same thing does not happen there as has happened in the groundfish industry.

As I also mentioned earlier, he has put in measures to double egg production in all the lobster fishing areas. Those measures are being monitored and if improvements need to be made they will be made. As well he has increased the enforcement measures.

The minister is moving to ensure, learning the lessons of the past from what previous governments have done, there is a strong sound future for shellfish.

* * *

PUBLIC SERVICE COMMISSION

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, on Friday I asked a question about a government job posting which says that only persons residing within a 500 kilometre radius of Ottawa can apply. In other words, western Canadians need not apply or Atlantic Canadians or northern Canadians, for that matter.

If one of my kids were qualified and willing to relocate, he or she deserves the right to apply and be considered for that job. Somebody should tell that to the Liberal task force on western alienation.

Will the minister tell us today that he will open the competition for all federal government jobs to all Canadians who wish to apply?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the Public Service Commission does not discriminate in terms of jobs. However it has rules for its own competitions. Some of these rules, which have been judged to be quite constitutional by the supreme court, reduce the cost of these competitions.

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These are the rules that are in question. The Public Service Commission intends to put these rules into effect, provided that they are not discriminatory, and we are told they are not.

* * *

THE ENVIRONMENT

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, a foreign affairs committee called a plan to burn weapons grade plutonium in Canada totally infeasible. A recent U.S. environmental assessment on the project stated activities conducted in Canada would be the sole responsibility of the Canadian government.

● (1500)

Given Canada's poor record on enforcement as pointed out by the environment committee last year and that superficial screenings account for 99% of Canada's environmental assessment as pointed out by the auditor general, what assurances can the Minister of the Environment provide that the decision to burn U.S. and Russian weapons plutonium will be environmentally safe and secure for all Canadians?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, we received no request to participate in the MOX program. We have not yet conducted any feasibility testing that would come within the licence of the Chalk River laboratory. If we were to proceed, there would be full, open and transparent proceedings under relevant federal and provincial law with respect to the protection of the environment, health and safety. We would also ensure that there is no subsidization involved on the part of Canada and that the process, if it is to go forward at all many years into the future is conducted with complete safety in Canada.

* * *

CANADA POST

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, my question is for the Minister of Public Works and Government Services.

[Translation]

We have heard about a message circulating on the Internet suggesting that Canada Post and the government want to impose a 5¢ tax on every message sent electronically in this country.

[English]

We in this House know that bill 602P does not exist. However, I would like to know if the government is contemplating policy changes which could impose levies like that.

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, let me tell the House that the story that has been running on the Internet concerning Canada

Privilege

Post and electronic mail is false. Yes, Canada Post is testing an electronic mail system with Cebra Inc. It is not ready yet. When it is ready I will announce it, and any post mail box will be free of charge for every citizen.

* * *

PRIVILEGE

GOVERNMENT RESPONSE TO COMMITTEE REPORT

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, I rise on a question of privilege in regard to the leaked government response to the committee report on nuclear disarmament and non-proliferation of the Standing Committee on Foreign Affairs and International Trade tabled in this House yesterday after question period.

As you are aware, reports destined to be tabled in this House are confidential until tabled. Yesterday before question period I was asked to respond to the government's response by three different journalists, one of whom had the report at noon, a full three hours before it was tabled in this House.

• (1505)

Since I had not seen the response, I waited until it was tabled in the House. After it was tabled I had to wait over an hour and a half to receive a copy. Journalists had copies of this report as early as noon yesterday.

Mr. Speaker, I have done a number of items of research which I can make available if you require them.

It is common knowledge that leaked committee reports are in contempt of parliament. I would argue that leaked responses to committee reports are also in contempt of the House. Since the government was responding to a request of the Standing Committee on Foreign Affairs and International Trade pursuant to the provisions of Standing Order 109, it was not at liberty to leak the information before it was tabled in parliament.

This action by the government demonstrates its total lack of respect for parliamentary systems. This leak represents a new low for this government, I believe.

It was not that long ago that the Minister for International Trade announced the creation of a Canada-China parliamentary association before the House had created such an association. We have other examples as well which I could list. The Speaker ruled on some of these that it was a mockery of the parliamentary system. Once again the government is making a mockery of parliament by

tabling a report in the media that had been requested by the parliamentary committee.

I believe the government by leaking the response to the foreign affairs committee deliberately diminished the respect due to parliament and parliamentarians. It is no wonder there is a growing dissension among the ranks of the Liberal caucus who also indicated disgust in this matter.

A government, if it is to survive, must respect parliament and parliamentarians. It must respect its authority and grant its members dignity. Mr. Speaker, the government has offended both the authority and dignity of the House and the authority and dignity of members of the Standing Committee on Foreign Affairs and International Trade.

Mr. Speaker, I ask that you rule this matter be a *prima facie* question of privilege.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I rise on the same point of privilege. You indicated that you were going to hear a point of order and that point of order would have been from me. It was basically about the same matter.

I think there are really two questions here. There is the question of the leaking of the government's response prior to the tabling of it in the House of Commons, which I think is reprehensible, shows contempt for parliament, and flies in the face of what I hoped was a growing consensus that there would not be the leaking of documents either in the form of committee reports or in this case in the form of government responses to committee reports.

My initial intention was to rise on a point of order having to do with the fact that the government, the minister's staff and others, whoever, were distributing copies of the government's response to journalists. They had them available outside, I am told, and we in the House could not get a copy until an hour after it was tabled. What kind of system is this where members of parliament are deliberately in a premeditated way kept from having copies of a report that is being made available to the media by the government?

If the government had not made it available and we all had to wait an hour, that is fair ball. We all could have commented in the dark. But the fact is that the government itself was distributing copies of the government's response to the committee report and did not have the decency to put some in the opposition lobby so that opposition members could see it. We asked our people to try to get a copy of the report, but oh no, we would have to wait to get it from the House; we would not get it from the government.

This is at the same time as we have to listen to this sort of pious rhetoric day after day about how government members want to take parliament into their confidence, they want to have another take note debate, they want to show respect for parliament and on and

Privilege

on. We just have to give them a little opening and their real attitude toward parliament shows up like a blinding light. That is the fact that they hold this place in contempt and have actually brought shame on themselves, not on parliament, by the way they conducted themselves yesterday.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have heard the very forceful representations from the House leader of the New Democratic Party as well as from the hon. member of the Reform Party.

If it did occur that way, I will endeavour to rectify any damage that was done. My understanding is that when the document was tabled in the House of Commons, yes, a few extra copies were left in the government lobby. Perhaps they could have been split evenly to ensure there were some in the opposition lobby as well. If that occurred, I will verify to ensure that it does not reoccur.

• (1510)

There is the additional proposition someone has raised to the effect that some were actually distributed to members of the media before the tabling of it, which is a different issue altogether.

I suppose the former is a matter of courtesy and that should be addressed as well. The latter accusation, if I can refer to it that way, made in the House of Commons is to the effect that what is a cabinet document was leaked before it was tabled in the House. That is far more serious. If that occurred, I will verify that as well.

It is not the intention, I am sure, of the Minister of Foreign Affairs, as he indicated to me a little while ago, to do anything to cause a slight. I hope it did not happen and that this is not the case. In any event, I will report to the House personally on this matter because I consider it serious as well.

I have done my best around here and I think all hon. members and all my colleagues in cabinet will know as well have done things in a manner that encourages the co-operation of all hon. members in the House. Hopefully my efforts in that regard will continue to be noted as such.

I will report to the hon. member as well as to the House on this matter.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I think it is now eight or nine times I have been up in the House on leaked documents and the government proceeding to notify the public and members of the House do not even know what they are talking about.

I hear comments from the government House leader like “endeavour to rectify” and “ensure that it does not reoccur”. That is what we hear time and time again. We have sent the matter of

leaked reports to the Standing Committee on Procedure and House Affairs and the leak report has been leaked. I can assure you, Mr. Speaker, it was not this person who leaked it.

When politicians are leaking these things and taking irresponsible action as far as notifying the press before we get them, what has to happen is that the Speaker himself has to make some rulings.

I would suggest that two things occur here. First, we should make it somehow in the House so that it takes two-thirds of the members of a committee to vote to go in camera. I think that would help the situation after looking at it seriously for some time now. I also think that some action should be taken in situations such as described here today. There has to be some concrete action, not a referral to a committee but something more tangible, if we can get down to whether or not in fact the press had copies of that document ahead of the members.

I might remind the Speaker that on June 13, 1991 when the current Minister of Foreign Affairs was in opposition he sponsored a supply motion in the House which read:

That this House affirm that ministers are individually and collectively responsible to the House of Commons for the activities of government including the management and conduct of the public service—

It goes on and on and on. The intent of the motion was to say that the ministers are responsible, even if their employees make a mistake.

I am at the point now where the topic of leaked reports quite frankly is not even of interest to bring it up in the House of Commons because nothing is getting done. I for one am not the least bit concerned about sharing documents from committees with the public. It seems like there is a rush for public knowledge and what happens is the first person to the media gets the hit. That is unfortunately what we have degraded to in the House. It is very unfortunate indeed.

I hope sincerely, Mr. Speaker, if we cannot deal with it as members of the House of Commons, that you will deal with it.

• (1515)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I do not mean to belabour this point. I think that the previous two opposition members, the House leader for the New Democratic Party, as well as the Reform Party, quite succinctly put forward the case. However, I want to add the concerns of my party’s members that we seem to be spinning our wheels on the issue of disclosure of documents, even prior to other members of the House of Commons having an opportunity to review them in any depth.

The government House leader has given his assurance, as he has in the past, that he wants to deal with this in a straightforward way

Government Orders

and that he will do his best, but that does not seem to be working. It does not seem to be enough.

I implore upon you, in your capacity as Speaker of the House, to put forward some substantive action that will deter this type of behaviour because it really does degrade this parliament and individual members of the House when we see this happening time and time again with very little reprisal.

I am afraid that is what it is going to take. There is going to have to be some serious intervention on the part of the Speaker, or on the part of a committee, where there is some sanction that is handed down and a message that is given and received before this type of behaviour is going to be stopped.

One would hope that members of parliament, members of the House of Commons, would respect that, but it does not seem to be enough to date, so I simply add those humble remarks.

The Speaker: I believe this is the ninth time I am responding to the hon. opposition House leader who has intervened on the topic of leaked documents.

There are two points to be considered. In fact, there are more than two points and I will deal with them as they occurred.

The hon. member for Red Deer in his intervention did not mention the Minister of Foreign Affairs. I was listening and he did not do so. However, the government House leader mentioned specifically the name of the Minister of Foreign Affairs. The name of the Minister of Foreign Affairs was mentioned again by the House leader for the opposition.

There are at least two points that I want to deal with. The first perhaps is a matter of courtesy. The hon. member for Red Deer did not have a copy in the House when it was presented to the House. Perhaps these things happen. However, I would hope that matters of courtesy would be extended to all hon. members.

As the hon. government House leader said, there may have been copies here. If government members received copies, then there were copies here and the question is straightforward. It is courtesy, but it is a bit of professionalism also that they should have been in the opposition lobbies.

Time and time again we come back and say this should be done. This will be done. This will be done, and we have gone far enough.

• (1520)

The second thing is more important, which is that what was alleged here today is that there is a cabinet document which was released before it was supposed to have been released or tabled in the House. That is my understanding.

We have the hon. government House leader saying that he is going to come back with a report on this. Either he will or the

Minister of External Affairs will, but I would like to have this report brought to the House tomorrow and I want to deal with it at that time. We cannot keep going around in circles.

I understand that the committee on procedure is going to table its report. We gave it this problem and the report is supposed to be tabled either late this week or perhaps next week.

In the meantime, we have to deal with what we have on our plate here. I look forward with great interest to what the government House leader or the Minister of Foreign Affairs has to say about the alleged giving out of papers to the media outside the House when our own members did not have them.

With your agreement, I am going to hold off on a decision, but I will take it up again tomorrow.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-79, an act to amend the Criminal Code (victims of crime) and another act in consequence, be read the second time and referred to a committee.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, it is a pleasure to join my hon. colleague's in debate on Bill C-79, which deals with victims of crime.

I have an outstanding constituency assistant in my Duncan office by the name of Inge Clausen. In 1981 Inge and her husband Sven had something happen to them that no one in this country should ever have to go through. Their 18 year old daughter was murdered. Today, if she had lived, she would be 33 years of age.

Inge and Sven have gone through the emotional anguish of being victims; victims who have very little real way to express their frustration, their anger and their hurt. They are victims who have experienced the gamut of emotions, wondering what could have been if this terrible event had never occurred.

Yes, their daughter's murderer was eventually sentenced to life imprisonment with no chance of parole for 15 years. Even though he has not applied for parole, because of section 745 of the Criminal Code Inge and Sven go through the everyday anguish of wondering if this madman will suddenly get out of prison and possibly reoffend.

Inge Clausen is an activist. She cares passionately about issues that affect this country. She did not sit in her grief and do nothing.

Government Orders

In 1981 she started an organization called Citizens United for Safety and Justice. For many years she campaigned for the kind of legislation that has been introduced in the House today.

The Reform Party, of which she was a member, had forcefully placed the issue on the national agenda. However, by 1997 there was little government action. Inge grew tired of the fight that her government would really do something about victims rights and she resigned from her position in the organization that she had created.

• (1525)

She had sixteen long years of remembering, of anguish, of lack of support from the various governments of the day. That is what victims of crime have had to go through in this country for far too long.

When a crime is committed, all law-abiding, peace-loving citizens are victims. It is just that some of us are more victims than others.

I have heard from members of my own riding of Nanaimo—Cowichan for far too long on this very issue. Canadians have felt that their judicial system has looked solely at the criminal. Too little time and energy has been spent in speaking with and listening to the victims of crime.

Victims of crime are often double victims. They are the victims of the initial crime and, as the wheels of justice move ever so slowly, they often feel that they have become victims of the system. They become victims of the system when they feel that their rights are ignored while the accused has his or her rights upheld. The victims feel that they have no right to speak out, no protection under the law, no protection from the injustices which have been placed upon them. They become victims in the court-rooms and on witness stands all across the nation.

This legislation is long in coming. My hon. colleagues have worked long and hard to bring this issue before the government. It has taken far too long to bring the government's attention to this matter. I thank all hon. members for the work they have done on this most important piece of legislation. I congratulate the Minister of Justice for finally bringing this legislation to the House.

However, it is important for us to recognize that although this is a government bill, it has come about due to the relentless pressure which the Reform Party has placed upon the government on this matter. It is unfortunate, indeed, that it has taken this long to produce the legislation. However, the legislation has made some strides. I believe it could have and should have gone a lot further in a number of areas. It is a start, but there is much more that needs to be done.

I recall the hon. member for Langley—Abbotsford coming to a rally in Nanaimo during the previous parliament. I do not recall the

exact number of people who were in attendance, but that large auditorium was packed to standing room only. What was the topic? The victims bill of rights. My hon. colleague spoke passionately, just as he did earlier today. Time after time the overflow crowd clapped and cheered with their agreement. The constituents of Nanaimo—Cowichan are certainly very concerned about this issue and will welcome this legislation.

I would also like to thank the hon. member for Surrey North for the work he has done. His story is the story of a victim and he has spoken clearly and eloquently on this matter. My thanks go to him. He is a man of courage and he is a man of action.

For a long time victims have felt alienated by our justice system. They have every right to feel this way. Until now the system has aimed all of its resources toward the accused. In the meantime, we have to remember that the victim was innocent of any alleged crime. The victim did not ask to be raped, murdered, injured, robbed or violated, yet in many cases the penalty placed upon them is greater than the sentence passed on the accused by the justice system.

There is no feeling like the violation a victim feels. For those who have had their homes broken into, the feeling is one of personal violation. They feel they have been dirtied by a criminal act. How much more violated does the person feel who has been personally attacked?

• (1530)

Today's society in Canada is filled with victims. Right now in the city of Victoria, British Columbia, family members of Reena Virk are living through their own personal hell as they listen to witnesses in the prosecution of the murder of their daughter. No matter how efficient the justice system is nothing will ever bring back their daughter. My sympathies go out to them. I have not walked in their shoes but I think I know how they feel.

More recently in Nanaimo a young man was returning home from a hockey game. As he drove under an underpass a 40 pound rock crashed through the windshield of his car. Kevin Holmes, only 21 years of age, was left with a fractured skull, five missing teeth and a broken collar bone. He had to undergo facial reconstruction and doctors had to open up his skull to look for damage and bruising. That was a senseless act of violence.

Kevin Holmes did not even know the perpetrator and yet Kevin Holmes has become a victim of crime. Reena Virk's parents and her family are victims of a senseless crime. These people deserve justice also.

As has been previously stated, the bill was far too long in coming. The need is not a new one. This need was brought to the attention of members of the House of Commons during past parliaments. The previous justice minister for instance stated in 1996:

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Although steps have been made toward progress in recent years, they have been imperfect. There remains a great deal to be done.

Indeed there still remains a great deal to be done. When the current justice minister was sworn in, in 1997, victims rights were listed as one of her top three priorities. It has taken two years for this response. I repeat that I am grateful for this, but in the words of her predecessor there remains a great deal to be done.

I am not a lawyer. I have never been a police officer, but I have been a pastor and counsellor for over 30 years. During my time as a pastor and counsellor I met with countless people. Some of those people had been victims of various different crimes. Listening and working with these people were never easy. Their faces and their lives were literally filled with pain. Every day of their lives they remembered what had gone on in the past.

What these people are looking for is peace, peace within their souls. It is not easy to find peace in this world of ours. We need to bring all our resources as Canadians, emotional, physical and spiritual, to help victims of crime finally come to terms with what has happened to them.

There are some things we need in the House that must come only by taking the partisanship out of it. Sometimes we need to go well beyond party politics. There is no doubt in my mind that society is not perfect. Far from it. Nor is the House perfect. However I would like to think there are some matters we can jointly come together on and resolve for the betterment of all Canadians, not just for scoring political points.

I believe that this is one of those important matters. I plead with the House that as the bill goes beyond this point and into committee it will not disappear from the political agenda.

• (1535)

Let us all resolve as members of parliament to make the bill stronger and better. Let us assure that victims of all crimes can look to their parliament, to their government and to this legislation to know that their concerns and their needs are heard loudly and clearly.

In conclusion, I appeal to all members of the House to work toward making the bill stronger and workable. I appeal to all members to ensure that it is dealt with as soon as possible. Let us not let another 16 years pass so that people like Inge and Sven Clausen continue in their concerns and anguish because victims rights have not been taken care of. It is too late for many victims of the past. However it is not too late for the victims of today and tomorrow.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, there has been a lot of debate today in the House on this topic. There has been a lot of debate on a particular question, as well as

many others, which has been made raised a number of times. I am referring to the definition of victim as set out in Bill C-79.

Would my colleague indicate whether or not he agrees with the definition spelled out in Bill C-79? Or, does he think it is too restrictive and does not include enough people in the category of victim?

Mr. Reed Elley: Mr. Speaker, as I said in my speech, when a crime is committed every Canadian becomes somewhat a victim. When our standards of behaviour and morality and our laws are violated by anyone we all become victims in some sense.

Unfortunately there are people who become more of a victim than others: the people against whom these crimes have been committed directly. I am concerned about the definition of a victim in the legislation being somewhat restrictive. As it continues in committee stage and we bring together some witnesses and other Canadians have a chance to participate in this dialogue from a democratic standpoint, I hope we will see that definition broadened. I agree with the hon. member that it is too restrictive at this point.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it is a pleasure to rise today to join in the debate on Bill C-79, the victims rights bill.

