CANADA

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**OFFICIAL REPORT**
**(HANSARD)**

## Tuesday, February 4, 1997

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

**Tuesday, February 4, 1997**

The House met at 10 a.m.

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*Prayers*

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[*Translation*]

## VACANCY

JONQUIÈRE

**The Speaker:** I have the honour to inform the House that I have received a communication notifying me that a vacancy has occurred in the representation, namely, André Caron, member for the electoral district of Jonquière, in the province of Quebec, by decease. It is my duty to inform the House that, pursuant to paragraph 28(1) of the Parliament of Canada Act, I have addressed a warrant to the Chief Electoral Officer on Monday, February 3, 1997, for the issue of a writ for the election of a member to fill this vacancy.

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# ROUTINE PROCEEDINGS

[*English*]

## GOVERNMENT RESPONSE TO PETITIONS

**Mr. Paul Zed (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 15 petitions.

* * *

● (1010 )

## INTERPARLIAMENTARY DELEGATIONS

**Mr. Bob Speller (Haldimand—Norfolk, Lib.):** Mr. Speaker, pursuant to Standing Order 34, I have the pleasure to present the report of the Canadian branch of the Commonwealth Parliamentary Association concerning a trip to Australia which took place in November 1996.

I want to thank all hon. members in this House for all their help relating to this trip.

## COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have the honour to present the 50th report of the Standing Committee on Procedure and House Affairs regarding the membership of the Standing Committees on Finance and Transport, and the associate membership of the Standing Committee on Finance. If the House gives its consent, I intend to move concurrence in the 50th report later this day.

Mr. Speaker, if the House gives its consent, I move that the 50th report of the Standing Committee on Procedure and House Affairs be concurred in.

(Motion agreed to.)

* * *

[*Translation*]

## PETITIONS

INDIVISIBILITY OF CANADA

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I have the pleasure of submitting a petition signed by people in my riding and the surrounding area.

The petitioners are calling for an indivisible Canada, in that the boundaries of Canada, its provinces and territories, as well as its territorial waters, must not be modified.

[*English*]

HIGHWAYS

**Mrs. Sue Barnes (London West, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I wish to present three petitions from people in my riding. Two of the petitions deal with the upgrading of highways and the national highway system in particular.

TAXATION

**Mrs. Sue Barnes (London West, Lib.):** Mr. Speaker, the third petition deals with the GST on reading materials.

I am pleased to present these petitions on behalf of the petitioners in my riding.

PUBLIC SAFETY OFFICERS COMPENSATION FUND

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have three petitions today.

The first petition comes from Whitehorse, Yukon. The petitioners would like to draw to the attention of the House that our police and firefighters place their lives at risk on a daily basis as they serve the emergency needs of all Canadians. They also state that in many cases the families of officers who lose their lives in the line of duty are often left without sufficient financial means to meet their obligations.

The petitioners therefore pray and call on Parliament to establish a public safety officers compensation fund to receive gifts and bequests for the benefit of families of police officers and firefighters who are killed in the line of duty.

TAXATION

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the second petition comes from Yarmouth, Nova Scotia. The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society.

The petitioners therefore pray and call on Parliament to pursue initiatives to assist families that choose to provide care in the home for preschool children, the chronically ill, the aged or the disabled.

LABELLING OF ALCOHOLIC BEVERAGES

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the final petition comes from Kanata, Ontario. The petitioners would like to draw to the attention of the House that the consumption of alcoholic beverages may cause health problems or impair one's ability, and specifically, that fetal alcohol syndrome or other alcohol related birth defects are 100 per cent preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call on Parliament to enact legislation to require health warning labels to be placed on the containers of all alcoholic beverages to caution expectant mothers and others of the risks associated with alcohol consumption.

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## QUESTIONS ON THE ORDER PAPER

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

# GOVERNMENT ORDERS

[*English*]

## NUCLEAR SAFETY AND CONTROL ACT

The House proceeded to the consideration of Bill C-23, an act to establish the Canadian Nuclear Safety Commission and to make consequential amendments to other acts, as reported (with amendments) from the committee.

SPEAKER'S RULING

**The Deputy Speaker:** There are 19 motions in amendment standing on the Notice Paper for the report stage of Bill C-23.

[*Translation*]

Motion No. 2 is essentially identical to a motion tabled in committee. Consequently, pursuant to Standing Order 76.1(5), it will not be selected.

• (1015)

The motions will be grouped for debate as follows:

Group No. 1: Motion No. 1.

Group No. 2: Motions Nos. 3 and 6.

Group No. 3: Motions Nos. 4 and 5.

Group No. 4: Motions Nos. 7 and 8.

Group No. 5: Motion No. 9.

Group No. 6: Motions Nos. 10 to 15.

Group No. 7: Motions Nos. 16 and 17.

Group No. 8: Motions Nos. 18 and 19.

[*English*]

The voting patterns for the motions within each group are available at the table. As indicated, the Chair will remind the House of each pattern at the time of voting. I will now propose Motion No. 1 to the House.

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** On a point of order, Mr. Speaker, I believe if you seek it, you will find unanimous consent for the following motion:

That all motions at report stage of Bill C-23 be deemed to have been read and seconded at this time and a recorded division requested and deferred for each motion.

**The Deputy Speaker:** Does the hon. member have unanimous consent to move the motion?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to.)

[*Translation*]

MOTIONS IN AMENDMENT

**Mr. René Canuel (Matapédia—Matane, BQ)** moved:

Motion No. 1

That Bill C-23, in Clause 2, be amended by replacing lines 5 and 6 on page 2 with the following:

''''Minister'' means the Minister of the Environment or such member of the Queen's''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the proposed motion stands deferred.

**Mr. Bob Ringma (Nanaimo—Cowichan, Ref.)** moved:

Motion No. 3

That Bill C-23, in Clause 3, be amended by

(*a*) replacing lines 15 and 16 on page 4 with the following:

''substances, prescribed equipment and prescribed information;'';

(*b*) replacing line 22 on page 4 with the following:

''weapons and nuclear explosive devices; and'';

(*c*) adding after line 22 on page 4 the following:

''(*c*) the education of the public on the health, safety and environmental effects associated with the development, production or use of nuclear energy in Canada.''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the proposed motion stands deferred.

**Mr. John Solomon (Regina—Lumsden, NDP)** moved:

Motion No. 4

That Bill C-23 be amended by deleting Clause 6.

Motion No. 5

That Bill C-23 be amended by deleting Clause 7.

**The Deputy Speaker:** The question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the proposed motion stands deferred.

The next question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Mr. Bob Ringma (Nanaimo—Cowichan, Ref.)** moved:

Motion No. 6

That Bill C-23, in Clause 9, be amended by

(*a*) replacing lines 23 to 28 on page 5 with the following:

''(ii) prevent unreasonable risk to national security associated with the development, production, possession or use,

(iii) achieve conformity with measures of control and international obligations to which Canada has agreed,'';

(*b*) adding after line 36 on page 5 the following:

''(*c*) to inform the public as to the health, safety and environmental effects associated with nuclear activities in Canada; and''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Mr. René Canuel (Matapédia—Matane, BQ)** moved:

Motion No. 7

That Bill C-23, in Clause 10, be amended by replacing line 2 on page 6 with the following:

''more than seven permanent members, among whom there shall be at least one representative of an organization generally recognized for at least five years for its work in environmental protection and a representative of the nuclear industry, to be''

Motion No. 8

That Bill C-23, in Clause 10, be amended by replacing line 3 on page 6 with the following:

''appointed by the Governor in Council following approval by resolution of the Senate and the House of Commons.''

**The Deputy Speaker:** The question is on Motion No. 7. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

The next question is on Motion No. 8. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Mr. John Solomon (Regina—Lumsden, NDP)** moved:

Motion No. 9

That Bill C-23, in Clause 33, be amended by replacing lines 15 to 17, on page 19 with the following:

''33. While exercising any authority under the Act, an inspector shall make all reasonable efforts to be accompanied by a member of a health and safety committee or an environment committee whose sphere of activity is affected by the authority exercised by the inspector, and the inspector may also be accompanied by any other person chosen by the inspector.''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Mr. René Canuel (Matapédia—Matane, BQ)** moved:

Motion No. 10

That Bill C-23, in Clause 44, be amended by

(*a*) replacing lines 21 to 23 on page 27 with the following:

''44. (1) The Commission may, with the approval of the Governor in Council and subject to subsections (1.1) and (1.2), make regulations''; and

(*b*) adding after line 25 on page 30 the following:

''(1.1) In making a regulation under subsection (1), the Commission shall have regard to the principle that persons subject to the regulation should not be required to bear costs that are unreasonable in comparison with the anticipated benefits.

(1.2) The Commission shall make no regulation under subsection (1) that, in its opinion, will require persons subject to the regulation to bear costs that are unreasonable in comparison with the anticipated benefits.''

Motion No. 11

That Bill C-23, in Clause 44, be amended by replacing lines 5 to 7 on page 29 with the following:

''(i) prescribing the fees that may be charged for the provision, by the Commission, of information, products and services, following consultation with any parties who have notified the Commission in writing of their desire to be consulted in this matter;''

Motion No. 12

That Bill C-23, in Clause 44, be amended by replacing lines 8 to 10 on page 29 with the following:

''(*j*) prescribing

(i) initial fees or the method of calculating the initial fees that may be charged for a licence or class of licence, and

(ii) after consultation with the licensees, the fees or the method of calculating the fees that may be charged for renewal of a licence or class of licence;''

**The Deputy Speaker:** The question is on Motion No. 10. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

The next question is on Motion No. 11. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

The next question is on Motion No. 12. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** Pursuant to order made earlier, the recorded division on the motion stands deferred.