At the outset I would like to do something I am not very accustomed to doing, and that is to give some accolades to the government on this legislation. I see some shocked looks on the other side.

Periodically when I travel throughout the huge, wonderful and beautiful riding of Prince George—Peace River there is a perception that opposition parties always oppose. Some of my constituents are quite surprised to learn that the Reform Party is the official opposition.

If we look back at the legislation the government has introduced over the past five and a half year since Reform has been in the Chamber in any numbers, the Reform Party has supported the legislation about half the time. It is somewhat surprising for Canadians to learn of that because their attention is always drawn to those times when we are in direct opposition to the government and speak out quite clearly, loudly and volubly in our opposition, stating our case as to why we feel the government is on the wrong track or perhaps does not go far enough.

It is a bit of a unique situation for me to stand in my place today and say well done. It is an important first step. I am pleased that the government has responded. It was certainly not in a timely manner, but it has finally brought forward the legislation.

• (1540)

Most important, I would like to take this opportunity to applaud the victims and the victims rights groups which have sprung up

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from coast to coast to coast in Canada over the past number of years because citizens themselves have seen the need for this type of legislation. They have seen the need for legislation and laws that go well beyond what Bill C-79 does. They have seen the need to make some of the changes we see today.

I appreciate as well some of the comments made earlier in the debate when Liberals rose in their places and actually recognized Reform and the work we had done in promoting the issue of victims rights. A number of Liberal members that spoke during the debate referred to my colleagues from Langley—Abbotsford and from Surrey North and the work they have done over the last number of years in pushing forward the issue of victims rights and the need to make some very substantive changes to the way in which the courts handle the issue.

I will touch briefly on the bill and then I will use some of my remaining time looking at a couple of areas where I feel the government could go a lot further in recognizing victims and the importance of bringing forward legislation and programs to address their needs.

What does the bill do that we are debating today? As outlined by a number of speakers from both sides of the House earlier, victims are now to be informed of their right to prepare a victim impact statement at the time of sentencing. That is an important step.

Victims will have the choice to read a victim impact statement in court. They will have the right to present victim impact statements at section 745 hearings.

Victims and witnesses will have protection through the banning of publication of their identities where it is necessary or where the courts feel it is necessary for the proper administration of justice.

Judges will be required to inform the public of the possibility of section 745 application toward early parole for those who receive life sentences. This is another very important step that has been missing from the present day legislation. At the moment there is not a requirement on the part of judges to alert the public that certain convicted murderers may be getting out under section 745; in other words under the faint hope clause, early parole. Police officers and judges will consider victims safety in all bail decisions.

This change in Bill C-79 makes so much sense that one might remark on why it would not have been there previously. That would be an excellent question and certainly, I am sure, a question that many Canadians would ask. Why was the consideration of victim safety not written into the law previously in the case of individuals getting out on bail?

As I said at the outset, as far as it goes Bill C-79 is an important step forward and one that I am pleased to see is supported by all parties in the House. I hope that it will receive speedy passage.

I would like to touch on a couple of other issues of importance to me personally, and indeed important to a lot of Canadians from coast to coast. The first I would like to talk briefly about is conditional sentencing.

On many occasions in the past number of years Reform members have risen in their places and spoken to the issue of conditional sentencing. It was contained in the old Bill C-41 in the last parliament. Reform and other critics, and indeed a lot of people out in the real world, raised many concerns about Bill C-41. One concern was that conditional sentencing may be used in cases where it would be inappropriate, in cases of violence.

At the time Bill C-41 was being debated we raised those concerns, as did others, and basically government members pooh-poohed them. They said not to worry, that even though some of those crimes were not specifically exempted from conditional sentencing we would never see the day when that would happen. Conditional sentencing is meant for very minor crimes, such as a first time offender who puts some graffiti on an overpass, or a first time shoplifter. We all know that young people, in their exuberance, might sometimes be led astray and do something foolish or stupid. I am sure many people in the Chamber, if they reflect back far enough, will remember doing some silly things when they were young.

• (1545)

There is certainly a place for conditional sentencing where, instead of people going to jail for specific crimes and being incarcerated, they would be let out under certain conditions. However, it was never intended that it be used in cases of violence. Certainly that is something that Reform has brought to the attention of the government time and time again.

Conditional sentencing under Bill C-41 became law in September 1996 and was to be used as a tool by the judges. Unfortunately, the very concerns that we and others have expressed during debate came to fruition when judges started using conditional sentencing in cases of violence. The list runs into the hundreds and indeed thousands of cases where, I believe, the vast majority of Canadians feel very strongly, as Reform does, that it is being used inappropriately by judges.

I recently commissioned a national poll to see what people were thinking on the issue of conditional sentencing. As the deputy justice critic, one of the roles I have with the Reform Party, I have been handed the task of trying to continue to raise the issue of conditional sentencing with the government. As part of that role, I wanted to see what the thinking of Canadian people themselves were in a national poll.

I asked three questions. The first was: "As you may know, judges are currently allowed to grant a form of conditional sentence where those convicted are given the opportunity to serve part of their sentence at home instead of in jail. Do you favour or oppose this practice?" This is pretty straightforward. The poll found that

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23% of Canadians favoured the practice of conditional sentencing, 59% opposed it and 18% were uncertain.

The second question in the poll was: "Do you think that those convicted of violent offences, such as manslaughter, kidnapping, drug trafficking, assault or rape, should be eligible for a conditional sentence?" The people who felt that would be appropriate in some cases were: yes, 13%; no, 84%; uncertain, 3%. Canadians very clearly had their minds made up on this second question. They can distinguish between right and wrong. They can distinguish between where the punishment should match the crime. They do believe that in those cases of violence and drug trafficking that the individual should do jail time.

The third question was: "Would you support or oppose changes to the conditional sentencing rules that would make those convicted of violent crimes ineligible for a conditional sentence?" Seventy-one per cent of Canadians supported ineligible, 21% were opposed and 8% were uncertain.

Again, the vast majority of Canadians, some 71%, feel it is right for the government to initiate changes, belatedly I would add, to this legislation and basically plug the loophole it created with Bill C-41.

As deputy justice critic, I am obviously going to continue to push this issue and mount a concerted campaign to get the government to see the error of its ways and initiate this change that is obviously supported by the majority of Canadians.

I know the Reform Party is always accused of dredging up the most horrific examples when we talk about justice issues, but in order for Canadians to understand the issue a bit better, I will cite a couple of the thousands of cases since September 1996, two and a half years ago, where conditional sentencing has, in my opinion, been used very inappropriately.

• (1550)

The first case I will talk about very briefly is the Paul Gervais case in Orleans, not far from here. He received a certain amount of local media attention.

I, along with one of my colleagues from Calgary, personally met with six of the young men who were involved with this. Mr. Gervais plead guilty to sexual assault charges involving nine young men. When I met with the victims, they told me they felt they had not only been victimized by Mr. Gervais, but that they had been revictimized by a system that let them down. I had a tough couple of hours meeting with those young victims. They really questioned the benefit in them coming forward and ultimately having their so-called day in court only to find that Mr. Gervais received a conditional sentence.

I know one of my hon. colleagues just prior to my speaking remarked about that. Victims feel that they are victimized twice: first, by the criminal and the crime; and second, by the so-called justice system, or as some have taken to calling it, the injustice system in the country.

I would suggest that the conditions of Mr. Gervais' sentence were ridiculous. He did not have to serve a day in jail. He is under the supervision of his wife and yet this is the very person who was aware that he had a previous conviction over 20 years ago for molestation of boys. She knowingly allowed him to have young boys working with him in his shop. Yet this is the person to whom the judge, in his infinite wisdom, turned Mr. Gervais over to, saying "Okay, instead of sending you to jail, we will send you home with certain conditions. One is that your family must be responsible for you". They obviously failed in that responsibility before or these young boys would not have preyed upon.

An 11 o'clock curfew for Mr. Gervais was put in place. He must be home by 11 o'clock at night. When one looks at the case, all his offences against these young boys occurred during business hours at his shop. What possible good will an 11 o'clock curfew do? That particular case is being appealed.

However, when I was asked by these young victims and by reporters about the case, my position was that it should not be up to the victims to try to lobby and pressure the crown counsel to appeal something that should never be in place to begin with. Why should the victims have to lobby the prosecutor to appeal the judge's decision in the sentence and to try to get an appropriate sentence so the individual can be sent to jail where he belongs?

I raised a second case in the House as early as October 1996. It was one of the first cases brought to my attention of the inappropriate use of conditional sentencing. It involved a young mother in my riding. I cannot identify her because she still lives in fear for her safety and her life. She was sexually assaulted in her own home by a former spouse. The fellow drove in a drunken state to the town where she resides, broke into her home and raped her on the kitchen floor with the children home at the time.

To begin with, she thought that because the individual was a former spouse there was not even any point in her bringing this to the attention of the RCMP. That is how much faith she had in the justice system and, as I relate the details, the House will find out why.

Originally she charged her former spouse with common assault causing bodily damage. It was only later that she decided to actually charge him with sexual assault.

In the judge's ruling, he said: "In this case, I do not believe the evidence of the accused, nor am I left in any doubt by it". He found the accused guilty. Obviously there was ample evidence to support

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the woman's story that she was indeed sexually assaulted and raped in her own home.

• (1555)

The judge went on to say, in making his judgment:

I think that while society might have an interest in sending (Mr. X) to jail, it seems to me that the victim and her children might be better served by (Mr. X) serving his sentence in the community and continuing to pay child support.

Imagine that. Imagine the sense the victim had. And we are here today to discuss victims rights. Imagine what was going through her mind when she learned of the judge's ruling.

The next case does not deal with conditional sentencing but with another issue I feel very strongly about and on which something has to be done. This was a very tough issue for me to deal with. It involved spousal abuse to the point where the young woman in question was beaten senseless and left in a vegetative state, which she is still in today. I have had some conversations with her mother. As a parent, I can only imagine the private hell this family endures every day as they try to care for Mary-Lynne Miller of Dawson Creek.

Her common-law husband, Brad Neuman, despite a previous history of fraud, forgery, assault, impaired driving and of previously assaulting Ms. Miller with a knife, for which he served six months in jail, he assaulted her again and left her in a vegetative state. However, because he threw himself on the mercy of the court and cried some crocodile tears, he was only sentenced to four years with parole eligibility after two. He received four years for effectively murdering this young woman. For all intents and purposes, although she is still technically alive, she is in a vegetative state.

I will briefly refer to a couple of things I believe the government can do to correct some of these problems. I put forward Motion No. 577 which stated:

That in the opinion of this House, the Standing Committee on Justice and Human Rights be instructed, in accordance with Standing Order 68(4)(b), to prepare and bring in a bill to prevent the use of conditional sentencing in cases where someone is convicted of a dangerous crime including: murder, manslaughter, armed robbery, kidnapping, drug trafficking, sexual assault, and all other classifications of assault including child and spousal abuse.

This is a vitally important first step. Within the next couple of weeks I should be introducing a private member's bill in the House which will follow up on that motion and show how exempting those crimes from the use of conditional sentencing can be accomplished in legislation.

The other thing I did as recently as yesterday was introduce private member's Bill C-494 in the House which would bring a current program that does not have official status under the witness protection program.

I could go on at great length about the need for more reform on victim rights, but I see I have run out of time.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I am very interested in what the hon. member is telling us today because it is so germane to the subject at hand. I would like to hear what he wanted to say before his time ran out.

Mr. Jay Hill: Mr. Speaker, I thank my hon. colleague from Elk Island for giving me the opportunity to perhaps try to finish my presentation.

I will give a few quick statistics about the issue of spousal assault and domestic violence.

• (1600)

According to Statistics Canada, tragically there were about 75 spousal homicides in 1997. Eight out of 10 victims of spousal homicide were women who were killed by a current or ex-husband. Over 60 women died in 1997 at the hands of their past or current spouse. That is what those hard statistics mean.

Spousal killings are often preceded by a history of violence. Between 1991 and 1996 police officers were aware of previous domestic violence between the victim and the suspect in over half of all spousal homicides, 56%. Homicides involving family members totalled 4,193.

There is an existing program to try and help those people where their lives are most in jeopardy, especially women. There is an ad hoc program by the Department of Human Resources Development and Revenue Canada which I support. But it does not have a legislative mandate and it does not have funding.

I would like to quote from an article that was in the *Vancouver Province* on Sunday, January 31, 1999.

In 1992, two federal government employees started New Identities for humanitarian reasons, said Liliane Binette, a spokeswoman for Human Resources Development Canada.

"It's a very special process within HRDC and Revenue Canada to assist victims in real life-threatening situations wishing to establish new identities," she said.

While it's not an official program, a handful of staff in provincial government vital statistics branches, police departments, and women's shelters know who to contact when they come across an extreme case of family violence. . .It's kept secret to protect the women and the staff who handle the cases, and to prevent against the possible abuse of the process by people trying to escape creditors.

Because it isn't publicized or official, there is no formal application process, explained Binette. They take only those women who are referred to them by police and shelters; women whose situations have landed them in hospitals, shelters and police interview rooms many, many times.

Revenue Canada ensures their income tax history and child tax benefits follow them into their new lives without linking them to their past names; and HRDC provides them with a new social insurance number and transfers their pension benefits.

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The people who work on New Identities hope it will soon get official program status and some money.

That is the purpose of my private member's Bill C-494. Its purpose is to try to give that very important program, which I certainly applaud and the initiative of the two employees, some official status and start to firmly address the issue of spousal abuse in the more horrendous cases at least.

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I certainly share some of the views that were raised by the hon. member from the Reform Party. We certainly know his ongoing concern for conditional sentencing. I have two questions for the member.

Should the member not be looking at the fact that the Minister of Justice has asked the justice committee to study this issue? Should he not be helping the members of his party who sit on the justice committee to ensure that the justice committee does not have 100 private members' motions before it so that the committee does not have to deal with the private members' motions before it deals with conditional sentencing?

I encourage the hon. member to help the committee expedite the work in terms of arriving at conditional sentencing and making some recommendations to the minister in terms of conditional sentencing and to bring amendments forward.

The second question I have for the hon. member has to do with family violence. It was rather interesting that the member talked about statistics. Does the member know how many of those women were killed by guns used by their spouses? His party did not support the gun control legislation. When the member does bring those statistics forward, he should be talking about the type of violence that women face in society. The member should be supporting the government on initiatives such as gun control.

* * *

[Translation]

BUSINESS OF THE HOUSE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I rise very briefly on a point of order. There have been discussions between the House leaders of all parties and I seek the unanimous consent of the House for the following motion:

That Motion M-73, introduced on September 23, 1997 by Ms. Venne, the member for Saint-Bruno—Saint-Hubert, be now recorded in the name of Mr. Laurin, the member for Joliette.

The Acting Speaker (Mr. McClelland): Does the hon. member have the unanimous consent of the House to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

• (1605)

[English]

Mr. Bob Kilger (Stormont—Dundas—Charlottenburgh, Lib.): Mr. Speaker, I rise on a point of order.

Resulting from conversations with the same House leaders, I wonder if you would seek unanimous consent that the divisions on the supply proceedings deferred from April 19, 1999 be taken up this day immediately after the division on Motion P-31.

The Acting Speaker (Mr. McClelland): Does the House agree to the suggestion of the chief government whip?

Some hon. members: Agreed.

* * *

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-79, an act to amend the Criminal Code (victims of crime) and another act in consequence, be read the second time and referred to a committee.

Mr. Jay Hill: Mr. Speaker, I thank my hon. colleague across the way for her two comments.

First was her comment to let the justice committee to which the justice minister has referred this matter do its work. I refer her to the case of her colleague from Mississauga East who had private members' legislation referred to the justice committee only to have it completely trashed and torn apart by her colleagues and treated with total disdain. I do not have a lot of faith, nor do Canadians, in the committee operation of the government. That might deal with the issue of letting the committee handle it rather than trying to handle it in the House.

With respect to the second issue she referred to, I would like to touch on what the courts said about conditional sentencing. In August 1997 the B.C. Court of Appeal stated "If parliament had intended to exclude certain offences from consideration under section 742.1, it could have done so in clear language". Even the courts are saying that the government should get off its duff and change the law to exclude those types of crimes from conditional sentencing.

The last issue she raised was that because of the incidents of domestic violence and the amount of women who are killed by

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former spouses, we should support gun control. The reality is that her government's gun control legislation, the registering of guns, will do absolutely nothing. I cannot use unparliamentary language and I get pretty worked up about gun control, but it will do nothing to prevent those types of deaths.

There are things her government can do to help prevent those types of deaths. I have outlined one and that is to give these women the protection they need under the Witness Protection Program Act.

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I am honoured to represent the people of Elk Island in today's debate.

It is a very solemn debate. We are talking about issues of life and death. We are talking about families that are grieved because they have been victims of crime. Their children and loved ones have been hurt or murdered. We also need to think of those who are family members of the persons who perpetrate the crimes. I do not know whether many people have thought of it this way.

I will not mention specific cases but there have been a number of really difficult criminal acts committed in Canada over the last number of years, even since I was first elected in 1993. One of the most grievous ones was the young man, whose name I do not want to put into my mouth, who used the young girls he captured as sex toys and then found his ultimate pleasure by watching them die and videotaping it. Many of us know him as Paul. It was dastardly, unbelievable and totally unacceptable.

People have come to our parliamentary committee and have made presentations to say that they want some greater involvement. They want their rights protected when the law deals with the perpetrators of these crimes. I know there is a balance to be reached here. Some of these families struggled for years in their search for closure.

• (1610)

I think of a young family in Winnipeg whose daughter was murdered in winter. They did not find her for a number of weeks. When they did, she was in an abandoned shed. She had been strangled and left there in the cold. The murderer has never been found. How that family has dealt with that is actually the subject of the book *Have you seen Candace?* I remember being grieved about that murder because my brother-in-law knew the family and spoke about it.

I think of other situations where people do unspeakable things, some so heinous that we do not want to even speak about them. There are other things as well that people do which are illegal.

This is a day of celebration in the House for an accomplishment. There has been a little bit of a debate about whether or not this issue would be on the table here today were it not for the fact that the official opposition, and in our position as third party in the previous parliament, has been relentless in bringing this issue forward. All

governments prior to this one had never thought it an issue important enough to bring to this place.

The very fact that it appears we now have near unanimity among all parliamentarians from all of the different parties to support this bill should give us cause to celebrate. It is an advance we are making on behalf of all of the hurting innocent victims of crime.

The Reform Party to which I belong is now 10 years old. One of the things that attracted me to the Reform Party was its statement of principles. One of them in justice which grabbed my attention was the fact that in principle, the expedition of the judicial system should be that of giving priority to the protection of the lives, the property and the well-being of law-abiding citizens.

If I may be permitted to quote, and I know one of my colleagues was called on using a prop earlier today, so I am going to be very careful to hold this book so the camera cannot pick it up. No one can see the cover of the blue book from which I am reading:

The Reform Party supports a judicial system which places the punishment of crime and the protection of law-abiding citizens and their property ahead of all other objectives.

That is real novel, but it is what happened when our party in its formation listened to what we so affectionately call the grassroots. Ordinary Canadians told us the administration of justice in this system is skewed in that the victims are dead last in terms of what concern is expressed by the justice system and the government.

My colleagues earlier today have reiterated the cases where the perpetrator of the crime has all kinds of counselling and help available while the victims of the crime have to pay for it themselves. In many cases they cannot afford it and have to go without. Those are the kinds of things we need to correct if we want to call ourselves a civilized law-abiding country.

I am very happy this is happening here today. It is a step in the right direction. It is one which is long overdue, 10, 20, 30 years overdue. I am very proud to be a part of the process which has made this happen.

• (1615)

Item C in our blue book, which again I will hold very carefully as I read from it, states that the Reform Party supports granting victims of crime official standing in court and parole hearings, and requiring courts and parole boards to review victim impact statements before sentencing. To the greatest extent possible victims should be compensated by offenders for financial loss resulting from criminal acts.

One of the items in that part of our blue book will be adopted if the bill is passed, and we anticipate that it will be, and that is the use of victim impact statements. I am very grateful that I have never had the experience of being the victim of a severe crime. I have been the victim of minor crimes, but no major crimes. I

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cannot imagine the feelings and the emotions that families go through when they deal with serious crimes.

There is no doubt in my mind that the action we are taking today of providing for impact statements and allowing victims to make the decision themselves as to whether someone will read it into the record of the court or whether they will present it themselves is a tremendous step forward. Many people who are victims of crime will testify to the fact that they feel left out. Their son or daughter is gone, has been murdered, abused or injured, and during the court proceedings they are relegated to strictly spectator status. With this bill they will finally be heard. Their story can be told. It can be entered into the record.

I know there are some judicial purists, maybe even some in the House—and I will be careful in which direction I direct my gaze when I say this—who would say “We ought not to be making judicial decisions based upon emotions; they should be based on facts”. That is certainly true. I do not believe that people should be convicted of crimes of which they are innocent simply because the crowd in the town thinks they have the right perpetrator and because of the high emotions of the time they say that the accused is guilty and they have their revenge. Of course we do not want that.

That is not what this talks about. The actual determination of the guilt or innocence of the person who is accused takes place before the victim impact statements are entered into the record. It is proposed that this be done at the time of sentencing so that the judge can take into account what the actual impact has been on the victims of this criminal act. I think it is a very great step forward.

With respect to the second point, we also think that victims should be compensated by offenders. This is one area in which I think we should do a great deal. As far as I know, it is not in Bill C-79. I may be wrong, since I am not an expert on this, but from the notes that I have gathered the question of compensation for non-violent crimes is not included.

I want to share a little knowledge that I have in dealing with young offenders, people who perform what we call petty crimes, but which to the victims are pretty serious. I am talking about things like breaking and entering, robberies, sometimes vandalism.

• (1620)

We should place into law the principle of restitution. There is nothing more effective for a young person or any other person who has committed a crime to come to grips with and accept responsibility for what he or she has done than to have them sit down across the table from the person they have victimized, look them in the eye and say “Yes, I did it”.

I have talked to people who have worked in the so-called restitution area with young offenders. When young people realize how they have offended someone else, who at the time was a faceless non-entity but is now a real person, it can very often turn their lives around. They realize that what they did was wrong. They accept responsibility for it and they make some kind of a deal so they can provide restitution.

I do not know if this is the time for me to make a public confession of my criminal life. I suppose I should tell the House about the one thing I did. Maybe there were two, but I can only remember one. It was definitely questionable, but it was an important turning point in my life.

I was a youngster of probably 10 or 11 years old. We lived out in the country in Saskatchewan. We had some people living on our yard whom my family had sponsored to come over from the old country. They were called displaced persons at that time. Some thought that was a derogatory term. I always thought it was a badge of honour, since they were survivors of some very difficult circumstances.

There were about three or four of us young fellows. I think I was the youngest of the group. We went for a little bicycle ride out in the country and we came across an abandoned farmyard. I do not know who started it. I do not think it was me. However, there was an empty farmhouse and there was gravel on the road. Gravel contains little rocks and little boys like to throw little rocks. Much to my regret, when we left the yard there was not a single window left intact in that house.

My father is a very wise man. He found out about it. Even though this happened decades ago, it is as vivid as if it happened yesterday. My dad said to me “We shall have to go and talk to Mr. Sawatsky about this”. He was the man who owned the property.

Dad and I went. I do not know what the other guys who were involved did, but I was involved. I will not say that my father made me, but he told me “When we go there this is what you will do”. We practised it. When we got into the yard I had to look Mr. Sawatsky square in the eye and say to him “I am the one who broke your windows. I am sorry and I want you to forgive me. We will replace the windows and I will pay for them”.

That lesson I value highly. I thank my father for doing that for me when I needed it. Who knows, maybe he steered me away on that day from a life of crime. If one starts there, who knows what will come next. Forcing me to go face to face with the person whom I had wronged to ask forgiveness, admitting that I had done wrong and offering restitution, was exactly the right solution.

I wish we had more dads who would do that with their boys, and maybe their daughters. We understand that there are now more and more young girls who are getting involved in some of these crimes. I wish there were more dads who would do that with their boys;

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steer them in the right direction, teach them what is right and what is wrong, and show them how to solve it when they do something like that.

I wish that Bill C-79 would also include the principle of restitution as a way of dealing with crime. In this bill we are dealing mostly with victims of severe crime, and there is no way to restore a person's life.

• (1625)

I think of the guys in Edmonton who punched the eyes out of one of their victims. There is no way that young man's vision can be restored. He is blind for life. His eyes are gone. There is no restitution available. There has to be punishment for them.

However, for the smaller crimes, especially those committed by young fellows who are bored, we need to have those individuals face up to their responsibilities.

Perhaps I have a slightly novel approach to this. As many people have said, we need to look at the prevention of crime. I believe that starts when a youngster is approximately two days old and continues through their lifetime, through adolescence right up to adulthood. I believe that we should build morality into our young people. Sometimes I hear, especially from the Liberals and the NDP, that poverty causes crime. I do not buy that.

When I was young we were very poor. We did not think of robbing other people and getting into crime because we were poor. I know that we need to do everything we can to alleviate poverty. There is no doubt about it. I am not arguing that. However, I will not concede to a person that being less well off than someone else gives them the justification for crime, any more than it does for me and my children because we have neighbours who are a lot richer than we are. That just does not wash.

We need to get down to some really solid principles. I am glad for the principles of justice which are contained in the Reform Party document. There is a whole list of them. I read only two. I would encourage all members of the House to get hold of the blue book policies of the Reform Party and read them. They make eminently great sense. That is one of the things that drew me to this party and that is why I am so very happy to be part of this process today because we are making progress.

I congratulate all members for what I expect will be unanimous support.

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, the hon. member for Elk Island has worked in education with young people for 35 years.

He will know, I am sure, that the young people who commit serious crimes in or outside Sherwood Park are very small in number. In Millwoods, the member will perhaps be interested to

know, there were apparently 17 persons, a year or so ago, who committed most of the serious crime.

Could he give us the benefit of his advice as to what he would do with that tiny minority in Millwoods? They are almost all young men. What would he do to the young men in his constituency who commit so much of the serious crime in Sherwood Park? As well, does he think that drugs are the cause of much of the crime?

Mr. Ken Epp: Mr. Speaker, that is a very broad question which allows me to go off in almost any direction. I would reiterate that, first, we need to make sure our young people are taught a system of morality which holds up and is consistent. We have a moral void with all of this moral relativism in our society.

I also worked for many years on a board which ran a camp for young people, children and families. It was a great experience to get outdoors and go camping with these young people. When I worked there I was young myself. I am now getting on, by a few more years.

I believe that those are very important issues.

We have many volunteers in my riding who work with young people in sports programs, camping programs and all of those things. I think that prevention is absolutely mandatory.

• (1630)

We have to kick that into high gear. We have flagged on it. Our families are struggling. Many of them are in conflict because of high taxation. Both parents have to work even though they would choose not to if they did not have to. As a result our families are not as strong as they ought to be.

With respect to those who actually commit the crime, what do we do with them after? As I have said, we ought to hold them personally responsible, certainly if they are involved in things like trafficking in drugs which often happens. This is one of the motivators of crime. Many of our young people get hooked on different kinds of drugs. Because the people from whom they get the drugs are not about to donate them, they go about financing it by break and enters and all sorts of things.

This is perhaps a novel way of handling them, but I would get them out into the woods. I would take them out to a camp; I really would. I am not talking necessarily of a strict boot camp but there would be some discipline. These young people would have to learn that there is an authority structure to which they have to submit themselves. Otherwise we have chaos in the country. We are all subject to authority. They too are subject to authority. The faster they learn that, the better off they will be and the better off we will all be.

I would provide work experience. I know of a person who does this in his work with Manitoba justice. They actually bring young

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offenders to a place where they are under their care and keeping 24 hours a day. They provide work for these young men. They are chopping firewood. They get to do things that are useful. It gives them a sense of accomplishment. They actually work for their food. It is a great way of steering them away from the crime they have entered into.

In all cases there is not a perfect success rate, but they have at least as high a success rate as the ones who simply go to prison and learn from the pros.

We would do well in the justice systems in the different provinces if we expand the use of smaller groups such as that. It probably would not cost as much as running our prisons and we would have a much higher degree of success.

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, the member for Elk Island made reference in his comments to a young girl who went missing a number of years ago. It turned out that she had been murdered in Winnipeg. The young girl's name was Candace and a book was written about her. I would like to acknowledge the mother who actually wrote that book, Wilma Derksen.

Wilma has been very active in the last number of years dealing with victims of crime and in the whole restorative justice process. Coincidentally, and I know we are not supposed to use props, I received in the mail today the publication by her organization dealing with victims and reconciliation.

I would like the member's comments and thoughts on restorative justice and victim-offender reconciliation, especially in cases of less serious crimes where the offenders come face to face with their victims and get to understand who their victims are.

Mr. Ken Epp: Mr. Speaker, I think this works best at a younger age. At the beginning of my speech I said that the training of a young person to be a law-abiding citizen begins at age two days. Maybe we waited too long, but I think it is a lifelong thing.

I remember seeing a poster many years ago of a tree with one branch that was really crooked. The tree was beautiful except for that one branch and the caption read "As the twig is bent, so grows the child". When we talk about restorative justice, I think the example I used from my own life illustrated that. I believe we have to captivate young people as early as possible. If we train them throughout life, both by word and by example in the family, in the school and in the church, to be moral, to put the needs of others ahead of their own and to be unselfish they will not grow up to be criminals. If they do make their own decisions later, the earlier the better to catch them and provide the opportunity for restorative justice, for restitution, for facing their victims and for giving them some solid role models to follow at that stage. I am absolutely convinced that is the way to reduce it, but I do not think we will

ever get away from it entirely with human nature having a bit of a bad streak in it.

• (1635)

I reiterate there are some who progress despite all efforts into more and more serious crime. When an individual is found to be incorrigible we have an obligation, as stated in the principles of the Reform Party, to protect law-abiding citizens. If there is one who just will not obey the rules and who is doing worse and worse things to other people, to their person and to their property, we have to use that part of the law which restrains the evil doer.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I congratulate the members for Surrey North and Langley—Abbotsford for the leadership they have shown for so long on the issues of victims rights and justice. My hope is that the government will listen to the many eloquent suggestions they have been putting forth for a long time and that it will employ them.

Perhaps Bill C-79 is an example of the failure of the government to listen to what the opposition has been saying for so long. Many years ago the Liberals, not the current group but the previous group, decided to make a change in the way they dealt with justice. Their view was that no longer would the justice system be primarily responsible for or have as its primary goal the protection of innocent civilians. According to the Liberal government of late seventies-early eighties the primary role of the justice system was the rehabilitation of criminals. We want to change that around.

We in the Reform Party believe the primary role of the justice system is to protect innocent Canadians from being victimized. That is not to say we want to ignore those who commit crimes. Far from it. The member for Elk Island eloquently mentioned the need for early prevention from the time a person is born.

I would suggest we need to work before that for some very pragmatic reasons. How do we do this? We are dealing with Bill C-79 and the issue of victims rights. Victims have rights and for too long those rights have been pushed down by a system that supports the rights of the condemned over the rights of the victims.

There are good parts in Bill C-79. There are parts about the right of the victim to put forward a victim impact statement and very importantly for the victim to have choice of whether or not to say it or to introduce it as a piece of paper. We applaud that as it is something the Reform Party has been pushing for, for a very long time.

We also want to see a way in which victims can know things about when the person who violated them is getting out of jail, where the person is going, and what conditions are being placed on the person. To my knowledge that simply is not happening right now.

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Imagine rape victims finding out by chance or down the line that the person who violated them has been let out of jail. They do not know where the person is or where that person is going. They look over their shoulders hoping and praying the person is not after them.

This is the reality of the lives of many people who have been victimized and the government needs to change it. It needed to change it yesterday but having failed to do that it needs to change it now. Many times my colleagues, as well as members of the Liberal government and members of the other political parties, have presented constructive solutions to change this gross inequality in our justice system.

● (1640)

We also believe in the concept of restitution, that those who have committed a crime should do restitution to those who are victims. That would send a very clear message to the criminal that he or she we will have to pay the victim and society many times over the cost of the crime. The concept of restorative justice is a good one and one that we will support the government in pursuing when and if it chooses to do it.

The concept of protection of victims too is important. Right now we have a justice system that sentences people to a certain amount of time. Do the people serve that time? No, they do not. Not even for first degree murder do they serve the full sentence they are given. For everything but first degree murder people can be eligible for parole after serving one-sixth of their sentence. They are condemned, convicted of a serious offence such as attempted murder or rape, sentenced to 12 years, serve 2 years and released on parole.

What kind of message does that send to the criminal element? It says if they commit a crime they can get away with a minimal penalty. If we look at the two years that can be served in jail, the person who has been victimized will be paying the penalty of that and suffering long after two years are over. They will pay the price of their victimization long after the person who committed the crime is out on the street. What can we do? My colleagues have mentioned many constructive suggestions.

I will talk for a moment about the offender because therein lies a number of failures but also a number of opportunities to engage in some proactive issues. When I worked in jails I found that many of the people there had unfortunately not had treatment. The resources were not there to treat the underlying problems of why they were in jail in the first place. Their drug abuse and psychiatric and psychological problems were not being treated.

As a result we see a door that goes around and around with people being convicted, let out and convicted again. We do not break the cycle of crime, punishment and incarceration that

condemns many people to a life that we would not want. I would argue that they do not want it either.

There are things we can do. I draw the attention of the minister to the fact that the people who are doing the psychiatric treatment and educational training are not getting the support they require.

Furthermore there is not an obligation on the part of criminals to engage in the activities that will prevent them from reoffending. They are essential but they are optional. We need to make it absolutely mandatory that if criminals ignore the required treatment for them to break the cycle of crime, punishment and incarceration, five-sixths of their sentences is not automatically removed on the basis of good behaviour to which they have not been committed.

We need a system where people will have their sentences reduced for good behaviour if they engage in good behaviour and not because it is automatic. They have to engage in the treatment required, the educational options to be employable when released, and the drug training and drug treatment programs that are necessary for them to break the cycle that contributed to their being in jail in the first place. Then they can have time knocked off for good behaviour, say a third of the sentence.

For heaven's sake, five-sixths of their sentence should not be knocked off just to have a revolving door and turf people out of jail because there is not enough room. If there is not enough room and a person is a danger to society, I guess we will have to build more prisons.

We also have to divide the prison population up into two groups: violent and non-violent. There is no way non-violent individuals, those who are not career criminals, should be stuck in with the violent criminals. Those who are not career criminals who made a mistake should have other options for serving their time. As I mentioned before, restitution is one of them. Treatment is another option that they have to engage in. Hopefully when they get out they will have kicked the drug habit, had the psychiatric help they required and be employable and functional members of society. Only then can we save our system a lot of money and also save other people from being victimized in the future.

● (1645)

We also need to look at the police. We saw recently a report from the exiting chief commissioner of police in Vancouver who lamented very clearly the fact that we have created a revolving door in our justice system. He despaired not only for himself, but more important for the men and women in uniform who serve and protect our communities. The police are being demoralized in part because they do not have the support of the justice system.

The justice system is not giving the penalty that is appropriate for the offence. As a result, the police wonder why they are putting all their work and effort into getting a conviction when the justice

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system is not giving the penalty. Many career criminals think it is a joke for obvious reasons. That has to change.

We have to support the police as they support us and that includes that the justice system attach the penalty that fits the crime. If you commit a violent offence, if you are a repeat offender, then you are going to meet the full force of the law. For others, there are different options.

The RCMP do not have the resources to do the job. They had to close down their training facility. They do not have the money for overtime to engage in the prosecution. They do not have the helicopters they require. They cannot even fix their patrol cars because there is not enough money. How can we have a justice system when we cannot support it?

Justice does not come unless we have a police force to support it. If we do not have a police force, then we approach anarchy. Nobody in the House, no law-abiding citizen in the country wants anarchy.

The hands of the police are tied on how to deal with organized crime. Organized crime is massive in this country. The police lament that the government has not given them the legislative tools to deal with organized crime, which has a huge penalty for our entire country. We need to do that. We need to give police those tools.

Let us look at what has happened historically in the amount of time that is required to achieve a conviction. The amount of work police officers have to put in is far greater than what they had to do 10 years ago because of the hoops and the loops the government has put in their way. We do not want sloppy police work, but we want to give the police the ability to do their job. Why put in numerous unnecessary bureaucratic hurdles?

I challenge the Minister of Justice to look at the justice system, look at the hoops the police have to go through. Remove the unnecessary hoops and keep those that are necessary for the rule of law to be upheld.

My colleague from Elk Island articulated the issue of prevention very clearly. A few weeks ago I was working as a physician and I came across a patient I had seen in the past. She was one of three girls I had treated in the past. She was the last one that I had seen recently.

She was 13 years old when she was put on the street by her mother to prostitute to get the money to pay for her mother's drug abuse habit. I was quite surprised that she was alive. I did not expect her to be alive because I had seen her a few years ago. She came into where I was working with track marks up both arms, some were infected and some were not.

The life she has been living is remarkable. It is a life that nobody in the House would want for anybody. She has been engaging in a

great deal prostitution in part to support her mother's drug habit, but also to support her own. Like many other drug abusers she is spending between \$200 and \$500 a day on drugs. I asked how she was getting the money when she was unemployed. Prostitution and other criminal activities such as break and enter is the price society pays.

● (1650)

This situation did not materialize for this little girl as a 13 year old. She came from a tragic environment. I had met her two other friends a few years ago. I saw treated them in jail. They were 14 and 15 years old at the time. They had already been on the streets prostituting for a while. They were IV drug abusers. After examining them both I told them they would not see their 19th birthday. They laughed and giggled and said they did not really care because they were having fun. I was wrong.

I was reading the newspaper a couple of years after and one of the girls had been found dead on the side of a lonely road, murdered while engaging in another trick. A year after that I found her friend. I was walking through a pediatric ward and I saw her there. She had had a massive stroke in her teenage years from shooting up with IV cocaine. This is not uncommon.

If we examine the history of these girls and many of the people in jails, both adults and juveniles, we see a history oftentimes marred by improper nutrition, violent sexual abuse, and the witnessing of violence.

In up to 50% of the cases in adult jails, many of the people suffer from fetal alcohol syndrome or fetal alcohol effects. It is the leading cause of preventable brain damage in our country today. It is a silent epidemic.

The average IQ of these people is 68. They have a great deal of difficulty with cognitive functions and basic processing in their brain. When they attend school they cannot function properly because their brain is irreversibly damaged. There is no going back. They become isolated within school and act up. They engage in behaviour that puts them at the periphery of society. As they get older they often but not always engage in illegal activities. Then they end up in front of our justice system.

What if we could prevent that? What if we could prevent that person from having brain damage? We can and need to do it. We must do it. No longer can the epidemic of fetal alcohol syndrome be buried under the carpet and considered as something that affects people out there. It involves whole communities.

I remember flying in a chopper last year to an aboriginal reserve to do a clinic. I would venture to say that perhaps 25% of the people I saw were suffering from fetal alcohol syndrome or fetal alcohol effects. One-quarter of the people on the reserve had it. That is a guess but that is approximately the number of people I saw.