**Mr. John Solomon (Regina—Lumsden, NDP)** moved:

Motion No. 13

That Bill C-23, in Clause 44, be amended by deleting lines 15 to 19 on page 30.

Motion No. 14

That Bill C-23, in Clause 44, be amended by replacing lines 14 to 17, on page 31 with the following:

''(5) The Governor in Council may, subject to affirmative resolution of the House of Commons, make regulations generally as the Governor in Council considers necessary for carrying out the purposes of this Act.''

**The Deputy Speaker:** The question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

The next question is on Motion No. 14. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Hon. Anne McLellan (Minister of Natural Resources, Lib.)** moved:

Motion No. 15

That Bill C-23, in Clause 44, be amended by adding after line 20 on page 32 the following:

''(12) A copy of each regulation that the Commission proposes to make under paragraphs (1)(*i*) or (1)(*j*) shall be published in the Canada Gazette and a reasonable opportunity shall be given to persons to make representations to the Commission with respect thereto.''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Mr. René Canuel (Matapédia—Matane, BQ)** moved:

Motion No. 16

That Bill C-23 be amended by adding after line 12 on page 36 the following new Clause:

''51.1 No person shall be found guilty of an offence under this Act or a regulation made thereunder if the person establishes that he or she exercised all due diligence to prevent its commission.''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Hon. Anne McLellan (Minister of Natural Resources, Lib.)** moved:

Motion No. 17

That Bill C-23 be amended by adding after line 12 on page 36 the following:

''51.1 A person shall not be found to have contravened any provision of this Act, other than section 50, if it is established that the person exercised all due diligence to prevent its commission.''

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

**Mr. René Canuel (Matapédia—Matane, BQ)** moved:

Motion No. 18

That Bill C-23, in Clause 72, be amended by replacing lines 33 to 37 on page 42 with the following:

''72. The Commission shall, within four months after the end of each fiscal year, submit to the Minister a report of the activities of the Commission under this Act for that fiscal year, incorporating any comments received from any interested party regarding its internal management, operations and business practices and stating how such comments have affected the way it carries out its mandate, and the Minister shall cause the''

Motion No. 19

That Bill C-23, in Clause 72, be amended by replacing lines 33 to 40 on page 42 with the following:

''72. The Commission shall, within four months after the end of each fiscal year,

(*a*) hold public hearings, in accordance with the prescribed rules of procedure, regarding its internal management, operations and business partners during the fiscal year; and

(*b*) submit to the Minister a report of the activities of the Commission under this Act, including the public hearings held under paragraph (*a*), for that fiscal year, and

the Minister shall cause the report to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after receiving it.''

**The Deputy Speaker:** The question is on Motion No. 18. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

The next question is on Motion No. 19. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Deputy Speaker:** All those in favour will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** The recorded division on the motion stands deferred.

We now move on to debate on Group No. 1.

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, it is a pleasure today to speak at the report stage of Bill C-23.

First of all, to appreciate the amendments the Bloc Quebecois wished to propose, we must understand the purpose of Bill C-23.

In fact, Bill C-23, the Nuclear Safety and Control Act, was introduced in this House to replace existing legislation that goes back more than 50 years. As a member of the Standing Committee on Natural Resources, I engaged in debate and listened to many submissions on the changes that should be made in the existing legislation, to adapt it for the next millennium.

Most of the testimony by witnesses appearing before the Natural Resources Committee fell into one of two categories. Basically, some said it was necessary to change the existing legislation, which was really obsolete, and that the bill as introduced was not a bad substitute.

There was another group which agreed the legislation was obsolete and had to be changed, but since the old legislation had been around for 50 years, we could have taken a few more months to make changes in the present bill that would have made it even better.

We should realize that the initial legislation was drafted after World War II, when, people will recall, atomic energy was associated with the nuclear bombs that fell on Hiroshima and Nagasaki. When the Parliament of Canada discussed the matter, it was felt it would be useful to have legislation to control this energy which was, of course, synonymous with destruction.

After 1950, and especially between 1960 and 1970, nuclear energy was touted as a safe and cheap source of energy to which all Canadians would have ready access. However, after 1970, after Three Mile Island and Chernobyl, and the many problems, even with the Candu systems in Europe, one may well wonder how safe our nuclear facilities are.

That is why the new bill should reflect the public's concern for greater transparency. They want a bill that would give them some say, the right to oversee actions of the atomic commission such as giving powers to a business or an agency or other actions that might put the safety or health of Canadians and Quebecers at risk.

● (1020)

The Bloc's first amendment to the bill in Motion No. 1 proposes that the Department of the Environment and not the Department of Natural Resources oversee the legislation.

Why? Canadians feel much safer under the umbrella of the Department of the Environment than under that of the Department of Natural Resources. Clearly, the Department of Natural Resources wants natural resources to be developed to their fullest for Canadians, whether it be uranium mines or energy. At the same time, however, we are told that nuclear energy is hard to control, that it takes a lot of research and monitoring. The Department of the Environment would be much more capable of giving Canadians transparency. To this end, amendment No. 1 would be a fine addition to the bill.

Therefore, I recommend that all my colleagues vote for this amendment, which would permit greater transparency and give Canadians even more reasons to trust their institutions.

[*English*]

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, there are several points that need to be made here.

First, the existing wording specifies the Minister of Natural Resources but also specifies ''or such member of the Queen's Privy Council for Canada as the governor in council may designate as the minister''. This gives the Prime Minister full discretion when he or she appoints a minister through whom the Canadian Nuclear Safety Commission will report to Parliament. The existing wording therefore contains the flexibility that the NSCA should have.

I would point out to members of this House that both the Minister of Natural Resources and Dr. Bishop, president of the Atomic Energy Control Board, took the opportunity when appear-

ing before the committee to stress the independence of the AECB in regulatory matters. There was no disagreement on this important principle.

I would also note that while the commission will report to Parliament through the minister and the minister will be responsible for answering questions regarding the commission in this House, the minister does not and will not get involved in regulatory decision making.

The government must reconcile regulation with promotion at some level. This is done currently by having the AECB and the AECL report to the Minister of Natural Resources. This amendment would merely transfer the level at which regulatory and promotional interests are reconciled to the cabinet level and hence to the Prime Minister. Why not let ministers exercise the responsibilities that come with their portfolios?

As to whether the Minister of the Environment should be the responsible minister, while environmental protection is an object of this bill, it is not the only or even the primary object, which is the health and safety of workers and the public.

This motion is not acceptable to the government.

**Mr. Stinson:** Mr. Speaker, for clarification are we on Motion No. 1 or Motion No. 2?

**The Deputy Speaker:** Motion No. 1.

Colleagues, in view of the earlier unanimous motion, pursuant to the order made, the question on Group No. 1 is deemed put, a recorded division demanded and deferred.

The House will now proceed to debate on motions in Group No. 2. I hope this is clear.

● (1025 )

**Mr. Darrel Stinson (Okanagan—Shuswap, Ref.):** Mr. Speaker, I rise today to speak on Bill C-23 and the report stage motions before us for consideration.

In addressing the motions put forward by my colleague, the member for Nanaimo—Cowichan, I note the emphasis that has been placed on providing the public with information. The motions should be viewed with some enthusiasm as they attempt to heighten the public awareness about what goes on in Canada's nuclear industry.

All too often the activities at facilities such as those under the administration of AECL are shrouded in secrecy. Granted, the public's right to know must be tempered with the considerations of national security. However all too often this has meant that the government is given a ready made excuse which it can use to limit Canadians' access to information where matters of atomic energy are concerned.

The stated goal of my colleague's motion is specifically designed to provide information to educate the Canadian public on nuclear activity in Canada. Further, the motions expressly target and entrust the Nuclear Safety Commission with the task of providing that information to the Canadian public.

These measures alone will not guarantee that the nuclear industry will function in a more open manner, but it should mark the beginning of a much needed step in the right direction. In doing so, the government could begin to redress some of the public apprehension and misunderstanding which has plagued activity within the nuclear industry for the past 50 years.

Again I submit to all members that there is a need to inform the public on issues where nuclear safety and energy are concerned. Given what has been going on at AECL facilities across Canada in recent months, public openness by the government is sorely needed.

For example, Canadians should be told about the closure of the Chalk River facility. Canadians should know that their research facility was closed down and effectively destroyed by this Liberal government on January 31, 1997 at 11 a.m. It did not matter that 719 scientists, including three Nobel laureates, had pleaded with the natural resources minister in October to keep this world class research and development facility open.

The government had spent $70 million on building the facility and now that it has been turned off, it is worth nothing. Many of the scientists who worked at that facility are preparing to move to the United States where evidently R and D in this field is taken seriously.

In addition, staff inside TASCC have indicated that equipment from Chalk River may find its way into the Brookhaven Institute which is also south of the border. Think of the message that is being sent out of here by the Canadian government.

Reformers and Canadians can speculate on the myopic vision of the government's commitment to R and D initiatives in Canada. However, the question still remains: Why was this facility closed? The Liberals will tell us it was due to financial constraints, yet for want of $3 million in operating costs the government has thrown away $70 million. In fact, companies like SPAR Aerospace of Canada had been financing much of the research effort at TASCC with private funds. This trend could have eventually seen the facility function independent of tax dollars.