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These people can never engage in being cognitive, interactive people in society. It is very difficult for them to do that. How do we prevent it?

The Minister of Labour and her husband started the Moncton Headstart Program in 1972. It was a leader in its field. Essentially they wondered how they could prevent children from running afoul of the law. How could they make them the best citizens possible? How could they change the course of their lives from what their parents had, which perhaps had been a life of crime, a life of poverty? How could they put them on a level playing field with others?

Essentially they worked with prevention. The parents and the children were brought together to strengthen the bond. Bad parents were taught how to be good parents. They were taught simple things such as disciplining a child. They were taught proper nutrition and the fact that a can of coke and a bag of potato chips is not good nutrition. The parents were taught how to engage in proper discipline, how to set boundaries, how to be a good parent.

We recently saw reports in the newspapers about studies that had been done. These studies looked at 1,600 random samplings of parents. Nearly 70% of those parents did not know the basics of good parenting. Seventy per cent across a wide spectrum of socioeconomic groups did not know how to be good parents. This may seem subtle but the impact on the future of our society can be dramatic.

The Moncton Headstart Program has been profoundly effective at reducing teenage crime rates, teen pregnancies and keeping kids in school longer with less dependence on welfare. There is a \$6 to \$7 saving for every dollar invested.

• (1655)

The same held true in the Perry Preschool program in Ypsilanti, Michigan and the Hawaii headstart program. The Hawaii headstart program used trained volunteers to work with families and saw a 99% drop in child abuse rates. The findings in Moncton were shown again in the Michigan program which has a 30 year track record of early intervention.

We have been trying to get the human resources development subcommittee to deal with this issue. It is studying children at risk right now. Let us look at implementing a national headstart program using existing resources. Have the feds take the leadership role by working with the provinces to prevent these things from occurring. There is a track record of prevention. There are pragmatic doable solutions which we can employ now. What a great thing if the House could do that for the children of this country. We can and must do it for all the children.

I asked that the House pass a motion calling for a national headstart program last year. I implore the minister to work with her

provincial counterparts to deal with this. I implore the subcommittee chairman to deal with this.

Together we will be able to build a program, not just for the poor at risk, but for all parents. This cuts across socioeconomic grounds. Even children from affluent neighbourhoods and affluent households who are latchkey kids and who do not have appropriate parenting need the love, care and security that all children require. As we all know money and material things are no substitute for love, care and security and a secure home.

Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, I salute the member on his intervention. There was not a word that he said that I disagreed with. In fact I enthusiastically support everything he said as I am sure many members around the House do.

Not so long ago a doctor in Edmonton told me he feels that about 15% of the babies born in one of our Edmonton hospitals will be essentially unemployable because of fetal alcohol syndrome. Would a national headstart program deal with that or would the member see separate ways of trying to deal with the scourge of fetal alcohol syndrome?

Mr. Keith Martin: Mr. Speaker, although the secretary of state is responsible for Africa and Latin America, he has written many extremely articulate and informative articles and has been a leader in the House on the issue of early prevention. He deserves a great deal of credit. I have tried to use many of his ideas because they are just plain good. They are great ideas. I thank him for his long term involvement in this issue. He has been a true national leader on this issue.

The secretary of state's intervention is good. The solutions that have been employed in Alberta can be lessons to be learned and employed across the country. Much of that has been used in other headstart programs.

I am hoping that this will be a national program. I envision that three sections can be used.

The first is to use the medical community at time zero. All women go to their doctors during the course of their pregnancy. This would be an ideal opportunity to address prevention for FAS, nutritional aspects and others.

The second is to use the trained volunteer model which is used so successfully in Hawaii. It usually involves women who are good parents and who can act as mentors to families at risk and other families. They can teach people how to be good parents. We have seen the need for that in our country.

Last, we could use the schools from kindergarten to grade two like the example used by the Minister of Labour in her Moncton Headstart Program. We can bring parents and children into the

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schools to learn the basics of parenting and the importance of child-parent interaction.

• (1700)

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, my question is to the member who spoke eloquently and made some good points. There is one area in which I need some clarification.

He spoke compellingly about the head start program. We know that in the head start program there is discretion. He said that there is no financial cut-off. For example, one cannot turn away children from affluent communities because oftentimes they need guidance.

The hon. member spoke compellingly about his role as a physician, about three girls who came to see him, about his treatment of patients, which requires discretion, and certainly the discretion of a good physician to be able to examine his or her patients and come to a conclusion about what is the best treatment.

I think he would feel, as would most practitioners, that it would be wrong to legislate what a physician has to do. For example, when prescribing drugs, that they must or must not prescribe certain drugs, depending upon how they see the case.

The member talked about parole eligibility. I know that he wanted to be clear on this. He said that an individual who is sentenced to 12 years only serves two. I think what he meant was that they have eligibility for parole at the end of one-sixth of their sentence, which is different from saying that they would be released. They are eligible to apply to a board which would exercise its discretion in determining whether that offender has changed or met certain requirements; the same discretion that he would exercise as a physician or the same discretion that those who run the head start program would exercise.

Surely he agrees that the parole board should have that same discretion to make those judgment calls.

Mr. Keith Martin: Mr. Speaker, indeed, the parole board must have that discretion.

If a person commits a crime and is sentenced, being eligible for parole after serving only one-sixth of their sentence is, in my view, far too little. That contributes to the lack of confidence that our police forces have in the ability of the justice system to support them.

I am not saying that we should toss people in jail and throw away the key. As I mentioned in my speech there are two groups, violent and non-violent. Perhaps I should say violent, career criminals and non-violent, non-career criminals. I think they should be treated very differently.

What I am saying is that a sentence should be reduced on the basis of a person's ability to meet requirements such as the treatment of drug addiction, obtaining psychiatric help or demon-

strating appropriate behaviour within the context of the institution in which they are incarcerated. If they fulfill those requirements, then the parole board would be able to exercise its good judgment in determining whether that person should or should not be released.

Mr. Andrew Telegdi (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I very much support the comments of my hon. friend opposite in terms of prevention. Of course, prevention costs money and I hope he garners the support of his colleagues to undertake a major program across this country. I think we would save money in the end.

With respect to the issue of prevention, as we were debating this bill in the House today I noticed that at Columbine High School in Denver, Colorado, 20 students had been shot and the people doing the shooting still have not been apprehended.

There are many other examples in the United States, and of course the tragic example we have in Canada of what happened at the École Polytechnique in 1989.

Keeping in mind the emphasis on prevention that the member was talking about, surely he would want to support, as CAVEAT has asked us to do, as well as victims' groups, gun control legislation.

I would like to hear the hon. member's comments on that issue.

Mr. Keith Martin: Mr. Speaker, I will briefly answer three questions. The first question concerns prevention. We can use existing resources to engage in prevention. There is a smattering of organizations across the country which are engaging in prevention. If the minister would ask her provincial counterparts to come to the table, tell her what is working and what is not, toss out what is not working and keep what is, that would force the provinces to rationalize their programs.

• (1705)

As the member mentioned, it costs \$95,000 a year for a youth to be incarcerated and \$60,000 for an adult.

On the issue of gun control, the Reform Party is firmly in favour of good gun control laws. We are in favour of the firearms acquisition certificate. We are in favour of having checks on people. We are in favour of having a delay period. We are in favour of a course, which gun lobby groups are in favour of.

What we are not in favour of is gun control legislation that will cost money and not have an effect. On that point, it is the gun registry that will do just that.

We have to be very careful that if we are going to put money into a program we ensure that the money we are putting in, with the limited resources we have, will have more effect than where we are taking it from. It is called economic cost. If we are going to put money into gun registration, we had better be certain that the

registry is going to make our streets safer, save people's lives and save money.

The fact is that gun registries do not work. The government is now finding this out. The Reform Party has said for a long time that the millions of dollars that are being put into the gun registry could be better spent on something else. I had this conversation with members opposite.

Over the last 20 years the number of people who have been killed with legal handguns is five per year. Should we spend \$50 million, \$100 million or \$200 million to save five lives, when if we move it out of the justice system to somewhere else it could cost a hundred or two hundred lives because of rapists who are allowed to walk and murderers who are not arrested?

That is the reason we oppose it. It is not because we are against the registry, it is not because we are in the back pocket of the gun lobbyists, but because we want, like the government, to have the safest country possible. That is why we are opposed to it. However, we are in favour of the good gun control rules that we have in Canada.

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I am pleased to speak today on behalf of my riding of Edmonton East to victims rights.

I wish to compliment the minister on the comments she made in the press conference which clearly gave recognition to the Reform Party for its efforts in pursuing changes to address victims rights. I extend congratulations to my colleagues from Surrey North and Langley—Abbotsford. I also want to thank the minister for her very frank statement that this is not the end of victims rights reform but just the beginning, as we all explore better ways to address the issues and concerns.

It is with this in mind that I wish to speak about serious concerns of victims and potential victims of a recent heinous phenomenon, home invasions. Does this bill address the concerns of these victims? Not nearly enough. It contains only very minor rejigging of procedure. While the bill is desirable, it falls short of real reform to address the concerns of these victims, let alone being a serious deterrent.

It is a sad commentary on our society when police must advise us never to open our doors unless we can see who is knocking and unless we know who that person is. As the police reported in one Canadian home invasion, the victim made that one mistake. He opened the door because he could not see who it was through the peephole.

Anyone at any time can be the victim of a home invasion. The elderly are described as the victims of choice.

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There have been at least seven home invasions in Edmonton so far in 1999, resulting in serious injuries. There were only 10 in all of last year. They terrorize the occupants and expose them to the traumatic experience of forced entry with the intent to hold the occupants hostage. People are the target of home invasions. Victims are tortured into giving up property.

In committee the Reform Party, with the support of other opposition parties, asked the federal government to study this growing problem as it affects citizens in what should be their safest place, their home. The hon. member for Winnipeg South said that the idea was silly and not worthy of government concern.

• (1710)

I would fully support any study that would help to ensure the safety of Canadians in their own homes. I would also remind the hon. member for Winnipeg South that one recent home invasion I read about took place in his own riding.

Police say that we can combat home invasions by knowing our neighbours. Since most home invaders are caught due to phone tips, much more is needed now and not later.

The Criminal Code needs to be amended to provide tougher sentences for people involved in home invasions, and even better, to create an entirely new offence of home invasion.

At present most home invaders are charged with breaking and entering. Convicted offenders often do not go to jail. Multiple charges associated with home invasion are plea bargained away or have sentences concurrently served with other charges. In short, no additional punishment is given for home invasion.

Exceptional crimes require exceptional measures. We must raise the price of home invasion to properly reflect the heinous nature of the crime.

A while ago in Edmonton three young offenders broke into the home of victim Barb Danelesko and knifed her to death.

While the seven home invasions this year have yet to result in any deaths, I consider that luck more than anything. Home invasions are typically brutal and intrusive like no other crime, with hostage taking lasting for hours at a time.

There have been at least seven home invasions in Edmonton so far in 1999. In January a 55 year old victim was hospitalized with a gash to his head.

In January, on an Edmonton Sunday afternoon, masked gunmen charged through an unlocked back door of a home looking for drugs. They took money. The police called it home robbery rather

Government Orders

than home invasion, although I cannot see the difference, and neither do many of the police officers who say that home invasion should be a separate offence under the Criminal Code in order to track the magnitude of the problem.

In February of this year an Edmonton family was victimized and terrorized, tied up, and their home was ransacked by two gunmen. In February another Edmonton family was held hostage in their home for 16 hours.

In March an Edmonton victim was cut on the hand and head when he struggled with armed robbers committing a home invasion. In that case police are looking for three suspects in their late teens to early twenties.

In March, in Camrose, police arrested two youths, aged 16 and 17, in connection with the home invasion of a 69 year old victim the previous December. In her own home the woman was knocked to the ground, her face bruised by a masked intruder who broke in and stole various items. Robbers do not wear masks if they expect nobody to be home.

In Vancouver police believe that since 1995 two or three people have been responsible for the invasion of 31 homes occupied by the elderly, with 13 or almost half of these home invasions occurring in the last four months. During one of these home invasions a 79 year old victim was murdered.

In Melfort, Saskatchewan an 80 year old victim died subsequent to a home invasion on Christmas Eve, 1998. The man was beaten and tied after answering his front door and lay on his living room floor for 18 hours before being discovered. Because he died two months after the home invasion, police decided that the beating did not contribute to his death. The home invader, 29 years old, remains charged only with robbery and unlawful confinement. That is so even though it is accepted that trauma from any assault, particularly if experienced by an elderly victim, has long lasting affects.

In Merritt, B.C. an 80 year old victim was murdered in 1998 during the course of a home invasion by an 18 year old who is now charged with first degree murder. The victim had his hands and feet bound and was forced to lie on his bed. He was covered by a chest of drawers and his walker.

Near Lac La Biche a mother and daughter found themselves fleeing into the freezing cold after two strangers kicked in the door of their farmhouse at 2.30 in the morning. The daughter suffered from frostbite on her feet.

In Winnipeg this March a 17 year old victim was working at home on his computer. In the early afternoon a stranger knocked and three youths appeared shortly afterwards through the unlocked rear door, cut the telephone cord, tied the youth up, put a knife to his throat and fled with a small amount of money and jewellery.

• (1715)

The B.C. government has offered a reward for information leading to the arrest and conviction of home invaders in Vancouver. The reward has recently been increased to \$100,000. The Vancouver police department has formed a specialized home invasion police task force which has been given a blank cheque for whatever equipment and resources it requires. In March the attorney general of British Columbia appointed a specialized prosecutor just to deal with home invasions.

Last week there was an unbelievably horrendous home invasion, brutal beating and robbery of a 79 year old decorated World War II veteran, Robert Delaney, and his 78 year old wife Betty. Mr. Delaney is currently hospitalized in Halifax in critical condition as a result of the attack. The victims were attacked in their home, allegedly by 20 year olds and one 14 year old who have been arrested and charged.

The courts must take a hard line on home invasions. Mr. Delaney is a veteran of the famed Black Watch of Montreal and was decorated by the government at war's end for outstanding acts of bravery.

This Halifax home invasion came during the same week that Canada's World War I valour at Vimy Ridge was being commemorated in the House of Commons. Veterans who have fought and died for our freedom are now confronted with violent and lawless youth, the products of years of disrespect for history and country, as their aggressors.

Canada's education system has done an abysmal job of educating youth about the contributions of our war veterans. Canada's veterans ought not be targets of crime but rather be highly regarded and respected. This proud World War II veteran survived the wrath of Nazi Germany but he might not survive the cowardly attack by Canada's young criminals hiding behind antiquated laws and a void of victims rights.

I commend Alberta Justice Minister Jon Havelock who has been an advocate of reforming the process used to pick our supreme court judges. He is right in saying that they should not be picked based on their relationship with the Prime Minister. I will focus on Mr. Havelock's comments on home invasions. He could not have said it better: "Breaking and entering a residential home is not just a property offence".

He addressed the heinous nature of this crime within the Alberta legislature and has noted that his counterparts in Manitoba and Ontario have done the same. All of them are calling for action from the justice minister. So too am I.

We can only speculate as to why home invasions are becoming more commonplace, but for the criminals there are some comparable advantages. As opposed to an act of assault and robbery in a shopping mall, the criminal has hours instead of minutes to commit

the crime. The criminal is concealed from others behind closed doors. The crime's punishment under the present justice system is no different whether it is in the home or in the mall. Commonly sentences are served concurrently, not consecutively.

Home invasions are a particularly loathsome act of cowardliness generally targeting the very young, very old and the weak in a diabolically sinister fashion. Perpetrators first determine if the people are at home, plan an assault to gain entry and take hostage of the victims. Generally physical abuse and torment of the victims are involved along with a robbery and wanton destruction of the home's contents. All of this takes place behind the closed door of somebody's home, their sanctity from the evils of the street.

The institution of victims rights goes hand in hand with criminal justice system reforms. While victims rights are an after the fact privilege long overdue, fully implemented they would impact crime and the prevention of crime. Much more is needed in terms of both victims rights and reform of the justice system.

As we speak news is tragically unfolding in Denver, Colorado, as the United States is facing its legacy of ineffective laws that fail to control violence among others. A school invasion is taking place by armed youths. An armed assault is being made and students are being held hostage. Many deaths have occurred. Hundreds of direct and indirect victims have just been created and the event is still not under control.

● (1720)

Victims rights and criminal reform are not just a Canadian problem but a global problem. Canada could do well by leading the way. This is the challenge of the future. The bill is the beginning of victims rights and deserves to be supported for that.

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, I am very pleased to speak to the bill today. I too would like to give credit to the two Reform members, the hon. member for Langley—Abbotsford and the hon. member for Surrey North, for all the work they have done in leading up to the legislation being presented.

As others have already said, the legislation will not go nearly as far as it should in terms of providing victims their rights. To demonstrate that, I want to read one of the most touching letters I have ever received from a constituent. This person was the victim of a heinous crime. I will read as much of this letter as I can and use it to demonstrate that there are still some huge gaps in legislation that must be filled to deal with situations such as this one.

This letter is from Linda Ryan of Lloydminster, Alberta, and I received it about a year ago. She wrote:

Government Orders

I am writing this letter in regard to the parole hearing of Jack Edgar. I am aware that Jack will receive a copy of this letter. I am asking that the parole board members take my letter and the enclosed documents into consideration in making a decision regarding Jack's application for parole.

I will just interject by saying that this woman desperately wanted to make a verbal petition to the parole board not to allow Jack Edgar to be released on parole. She went on to write:

On August 18, 1985 Jack Edgar murdered my mother and my aunt and that act changed my life forever. That act began my life sentence of fear, grief and betrayal. This man was my stepfather. A man who portrayed a caring, loving father, grandfather, uncle and son-in-law. Although in hindsight, I can see the cracks in his facade.

She goes on to talk about the impact of this murder committed by her stepfather against her mother and the impact on her daughter. In part she wrote:

It was a very long time before my little girl began to heal. She, too, carries a life sentence of grief and fear and betrayal. My children have missed so much. They had a right to all the love these two special people had to give them. My heart aches for the part of my children's lives they are missing. They also had a right to a mom who was not incapacitated by grief and to a family that was whole. It has taken a great deal of courage to survive this and make a life for my family. I have struggled to regain my optimism in life, to trust people and my ability to judge character; to maintain a sense of humour. I have done this for my children, for my mom and for my aunt. They would want this, as these are qualities they instilled in me.

The letter was written to the head of the parole board who was to hear the parole hearing which may have released Jack Edgar, the person who murdered her mother and aunt. She continued:

I know I can't predict what Jack will do, no one can, perhaps not even Jack himself. I do know I cannot live my life and raise my children with "what if's". I cannot imagine being able to stay here in my home, near my family if Jack is released. I have not slept through an entire night since Nellie Taylor called to tell me he is applying for parole. The thought of him being released terrifies me. I live each and every day with what he did to them, their terror, their helplessness. That is enough. I should not have to live in fear of what he may do next. Releasing Jack is a violation of my right to safety. My fears are real and grounded and shared by many.

● (1725)

She goes on to list people who are also terrified at the thought of this person being paroled and who would see it as extremely important to have a say at the parole hearing. She wrote:

Money, power and position were always crucial to Jack, for his sense of self-worth. If Jack is released, there will be no money, no power, no position. The "important" people will no longer be there for him. He is a convicted double murderer. I fear he is a man with little to lose.