Let us look at the government's priority and commitment to spending in general. The TASCC facility needed $3 million in operating grants which would allow it to continue its experiments. The government claimed it did not have the money. Yet, this is the same government that piddled away $20 million on a Canadian flag giveaway, $100 million toward its unmandated propaganda office in Montreal, $87 million in a loan to the financially sound and profitable Bombardier of Montreal. The Liberals also had $2

million, they found $2 million, to apologize to former Prime Minister Mulroney and pay his lawyers.

Perhaps highlighting those expenses is not fair to my colleagues across the way. After all, as my Liberal colleagues will quickly point out, those expenses are extraneous and unrelated to the workings of Atomic Energy of Canada Limited and nuclear energy in general. The members across the way will dutifully bleat that their commitments to R and D is well in line with the red ink book promises. Really?

• (1030)

In much the same fashion Liberal spin doctors can refer to a $25 billion deficit as commendable. Liberals will no doubt see the loss of hundreds of jobs in Chalk River as enhanced R and D. No wonder many Canadians have changed the title of the red ink book to ''Creative Opportunism''.

But does anyone know what the real blow to the Canadian taxpayer is? It comes in the area of prioritized R and D spending at AECL.

Just before Christmas the government announced the sale of CANDU technology to the Chinese government. In order to get that deal signed the government of Canada committed to lend the Chinese government $1.5 billion, financed—

**Mrs. Cowling:** Mr. Speaker, on a point of order, it is my understanding that we are speaking to Motions Nos. 3 and 6, which were grouped.

Just for clarification, I would like to know which motion the hon. member is speaking to. Is it Motion No. 2 or is it the grouping of Motions Nos. 3 and 6?

**Mr. Stinson:** Mr. Speaker, Motions Nos. 3 and 6. This is absolutely not a problem. I can understand why the member would be a little embarrassed that we gave the Chinese government $1.5 billion of Canadian taxpayer money, financed off their backs. They do not like that. They do not like to be reminded of that. But the people remember. Think what that means.

The government was willing to gamble over a $1.5 billion but could not come up with a fraction, a tiny fraction of about $3 million in order that the valuable research work could continue at Chalk River. Not even a fraction could it come up with.

The auditor general reported in November 1996 that the cost of cleaning up contaminated sites at federal facilities was estimated at $2 billion. But this does not show up in the government's official accounting of its financial position. It is not there.

The auditor general's report stated that the $2 billion estimate for the federal government's share of the clean-up excludes those costs associated with the clean-up of the radioactive waste and that it constitutes an unrecognized expenditure that could materially affect the government's reported financial condition.

On its own, the example just given highlights the lack of proper accounting procedure by the federal Liberals and represents one more example of mismanagement and lack of accountability to the taxpaying public.

However, when we place that alongside recent efforts by the Minister of Natural Resources to delay and possibly renege on her government's promise to dispose of low level radioactive waste near the town of Deep River, we get the feeling that this government is not serious about conducting such needed research in the area of nuclear waste disposal. This is a schizophrenic government. There is absolutely no doubt about it.

To recap, the government will not recognize the environmental disaster in its own back yard or the potential costs associated with its clean-up. It is scaling back on its promise to the people of Deep River and closing R and D facilities all because it claims it does not have funds needed to pay for services in these areas. However, it has found $1.5 billion of Canadian taxpayers money to lend to the Chinese government.

Sadly, I must conclude my remarks on this matter. In doing so, I would like to remind members on both sides of the House that Bill C-23 is the first such effort in 50 plus years at redefining the relationship between the public and the nuclear industry within Canada.

As such, there is the expectation among Canadians that the government will put measures in place which will open up the nuclear industry to greater public scrutiny. On the other side, it is hoped that the Nuclear Safety Commission tasked with providing information to the public would be more transparent in its dealings.

By supporting these amendments I believe the government would be taking the first tentative steps in this direction and I encourage members on both sides of the House to support the motions before us now.

• (1035 )

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, with regard to Motion No. 3, the nuclear regulator must be and must be seen to be unbiased and neutral in its dealings with or support for the nuclear industry.

The nuclear regulator should be clearly seen by the public as avoiding the role of an advocate for the industry. This amendment has the potential to compromise the public's faith in the objectivity and neutrality of the AECB because it does not limit the scope of the regulatory information.

Motion No. 3 uses the word educate. Rightly or wrongly, the word educate is perceived to have a more proactive connotation than the word inform. It raises the possibility that this mandate

could be interpreted to include the possibility of advocacy for or against nuclear activities.

Providing the commission with a mandate to educate the public on non-regulatory nuclear issues would be inconsistent with its regulatory role.

With respect to Motion No. 6, it is the government's belief that clause 9(b) is the appropriate mandate for the commission on this matter. It specifies as one of the commission's objectives the dissemination of objective scientific, technical and regulatory information to the public on the effects of nuclear activities on health, safety and the environment. In fact, the AECB does this now through its office for public information. This is what is needed, no more and no less.

If the proposed amendment is intended to restate the intent of clause 9(b) in different words, it is redundant and unnecessary. If it is intended to go beyond 9(b), it goes too far. The proposed amendments are not acceptable to the government.

[*Translation*]

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, as I said in my opening remarks, the importance of this bill is in promoting greater transparency in Canada's nuclear energy sector. Mon hon. colleague from the Liberal Party suggested that providing information and education to Canadians in that respect would amount to propaganda or promotion of some sort. I completely disagree with her because, in my opinion, it is extremely important that Canadians make their own choice regarding nuclear energy.

If we want them to be able to make a choice, they need information. How can one be expected to decide whether there should be more or fewer nuclear plants in Canada without appropriate information on their impact on the environment, including the human environment?

The committee heard from stakeholders. People living in the vicinity of the Pickering plant came before us saying that they are excluded from the decision-making process. They said that surveys and polls are conducted but that, when the time comes to make a decision, the board ignores the views of the Pickering area citizens' committee.

I support all the motions moved by our colleague from the Reform Party and, therefore, think one of the purposes of this bill should be to inform and educate, because there is a difference between information and education.

Who do you think would be in a position to provide this information and education, if not the atomic energy board? This is not the kind of information you can get through the education system. The board being the primary nuclear energy regulatory authority in Canada, it is up to its members, who are familiar with the various studies on the public impact of atomic energy, to provide clear information to the public, depending on what their objective is, so that Canadians can make an informed decision.

For these reasons, the Bloc Quebecois will support these two motions, which, in my opinion, improve the bill.

● (1040)

**The Deputy Speaker:** Since no one else seems interested in talking to this group of motions, pursuant to the agreement reached earlier today, all motions in Group No. 2 are deemed to have been put and recorded divisions are deemed to have been requested and deferred.

[*English*]

The House will now proceed to debate on the motions in group No. 3.

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, I am pleased on behalf of the New Democratic Party caucus to rise and give our position with respect to Bill C-23, an act to establish the Canadian nuclear safety commission and to make consequential amendments to other acts and, in particular, motion No. 4 and motion No. 5.

Motion No. 4 basically calls for the deletion of clause 6, which exempts nuclear submarines. We feel that any vessel, whether it is fixed or moving in the water, should be very stringently subjected to regulations under the Canadian nuclear safety commission and that is what motion No. 4 calls for.

Motion No. 5 would in effect delete clause 7. Clause 7 gives the commission the power to exempt certain nuclear substances. It is our view that no nuclear substances should be exempt under the provisions of this act, the Canadian nuclear safety and control act.

This bill is an update and replacement of the Atomic Energy Control Act. It is supposed to modernize the statute to provide for more explicit and effective regulation of nuclear energy. It deals with regulatory and development aspects of nuclear safety. It establishes a basis for implementing Canadian policy and for fulfilling Canada's obligations with respect to the non-proliferation of nuclear weapons. It increases the number of members of the commission from five to seven. The commission is more powerful, with the ability to hear witnesses, to gather evidence and to control its proceedings as well as to call witnesses to hearings.

We are very concerned, since we have an obligation as a country with respect to the non-proliferation of nuclear weapons, that submarines are included, that they are not exempt under this bill, and we are asking for support from other members with respect to that.

We are concerned about the harmonizing of the federal and provincial regulations in the private sector. The bill decentralizes nuclear regulations and in some cases provides more powers to the provinces, which in the case of the major uranium mining province of Saskatchewan is probably good news. This bill provides minimum levels of protection for workers and minimum requirements

with respect to how nuclear fuels and uranium are handled. In Saskatchewan's view, we have always maintained that uranium mining is a beneficial livelihood. It is beneficial to those who work in the industry, but only if there are very stringent, high level health and worker protection laws, which we have in Saskatchewan. Ours are very stringent. We hope that a bill like this will raise the level of health and worker safety. However, Saskatchewan has a higher level than this bill calls for.

We are also very concerned about the impact on the environment with respect to uranium mining. Saskatchewan has been able to establish and prove over the long haul that its environmental regulations with respect to uranium mining are the toughest anywhere in the world. We are very proud of that.

This bill provides the province of Saskatchewan with the flexibility to continue to lead with respect to worker and health safety in this country and also in the world. It provides us with the flexibility and the opportunity to continue to have the highest environmental standards with respect to the mining of uranium.

I would ask all members of the House to consider these two very important amendments, not exempting nuclear submarines from the provisions of this bill and not providing any exemptions of any nuclear substances which the bill, without amendment, is suggesting.

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, motions Nos. 4 and 5 are not acceptable to the government. Both motions deal with deletions from the bill.

Motion No. 4 would delete clause 6. Clause 6 exempts nuclear capable vessels of a foreign state invited into Canada by the government from the application of the act.

● (1045 )

Clause 6 has been included in Bill C-23 to make the bill consistent with a court decision, that is, Vancouver Island Peace Society *v.* the Queen, having to do with the royal prerogative of foreign relations.

The power to approve visits by foreign naval vessels to Canadian ports is a manifestation of the royal prerogative as related to the power of the crown to act in regard to the strategic objectives of the armed forces, foreign policy and military commitments, such as NATO. This power has been confirmed by the courts. It is critical that clause 6 remain in the bill.

With respect to motion No. 5 to delete clause 7, the bill creates general broad prohibitions preventing the conduct of nuclear activities or possessions of nuclear materials, unless licensed. There must be a mechanism in the act to exempt activities, persons or materials where the activity, person or the quantity poses no risk to the public, or where the risk is accepted as a part of the job.

Deletion of this clause from the bill would require that every activity using nuclear technology or nuclear material, every person who might come into possession of nuclear materials as a part of their normal duties and their quantity of nuclear material, no matter how small, be licensed. This would impose a prohibitive and unnecessary regulatory burden on Canadians.

Some of the exemptions contemplated include exempting peace officers, including customs officers—and if the member from the New Democratic Party would listen, he may well understand why this is not acceptable to the government—and commission inspectors appointed under this bill who may come into possession of nuclear substances in the course of exercising their duties.

This provision would also allow for the exemptions for possession of manufactured items that contains small amounts of a nuclear substance to make them work, such as smoke detectors, some time pieces and illuminated signs activated by tritium. Clause 7 must remain in this bill in order to make it workable.

Motions Nos. 4 and 5 are unacceptable to the government.

[*Translation*]

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, I would like to say a few words on the two NDP motions. Motion No. 4 proposes that a specific policy apply to foreign vessels, in that they should comply with Canadian laws as regards atomic energy.

It is very difficult to have such laws apply to foreign vessels, particularly when these vessels are invited to Canada for purposes of representations or for commercial operations.

Therefore, I have to disagree with the NDP member. His motion seeks to have only one law apply in Canada but, unfortunately, we cannot enforce our laws in other countries.

In fact, this is precisely what the Helms-Burton bill sought to do regarding international trade. We must keep an open mind and hope that foreign visitors will comply with basic legislation.

As for Motion No. 5, I am in partial disagreement with my colleagues. It is in the public interest to have some flexibility when dealing with specific situations, for example smoke detectors that contain only minute amounts of radioactive material. While it may seem ridiculous to try to regulate everything, there are circumstances where regulations may be necessary.

• (1050)

It would be inappropriate to let the commission make these decisions alone. As I said earlier, even in the new bill, the commission does not have the transparency required to make all Canadians believe that, regardless of the situation, the commission's decision would be, if not impartial, at least as informed as possible.

We will support the amendment proposed by the NDP, because it should be up to the minister and the House of Commons to pass general regulations. I am not talking about specific cases, such as smoke detectors, but since atomic energy is a very important aspect of public safety we should be responsible for this issue. Any exemption should be subject to a vote in this House, so as to have a framework in which all Canadian stakeholders can have a say.

[*English*]

**The Deputy Speaker:** Pursuant to the agreement made earlier, all motions in Group No. 3 are deemed put, recorded divisions deemed requested and deemed deferred.

[*Translation*]

The House will now deal with motions in Group No. 4.

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, I see that I get to speak again rather quickly.

Group No. 4 contains two motions, Motions Nos. 7 and 8, which are designed to respond to the witnesses that appeared before the natural resources committee. They once again pointed to the lack of transparency, which should no longer exist 50 years after the creation of the Atomic Energy Control Board. To ensure transparency, these people have suggested that the number of members sitting on the commission should not increase from 3 to 5, as in the bill before us, but rather from 5 to 7.

Why? So that a representative of the environmental community and a representative of the industry can sit on the commission to express the views of those who are concerned by our environment and of the industry, which is considered one of the economic development tools of Canada.

Of course, these two new appointments could be voted upon here, in the House of Commons. Basically, these two members could among other things really tell the people or the industry whether regulations are justified or not. Right now, the commission is made of 3 to 5 members. These people, I am sure, would protect the interests of the people or industry, but their main task would be mostly to protect the interest of the commission itself.

We will see later on in another motion that the industry is concerned about unilateral decisions by the commission forcing the industry to bear the costs related to nuclear energy. I think the industry as a whole must be responsible and pay for these costs. However, if the industry had a representative on the commission who were in a position to take part in the decision making process, I believe it could accept these decisions or regulations even more easily.

Having a representative from the environmental community on the commission would also make it easier to explain to the public at large that the commission's decision is justified and in the public interest.

It is essential in the interest of all Canadians that the Canadian Nuclear Safety Commission established under this bill give this image of transparency, which will be easier to develop if a member of the public sits on the commission.

• (1055)

The government knows that all the necessary tools are in place for the very purpose of ensuring that transparency. But ask the average Canadian, ask those who live near a nuclear facility, and I am sure the vast majority of them will tell you they are worried because they are not sure that everything is being done.

On this subject, during the sittings of the Standing Committee on Natural Resources, I proposed an amendment to change the notion of danger in the acceptable standards and in the minimal standards. My amendment was negatived on division because the government thought that it would be difficult to reach a minimal level from an environmental point of view.

If the government is sure that the commission can respect the desire of Canadians to live in safety, all the more reason to have somebody who will act as a watchdog and who will even have the opportunity to endorse certain decisions in order to prove that the decisions made by the Atomic Energy Control Board are good for Canadians.

[*English*]

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, I rise in support of Motion No. 7 which the Bloc has put forward. This amendment would include more people in making the decisions that affect their lives.

We in this House often forget when governing this country that we have to be more inclusive. We have to include people who are affected by decisions taken by government. We have to include more people whose environment is affected by decisions of either the provincial or federal government, for example, to establish a nuclear facility or to have a nuclear mine in their communities. We have to include these people because they are the ones who live nearby; they are the ones who have experience with the impact of these facilities on their environment.

Therefore, Motion No. 7, put forward by the Bloc, will provide some transparency in the commission's activities. It will also protect those who are affected on the front lines. The NDP will support this and I hope the government will consider this kind of amendment favourably. I know it is always open to suggestions that

are positive in nature, and this is one that is very positive. It has a lot of support across the country.

Saskatchewan's environmental review system is very transparent when it comes to reviewing the environmental implications of mining. It works very well in Saskatchewan as it includes those people who would otherwise be excluded. If the bill is passed unamended, in respect of motion No. 7, it will continue to exclude a lot of Canadians whose lives are very severely impacted by nuclear development.

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, neither motion No. 7 nor motion No. 8 is acceptable.

I have this statement on motion No. 7. Many years ago it was the practice to include a representative from industry on the board. The government, as a matter of policy, abandoned that practice years ago. It is critical that members of the AECD or its successor, the Canadian Nuclear Safety Commission, be unbiased. It is equally important that it be seen to be unbiased by both the public and the industry being regulated. Furthermore, in order for good decisions to be made by members of the commission, it is extremely important that the commission be made up of members appointed for their expertise.

This amendment, if accepted, would risk having poor regulatory decisions made because of lack of expertise or bias toward one agenda or another. It would also raise doubts about the objectivity of the regulator.

There may also be significant problems with interpreting or applying this amendment. It is not clear who the representative should be. It could be a member of an environmental group or a company employee, but it could also be a person simply appointed to speak for the environmental group or the industry. Nor is it clear how the terms, generally recognized, or work in environmental protection, would be interpreted.

The order in council process envisioned for this bill provides complete flexibility. Representatives of environmental groups or industry could be appointed if that is what is desired.

• (1100)

As for Motion No. 8, requiring approval of Parliament for appointments to the commission, there have been times when a new member had to be appointed to the board due to the death or illness of a member. Order in council appointments allow the government to fill vacancies speedily. Requiring candidates to be approved by Parliament could lead to situations where the decisions of the commission are delayed until new members are appointed.

I would suggest that hon. members consider what would need to be done if a vacancy had to be filled during the summer months in order for the commission to carry out its normal regulatory decision making. Should Parliament be reconvened during summer recess in order to confirm appointments to the commission simply so the commission could continue to operate over the summer?

However, if this amendment passes we would have to be prepared to do that or to tell the industry that it will simply have to wait for its regulatory decisions. This could lead to lapsed licences through no fault of the licensees, requiring companies to suspend operations in order to comply with this act.

As a final comment, members of the commission are appointed for their expertise. It is not the practice of this House to review such appointments. In only rare cases, such as where the person acts as an ombudsman, is this necessary.

These amendments are unnecessary and could impede the efficient operations of the commission. For these reasons they are not acceptable to the government.

[*Translation*]

**The Speaker:** Dear colleagues, pursuant to the agreement reached earlier today, all motions in Group No. 4 are deemed to have been put to the House, and any divisions are deemed to have been requested and deferred.

The House will now proceed to consideration of Group No. 5.

[*English*]

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, I rise in support of Motion No. 9, which will amend Bill C-23 in clause 33 by replacing lines 15 to 17 on page 19 with the following:

> While exercising any authority under the act, an inspector shall make all reasonable efforts to be accompanied by a member of a health and safety committee or an environment committee whose sphere of activity is affected by the authority exercised by the inspector, and the inspector may also be accompanied by any other person chosen by the inspector.