For the sake of time I will omit parts of what she had to say. I want to read a bit more about what she feels about this person that she desperately wants to remain in jail, this person who killed her mother and her aunt. She continued:

Private Members' Business

There is, however, another side to Jack Edgar which no one can predict.

In the paragraph before she talked about Jack and the impression he had left on people in the prison. She indicated:

I know from reading letters from the prison that Jack is highly regarded and is viewed to have many good qualities. This does not surprise me as Jack is a highly polished con artist and he has a way of gaining people's trust.

There is however another side to Jack Edgar which no one can predict. It enabled him to slaughter my Mom and my Aunt while they sobbed on their hands and knees. He did this with no regard for their lives, no regard for the agony he would cause for their families. His needs came first and he did not care who he destroyed to get what he wanted. This side of Jack is still there. He was 57 years old when he committed the murders and his character was cemented.

Over the years, in my conversations with the National Parole Board, I know that Jack has never taken any responsibility nor has he shown any remorse for the brutal murders of my Mom and my Aunt. I believe that Jack's recent admittance of "some" responsibility for the murders is directly related to his desire to obtain his freedom. I think Jack is a man with little conscience and his only remorse is for himself and his situation.

I realize that nothing will ever bring my Mom and my Aunt back, but a mere 6.5 years each of the loss of Jack's freedom is an insult to their memory.

I am asking that you deny parole for Jack, for the safety of myself, my family—

Then she named some other people. She continued:

I ask that if an error is to be made let it be made on the side of caution.

Those are some excerpts from a letter which unfortunately is in a file of about a dozen victims of extremely serious crime from whom I have heard.

The question is whether the bill we are debating today will in any way do anything to provide what this woman, a victim of a heinous crime, wants. She wants to be able to go to a parole hearing and to say what is in her heart, what she feels and what she lives with every day, so that she can put some kind of closure to the whole situation. She wants to feel safe in knowing that this person will probably never be released. That is what she wants. She wants to be able to read that impact statement herself at a parole hearing.

Unfortunately the legislation does not provide for that. It does nothing to provide for that. There is some word that legislation will be coming to deal with corrections and conditional release. That of course would deal with this issue, but it would make sense that it should be in place before this legislation is debated.

Let us make sure this is only considered by the government to be the first step. Let us carry forth and do a lot more to help victims of crime.

• (1730)

Ms. Marlene Catterall: Mr. Speaker, I rise on a point of order.

I request that you ask for the consent of the House to see the clock as 5.29 p.m., so that the member who was speaking may take his seat and we may proceed to the taking of the division.

The Acting Speaker (Mr. McClelland): The House has heard the suggestion of the deputy government whip. Is there unanimous consent?

Some hon. members: Agreed.

The Acting Speaker (Mr. McClelland): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the second time and referred to a committee)

PRIVATE MEMBERS' BUSINESS

[English]

CODE OF ETHICS

The House resumed from April 13 consideration of the motion.

The Acting Speaker (Mr. McClelland): Pursuant to order made Tuesday, April 13, the House will now proceed to the taking of the deferred recorded division on Motion No. P-31 under Private Members' Business.

Call in the members.

• (1755)

And the bells having rung:

The Speaker: This first vote is on a private member's motion. We are going to take the vote as we usually do for Private Members' Business. The mover of this motion is on my left, the member for Prince George—Bulkley Valley. He will be the first to vote. Those in favour of the motion on my left, starting with the last row to the first row will vote and those on my right in favour of the motion from the last row to the first row will vote. Then we will do the same for those who are opposed.

• (1805)

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

*Private Members' Business**(Division No. 378)*

YEAS

Members

| | |
|--|--|
| Abbott | Alarie |
| Anders | Asselin |
| Bachand (Richmond—Arthabaska) | Bailey |
| Bellehumeur | Benoit |
| Bergeron | Bernier (Bonaventure—Gaspé— |
| Îles-de-la-Madeleine—Pabok) | Bernier (Tobique—Mactaquac) |
| Bigras | Blaikie |
| Borotsik | Brien |
| Cadman | Canuel |
| Cardin | Casey |
| Casson | Chatters |
| Chrétien (Frontenac—Mégantic) | Crête |
| Dalphond-Guiral | Davies |
| de Savoye | Debien |
| Desjarlais | Desrochers |
| Dockrill | Doyle |
| Dubé (Lévis-et-Chutes-de-la-Chaudière) | Dubé (Madawaska—Restigouche) |
| Duceppe | Dumas |
| Duncan | Earle |
| Elley | Epp |
| Forsyth | Fournier |
| Gagnon | Gauthier |
| Gilmour | Girard-Bujold |
| Godin (Acadie—Bathurst) | Godin (Châteauguay) |
| Goldring | Grewal |
| Guay | Guimond |
| Hanger | Harris |
| Hart | Harvey |
| Herron | Hill (Macleod) |
| Hill (Prince George—Peace River) | Hilstrom |
| Jaffer | Jones |
| Keddy (South Shore) | Kenney (Calgary Southeast) |
| Konrad | Lalonde |
| Laurin | Lebel |
| Lill | Loubier |
| Lowther | MacKay (Pictou—Antigonish—Guysborough) |
| Mancini | Manning |
| Marceau | Marchand |
| Mark | Martin (Esquimalt—Juan de Fuca) |
| Martin (Winnipeg Centre) | Matthews |
| Mayfield | McDonough |
| McNally | Mercier |
| Meredith | Mills (Red Deer) |
| Morrison | Muise |
| Nunziata | Obhrai |
| Penson | Perron |
| Picard (Drummond) | Plamondon |
| Power | Price |
| Proctor | Ramsay |
| Reynolds | Riis |
| Ritz | Robinson |
| Rocheleau | Sauvageau |
| Schmidt | Scott (Skeena) |
| Solomon | St-Hilaire |
| Stinson | St-Jacques |
| Stoffer | Thompson (New Brunswick Southwest) |
| Thompson (Wild Rose) | Tremblay (Lac-Saint-Jean) |
| Turp | Vautour |
| Wasylycia-Leis | Wayne |
| White (Langley—Abbotsford) | Williams—119 |

NAYS

Members

| | |
|----------------------------------|-------------|
| Adams | Alcock |
| Assad | Assadourian |
| Axworthy (Winnipeg South Centre) | Baker |
| Bakopanos | Barnes |
| Beaumier | Bélair |

| | |
|--|------------------------------|
| Bélanger | Bellemare |
| Bertrand | Bevilacqua |
| Blondin-Andrew | Bonin |
| Bonwick | Boudria |
| Bradshaw | Brown |
| Bryden | Bulte |
| Byrne | Caccia |
| Calder | Cannis |
| Caplan | Carroll |
| Catterall | Cauchon |
| Chamberlain | Chan |
| Charbonneau | Chrétien (Saint-Maurice) |
| Clouthier | Coderre |
| Collenette | Comuzzi |
| Copps | Cullen |
| DeVillers | Dhaliwal |
| Dion | Discepolo |
| Dromisky | Drouin |
| Duhamel | Easter |
| Eggleton | Finestone |
| Finlay | Folco |
| Fontana | Fry |
| Gagliano | Galloway |
| Godfrey | Goodale |
| Graham | Gray (Windsor West) |
| Grose | Guarnieri |
| Harb | Harvard |
| Hubbard | Ianno |
| Iftody | Jackson |
| Jennings | Jordan |
| Karetak-Lindell | Keyes |
| Kilger (Stormont—Dundas—Charlottenburgh) | Kilgour (Edmonton Southeast) |
| Knutson | Kraft Sloan |
| Lastewka | Lavigne |
| Lee | Leung |
| Lincoln | Longfield |
| MacAulay | Mahoney |
| Malhi | Maloney |
| Manley | Marchi |
| Marleau | Martin (LaSalle—Émard) |
| Massé | McCormick |
| McGuire | McKay (Scarborough East) |
| McLellan (Edmonton West) | McTeague |
| McWhinney | Mifflin |
| Milliken | Mills (Broadview—Greenwood) |
| Minna | Mitchell |
| Murray | Myers |
| Nault | Normand |
| O'Brien (Labrador) | O'Brien (London—Fanshawe) |
| O'Reilly | Pagtakhan |
| Paradis | Parrish |
| Patry | Peric |
| Pettigrew | Phinney |
| Pickard (Chatham—Kent Essex) | Pillitteri |
| Pratt | Proud |
| Provenzano | Redman |
| Reed | Richardson |
| Robillard | Rock |
| Saada | Scott (Fredericton) |
| Sekora | Serré |
| Shepherd | Speller |
| St. Denis | Steckle |
| Stewart (Brant) | Stewart (Northumberland) |
| St-Julien | Szabo |
| Telegdi | Thibeault |
| Torsney | Ur |
| Valeri | Vanclief |
| Volpe | Wappel |
| Whelan | Wilfert |
| Wood—149 | |

PAIRED MEMBERS

| | |
|----------------------|---------------------------|
| Anderson | Augustine |
| Bachand (Saint-Jean) | Tremblay (Rimouski—Mitis) |

Supply

The Speaker: I declare the motion defeated.

GOVERNMENT ORDERS

[*English*]

SUPPLY

ALLOTTED DAY—THE BALKANS

The House resumed from April 19 consideration of the motion and of the amendment.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the amendment relating to the business of supply.

• (1815)

[*Translation*]

(The House divided on the amendment, which was negated on the following division:)

(*Division No. 379*)

YEAS

Members

| | |
|--|--|
| Abbott | Alarie |
| Anders | Asselin |
| Bailey | Bellehumeur |
| Benoit | Bergeron |
| Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok) | |
| Bigras | Blaikie |
| Brien | Cadman |
| Canuel | Cardin |
| Casson | Chatters |
| Chrétien (Frontenac—Mégantic) | Crête |
| Dalphond-Guiral | Davies |
| de Savoye | Debien |
| Desjarlais | Desrochers |
| Dockrill | Dubé (Lévis-et-Chutes-de-la-Chaudière) |
| Duceppe | Dumas |
| Duncan | Earle |
| Elley | Epp |
| Forsyth | Fournier |
| Gagnon | Gauthier |
| Gilmour | Girard-Bujold |
| Godin (Acadie—Bathurst) | Godin (Châteauguay) |
| Goldring | Grewal |
| Guay | Guimond |
| Hanger | Harris |
| Hart | Hill (Macleod) |
| Hill (Prince George—Peace River) | Hilstrom |
| Jaffer | Kenney (Calgary Southeast) |
| Konrad | Lalonde |
| Laurin | Lebel |
| Lill | Loubier |
| Lowther | Mancini |
| Manning | Marceau |
| Marchand | Mark |
| Martin (Esquimalt—Juan de Fuca) | Martin (Winnipeg Centre) |
| Mayfield | McDonough |
| McNally | Mercier |
| Meredith | Mills (Red Deer) |
| Morrison | Nunziata |
| Obhrai | Penson |
| Perron | Picard (Drummond) |
| Plamondon | Proctor |
| Ramsay | Reynolds |
| Riis | Ritz |
| Robinson | Rocheleau |
| Sauvageau | |

Schmidt
Solomon
Stinson
Thompson (Wild Rose)
Turp
Wasylcia-Leis
Williams—101

Scott (Skeena)
St-Hilaire
Stoffer
Tremblay (Lac-Saint-Jean)
Vautour
White (Langley—Abbotsford)

NAYS

Members

| | |
|--|--|
| Adams | Alcock |
| Assad | Assadourian |
| Axworthy (Winnipeg South Centre) | Bachand (Richmond—Arthabaska) |
| Baker | Bakopanos |
| Barnes | Beaumur |
| Bélaïr | Bélangier |
| Bellemare | Bernier (Tobique—Mactaquac) |
| Bertrand | Bevilacqua |
| Blondin-Andrew | Bonin |
| Bonwick | Borotsik |
| Boudria | Bradshaw |
| Brown | Bryden |
| Bulte | Byrne |
| Caccia | Calder |
| Cannis | Caplan |
| Carroll | Casey |
| Catterall | Cauchon |
| Chamberlain | Chan |
| Charbonneau | Chrétien (Saint-Maurice) |
| Clouthier | Coderre |
| Collenette | Comuzzi |
| Copps | Cullen |
| DeVillers | Dhaliwal |
| Dion | Discepola |
| Doyle | Dromisky |
| Drouin | Dubé (Madawaska—Restigouche) |
| Duhamel | Easter |
| Eggleton | Finestone |
| Finlay | Folco |
| Fontana | Fry |
| Gagliano | Galloway |
| Godfrey | Goodale |
| Graham | Gray (Windsor West) |
| Grose | Guarnieri |
| Harb | Harvard |
| Harvey | Herron |
| Hubbard | Ianno |
| Iftody | Jackson |
| Jennings | Jones |
| Jordan | Karetak-Lindell |
| Keddy (South Shore) | Keyes |
| Kilger (Stormont—Dundas—Charlottenburgh) | Kilgour (Edmonton Southeast) |
| Knutsen | Kraft Sloan |
| Lastewka | Lavigne |
| Lee | Leung |
| Lincoln | Longfield |
| MacAulay | MacKay (Pictou—Antigonish—Guysborough) |
| Mahoney | Malhi |
| Maloney | Manley |
| Marchi | Marleau |
| Martin (LaSalle—Énard) | Massé |
| Matthews | McCormick |
| McGuire | McKay (Scarborough East) |
| McLellan (Edmonton West) | McTeague |
| McWhinney | Mifflin |
| Miliken | Mills (Broadview—Greenwood) |
| Minna | Mitchell |
| Muise | Murray |
| Myers | Nault |
| Normand | O'Brien (Labrador) |
| O'Brien (London—Fanshawe) | O'Reilly |
| Pagtakhan | Paradis |
| Parrish | Patry |
| Peric | Pettigrew |
| Phinney | Pickard (Chatham—Kent Essex) |
| Power | Pratt |
| Picard (Drummond) | Proud |
| Provenzano | Redman |
| Reed | Richardson |
| Robillard | Rock |
| Saada | Scott (Fredericton) |
| Sekora | Serré |

Supply

Shepherd
St. Denis
Stewart (Brant)
St-Jacques
Szabo
Thibeault
Torsney
Valeri
Volpe
Wayne
Wilfert

Speller
Steckle
Stewart (Northumberland)
St-Julien
Telegdi
Thompson (New Brunswick Southwest)
Ur
Vanclief
Wappel
Whelan
Wood—166

Hilstrom
Jones
Kenney (Calgary Southeast)
Lalonde
Lebel
Loubier
MacKay (Pictou—Antigonish—Guysborough)
Manning
Marchand
Martin (Esquimalt—Juan de Fuca)
Matthews
McDonough
Mercier
Mills (Red Deer)
Muisse
Obhrai
Perron
Plamondon
Price
Ramsay
Riis
Robinson
Sauvageau
Scott (Skeena)
St-Hilaire
St-Jacques
Thompson (New Brunswick Southwest)
Tremblay (Lac-Saint-Jean)
Vautour
Wayne
Williams—119

Jaffer
Keddy (South Shore)
Konrad
Laurin
Lill
Lowther
Mancini
Marceau
Mark
Martin (Winnipeg Centre)
Mayfield
McNally
Meredith
Morrison
Nunziata
Penson
Picard (Drummond)
Power
Proctor
Reynolds
Ritz
Rocheleau
Schmidt
Solomon
Stinson
Stoffer
Thompson (Wild Rose)
Turp
Wasylcyia-Leis
White (Langley—Abbotsford)

PAIRED MEMBERS

Anderson
Bachand (Saint-Jean)

Augustine
Tremblay (Rimouski—Mitis)

The Speaker: I declare the amendment defeated.

[English]

The next question is on the main 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 nays have it.

And more than five members having risen:

• (1830)

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

(Division No. 380)

YEAS

Members

Abbott
Anders
Bachand (Richmond—Arthabaska)
Bellehumeur
Bergeron
Îles-de-la-Madeleine—Pabok)
Bigras
Borotsik
Cadman
Cardin
Casson
Chrétien (Frontenac—Mégantic)
Dalphond-Guiral
de Savoye
Desjarlais
Dockrill
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe
Duncan
Elley
Forseth
Gagnon
Gilmour
Godin (Acadie—Bathurst)
Goldring
Guay
Hanger
Hart
Herron
Hill (Prince George—Peace River)

Alarie
Asselin
Bailey
Benoit
Bernier (Bonaventure—Gaspé—
Bernier (Tobique—Mactaquac)
Blaikie
Brien
Canuel
Casey
Chatters
Crête
Davies
Debien
Desrochers
Doyle
Dubé (Madawaska—Restigouche)
Dumas
Earle
Epp
Fournier
Gauthier
Girard-Bujold
Godin (Châteauguay)
Grewal
Guimond
Harris
Harvey
Hill (Macleod)

Adams
Assad
Axworthy (Winnipeg South Centre)
Bakopanos
Beaumier
Bélanger
Bertrand
Blondin-Andrew
Bonwick
Bradshaw
Bryden
Byrne
Cannis
Carroll
Cauchon
Chan
Chrétien (Saint-Maurice)
Coderre
Comuzzi
Cullen
Dhaliwal
Discepola
Drouin
Easter
Finestone
Folco
Fry
Galloway
Goodale
Gray (Windsor West)
Guarnieri
Harvard
Ianno
Jackson
Jordan
Keys
Kilgour (Edmonton Southeast)
Kraft Sloan
Lavigne
Leung
MacAulay
Malhi
Manley
Marleau

NAYS

Members

Alcock
Assadourian
Baker
Barnes
Bélair
Bellemare
Bevilacqua
Bonin
Boudria
Brown
Bulte
Calder
Caplan
Catterall
Chamberlain
Charbonneau
Clouthier
Collenette
Coppes
DeVillers
Dion
Dromisky
Duhamel
Eggleton
Finlay
Fontana
Gagliano
Godfrey
Graham
Grose
Harb
Hubbard
Ifody
Jennings
Karetak-Lindell
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lastewka
Lee
Longfield
Mahoney
Maloney
Marchi
Martin (LaSalle—Émard)

Government Orders

| | |
|------------------------------|-----------------------------|
| Massé | McCormick |
| McGuire | McKay (Scarborough East) |
| McLellan (Edmonton West) | McTeague |
| McWhinney | Mifflin |
| Milliken | Mills (Broadview—Greenwood) |
| Minna | Mitchell |
| Murray | Myers |
| Nault | Normand |
| O'Brien (Labrador) | O'Brien (London—Fanshawe) |
| O'Reilly | Pagtakhan |
| Paradis | Parrish |
| Patry | Peric |
| Pettigrew | Phinney |
| Pickard (Chatham—Kent Essex) | Pratt |
| Proud | Provenzano |
| Redman | Reed |
| Richardson | Robillard |
| Rock | Saada |
| Scott (Fredericton) | Sekora |
| Serré | Shepherd |
| Speller | St. Denis |
| Steckle | Stewart (Brant) |
| Stewart (Northumberland) | St-Julien |
| Szabo | Telegdi |
| Thibeault | Torsney |
| Ur | Valeri |
| Vanclief | Volpe |
| Wappel | Whelan |
| Wilfert | Wood—146 |

PAIRED MEMBERS

| | |
|----------------------|---------------------------|
| Anderson | Augustine |
| Bachand (Saint-Jean) | Tremblay (Rimouski—Mitis) |

The Speaker: I declare the motion defeated.

* * *

INCOME TAX AMENDMENTS ACT, 1998

The House resumed from April 15 consideration of the motion that Bill C-72, an act to amend the Income Tax Act, to implement measures that are consequential on changes to the Canada-U.S. Tax Convention (1980) and to amend the Income Tax Conventions Interpretation Act, the Old Age Security Act, the War Veterans Allowance Act and certain acts related to the Income Tax Act, be read the second time and referred to a committee; and of the amendment.

The Speaker: Pursuant to order made on Thursday, April 15, the House will now proceed to the taking of the deferred recorded division on the amendment to the motion at the second reading stage of Bill C-72.

[Translation]

Mr. Bob Kilger: Mr. Speaker, I think you would find unanimous consent to have members who voted on the preceding motion recorded as having voted on the motion now before the House, with Liberal members voting nay to the amendment.

[English]

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

Mr. Jay Hill: Mr. Speaker, the Reform Party members present this evening, because it is such an excellent amendment, will be supporting the amendment.

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, Bloc Québécois members, with the exception of the member for Laval Centre, who unfortunately had to be away, are opposed to this motion.

[English]

Mr. John Solomon: Mr. Speaker, NDP members present this evening vote yes on this amendment.

[Translation]

Mr. André Harvey: Mr. Speaker, members of the Progressive Conservative Party present will be voting against this motion.

[English]

Mr. John Nunziata: Mr. Speaker, on behalf of the constituents of York South—Weston, I would vote yes on this motion.

Mr. Gary Pillitteri: Mr. Speaker, I wish to be recorded as voting no on this motion with my government.

(The House divided on the amendment, which was negated on the following division:)

(Division No. 381)

YEAS

Members

| | |
|----------------------------------|----------------------------|
| Abbott | Anders |
| Bailey | Benoit |
| Blaikie | Cadman |
| Casson | Chatters |
| Davies | Desjarlais |
| Dockrill | Duncan |
| Earle | Elley |
| Epp | Forseth |
| Gilmour | Godin (Acadie—Bathurst) |
| Goldring | Grewal |
| Hanger | Harris |
| Hart | Hill (MacLeod) |
| Hill (Prince George—Peace River) | Hilstrom |
| Jaffer | Kenney (Calgary Southeast) |
| Konrad | Lill |
| Lowther | Mancini |
| Manning | Mark |
| Martin (Esquimalt—Juan de Fuca) | Martin (Winnipeg Centre) |
| Mayfield | McDonough |
| McNally | Meredith |
| Mills (Red Deer) | Morrison |
| Nunziata | Obhrai |
| Penson | Proctor |
| Ramsay | Reynolds |
| Riis | Ritz |
| Robinson | Schmidt |
| Scott (Skeena) | Solomon |
| Stinson | Stoffer |
| Thompson (Wild Rose) | Vautour |
| Wasylcia-Leis | White (Langley—Abbotsford) |
| Williams—61 | |

Government Orders

NAYS

Members

Adams
Alcock
Assadourian
Axworthy (Winnipeg South Centre)
Baker
Barnes
Bélair
Bellehumeur
Bergeron
Îles-de-la-Madeleine—Pabok
Bertrand
Bigras
Bonin
Borotsik
Bradshaw
Brown
Bulte
Calder
Canuel
Cardin
Casey
Cauchon
Chan
Chrétien (Frontenac—Mégantic)
Clouthier
Collenette
Coppes
Cullen
Debien
DeVillers
Dion
Doyle
Drouin
Dubé (Madawaska—Restigouche)
Duhamel
Easter
Finestone
Folco
Fournier
Gagliano
Galloway
Girard-Bujold
Godin (Châteauguay)
Graham
Grose
Guay
Harb
Harvey
Hubbard
Iftody
Jennings
Jordan
Keddy (South Shore)
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Lalonde
Laurin
Lebel
Leung
Loubier
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Manley
Marchand
Marleau
Massé
McCormick
McKay (Scarborough East)
McTeague

Alarie
Assad
Asselin
Bachand (Richmond—Arthabaska)
Bakopanos
Beaumier
Bélanger
Bellemare
Bernier (Bonaventure—Gaspé—
Bernier (Tobique—Mactaquac)
Bevilacqua
Blondin-Andrew
Bonwick
Boudria
Brien
Bryden
Byrne
Cannis
Caplan
Carroll
Catterall
Chamberlain
Charbonneau
Chrétien (Saint-Maurice)
Coderre
Comuzzi
Crête
de Savoye
Desrochers
Dhaliwal
Discepola
Dromisky
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe
Dumas
Eggleton
Finlay
Fontana
Fry
Gagnon
Gauthier
Godfrey
Goodale
Gray (Windsor West)
Guarnieri
Guimond
Harvard
Herron
Ianno
Jackson
Jones
Karetak-Lindell
Keyes
Kilgour (Edmonton Southeast)
Kraft Sloan
Lastewka
Lavigne
Lee
Longfield
MacAulay
Mahoney
Maloney
Marceau
Marchi
Martin (LaSalle—Émard)
Matthews
McGuire
McLellan (Edmonton West)

McWhinney
Mifflin
Mills (Broadview—Greenwood)
Mitchell
Murray
Nault
O'Brien (Labrador)
O'Reilly
Paradis
Patry
Perron
Phinney
Pickard (Chatham—Kent Essex)
Plamondon
Pratt
Proud
Redman
Richardson
Rocheleau
Saada
Scott (Fredericton)
Serré
Speller
Steckle
Stewart (Northumberland)
St-Jacques
Szabo
Thibeault
Torsney
Turp
Valeri
Volpe
Wayne
Wilfert

Mercier
Milliken
Minna
Muise
Myers
Normand
O'Brien (London—Fanshawe)
Pagtakhan
Parrish
Peric
Pettigrew
Picard (Drummond)
Pillitteri
Power
Price
Provenzano
Reed
Robillard
Rock
Sauvageau
Sekora
Shepherd
St. Denis
Stewart (Brant)
St-Hilaire
St-Julien
Telegdi
Thompson (New Brunswick Southwest)
Tremblay (Lac-Saint-Jean)
Ur
Vanclief
Wappel
Whelan
Wood—204

PAIRED MEMBERS

Anderson
Bachand (Saint-Jean)

Augustine
Tremblay (Rimouski—Mitis)

The Speaker: I declare the amendment defeated.

Mr. Bob Kilger: Mr. Speaker, I rise on a point of order. I believe that you would find consent to have the question put on the main motion for second reading of Bill C-72 immediately.

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

The Speaker: The question is on the main motion.

Mr. Bob Kilger: Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House with Liberal members voting yea.

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

Mr. Jay Hill: Mr. Speaker, Reform Party members present this evening will be voting no to this motion.

• (1835)

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, Bloc Québécois members are in favour of the motion.

Government Orders

[English]

Mr. John Solomon: Mr. Speaker, NDP members present this evening vote no on the main motion.

[Translation]

Mr. André Harvey: Mr. Speaker, members of the Progressive Conservative Party present will be voting against this motion.

[English]

Mr. John Nunziata: Mr. Speaker, on behalf of the residents of York South—Weston, I would vote no to the main motion.

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

(Division No. 382)

YEAS

Members

| | |
|--|------------------------------|
| Adams | Alarie |
| Alcock | Assad |
| Assadourian | Asselin |
| Axworthy (Winnipeg South Centre) | Baker |
| Bakopoulos | Barnes |
| Beaumier | Bélair |
| Bélanger | Bellehumeur |
| Bellemare | Bergeron |
| Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok) | Bevilacqua |
| Bertrand | Blondin-Andrew |
| Bigras | Bonwick |
| Bonin | Bradshaw |
| Boudria | Brown |
| Brien | Bulte |
| Bryden | Calder |
| Byrne | Canuel |
| Cannis | Cardin |
| Caplan | Catterall |
| Carroll | Chamberlain |
| Cauchon | Charbonneau |
| Chan | Chrétien (Saint-Maurice) |
| Chrétien (Frontenac—Mégantic) | Coderre |
| Clouthier | Comuzzi |
| Collenette | Crête |
| Copps | de Savoye |
| Cullen | Desrochers |
| Debien | Dhaliwal |
| De Villers | Discepola |
| Dion | Drouin |
| Dromisky | Duceppe |
| Dubé (Lévis-et-Chutes-de-la-Chaudière) | Dumas |
| Duhamel | Eggleton |
| Easter | Finlay |
| Finestone | Fontana |
| Folco | Fry |
| Fournier | Gagnon |
| Gagliano | Gauthier |
| Galloway | Godfrey |
| Girard-Bujold | Goodale |
| Godin (Châteauguay) | Gray (Windsor West) |
| Graham | Guarnieri |
| Grose | Guimond |
| Guay | Harvard |
| Harb | Ianno |
| Hubbard | Jackson |
| Iftody | Jordan |
| Jennings | Keyes |
| Karetak-Lindell | Kilgour (Edmonton Southeast) |
| Kilger (Stormont—Dundas—Charlottenburgh) | Kraft Sloan |
| Knutson | Lastewka |
| Lalonde | Lavigne |
| Laurin | Lee |
| Lebel | Longfield |
| Leung | MacAulay |
| Loubier | Malhi |
| Mahoney | Malhi |
| Maloney | Manley |
| Marceau | Marchand |
| Marchi | Marleau |
| Martin (LaSalle—Émard) | Massé |
| McCormick | McGuire |
| McKay (Scarborough East) | McLellan (Edmonton West) |

| | |
|------------------------------|-----------------------------|
| McTeague | McWhinney |
| Mercier | Mifflin |
| Milliken | Mills (Broadview—Greenwood) |
| Minna | Mitchell |
| Murray | Myers |
| Nault | Normand |
| O'Brien (Labrador) | O'Brien (London—Fanshawe) |
| O'Reilly | Pagtakhan |
| Paradis | Parrish |
| Patry | Peric |
| Perron | Pettigrew |
| Phinney | Picard (Drummond) |
| Pickard (Chatham—Kent Essex) | Pillitteri |
| Plamondon | Pratt |
| Proud | Provenzano |
| Redman | Reed |
| Richardson | Robillard |
| Rocheleau | Rock |
| Saada | Sauvageau |
| Scott (Fredericton) | Sekora |
| Serré | Shepherd |
| Speller | St. Denis |
| Steckle | Stewart (Brant) |
| Stewart (Northumberland) | St-Hilaire |
| St-Julien | Szabo |
| Telegdi | Thibeault |
| Torsney | Tremblay (Lac-Saint-Jean) |
| Turp | Ur |
| Valeri | Vanclief |
| Volpe | Wappel |
| Whelan | Wilfert |
| Wood—186 | |

NAYS

Members

| | |
|------------------------------------|--|
| Abbott | Anders |
| Bachand (Richmond—Arthabaska) | Bailey |
| Benoit | Bernier (Tobique—Mactaquac) |
| Blaikie | Borotsik |
| Cadman | Casey |
| Casson | Chatters |
| Davies | Desjarlais |
| Dockrill | Doyle |
| Dubé (Madawaska—Restigouche) | Duncan |
| Earle | Elley |
| Epp | Forseth |
| Gilmour | Godin (Acadie—Bathurst) |
| Goldring | Grewal |
| Hanger | Harris |
| Hart | Harvey |
| Herron | Hill (Macleod) |
| Hill (Prince George—Peace River) | Hilstrom |
| Jaffer | Jones |
| Keddy (South Shore) | Kenney (Calgary Southeast) |
| Konrad | Lill |
| Lowther | MacKay (Pictou—Antigonish—Guysborough) |
| Mancini | Manning |
| Mark | Martin (Esquimalt—Juan de Fuca) |
| Martin (Winnipeg Centre) | Matthews |
| Mayfield | McDonough |
| McNally | Meredith |
| Mills (Red Deer) | Morrison |
| Muise | Nunziata |
| Obhrai | Penson |
| Power | Price |
| Proctor | Ramsay |
| Reynolds | Riis |
| Ritz | Robinson |
| Schmidt | Scott (Skeena) |
| Solomon | Stinson |
| St-Jacques | Stoffer |
| Thompson (New Brunswick Southwest) | Thompson (Wild Rose) |
| Vautour | Wasylcia-Leis |
| Wayne | White (Langley—Abbotsford) |
| Williams —79 | |

Government Orders

PAIRED MEMBERS

Anderson
Bachand (Saint-Jean)

Augustine
Tremblay (Rimouski—Mitis)

The Speaker: I declare the motion carried.

(Bill read the second time and referred to a committee)

* * *

[Translation]

BUDGET IMPLEMENTATION ACT, 1999

The House resumed from April 15 consideration of the motion that Bill C-71, an act to implement certain provisions of the budget tabled in parliament on February 16, 1999, be read the second time and referred to a committee.

The Speaker: Pursuant to order made on Thursday, April 15, 1999, the House will now proceed to the taking of the deferred recorded division on the motion at the second reading stage of Bill C-71.

Mr. Bob Kilger: Mr. Speaker, I think you will find unanimous consent that those members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting yea, with the exception of the member for Windsor West, who has had to leave.

[English]

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

Mr. Jay Hill: Mr. Speaker, Reform Party members present this evening will be voting no on this motion.

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, the members of the Bloc Québécois are opposed to this motion.

[English]

Mr. John Solomon: Mr. Speaker, NDP members present in the House this evening vote no.

[Translation]

Mr. André Harvey: Mr. Speaker, the members of the Progressive Conservative Party are against this motion.

[English]

Mr. John Nunziata: Mr. Speaker, I will make it unanimous on the part of the opposition and vote no.

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

(Division No. 383)

YEAS

Members

| | |
|--|------------------------------|
| Adams | Alcock |
| Assad | Assadourian |
| Axworthy (Winnipeg South Centre) | Baker |
| Bakopanos | Barnes |
| Beaumier | Bélair |
| Bélanger | Bellemare |
| Bertrand | Bevilacqua |
| Blondin-Andrew | Bonin |
| Bonwick | Boudria |
| Bradshaw | Brown |
| Bryden | Bulte |
| Byrne | Calder |
| Cannis | Caplan |
| Carroll | Catterall |
| Cauchon | Chamberlain |
| Chan | Charbonneau |
| Chrétien (Saint-Maurice) | Cloutier |
| Coderre | Collenette |
| Comuzzi | Copps |
| Cullen | DeVillers |
| Dhaliwal | Dion |
| Discepolo | Dromisky |
| Drouin | Duhamel |
| Easter | Eggleton |
| Finestone | Finlay |
| Folco | Fontana |
| Fry | Gagliano |
| Galloway | Godfrey |
| Goodale | Graham |
| Grose | Guarnieri |
| Harb | Harvard |
| Hubbard | Ianno |
| Iftody | Jackson |
| Jennings | Jordan |
| Karetak-Lindell | Keyes |
| Kilger (Stormont—Dundas—Charlottenburgh) | Kilgour (Edmonton Southeast) |
| Knutson | Kraft Sloan |
| Lastewka | Lavigne |
| Lee | Leung |
| Longfield | MacAulay |
| Mahoney | Malhi |
| Maloney | Manley |
| Marchi | Marleau |
| Martin (LaSalle—Émard) | Massé |
| McCormick | McGuire |
| McKay (Scarborough East) | McLellan (Edmonton West) |
| McTeague | McWhinney |
| Mifflin | Milliken |
| Mills (Broadview—Greenwood) | Minna |
| Mitchell | Murray |
| Myers | Nault |
| Normand | O'Brien (Labrador) |
| O'Brien (London—Fanshawe) | O'Reilly |
| Pagtakhan | Paradis |
| Parrish | Patry |
| Peric | Pettigrew |
| Phinney | Pickard (Chatham—Kent Essex) |
| Pillitteri | Pratt |
| Proud | Provenzano |
| Redman | Reed |
| Richardson | Robillard |

Government Orders

| | |
|--------------------------|-----------------|
| Rock | Saada |
| Scott (Fredericton) | Sekora |
| Serré | Shepherd |
| Speller | St. Denis |
| Steckle | Stewart (Brant) |
| Stewart (Northumberland) | St-Julien |
| Szabo | Telegdi |
| Thibeault | Torsney |
| Ur | Valeri |
| Vanclief | Volpe |
| Wappel | Whelan |
| Wilfert | Wood—146 |

PAIRED MEMBERS

| | |
|----------------------|---------------------------|
| Anderson | Augustine |
| Bachand (Saint-Jean) | Tremblay (Rimouski—Mitis) |

The Speaker: I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Finance.

(Bill read the second time and referred to a committee)

* * *

NAYS

Members

| | |
|--|--|
| Abbott | Alarie |
| Anders | Asselin |
| Bachand (Richmond—Arthabaska) | Bailey |
| Bellehumeur | Benoit |
| Bergeron | Bernier (Bonaventure—Gaspé— |
| Îles-de-la-Madeleine—Pabok) | Bernier (Tobique—Mactaquac) |
| Bigras | Blaikie |
| Borotsik | Brien |
| Cadman | Canuel |
| Cardin | Casey |
| Casson | Chatters |
| Chrétien (Frontenac—Mégantic) | Crête |
| Davies | de Savoye |
| Debien | Desjarlais |
| Desrochers | Dockrill |
| Doyle | Dubé (Lévis-et-Chutes-de-la-Chaudière) |
| Dubé (Madawaska—Restigouche) | Duceppe |
| Dumas | Duncan |
| Earle | Elley |
| Epp | Forseth |
| Fournier | Gagnon |
| Gauthier | Gilmour |
| Girard-Bujold | Godin (Acadie—Bathurst) |
| Godin (Châteauguay) | Goldring |
| Grewal | Guay |
| Guimond | Hanger |
| Harris | Hart |
| Harvey | Herron |
| Hill (Macleod) | Hill (Prince George—Peace River) |
| Hilstrom | Jaffer |
| Jones | Keddy (South Shore) |
| Kenney (Calgary Southeast) | Konrad |
| Lalonde | Laurin |
| Lebel | Lill |
| Loubier | Lowther |
| MacKay (Pictou—Antigonish—Guysborough) | Mancini |
| Manning | Marceau |
| Marchand | Mark |
| Martin (Esquimalt—Juan de Fuca) | Martin (Winnipeg Centre) |
| Matthews | Mayfield |
| McDonough | McNally |
| Mercier | Meredith |
| Mills (Red Deer) | Morrison |
| Muise | Nunziata |
| Obhrai | Penson |
| Perron | Picard (Drummond) |
| Plamondon | Power |
| Price | Proctor |
| Ramsay | Reynolds |
| Riis | Ritz |
| Robinson | Rocheleau |
| Sauvageau | Schmidt |
| Scott (Skeena) | Solomon |
| St-Hilaire | Stinson |
| St-Jacques | Stoffer |
| Thompson (New Brunswick Southwest) | Thompson (Wild Rose) |
| Tremblay (Lac-Saint-Jean) | Turp |
| Vautour | Wasylycia-Leis |
| Wayne | White (Langley—Abbotsford) |
| Williams—118 | |

COASTAL FISHERIES PROTECTION ACT

The House resumed from April 16 consideration of the motion that Bill C-27, an act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements, be read the third time and passed.

The Speaker: Pursuant to order made on Friday, April 16, the House will now proceed to the taking of the deferred recorded division on the motion at the third reading stage of Bill C-27.

Mr. Bob Kilger: Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House with Liberal members voting yea.

The Speaker: Is there agreement to proceed in such fashion?

Some hon. members: Agreed.

Mr. Jay Hill: Mr. Speaker, Reform Party members present this evening will be voting nay on this motion.

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, the members of the Bloc Québécois vote no on this motion.

[English]

Mr. John Solomon: Mr. Speaker, NDP members present vote yes on this motion.

[Translation]

Mr. André Harvey: Mr. Speaker, the members of the Progressive Conservative Party vote yes on this motion.

● (1840)

[English]

Mr. John Nunziata: Mr. Speaker, I would vote no on behalf of my constituents.