I guess this is very self-explanatory. What we are calling for is that when the inspection of a facility or a site is underway by the commission that somebody from the health and safety committee or the environmental committee of the working people on site be allowed whenever possible to accompany the inspector to provide the inspector with perhaps insight which the inspector would not have.

Obviously when someone is working full time in a workplace they have a great deal of knowledge of who they are working with and a great deal of knowledge about some of the problems they are working under, some of the opportunities the company has and as

well as some of the areas that may not be looked at by an inspector who may have other commitments and may be rushing through it. At least somebody will be there to accompany this person. I am not saying he or she should be instructing or advising the inspector but at least provide a balance which is what we need. We need a balance to this kind of system in Canada.

We are very supportive of this amendment and are asking members to consider that because it is very important to the safety of workers on the sites. We have had support from the workers in the nuclear industry on this issue. We have had the support of the trade union movement across Canada with respect to this amendment. Therefore we are asking the government to favourably consider this amendment which would, in effect, make the inspection system more efficient, safer and obviously more productive and helpful to those concerned.

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, this is an unworkable amendment. With regard to inspections, there are some points to make. First, there are occasions when inspections are and must be unannounced, as in many regulatory regimes, in order to permit an accurate evaluation of compliance with regulations and licence conditions.

● (1105)

Second, in many cases, particularly in the case of nuclear power plants, this amendment would be inefficient in that it would place an unworkable burden on inspectors as well as on the industry. The AECB has inspectors at each plant and on site inspection of a plant is a part of their daily routine.

To require those inspectors to be accompanied on their daily rounds would be unduly disruptive to the performance of their duties in addition to creating an unnecessary demand on the licensees.

This amendment may also compromise the regulator's ability to meet Canada's international obligations regarding non-proliferation of nuclear materials for non-peaceful purposes.

To satisfy new requirements currently being developed by the International Atomic Energy Agency to strengthen nuclear safeguards, the commission will need the capacity to inspect any facility where it believes unregulated nuclear activities are carried out. This amendment does not provide an exemption for this situation.

While this amendment is intended to apply to inspections, the wording of this amendment does not restrict the requirement to be accompanied by a member of the health and safety committee to that function. It would apply to all activities of inspectors.

The amendment is too broad in its scope for objectivity and efficiency. This amendment is unworkable and not acceptable to the government.

**The Deputy Speaker:** Under the agreement made earlier, all motions in Group No. 5 are deemed put, the recorded division is deemed requested and deemed deferred. The House can now proceed with the motions in Group No. 6.

[*Translation*]

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, the group of motions we are now considering includes Motions No. 10, 11, 12 and 13. These motions suggest that industry be consulted so as to ensure that the costs it is required to bear are not prohibitive, so that it has an opportunity to suggest solutions to problems, rather than have solutions imposed by the commission.

Industries have, for many years, had to adjust to international competition in order to stay competitive. They have had to find simpler procedures, with less infrastructure, that allow them to reach the same objectives, while cutting costs by one half or one third.

If these amendments are included in the bill, it will give Canada's nuclear industry greater flexibility and improve its competitiveness on foreign markets, with which it will henceforth be on an equal footing. I propose that Motions Nos. 10 and 11 be approved.

This same group also includes Motion No. 13, which is based on a different philosophy. We think that the public should have better access to information. To this end, public information should appear not just in the *Canada Gazette* but also in the newspapers.

We were told in committee that this method could be very expensive. That may be so, if the intention is to use the mass media to disseminate the commission's decisions. But today there are some very economical means of dissemination, such as the Internet. It is therefore possible to spend less to attain this objective and thus serve Canadians.

● (1110)

[*English*]

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, I rise to talk about Group No. 6 which includes Motions 10 to 15.

First I want to talk about Motions Nos. 13 and 14 which the New Democratic Party has put forward. In my critic area I feel these are very important.

Motion No. 13 refers to Motion No. 5, which we discussed earlier, calling for exempting no nuclear substances, or at least those which would be harmful to the environment or harmful to Canadians in the current situation. This basically refers to some of the exemptions and outlines some of the concerns that the govern-

ment had about the almost untraceable amounts of nuclear product in home smoke detectors or in wrist watches. Obviously these are not things that we want to totally regulate. Certainly we have to establish some minimum requirements regarding safe levels of nuclear fuel or safe levels of nuclear product, uranium product, that shall be provided to Canadians with respect to the products that they consume, purchase or have around their homes or offices.

Motion No. 13 is supportive of Motion No. 5 which the government opposed because it did not want to get into protecting Canadians. It wants to make sure that Canadians are subjected to very loose environmental and health regulations with respect to various nuclear products.

Motion No. 14 basically provides for Parliament to be given the final word with respect to the regulations. Regulations are usually made by order in council but they have to have some reflection of the changes in society in this country electorally and governmentally reflected through elections.

Members of the House of Commons are elected from time to time from different regions, from different occupations, from different mindsets as well as different political parties. They should have the final word with respect to what the regulations are when it comes to nuclear safety in this country.

Nuclear safety is something that is paramount in people's minds and in particular those workers who operate in the industry. It is also a very important issue as technology improves and as more information becomes available to Canadians with respect to the impacts of this particular product in our society and in the lives of the people who live Canada.

Basically we are saying give Parliament the authority to deem which regulations shall be good, bad or indifferent. Give Parliament, the representatives of the people of this country, the democratically elected people of this country, some authority into whether these regulations are satisfactory.

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, Motions Nos. 10 to 14 all deal with clause 44, the regulation-making powers, and for various different reasons each of these proposed amendments is not acceptable in its present form. Furthermore, some of them could create problems. However, for Motions Nos. 11 and 12 the government wishes to propose an alternative amendment that would achieve the proposed objective.

With respect to Motion No. 10, the inclusion of cost benefit analysis in this legislation is something that the government has discussed with industry representatives on several occasions. There was a consensus that there is a role for cost benefit analysis in the regulatory process, but that it is premature to include cost benefit analysis in this legislation. Most important, there is no consensus on the role that cost benefit analysis would or should play in the regulatory decision making process.

For example, should economic considerations be given more, less or equal weight as safety considerations? There are also significant differences of opinion with respect to the application of cost benefit analysis. For example, how do you value a human life or place a value on environmental protection? What cost and what benefits are to be included in the analysis? Until these issues are addressed the government believes strongly that it would be unwise to include a mandatory requirement for cost benefit analysis in this legislation, as this amendment would do.

• (1115 )

The government does recognize the importance of this issue and is working with industry to draft a policy for the application of cost benefit analysis to regulatory decision making. That policy will attempt to address how and when cost benefit analysis is to be used in the regulator's decision making process.

With respect to Motions Nos. 11 and 12, the government recognizes the importance of consultation on regulations, particularly on fees. Treasury Board policy requires that all regulations under this act, including regulation regarding fees for services and licences, be published in part I of the *Canada Gazette* and interested parties be given an opportunity to comment. The AECB often consults with industry before publication in the *Gazette*. Therefore, the consultation process already exists.

The proposals from the opposition do not specify the manner of consultation. There is no requirement that it be made public nor is there any requirement for a reasonable opportunity to comment. Any consultation process should address these issues.

Motion No. 13 is not acceptable and as I explained when speaking to Motion No. 5, the power to create exemptions must stay in the bill.

With regard to Motion No. 14, clause 44(5) assigns to the governor in council the power to make regulations on matters not otherwise assigned to the commission but which may be necessary to carry out the purposes of the act.

The proposed amendment is counter to normal regulatory practice. It would in essence defeat the intention of the provision, which is to assign the residual regulation making power to the governor in council. It would also be inefficient from a regulatory point of view in that it may lead to unnecessary delays and additional costs associated with having the regulations reviewed and approved by Parliament. For these reasons the government does not find this amendment acceptable.

With regard to Motions Nos. 11 and 12 concerning consultations on fee regulations, we would like to propose the following. I move:

That Bill C-23 in clause 44 be amended by adding after line 20 on page 32 the following:

(12) A copy of each regulation that the commission proposes to make under paragraphs 1(i) or (j) shall be published in the *Canada Gazette* and a reasonable opportunity shall be given to persons to make representations to the commission with respect thereto.

**The Deputy Speaker:** The motion is in order. Is there further debate with respect to the amendment?

● (1120)

Colleagues, the order that was made earlier did not cover this particular amendment which has just been put to the House. It leaves the Chair in a difficult position because members may not wish to give unanimous consent to include this amendment.

**Mr. Solomon:** Mr. Speaker, on a point of order. I would entertain this motion being included with the other motions in Group No. 6. I believe that would be a great idea.

**The Deputy Speaker:** I understand that the hon. member for Regina—Lumsden is certainly in agreement to having this the subject of the earlier order.

[*Translation*]

As agreed earlier today, all the motions in Group No. 6, including the amendment just proposed, are deemed to have been voted on, and recorded divisions are deemed to have been requested and deferred.

The House will now consider the motions in Group No. 7.

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, I will speak briefly to Group No. 7, which comprises Motions Nos. 16 and 17. In essence, the bill contained something of a technical defect, with no provision for particular situations. I will read the clause in question:

51.1 No person shall be found guilty of an offence under this Act or a regulation made thereunder if the person establishes that he or she exercised all due diligence to prevent its commission.