Government Orders

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

(Division No. 384)

YEAS

Members

| | |
|--|--|
| Adams | Alcock |
| Assad | Assadourian |
| Axworthy (Winnipeg South Centre) | Bachand (Richmond—Arthabaska) |
| Baker | Bakopanos |
| Barnes | Beaumier |
| Bélaïr | Bélangier |
| Bellemare | Bernier (Tobique—Mactaquac) |
| Bertrand | Bevilacqua |
| Blaikie | Blondin-Andrew |
| Bonin | Bonwick |
| Borotsik | Boudria |
| Bradshaw | Brown |
| Bryden | Bulte |
| Byrne | Calder |
| Cannis | Caplan |
| Carroll | Casey |
| Catterall | Cauchon |
| Chamberlain | Chan |
| Charbonneau | Chrétien (Saint-Maurice) |
| Cloutier | Coderre |
| Collenette | Comuzzi |
| Copps | Cullen |
| Davies | Desjarlais |
| De Villers | Dhaliwal |
| Dion | Discepola |
| Dockrill | Doyle |
| Dromiskiy | Drouin |
| Dubé (Madawaska—Restigouche) | Duhamel |
| Earle | Easter |
| Eggleton | Finestone |
| Finlay | Folco |
| Fontana | Fry |
| Gagliano | Galloway |
| Godfrey | Godin (Acadie—Bathurst) |
| Goodale | Graham |
| Grose | Guarnieri |
| Harb | Harvard |
| Harvey | Herron |
| Hubbard | Ianno |
| Iftody | Jackson |
| Jennings | Jones |
| Jordan | Karetak-Lindell |
| Keddy (South Shore) | Keyes |
| Kilger (Stormont—Dundas—Charlottenburgh) | Kilgour (Edmonton Southeast) |
| Knutson | Kraft Sloan |
| Lastewka | Lavigne |
| Lee | Leung |
| Lill | Longfield |
| MacAulay | MacKay (Pictou—Antigonish—Guysborough) |
| Mahoney | Malhi |
| Maloney | Mancini |
| Manley | Marchi |
| Marleau | Martin (LaSalle—Émard) |
| Martin (Winnipeg Centre) | Massé |
| Matthews | McCormick |
| McDonough | McGuire |
| McKay (Scarborough East) | McLellan (Edmonton West) |
| McTeague | McWhinney |
| Mifflin | Milliken |
| Mills (Broadview—Greenwood) | Minna |
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Speller
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Stewart (Northumberland)
St-Julien
Szabo
Thibeault
Torsney
Valeri
Vautour
Wappel
Wayne
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O'Brien (Labrador)
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Pettigrew
Pickard (Chatham—Kent Essex)
Power
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Stewart (Brant)
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NAYS

Members

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| Abbott | Alarie |
| Anders | Asselin |
| Bailey | Bellehumeur |
| Benoit | Bergeron |
| Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok) | Brien |
| Bigras | Canuel |
| Cadman | Casson |
| Cardin | Chrétien (Frontenac—Mégantic) |
| Chatters | de Savoye |
| Crête | Desrochers |
| Debien | Duceppe |
| Dubé (Lévis-et-Chutes-de-la-Chaudière) | Duncan |
| Dumas | Epp |
| Elley | Fournier |
| Forseth | Gauthier |
| Gagnon | Girard-Bujold |
| Gilmour | Golding |
| Godin (Châteauguay) | Guay |
| Grewal | Hanger |
| Guimond | Hart |
| Harris | Hill (Prince George—Peace River) |
| Hill (Macleod) | Jaffer |
| Hilstrom | Konrad |
| Kenny (Calgary Southeast) | Laurin |
| Lalonde | Loubier |
| Lebel | Manning |
| Lowther | Marchand |
| Marceau | Martin (Esquimalt—Juan de Fuca) |
| Mark | McNally |
| Mayfield | Meredith |
| Mercier | Morrison |
| Mills (Red Deer) | Obhrai |
| Nunziata | Perron |
| Penson | Plamondon |
| Picard (Drummond) | Reynolds |
| Ramsay | Rocheleau |
| Ritz | Schmidt |
| Sauvageau | St-Hilaire |
| Scott (Skeena) | Thompson (Wild Rose) |
| Stinson | Turp |
| Tremblay (Lac-Saint-Jean) | Williams—83 |
| White (Langley—Abbotsford) | |

PAIRED MEMBERS

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| Andersen | Augustine |
| Bachand (Saint-Jean) | Tremblay (Rimouski—Mitis) |

Private Members' Business

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

The Acting Speaker (Mr. McClelland): Order, please. It being 6:43 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[English]

CANADIAN ENVIRONMENTAL PROTECTION ACT

Mr. Paul Bonwick (Simcoe—Grey, Lib.) moved that Bill C-403, an act to amend the Canadian Environmental Protection Act (lead sinkers and lead jigs), be read the second time and referred to a committee.

He said: Mr. Speaker, it is indeed my pleasure to rise today to address my private member's bill on the prohibition of lead sinkers and jigs for use in Canadian waters, namely Bill C-403.

I offer my sincere thanks to the Minister of the Environment. Over the past number of weeks, she has made her staff and her department available for numerous consultations on how best to address this issue. For that I say, thanks.

I should also make mention that although the government has made significant strides toward the elimination of lead sinkers, the minister has assured me that her efforts will be increased in order to address this serious environmental concern.

I also offer my sincere appreciation to a few other individuals, namely Mr. John Phillips and Mr. Rob Anderson. These two individuals have dedicated enormous amounts of time in trying to raise the profile of this issue to many Canadians. If it were not for their efforts this issue would simply not be before the House today. I believe Canadians owe Mr. Phillips and Mr. Anderson a debt of gratitude for this.

• (1845)

I would also like to thank the people who took the time to assist me and advise me on the most effective ways to achieve the desired outcome, that being the eventual elimination of lead in our Canadian waters. Specifically I cite some names.

Mr. Craig Ritchie from the publication *Real Fishing* offered many positive suggestions regarding my efforts toward ensuring a successful outcome. Although he was critical of the original language that still stands today within the bill, he did offer many sound ideas for consideration.

I am confident that those who chose to offer positive criticisms as well as advice will be very pleased to see the direction this Liberal government will take in dealing with this issue.

This bill is certainly not the first time it has been recommended that the minister take the necessary steps to eliminate lead sinkers from Canadian waters. In May 1997 the standing committee on the environment recommended that the minister initiate a regulatory action to prohibit the import, the sale, the manufacture and the use of lead sinkers and jigs that are equal to or less than 2.5 centimetres in dimension. My bill falls in line with this.

At this time I would like to share some startling facts as well as some potential and actual impacts regarding the use of lead sinkers.

There is an estimated annual 500 tonnes of lead fishing sinkers and jigs lost in Canadian waters every year. This represents millions upon millions of individual sinkers and jigs that are lying at the bottom of Canadian lakes and rivers. This can no longer go unchecked.

The potential impacts are as severe as they are broad. The fact is that lead sinkers are deemed to be a highly toxic substance. This is irrefutable. The fact is lead sinkers are killing our waterfowl. This fact is also irrefutable.

There are also many other areas where lead sinkers may be having serious implications. Sadly there has not been enough science based research done in these areas to fully prove the negative impacts at this time. Some of these areas that require much more research and focus are the impact on various fish species after ingestion has occurred.

I would also suggest that there are very few fishers in Canada that have not lost a lead weight or a lead lure to a fish that is determined not to be caught. Common sense must tell us that if a fish is ingesting lead sinkers and further that lead sinkers are a toxic substance, then there must be negative consequences to the fish.

I am convinced that if we present a science based case to the anglers in this country as to the negative impacts on the fish population as well as other areas, they will be more than happy to source out and use alternatives that are presently available. Make no mistake, there are alternatives available.

We must not overlook the fact that some of the greatest environmentalists we have in this country are sports anglers. They

have proven time and time again their unwavering commitment to our natural resources through fishery stocking programs, to river bed clean-ups to building fish ladders. Their commitment has been unequalled. It is for this reason I am confident that if science demonstrates a negative impact on fish populations as it has demonstrated on waterfowl, our anglers will not simply follow our direction, our anglers will lead the way.

Let me address some of the many areas where lead has been and in fact continues to be removed from human contact. An example is lead based paints. For years there was no question as to the use of lead based paint. It was applied to almost every home and office wall in the country. However, once we identified lead as a toxic substance we quickly moved to have lead based paints banned from sale in order to protect ourselves from the obvious health threats.

Again we as concerned parents also support the removal of lead pipes from many of our older institutions, including many of our school buildings. These actions demonstrate our concern for ourselves and much more important, our children, who may be ingesting water travelling through lead pipes.

I have very fond memories of fishing with my father, with my friends and my sons over the past number of years. I think back to the days of fishing out in Georgian Bay. Many boats, many anglers gathered around for the excellent fishing available in Georgian Bay. We would watch the fishermen and the anglers and almost without exception when rejjigging the lines they would put the line in the split shot and bite down on it.

• (1850)

The very same day as we watched the people handle those lead split shots and the bell sinkers, as they rejjigged the line and threw it back over the boat, what did they do? They reached into their lunch box, grabbed their sandwich and ate it. Sometimes it merely takes the issue of receiving a higher profile for us to recognize the consequences of our actions. If this bill does nothing more than that, I will consider it a success.

During the time I spent drafting the private member's bill, I intentionally kept the bill as simple and straightforward as possible. The goal is very simple: the elimination of lead sinkers and jigs in Canadian waters. However, knowing the profile the issue would receive, I knew that there would be many opportunities available for worthwhile amendments and alternative suggestions on how to best combat this problem.

To this end this initiative has been very successful. There have been some very good suggestions and amendments brought forward to me by other members of parliament as well as by constituents from across the country. People are starting to buy into the theory that lead is bad and they should no longer be using it for fishing when there are viable alternatives available.

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Following the first presentation of my bill it became blatantly obvious that the only way to truly impact the use of lead sinkers was through community buy-in based on sound research and factual education. It is to this end I have had the assurance of the minister that a strategy such as this will be embarked upon immediately.

There have been other positive suggestions that have come forward. Considering we live in a time where we label products such as cleaners, varnishes, chemicals and even cigarettes, would it not make sense to consider labelling lead sinkers that are sitting on the shelves or that are going on the shelves today as to the potential impacts of the handling of those things? Once again this is the type of strategy that falls in line with education and communication rather than a strict enforcement policy brought forward immediately.

I want to clearly state that the intent of this bill is not to create division but rather to create an environment of co-operation. It is in this light that the Minister of the Environment and the Liberal government should commend themselves for attempting to secure that type of co-operation.

There are other possible ideas to consider when looking at the elimination of lead sinkers. For instance, consideration should be given to investigate a possible gradual implementation which in turn would not create undue hardship on retailers, as well as the cottage industry, that presently derive benefits from the said product. We should also investigate a buy back program, as well as possible tax incentives in order to create a more competitive environment when considering alternatives.

As I said, make no mistake, there are viable alternatives out there. As a Liberal government, some of the positive steps that we can take when striving for positive solutions to a negative situation are things that should be dealt with immediately.

I would like to take a minute to speak about some of the research that has been completed on this particular issue with regard to the impact of lead sinkers and jigs in Canadian waters. There are those who will challenge any and all research completed on any particular issue if it does not conform to their way of thinking. This is not a bad thing. Any fact based position must be able to stand the test of challenge.

However, whether one agrees completely with the findings of research or suggests that it may require more investigation and provide greater detail, common sense must dictate that there is some measure of substance to the findings with regard to the definite impact on waterfowl. If we accept that in principle there is a devastating impact or that there is an impact to waterfowl then I think what we will find is unanimous support in the House to move forward and attempt to deal with this very serious situation.

While we accept the fact that many of our various species of waterfowl are not on the endangered species list, we must not

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detract from our focus of eliminating a hazardous substance that clearly represents a dangerous impact not only on waterfowl but on the fish population and yes, on people as well.

• (1855)

I ask the House to work with the Minister of the Environment and our government to implement a research based education program. This will ensure communities fact based information which I believe in turn will result in the partnering and the elimination of hundreds of tonnes of lead being deposited into what we recognize as one of the cleanest and most pristine water systems in the world.

I again want to offer my thanks to my seconder as well as the Minister of the Environment and many of the colleagues on both sides of the House that have taken the time to contact me and offer their suggestions, their ideas and in some cases their criticisms on how we should be moving forward with this. Once again I will make mention that I consider it a success that we have raised that kind of interest in the House and all across this country.

We are depositing hundreds of millions of lead sinkers and jigs in our Canadian waterways every year. If we accept the fact that lead is a toxic substance, that it is having an impact on waterfowl, once science based research is done I am sure it will demonstrate it is having an impact on fish populations, and we have certainly demonstrated that it has a very negative impact on humankind. I am sure we will be able to draw a consensus that we have to stop this and stop it as soon as possible.

On that note I thank my hon. colleagues who are staying around to offer comments on this issue that is very close to my heart. I am more than happy to listen to their addresses.

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, it gives me great pleasure to speak to Private Member's Bill C-403, an act that would amend the Canadian Environmental Protection Act to prohibit the manufacture, importation, sale and offering for sale and in certain circumstances the possession of lead sinkers and jigs.

The member for Simcoe—Grey is to be commended for bringing such an important environmental issue to the forefront. The issue of lead poisoning in our environment is an important concern and something for all Canadians and all levels of government to be aware of.

The lead poisoning in our environment has become a widespread problem due to historically extensive and varied use of lead. Its low melting point, its malleability, ease of processing and low cost have resulted in its use in a wide range of applications. It has been used in solder, plumbing pipes, paints, pottery glazes, crystal ware, gasoline, hunting shot and fishing sinkers and jigs.

However, through the years as our science improved, more has been discovered about lead's intrinsically high toxicity and the adverse effects it can have on our environment. Although science has known about the toxicity of lead and the potential it has for poisoning wildlife since the turn of the century, it has been a long process from scientific discovery to government regulatory action.

In the late 1960s and early 1970s the Canadian Wildlife Service expressed significant concern over the lead poisoning of waterfowl from lead shot ingestion. This initial concern did not translate into extensive research and study until the late 1980s when the United States announced its intention to completely ban the use of lead shot in waterfowl hunting by 1991.

The announcement of this ban initiated a series of studies by the Canadian Wildlife Service that determined that there was insufficient evidence to justify a national ban. However, since that time, extensive research has been conducted by the Canadian Wildlife Service and others on several fronts which has led to a reassessment of this earlier decision and has instigated federal government regulatory action.

Lead sinkers and jigs are used primarily by fresh water sports fishermen. These products are quite popular due to their ease of use, widespread availability and inexpensive cost. The most common sinker used is the split shot sinker which the member explained, which in the United States accounts for almost half of the total sinker production. I dread to think of how many of those I have bitten down on in my life.

Across Canada it is estimated that over five million Canadians take part in recreational fishing activities, buying nearly 560 tonnes of lead in the form of lead sinkers. Virtually all of this lead is destined for the bottom of Canada's lakes and rivers. When a lead sinker is lost, it settles on the bottom of the body of water where it can be ingested by waterfowl.

Many ducks and other birds get their food by digging in the mud at the bottom of a lake or river. The birds ingest small stones called grit to grind up their food and cannot differentiate between a sinker of 50 grams or less and a small pebble.

• (1900)

A fish eating water bird such as the common loon may also be attracted to bait on a fishing hook. Often times loons will swallow the hook and sinker when it is still attached to the line. The birds may also eat fish that have swallowed a sinker. Once a bird swallows a lead sinker it will become very sick and often will die. Because lead sinkers are relatively large, larger than lead hunting shot, it often takes only one sinker to kill a bird.

The Canadian Wildlife Service has determined that lead sinker ingestion is probably the most frequent cause of lead poisoning in species such as the common loon, poisoning up to 30,000 loons annually.

Many of these loons will quickly die and their lead contaminated carcasses are eaten by predators, leading to further secondary poisoning. In response to this growing problem governments have slowly but surely begun to take action. In Great Britain the use of lead sinkers was prohibited in 1987 as a response to the deaths of thousands of mute swans. In the U.S. lead sinkers have been banned in some national parks and the U.S. Environmental Protection Agency is pursuing further regulatory action.

In its 1995 report entitled "It's About Our Health! Towards Pollution Prevention", the Standing Committee on the Environment and Sustainable Development recommended that the federal government take action under the Canadian Environmental Protection Act to regulate lead sinkers and jigs by prohibiting the import, sale, manufacture and use of lead sinkers and jigs by May 31, 1997.

Although Environment Canada did use the Migratory Birds Convention Act to control the use of lead shot in certain areas of the country, it did not adopt the recommendations of the committee and prohibit the nation-wide use of lead sinkers and jigs.

The most recent action taken by the federal government was on September 17, 1997 when the wildlife area regulations pursuant to the Canada Wildlife Act were amended to prohibit the possession of any lead sinker or jig weighing less than 50 grams in national wildlife areas where sport fishing is authorized through permit or notice.

This amendment was similar to the amendment made to the national parks fishing regulations made under the authority of the National Parks Act. These regulations also ban the use or possession of any lead sinker or jig containing more than 1% lead by content in any national park in Canada.

Canada has also implemented regulations that will prohibit the use of lead shot when hunting for migratory birds pursuant to the authority granted under the Migratory Birds Convention Act.

It appears to me that the federal government has been cautious about regulating the lead content of hunting shot and fishing tackle because of its concern about jurisdictional authority, and rightfully so. To date the government has only used legislation that is explicitly federal in nature. The National Parks Act, the Canada Wildlife Act and the Migratory Birds Convention Act are all pieces of legislation that clearly authorize federal government intervention.

Although the bill has been deemed non-votable, I urge the hon. member for Simcoe—Grey to be cautious in his approach in the

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future. The Constitution Act, 1867, and the subsequent amendment made in 1982 do not clearly define all areas of provincial and federal jurisdiction over the environment and its conservation.

Since the Constitution does not clearly define all areas of jurisdiction, any regulatory action based on an unclear area of jurisdiction will likely be met with stiff opposition from the provinces.

Although the Supreme Court of Canada has constitutionally upheld the Canadian Environmental Protection Act as an exercise of parliament's power over criminal law, the federal government would be wise to move with caution on this issue, lest it intrude on areas of provincial domain.

Although the hon. member brings forward a very important issue and makes a compelling case for federal government regulation, my party and I cannot support him in this quest.

The Reform Party is committed to decentralization of federal authority and supports the restraint of the legislative powers of the federal executive and the Prime Minister's cabinet. Legislative authority should rest with the level of government that is able to govern most effectively in each area, with a bias toward decentralization in cases of uncertainty.

In the principles and policies of the Reform Party contained in the 1999 blue book it is stated that the Reform Party supports the principle that the provinces have exclusive jurisdiction over, among other things, sport fishing. Since it is clear that the target of the bill is Canada's sport fishing community, I cannot support it as it stands.

I wish to congratulate my hon. colleague from Simcoe—Grey for his admirable initiative. Canada's environment is best served when individual Canadians make personal commitments to conservation and protection, and I urge him to continue his vigilance.

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill C-403, An Act to amend the Canadian Environmental Protection Act (lead sinkers and lead jigs).

• (1905)

I must remind this House that Bill C-32 on environmental protection is at report stage. The process at committee stage was quite long and hard in order to not add further amendments to the bill.

The Bloc Québécois voted against Bill C-32, which contains many gaps in the recognition of provincial jurisdiction, in the poor translation of the bill's clauses from English into French and by the lack of consistency in the amendments brought in committee.

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To get back to Bill C-403, I think the intent of the member for Simcoe—Grey is legitimate and laudable, because one of the main problems involving lead sinkers and jigs is the poisoning of the loons, black ducks, brent geese, snow geese and other waterfowl that swallow them.

Most of the lead sinkers and jigs will end up one day or another in the fishing areas, along shore lines, rocky areas and docks on lakes, ponds or streams. These fishing areas are often used for reproduction and feeding by the waterfowl.

An estimated 500 tonnes of this fishing tackle accumulates annually in Canadian waters. According to various studies, between 17% and 56% of loons die from the effects of lead fishing tackle.

Lead sinkers and jigs are often lost when fishing lines become tangled and break. These objects sink and when birds swallow them they often become very sick and sometimes die. Swallowing just one of these objects is enough to kill an aquatic bird.

The problem is as follows. When a bird ingests lead sinkers and jigs, they can remain stuck in its gizzard, a muscular stomach which enables it to break down food. In doing so, the gizzard also breaks down fishing tackle, decomposing it into tiny particles. The acid present in the gizzard dissolves these particles and the lead then passes into the bird's bloodstream. The dissolved lead is then carried throughout the organism and ends up in bones and vital organs.

When it decomposes in the environment, lead can contaminate soil and water. For example, on certain skeet shooting ranges, the soil contains enough lead to be considered dangerous waste. Decades may pass before the lead shot and weights decompose in the environment.

A speedy remedy is therefore necessary against this practice that is harmful to aquatic fauna.

Is it helpful to recall that approximately 50 to 60 million birds are potential targets for this kind of contamination? Lead sinkers and jigs are used exclusively by anglers. These are the users that must be targeted if this hazard is to be eliminated. A well-orchestrated public awareness campaign could be effective in resolving part of the problem.

Possible solutions could include persuading fishers to switch to other materials, such as tin, bismuth, steel, or a special mastic. These materials are not toxic to birds. In addition, lead poisoning of loons and other aquatic fowl must be reduced by cutting back on the volume of lead tackle sold and used. One solution would be to introduce regulations that would simultaneously increase the availability, sale and use of non-toxic substitutes.

Provincial, territorial or federal legislation is becoming essential in order to gradually eliminate small lead sinkers and jigs of 500 grams or less for sports fishing.

• (1910)

The introduction of public education programs could be considered to publicize non-toxic substitutes and suggest methods of recovering, eliminating or recycling lead products.

It is true that the substitutes now available cost more, but they would increase total average annual fishing costs by 1% to 2% at most.

Very tough and effective regulations are needed to eliminate this problem of lead contaminating our waterways. Since 1997, federal regulations have been in force in national reserves and parks. If these regulations are to be extended to other sectors, provincial governments have a responsibility to try to limit the presence of lead in waterways.

The federal government must respect provincial jurisdictions so as not to again interfere in matters that do not concern it. We are obviously not questioning the legitimacy of the bill introduced by the member for Simcoe—Grey, but we are not convinced that including it in the Canadian Environmental Protection Act is the best approach.

We in the Bloc Québécois think that there are various solutions to this threat to fauna that has gone on for too long.

[English]

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, it is a pleasure to speak to the bill on behalf of my caucus and specifically on behalf of our environmental spokesperson, my hon. colleague from Churchill River in Saskatchewan.

I thank the member for Simcoe—Grey for bringing the hazards of lead sinker and jig use to the attention of the House. He is quite correct that giving it focus at this level should create greater concern and moves to deter and ban the use of such products. I acknowledge that the bill has not been deemed votable and therefore will not see the results that it so desired. I was somewhat disappointed that he was willing to let the government bureaucracy run its course without a much greater fight. When it goes through the government bureaucracy that in many cases means no action and ultimately no concrete results.

Rather than getting into a number of the facts we have listened to this evening, I do not think there is any question from what we have heard that there is a problem with the use of lead in a number of products when they continue through the food chain, going through fish and birds and then on to humans, something that has not been mentioned this evening unless I missed it. There are consequences for animals and fish but they also travel through the food chain.

Let us get on with encouraging anglers to use other products and let us be clear there are other products. Bismuth and high density plastic products are available so it is not as if there is not something

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there. I recognize that anglers may see a minimal increase in cost and that some anglers prefer to make their own sinkers and jigs. In the whole context the hazards outweigh the benefits and we should be going to the other products.

I do not need a lengthy study to convince me of the hazards. I do not think we have to go through that whole process again with fish. When we see that a substance causes cancer in rats, do we try the product on humans or on other animals to see if it will cause cancer as well? I do not think so. Countless studies prove lead is a deadly toxic substance. As indicated previously, it has been removed from paint and other products including gasoline.

It is in the form of gasoline that I personally saw adults, young children and infants affected. Gas sniffing was a serious problem in some northern Manitoba communities. When lead was a gas additive the consequences were very apparent. A good number of members may not have seen four year old children die as a result of gas sniffing, all as a result of the lead in the gas.

I do not need to be convinced. I would encourage the committee to continue its review of this matter and encourage the environment minister to proceed with a ban of lead products. I am not willing to get caught up in the federal-provincial issue. I would find it hard to believe that provincial governments would not accept this as an environmental hazard and see it in the same light. I hope we pursue a ban at the federal level.

• (1915)

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, it is my pleasure to have the opportunity to participate in this evening's debate on Bill C-403, sponsored by the member for Simcoe—Grey and seconded by the member for York North.

I think the debate which he has brought forward is indeed very constructive and I would like to state that I support the intent of his bill, although if this were a votable motion we would likely not support it and I would like to expand on our reasons for doing so.

The motion brought forward is indeed very constructive. The hon. member points out that this issue falls under the Canadian Environmental Protection Act, legislation which we initiated back in 1988, which is enduring a very long review in committee. We have been doing a clause by clause examination of it since late October. The reason we would not support this bill is because there are other venues available to address the issue which he has brought forth.

As the hon. member has pointed out, and I believe my colleagues have mentioned, an estimated 500 tonnes of lead fishing sinkers and jigs or tackle are lost in the waters of Canadian rivers, lakes and ponds each year. That 500 tonnes ends up in the food chain of numerous species, namely waterfowl and fish, and can ultimately

be absorbed by human beings. Therefore, this issue is indeed hazardous to human health.

Scientists have estimated that between 17% and 56% of the deaths of all waterfowl, particularly loons, are related to lead tackle, jigs and sinkers which are deposited within our lakes and rivers.

I would also like to point out that a single lead sinker or jig can poison a loon. It will ultimately get into its digestive system and in short order the bird is incapable of flying and experiences a loss of balance. Ultimately a species could be extirpated from a given area, endangered or become a species at risk because of sports fishermen.

I would like to point out that sports fishermen are likely the most environmentally conscious citizens who exist in this country. I know that in my riding of Fundy—Royal, the Sussex Fish and Game Association and the Hammond River Angling Association has done enormous things in terms of restoring fish habitat along the Kennebecasis River and along the Hammond River. This has been done on a volunteer basis and, indeed, they should be applauded for it.

We are now seeing trout species returning to our area. We are now seeing Atlantic salmon returning to these rivers. The sports fishermen want to do the right thing from an environmental perspective.

On March 1 I wrote to the Minister of Fisheries and Oceans outlining my understanding that under section 43(e) of the Fisheries Act his department has the power to make regulations respecting the use of fishing gear and equipment.

Since the government already has the power to resolve this preventable situation, I urged the Minister of Fisheries and Oceans to consider banning this harmful tool in Canada.

This debate is indeed very constructive. The member for Simcoe—Grey is really doing a positive thing here in terms of advancing this issue.

The Minister of Fisheries and Oceans is sadly sidelined at the moment due to an accident. I know he will be returning to the House in a number of weeks. Perhaps he is looking over some things to read. I would suggest that the hon. member send the fisheries minister a fax or a note saying that when he does return to the House of Commons, and we welcome his return, this is something he could do under section 43(e) of the Fisheries Act, as opposed to doing it under the Canadian Environmental Protection Act. It is a regulation that actually could be made.

This is not unprecedented. In 1987 the United Kingdom banned lead tackle due to the fact that they had lost a number of mute swans. This was the corrective action which they took.

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• (1920)

The federal government has banned lead fishing tackle on federal lands, which is a positive thing. However, fish do not necessarily know whether they are in federal or provincial waters.

This reminds me of what the environment department is discussing with respect to the Canada Endangered Species Protection Act. It is willing to protect an animal if it is on federal lands, but if the animal steps off federal lands it will not necessarily protect core habitat. If it is the right thing to do within our international parks, it is the right thing to do throughout the country.

This is an environmental initiative on which I believe we should move forward. It is long overdue. We should take our time. We should ensure that we phase in this legislation from a regulatory perspective because there are a number of fishermen who own lead sinkers and there are retailers who have already made an investment in them. We have to ensure that we do this in a very prudent way.

As my colleague from the Reform Party has pointed out, who I consider to be a friend of mine, more often than not regulations made in Ottawa actually infringe upon provincial rights. The more often we can get the delivery of a government service closer to the people, the better. Therefore, I concur with doing things on a provincial basis rather than a federal basis.

In this case, in terms of the protection of the environment, I believe that the federal government has a role to play and that banning it under section 43(e) of the Fisheries Act would be a step in the right direction.

I am encouraging the government to make an amendment to the regulations to make it an environmental initiative. It should do that because it is now in the sixth year of its mandate and it has yet to pass one piece of environmental legislation, except for the MMT bill, which cost Canadian taxpayers \$16.5 million because it did not ban that substance under the CEPA.

This is environmental legislation which it could implement, which would have a positive effect on fish, waterfowl and ultimately human health.

I compliment the member for Simcoe—Grey for bringing this debate forward. I encourage him to write that letter to the fisheries minister to ensure that it will be done under section 43.

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, it is my pleasure to stand in the House to address members who are here on the issue of second reading of Bill C-403, which seeks to eliminate the use of lead sinkers and jigs in fishing.

Bill C-403 proposes that the Canada Environmental Protection Act, known as the CEPA, be amended to prohibit the import, manufacture, sale and use of lead fishing sinkers and jigs weighing

50 grams or less because species have died from lead poisoning through ingestion of these sinkers and jigs.

I support the intent of this initiative and I am pleased that attention is being drawn to the impact which lead sinkers and jigs have on our wildlife. Parliamentarians and the Canadian public have reason to be concerned. All of us need to pay attention to the effect our activities as anglers or hunters, hikers or bird watchers have on our cherished wildlife.

Lead, as many people have mentioned, has long been acknowledged as an environmental and health problem for humans and wildlife and is listed as a toxic substance under the current CEPA. The federal government, along with other levels of government, has been successful in reducing lead from our environment through initiatives like those which remove lead from gasoline and household products such as paint.

Bill C-403 focuses our attention on the fact that the recreational use of lead has become one of the leading sources of lead in the environment.

• (1925)

This bill raises the profile of the problem of lead fishing sinkers and jigs and their impact on wildlife, particularly, as members have mentioned, the loon.

As we have heard from a very detailed discussion by several members, the problem occurs when water birds ingest fishing sinkers and jigs during feeding, either when they mistake them for food or grit or when they consume lost bait fish with lines still attached. The ingestion of a single lead sinker or a lead-headed jig is sufficient to expose a loon or other bird to a lethal dose of lead. Ingestion of lead sinkers and jigs has been found to cause mortality in common loons, swans and other waterfowl.

The current CEPA has the authority to make a regulation that would accomplish the objective which Bill C-403 sets out. Success in achieving the results advocated in Bill C-403 depends first on obtaining the support of those Canadians on whom the proposed legislation would have the greatest impact. As such, consultations are needed to build consensus on the appropriate ways to prevent the death of birds caused by these sinkers.

We need to ensure that Canadians have an appreciation for the scope of the problem and an idea of the possible solutions. It is important that people understand what science is telling us and agree on the appropriate course of action. Let me be clear: this approach has never failed this government. Consulting Canadians, building consensus and taking action, developing the support of anglers who use lead sinkers and jigs, of manufacturers, distributors and retailers who make lead sinkers and jigs available, and of the provinces and territories who manage recreational fishing are essential to the effective implementation of the action. Non-toxic types of fishing sinkers and jigs must become the norm.

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Action is needed. To that end, the Minister of the Environment is planning to write to her provincial colleagues and will raise this issue with them at the next Wildlife Ministers' Council of Canada. The meeting is scheduled for this fall. Her objective is to work with our partners to establish a voluntary co-operative program founded on education and building public awareness on the needless destruction caused by these products. By including education and awareness activities in partnership with the provinces and territories, angling organizations, manufacturers and retailers, we truly will have a positive effect over the long term.

Lead shot used in hunting has also been shown to be hazardous to wildlife, particularly waterfowl. That is why the federal government phased in a ban on lead shot used for hunting. Beginning in 1991 Canada banned the use of lead shot in hot spots across the country, places where lead shot poisoning of waterfowl was known to be a problem. These areas were mostly in eastern Canada. In addition, a province-wide ban was introduced in British Columbia.

In the intervening years the Minister of the Environment banned the use of lead shot for hunting in national wildlife areas and for hunting most migratory birds in and around wetlands. A full national ban comes into effect this fall.

This phased-in approach is working well and is a solid model for the reduction of lead fishing sinkers and jigs.

I should emphasize an earlier point. It is the government's position that these phased-in regulatory approaches have been most effective when coupled with education and awareness activities.

In addition, all members will be pleased to know that we have already made some headway in reducing the use of lead fishing sinkers and jigs. In 1997, under the Canada Wildlife Act, the current Minister of the Environment banned possession of lead fishing sinkers and jigs weighing less than 50 grams in national wildlife areas. In the same year, under the National Parks Act, Heritage Canada prohibited the use or possession of lead sinkers and jigs weighing less than 50 grams while fishing in national parks. Together these restrictions are estimated to have reduced lead sinkers and jigs deposited by 4 tonnes to 5 tonnes annually.

Environment Canada has also actively supported independent collection programs for lead sinkers and jigs that have been instituted by several organizations in Ontario, including the Ontario Ministry of the Environment, the Bay of Quinte Remedial Action Plan and the Hamilton Regional Conservation Authority. To date these programs have netted more than 770 kilograms of lead sinkers and jigs from anglers participating in exchanges around the Great Lakes.

These volunteer organizations and individuals have been highly successful and are deserving of our praise and thanks. The success of their programs can be attributed to the dedicated volunteers and

the inclusion of anglers themselves in the design and implementation of the plan.

• (1930)

In addition to the efforts of Environment Canada, Parks Canada has initiated education programs and collection sites at many of Canada's national parks. Collection program co-ordinators report that the education exchange approach is an effective model for raising public awareness of the issue and is very well received by the angling community.

The success of this type of initiative has allowed the government to move ahead on reducing lead in the environment. The government intends to continue to be active in addressing the harm done by these lead sinkers and jigs. As always, we are using scientific research as the basis for our actions.

We know that an estimated 388 to 559 tonnes of lead in the form of lead sinkers and jigs may be lost in Canadian waters annually by the approximately 5.5 million anglers who participate in recreational fishing each year. This represents about 12% of all lead releases to the environment.

With regard to Canada's loon population, it has been estimated that between 250,000 and 500,000 common loons are breeding in Canada and that overall the loon population is not in decline. A variety of environmental contaminants including acid rain, mercury and lead have had an impact on the common loon. However, the relative influence of these and other stressors such as disease, predation and severe weather on the health of loon populations is still unclear.

We do know that lead poisoning has an impact on wildlife, particularly water birds like loons. We do know that in locations where recreational angling occurs, lead sinker or jig ingestion causes adult loon mortality and is one of the leading causes of death for loons in these areas. In fact, 59 of the 217 dead birds examined over the past 10 years died from lead poisoning.

Individual Canadians have helped Environment Canada in developing the science in this field. Data currently available depended largely on the volunteer co-operation of cottagers, anglers and boaters who came across a carcass and notified the appropriate provincial and federal wildlife agency. We will continue to rely on their help in gathering evidence that will help us refine our understanding of the various threats to our water birds. Canadians play an important role.

Help from the Canadian public, and anglers and industry specifically, is also needed if we are to eliminate the use of lead sinkers and jigs. Education and awareness building programs backed up by

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good science will ensure Canadians support our actions in preserving the environment for all.

It is the government's intention to consult with manufacturers and retailers of fishing sinkers and jigs to help ensure that alternative products are available which are comparable in price and performance to those made of lead. We will consult with the anglers on the effectiveness of non-lead sinkers and jigs for fishing. We always have the possibility of regulation when it is appropriate. The government believes this course of action will in the end achieve the objective of Bill C-403 by building support for key stakeholders.

In closing, the member for Simcoe—Grey has brought the attention of all members of the House to the lead fishing sinker and jig problem. His interest and continued action in the environment are most commendable. I am sure his constituents must be very proud of his accomplishments.

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, I certainly want to offer my appreciation to my colleagues who have taken the time out this evening to speak to something that I feel is a critical and significant issue for the federal government to deal with. To the Parliamentary Secretary to the Minister of the Environment I offer my sincere appreciation not just for tonight but for the information that she has shared back and forth with me over the past number of weeks.

I made some notes as I was listening to the presenters from the various parties this evening. The fact of the matter is that we all want the same desired result. It is just that the means appear to be somewhat different.

There was some talk of constitutionality and whether it would be upheld. When I started out on this process with my private member's bill, one of the first things I did was forward it to the House legal advisers for their opinion. They gave it a thumbs up from a constitutionality standpoint if in fact there were any challenges.

• (1935)

With respect to a couple of my colleagues passing responsibility down to provincial ministries or regional governments, I would not and could not support that. I believe the environment is a federal responsibility. Whether it be through regulatory process or through education and buy-in programs, the environment is a responsibility for all Canadians and not simply one sector within the country. To detract from that we would in turn be doing a disservice to the various regions in the country that did not identify this as a necessary priority.

One of the things I found as I was chatting with constituents in my riding, as well as from the phone calls I received, was that it

was difficult for people to appreciate the size and scope of the problem because they are so small. As they hold a half a dozen split-shots or bell sinkers in their hand they ask what is the big deal. As many of my well informed colleagues have identified this evening, we are talking about 500 tonnes per year.

I was doing some quick math and thinking to myself how best to describe it other than stating that we would have to line up 2,000 half ton trucks in a row, loaded to capacity, in order to accommodate the amount of lead sinkers and jigs that are dumped into Canadian waters and rivers every year. That is the best example to typify the problem we are dealing with and the type of buy-in.

There has been concern from my Conservative colleague as to which particular section or ministry should be enforcing this endeavour. Once again I bow to the Minister of Environment and suggest that this is within her purview and not necessarily that of the Minister of Fisheries and Oceans.

Regardless of what enforcement regime we put in place, the eventual elimination of lead sinkers and jigs in Canadian waters can only be successful if we have Canadians buying into it. All the regulations, all the authorities, everything we put in place can only be successful if we embark on a good education program, if we have good fact based research in place and we concentrate our efforts.

It is my hope that tonight's debate and the sharing of information, as well as the work that has been done over the past several months, will only heighten the level of awareness on this issue.

I am proud to have the opportunity as the member of parliament for Simcoe—Grey to bring forward an initiative that two people within in my riding started four or five years ago. It gives me an overwhelming sense of pride to be able to share a message with all Canadians that one or two people can make a difference. If people have concerns regarding the environment or any other matter, they should bring them forward because there is an opportunity to make change.

I am convinced that through the commitment of the Ministry of Environment, the Minister of Environment, the parliamentary secretary and all other parties that have spoken this evening that there is a common desire and goal. I have no doubt in my mind that whether it is in the short or the long term lead sinkers and jigs will be eliminated from Canadian waters.

The Acting Speaker (Mr. McClelland): The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

It being 7.39 p.m. the House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 7.39 p.m.)

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