The notion of due diligence already exists in jurisprudence. It is even found in the Canadian Environmental Protection Act, from which Bill C-23 is drawn. I believe all members of the House of Commons should approve this amendment.

The government itself recognized this flaw and proposed Motion No. 17, which is essentially identical, except that it takes into account section 50, which excludes people who might voluntarily go around with a miniature nuclear bomb, for example, so they cannot go to court and be exonerated for this oversight.

So I imagine we will not have to debate this bill at length and we will all agree that it should be corrected.

[*English*]

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, the due diligence defence is available in law for regulatory offences under the charter of rights and freedoms, even if not specified in an act. Therefore, it is not necessary to explicitly provide for this defence in this bill. However, there are instances where due diligence is explicitly found as a defence in other acts. Therefore, the government is agreeable to this amendment.

Having said that, we must exempt offences under section 50, which deals with offences regarding nuclear weapons, from having recourse to this defence. This is because the penalty for this offence, which is up to 10 years imprisonment, indicates that this is more in the nature of a crime than a regulatory offence, making a due diligence defence inappropriate.

We agree with the intent of this motion so long as a due diligence defence is not available for the offence associated with nuclear weapons. We therefore propose an alternative amendment. I move:

That Bill C-23 be amended by adding after line 12 on page 36 the following:

51(1). A person shall not be found to have contravened any provision of this act, other than section 50, if it is established the person exercised all due diligence to prevent its commission.

● (1125)

[*Translation*]

**The Deputy Speaker:** My colleague, I think the same amendment has already been put forward. Would you please withdraw the motion? I think this would be the easiest way to go.

[*English*]

**Mrs. Cowling:** Mr. Speaker, I will withdraw.

**The Deputy Speaker:** Thank you very much. That seems to be the simplest solution.

Pursuant to the agreement made earlier, all motions in Group No. 7 are deemed put, recorded divisions are deemed requested and deemed deferred.

The House will now proceed with the motions in Group No. 8.

[*Translation*]

**Mr. Bernard Deshaies (Abitibi, BQ):** Mr. Speaker, Group No. 8 contains the last two motions, namely Motions Nos. 18 and 19. Every board dealing with the government is normally required to submit reports to the House. It would be appropriate for the bill before us, Bill C-23, to provide for the commission to submit a report to the minister at the end of each fiscal year and for this report to be tabled in the House.

For an organization as important as the Atomic Energy Control Board, the fact that reports will be tabled in the House would foster transparency. Not only would its weaknesses and improvements become apparent, but public confidence in our institutions would be enhanced as a result.

In that sense, Motions Nos. 18 and 19, which are identical except for a few technical details, tend to foster the notion that the House should exercise a tight control on the commission's activities and the commission should be made accountable to the public.

[*English*]

**Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, neither Motion No. 18 nor 19 is acceptable. The motions deal generally with the affairs and management of the commission and how the commission is kept accountable to Canadians.

Motion No. 18 appears to be intended to provide for some form of oversight on the commission's activities in order to promote efficiencies in the commission's internal operations. However the way it is worded would require the commission to publish any comment made to the commission at any time during the year and the commission's response to those comments and to publish those comments in its annual report regardless of whether those comments are reasonable or not. This is an unreasonable burden and would impede the efficient operations of the regulator.

● (1130)

I would like to point out that both the auditor general and Treasury Board provide oversight on the commission's activities: the auditor general, in his intermittent review of the AECB's operations, and Treasury Board when it reviews and approves the AECB's annual estimates.

I would also like to point out that the minister, under clause 12(4), has the right to request the board to provide reports on its general administration and management and to have the results published in the annual report if the minister wishes. Therefore mechanisms are already in place which provide for oversight over the operations of the commission, as this amendment proposes to do. It is unnecessary.

The requirement in Motion No. 19 to hold a public hearing on the internal management, operations and business practices of the commission would impose a significant administrative burden on the commission and a significant cost as well.

Motions Nos. 18 and 19 would both establish a precedent regarding the public scrutiny of the internal operations of the regulatory bodies. There are broad policy implications involved and it would be unwise to do this until the government assesses the implications. For these reasons, the amendments are not acceptable to the government.

[*Translation*]

**The Deputy Speaker:** Pursuant to the agreement reached earlier today, the questions on all the motions in Group No. 8 are deemed to have been put and recorded divisions deemed requested and deferred.

[*English*]

The House will now proceed to the taking of the deferred divisions at the report stage of the bill.

Call in the members.

*And the bells having rung:*

**The Deputy Speaker:** The hon. deputy whip of the government has asked that the votes be deferred until the end of Government Orders today.

* * *

## PRISONS AND REFORMATORIES ACT

The House proceeded to the consideration of Bill C-53, an act to amend the Prisons and Reformatories Act, as reported (without amendment), from the committee.

**Hon. Douglas Peters (for Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.)** moved that the bill be concurred in.

(Motion agreed to.)

[*Translation*]

**The Deputy Speaker:** When shall the bill be read the third time? With the consent of the House, now?

**Some hon. members:** Agreed.

**Mr. Peters (for the Leader of the Government in the House of Commons and Solicitor General of Canada)** moved that Bill C-53, an act to amend the Prisons and Reformatories Act, be now read the third time and passed.

**Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Mr. Speaker, I am pleased to address Bill C-53 which, as you pointed out, is now at third reading.

This bill proposes amendments to the Prisons and Reformatories Act that will strengthen and modernize the statutory framework governing temporary absence programs for offenders in provincial and territorial custody.

This bill is a global answer to the concerns expressed by the provinces and territories, which feel that the current legislative framework is not flexible enough to meet their specific needs.

The bill is also a very good example of federal-provincial-territorial co-operation on an issue of mutual interest. These provisions were developed in consultation with our provincial and territorial partners, and they were approved by the ministers responsible for justice in all the jurisdictions.

• (1135)

As hon. members will know, the Prisons and Reformatories Act is a federal statute which governs how sentences will be administered by provincial institutions. This stems from the federal responsibility for criminal law. However, it is our provincial and territorial partners who must implement this legislation. It is therefore incumbent upon us to ensure that there is adequate flexibility for them to meet their own unique circumstances. This is precisely what this bill does.

Here is how the bill will modernize and strengthen the statutory framework that governs provincial and territorial temporary absence programs. First, the bill adds a statement of purpose and principles. This is a new element, modelled on the statement of purpose and principles created in 1992 in the Corrections and Conditional Release Act, which applies to parole and temporary absence programs for offenders under federal jurisdiction.

Federal correctional authorities see it as an extremely useful tool for policy makers. It adds uniformity to temporary absence and conditional release programs. This is very important, given the close scrutiny to which our agencies are constantly subject. I would hasten to add that these are not federal principles imposed on the provinces and territories, but principles that all governments have agreed to implement together.

Second, the amendments would allow the provinces and territories to increase the maximum duration of temporary absences from 15 to 60 days. This change will reflect the current practice of granting consecutive temporary absences. Increasing the duration of temporary absences will make it possible to improve parole planning and to reduce the frequency of renewals of temporary absence certificates. These amendments, however, will require tighter monitoring of renewals, for an authority wishing to renew a temporary absence will first have to reassess the whole case.

Third, the bill will give governments the power to create additional types of temporary absences, beyond those granted for medical, humanitarian or rehabilitative reasons, so long as they are consistent with the statement of purpose and principles for temporary absence programs as stated in the bill.

There are two objectives to this amendment: first, to give administrations the necessary flexibility to adapt the temporary absence program to their own requirements; and second, to establish parameters that must be complied with in order to ensure a certain uniformity across the country.

Fourth, the reforms will give administrations the power to restrict the concurrent eligibility of prisoners for some types of temporary absences and parole. This will enable provincial and territorial corrections authorities to limit the opportunities for prisoners to make simultaneous use of the parole and the temporary absence systems, and to play both ends against the middle.

Finally, the bill will add other important measures for public protection. The importance of the principle of public protection was the subject of lengthy debate during second reading of the bill and during its study by the Standing Committee on Justice and Legal Affairs.

It is important to point out that, when these amendments were being drafted, the administrations agreed there must be no dissociation of the principles of protecting society and of rehabilitating offenders, and that these principles were neither contradictory nor in competition. In fact, all administrations agree that these two principles are totally compatible, since rehabilitation of an offender is the best means of protecting society, in the long term.

May I, however, add that the fundamental importance of protecting society is reflected throughout Bill C-53.

• (1140)

This important concept informs the purpose and principles of the bill, and I am referring to clause 7: ''The purpose of a temporary absence program is to contribute to the maintenance of a just, peaceful and safe society—'' and a number of other provisions.

Clause 7.5 provides specific grounds for suspending, cancelling or revoking a temporary absence. Clause 7.6, paragraphs 1 and 2, provides for issuing an arrest warrant and for its electronic transmission and execution in any place in Canada.

Another clause authorizes a peace officer, who believes on reasonable grounds that a warrant has been issued in respect of an offender on temporary absence, to arrest the offender without a

warrant and remand him int custody for up to 48 hours until the warrant is transmitted and executed.

These measures are quite clear about the authority to reincarcerate certain offenders when necessary.

I may point out that Bill C-53 is one of several initiatives introduced by the present government. The safe home and safe streets program described in the red book favours a balanced approach to public safety, an approach that emphasizes the need to take a tough line with violent, high risk offenders who represent an immediate and ongoing threat to the public.

This program, however, recognizes the need to engage in crime prevention and rehabilitation. This means intervening at an early stage to turn minor offenders away from crime.

In the last throne speech it was announced that to support this objective, ''the government will focus corrections resources on high-risk offenders while increasing efforts to lower the number of young people who come into contact with the justice system. The government will develop innovative alternatives to incarceration for low-risk offenders''.

Bill C-53 is in line with this commitment and will help the provinces and territories to adjust temporary absence programs to the needs of their own prison population.

The government is also pursuing other initiatives in close co-operation with its many partners in the penal justice system. I would, more particularly, like to talk to you about a document presented at the May 1996 meeting of the justice ministers of the federal, provincial and territorial governments.

The document, entitled *Corrections Population Growth*, was drafted by the federal, provincial and territorial deputy ministers and correctional services officials. It puts forward a number of recommendations, which were accepted by all ministers, as well as a series of principles, which will provide a basis for future policy.

This undertaking deserves mention because it reflects agreement among administrations and points out the importance of having all components of the criminal justice system united in their efforts so as to ensure a fair, peaceful and safe society efficiently and effectively.

One of the principles in this document, which is reflected in the bill, is that the primary objective of the criminal justice system is to contribute to maintaining a fair, peaceful and safe environment. To this end, we must focus our efforts on the front line of the criminal justice system and promote more crime prevention initiatives.

We all know that prevention of criminal behaviour is more effective than its punishment. Habitually, sanctions are applied much too late and are not aimed at the cause of the problem.

One of the greatest challenges facing us is to continue to develop community based sanctions that are safe, effective and credible for Canadians who are most likely to have run-ins with the law. This is why the government created the national crime prevention council and is inviting all departments in a position to do so to participate by developing crime prevention strategies.

Many police departments, including the RCMP, are now developing and implementing community police programs which will help communities come up with their own crime prevention strategies, suited to their particular needs.

● (1145)

As the police are an integral part of community life, they can help in problem resolution and social planning aimed at preventing criminal behaviour, so that the community has less need of them to enforce the law.

Another principle the federal, provincial and territorial justice ministers agreed on is that incarceration should be limited to cases where public safety may be threatened and that alternate solutions should be applied when more effective community based sanctions are available. While we recognize the usefulness of incarceration, we also know that, when applied in the right circumstances, community based sanctions protect society better over the long term than incarceration. So, the government is going to intensify its efforts to implement the recent reforms on sentencing, more specifically, part XXIII of the Criminal Code, which offers the courts other options besides incarceration.

For many years now, we have been advocating measures to divert low-risk offenders out of the court system as much as possible or to subject them to less monitoring, when this does not interfere with the goals of the criminal justice system, mainly public protection. Early intervention, that is to say, acting before crime patterns are set, is considered by many an effective means of preventing criminal behaviour. Residential programs as well as drug rehabilitation, mental health, restitution, occupational training and other similar programs provide offenders with the kind of support and guidance they need in the community.

In order to support alternatives to incarceration and ensure their success, the necessary programs and resources must be made available to the community. The various elements of the criminal justice system must come together to design, develop and implement community corrections programs. While this is no small task, it is encouraging to note that a strong consensus exists among the various levels of government to work together at developing efficient community corrections measures.

Clearly, the necessary reform of the criminal justice system is too great a task for a single government or sector. To bring about meaningful changes, criminal justice, police, sentencing, corrections and parole officials must work closely together. The fact that governments agree on a number of initiatives shows a will to co-operate and contribute in a positive way to better public

protection, as well as to adjust our resources to the level of risk posed by offenders.

These past few years, we have worked hard at making our society safe, fair and peaceful. The initiatives I described this morning, combined with the bill before us today, will further this objective.

Bill C-53 is an excellent example of federal, provincial and territorial collaboration, which, I hope, all members of this House will support.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, the government member really stressed that Bill C-53 was an example of good co-operation and showed that the federal, provincial and territorial jurisdictions work well together, but I think this bill is a prime example of the complexity of Canada: a federal act that is implemented by the provinces. In order to reach agreements, the provincial, federal and territorial authorities must negotiate. They must discuss the issue of costs. The federal government is throwing the ball to the provinces and asking them to implement the legislation.

● (1150)

I did not want to talk about this because we basically agree with Bill C-53. However, the hon. member just provided me with an opportunity to point out that this is a striking example of how cumbersome the administration of this country called Canada really is. This is why Bloc Quebecois members are telling Canadians that the current system just does not make any sense.

Bill C-53, a simple piece of legislation on which everyone in this House agrees, is a striking example. Do not use Bill C-53 as an example of how well things work in Canada. This bill is just the opposite: it is a frightening example of how money is being wasted.

Everyone can agree on temporary absences to facilitate reintegration into the community, to make the system more humane, and so on. Everyone can agree on that. But it took years before an agreement was reached, because the provincial, federal and territorial jurisdictions had to negotiate.

The hon. member also had the nerve to claim that his government deserves the credit for this agreement. In 1993, the Conservatives were in office. It is the Conservatives who started looking at this bill. This government takes credit for a lot of things, but this time it is going too far. In May of 1993, the Liberals were not in office. They were only elected in October of that year.

I did not want to get upset, because this is an ordinary bill. However, I think that it is a good thing if the truth is told, to set the record straight, but it hurts to hear it.

As for Bill C-53, yes, we are in agreement. One thing that we agree with, in light of the remarks I have just made, is that it will be up to the Quebec National Assembly to determine how the legislation will be implemented. If there is anything good about this bill, it is the flexibility Quebec and the other provinces will have in implementing it.

I also have a very brief comment on the bill, because we are in agreement with almost everything. The statement of principles says that the purpose of the program is to contribute to the maintenance of a just, peaceful and safe society by facilitating the rehabilitation of prisoners and their reintegration into the community. If there is one place where people have been working on such matters for years, it is surely Quebec.

We have looked at various bills, and Quebec's programs are often held up as models of successful rehabilitation and reintegration. You will therefore understand that we are in agreement with a statement of purpose and principles such as that contained in Bill C-53. It is consistent with Quebec's way of thinking.

Since protection is needed, this is mentioned in the bill. Quebec has always said that, while offenders can be given certain rights, they also have obligations. If there is to be good supervision, all this must be carefully monitored, and the bill also covers this.

The bill says that, yes, we want to give flexibility to those who will be applying it, and yes, details can be included, such as why offenders can obtain passes for durations of up to 60 days. Certain criteria are given, but the bill also says that a temporary absence may be suspended, cancelled or revoked for humanitarian, family or other reasons given in the bill.

This protection is found in clause 7.5.

It reads:

> 7.5 A designated authority may suspend, cancel or revoke a temporary absence, before or after it begins, if
>
> (a) it is considered necessary and justified to prevent a breach of a condition of the absence or where a breach has occurred;
>
> (b) the grounds for authorizing the absence have changed or no longer exist; or

● (1155)

Because some things can change during the 60 day period, and protection of the public could require revocation or cancellation of the offender's right.

> (c) the case has been reassessed, based on information that could not reasonably have been provided when the absence was authorized.

Clause 7.5 contains the elements aimed at protecting the public when this act is implemented. This is all very well and we have no complaiants. Everything is done under the aegis of the provinces and territories. In the present system, this is a matter under federal jurisdiction, but provincial and territorial administration. Therefore, the provinces and territories will apply this act. They will be able to determine the eligibility criteria very precisely.

There were reservations on the extension of temporary absences from 15 to 60 days. After questioning certain witnesses who came before the committee, we realized this was not a problem. It was understood that there were often special requests requiring an additional 15 days, and that this period could be extended. There does not seem to be any problem with absences of 60 days. Our concerns were allayed during examination by the committee.

In short, we agree with Bill C-53. What must not be lost sight of is the important element, with which we are in agreement for as long as we are part of the present system: the respect of areas of jurisdiction.

The provinces and territories were given full responsibility for this area. The bill gives them all the flexibility they need to put in place their own rules for parole.

Since Quebec's approach to parole, re-entry into the community and rehabilitation differs from that of Ontario or western Canada as well as its experience in the matter, it will be able to adjust the rules accordingly.

I only want to warn the government against doing what it did in the case of the Young Offenders Act. When the Young Offenders Act was passed, it allowed the provinces to implement the legislation and establish certain services according to need. Quebec is 25 years ahead of nearly all other provinces on the implementation of this type of legislation. Everybody says so. Once Quebec got its system up and running, put in place all its institutions and established its philosophy of the Young Offenders Act and its implementation, the federal government started to tinker with the legislation.

The Liberal government makes a habit of changing the rules of the game after the game has started. Why? Because it caved in to pressure from the western Canadian right wing. They are distorting the Young Offenders Act.

This morning, we agree on how Bill C-53 should be implemented, and I would urge the government not to make the same mistake. I hope that later on there will be no interference from federalists who want to change the rules of the game in this bill. It is high time the Liberal government showed respect for the bills it introduces, never mind how Quebec implements them, with its flexible approach or how Ontario or the other provinces will do it.

The official opposition agrees with Bill C-53, and that is why we did not propose any amendments. This bill was developed by a task force that was appointed well before the Liberals came to power. This task force managed to establish a consensus, although it was far from easy, among the federal, provincial and territorial governments regarding the administration of a federal act by the provinces. That is why we agree with Bill C-53.

• (1200)

[*English*]

**Mr. Art Hanger (Calgary Northeast, Ref.):** Mr. Speaker, I am pleased to rise today to debate what I consider to be a significant bill. It is a matter which should be debated. However, I believe there is a lot missing in the intent of the bill that should be addressed.

This country has a rising cost of crime that the victims as well as others have to share. They have to share in the cost of the release of prisoners, the lack of rehabilitation and the repeat nature of criminals. Most criminals repeat their crimes. That drives up the costs of crime in society. It is now at the point where it is no longer acceptable. Most people do not realize how much or what they are paying for.

The government states that the bill would authorize the provinces to create additional types of temporary absence programs. In other words, offenders at the provincial level will be put out on the street at a much higher rate than they are right now. The rate is already high. The government says it is a cost effective measure to cut down the costs of incarceration and so-called rehabilitation.

The Reform Party does not support this bill. It falls far short of what it should address. It is tinkering with the justice system. It is downloading some of those costs not so much on the provinces, but on the communities where the offenders are going to be dumped. I say ''dumped'' because there is no indication that there will be solid programs put in place to pick up the influx of offenders who will be returned to the community.

The bill also deals with the extension of temporary absences granted to inmates, up to a maximum period of 60 days.

The government argues that the bill is minor in scope, that it is merely a reflection of what the provinces have requested of the federal government. My question to the federal government is this. Who in the Department of Justice has analysed the true cost of crime in the country? What studies justify the action taken by the provisions in this bill? What studies on repeat offenders have been put forward so opposition members can evaluate them?

Seventy per cent of inmates in institutions have been previously incarcerated. What studies show how these costs are going to be reduced when we consider the impact on communities? The police will have to shore up their already very meagre resources to detect and arrest repeat offenders. The courts will have to hear and re-hear the same offenders coming before them. The victims of property crime will have to pay the deductible on their insurance policies, while their insurance rates will continue to rise. People will have to be hospitalized after being assaulted by repeat offenders.

I have seen nothing from the government or the justice department which addresses those issues. However, studies have been attempted by other institutions in the country. I will name one and reflect on it from time to time as I speak this morning. The Fraser Institute sought information from the government. It was looking for studies that the government could put forward to justify its legislation. Nothing has come out of the justice department.

• (1205)

In fact, it has been always the opposite. The government looks at the bottom line, what it is costing a particular department and it says, that is our cost. We are reducing them. That is the message the government is attempting to sell to the electorate but it is not telling the truth.

The truth of the matter is that as more offenders are released the cost to the community is increasing, because of shattered lives, because of the pain and anguish from an assault, a sexual assault or a robbery. Shattered lives are never factored into anything that the government does when it comes to criminal justice legislation. The government ignores it. It does not want to know about it. It wants them to go away. It does not want to listen to the victims and the taxpayers when they cry out for protection or a change in legislation. The government just does not want to deal with that matter.

The government also argues that the proposed legislation is part of an overall program to make our streets safer by gradually reintegrating offenders back into the community. How many more times can we address this whole issue of parole and temporary absences given the fact that most people desire the opposite?

The studies and information that the Reform Party has received reflect the opposite. People want to see the offenders locked away. They want to see them punished to some degree. Yet the government does not want to address any of that. It knows better and it says so. It tells the electorate: ''You elected us because we know better than you on how to handle this whole affair''.

The government talks about reintegrating offenders back into the community. If 70 per cent, give or take 5 or 10 per cent of the prison population, have been imprisoned before, what does that tell us about the so-called rehabilitation programming structure that the federal or provincial government has established? Some of it has been imposed on the provincial governments through legislation.

If this is not working, why are we passing more legislation to deal with the same program and the same failed rate that already exists? Why are we compounding the problem? That is what is proposed in Bill C-53. When the Liberal government puts to people, the electorate and the taxpayer, that it is trying to make our streets safer, that is false information. It will be doing the opposite. Already the temporary absence program and parole have been a dismal failure.

Let us talk about the parole board for a moment. It deals almost with the same form of release. I am speaking about the violent offender more than any others when I talk about the parole board. The violent offender still plays a significant role if the attitudes of people are looked at when discussing criminal justice matters and certainly release matters.

Let us face it. The parole board's decisions really are not all that beneficial to the safety of the community. If those offenders have to serve their full time we would not need a parole board at quite a substantial cost to taxpayers. The matter could easily be handled by those within the correctional system.

The probationary aspect or early release, I do not care if it is provincial or federal, reflects the same thing. I see the parliamentary secretary to the justice minister shaking his head. Imagine, the most recent study to come forward with regard to crime statistics shows that the Canadian rates for property crimes are equal to or higher in some areas than those rates across the border. These property crimes include motor vehicle thefts, break and enters and vandalism.

• (1210)

**An hon. member:** The crime rate has gone down in the last four years.

**Mr. Hanger:** The American crime rate has also dropped. It has dipped a little. The parliamentary secretary said our crime rate is going down. I say big deal. Property crime rates between 1962 and now have increased by 500 per cent. He ignores that statistic which speaks very clearly for itself.

Violent crime to this day, 1997, has increased by 400 per cent. The parliamentary secretary and the justice minister like to tell people to feel safe because the crime rate is dropping. They say they are doing a good job. The truth is it is a temporary blip. The crime rate makes these little adjustments from time to time but overall it has increased over the years.

The youth violent crime rate is rising which should be a concern for everyone in the House. But the Liberals have made it a partisan issue. They look at rehabilitation as the answer to all the crime problems. There is no talk about punishment, no talk about keeping people safe. Although the Liberals like to reiterate those words often, in effect that is not really what is happening.

That is the early release portion which the government is telling people it is going to grant to the provinces to make them feel safer.

The government also argues that the program for extended temporary absence for certain inmates will actually save money by lowering the prison population. That is the crux of the matter. That

is what this bill is all about. It is not about keeping people safe. It is not about dealing with the crime problem and repeat offenders. It is not about cutting down on the actual cost of crime which is what impacts on each person who may suffer from a break-in or an assault.

The crux of this bill is to empty the prisons. Get them out earlier. Bounce them out so government members will look good. They can tell the taxpayers they are doing something. They are addressing not only the problem of crime but they are cutting down on spending. Wow. That is the problem here. The government is cutting down on the cost of corrections and imposing it on the provinces at the cost of the safety of the taxpayers and the victims. That is what is happening. The government will never admit to that. But I believe if we go through the streets and the rural areas of this country, we will get a clear picture.

The parliamentary secretary likes to support all government legislation. I do not think there is really any debate behind closed doors on that side of the House. It is all an attitude of ''let's just follow along here with those at the top. They say this is the best way to go''. The best way to go is to develop all this legislation, kick it down into the caucus and tell the caucus what will happen. Then it goes off to committee. Again, this is a top down process. There is no debate in the committee about these bills. It is a joke.

A whole flock of witnesses come forward, some of them with their own agenda, others with a concern about what may be happening in their communities. Nobody listens because the decision has already been made. The decision has already been made on Bills C-53, C-68 and C-55, the so-called high risk offender legislation which is coming up for a vote too.

• (1215)

The decisions have been made, the bills have been formulated, drafted and are going to be discussed in committee. Where are they going to go? They are going to the floor of the House and they are going to be passed because of the greater numbers on the government side of the House.

Here is another example with respect to the Parliamentary Secretary to the Solicitor General who is looking after corrections and our prisons. This is the message being delivered, and again the same kind of an attitude: ''I know best. I know better than the people in this country. I can make you feel safe even though you are not''.

The Parliamentary Secretary to the Solicitor General is chiding me because I took a recent trip to Bowden. I stepped inside that prison to see what was going on and it is interesting. I encourage every member of this House to go inside and really have a close look at what is happening in our prisons. It is a joke.

Most of the prisoners have an attitude and it has been drawn, drafted and supported by this government and one or two previous governments that they can challenge authority at every turn. That is the attitude of the prisoners, that they can challenge authority at every turn. If there is some disciplinary action to be taken on the inside and the prisoner does not like it, what do they do? They appeal to the warden, the commissioner or the deputy commissioner and it goes up the ladder as if it were some sort of a union. They can say ''I do not like you doing that to the authority of this country''. That is what is happening in our prisons.

When that attitude prevails and is supported by the Liberals and those before them under Conservatives we have a problem on our hands. The prisoner, the violator of the law, does not know his place in society. He does not understand what is wrong. It is not called corrections, it is called support services for those who break the law. That is what we have in this nation. Now they are trying to impose the same type of thing on the provinces by bringing in Bill C-53 which allows them to kick offenders back out on to the street early.

In reality this is just another bill in a long line of bills brought before the committee. Everybody has debated them. I can think back to some earlier bills, although I was not privy to the debate on some of those, but it would not have made much difference because they are already decided beforehand; a long list of bills that weaken further this system that we call the justice system. Unfortunately there is less and less justice in the system.

The Parliamentary Secretary to the Solicitor General says he has been in the prisons before. He must condone everything that goes on in those prisons. I do not know. It is strange that he would want to support such a system and he will fight tooth and nail to maintain such a system. Even the prisoners complain substantially about it.

I can remember one prison I walked into. There was a fellow by the name of Austin. He was a very vicious murderer. He was a weightlifter, he used steroids, he was a real tough individual to deal with. He murdered one or two people in southern Alberta. This inmate controlled the prison.

Corrections Canada, with the support of the solicitor general and the government members, agree with that. They say let this man exist. They do not come out and say that to the public but by their inaction to do something about the interior problems within these institutions they condone it. If you do not do something to stop it then you condone it. That is the bottom line.

What benefit would a situation like that developing in our prisons be to other offenders?

• (1220)

There may be some who might not agree with the process within, who have a desire to be self-rehabilitated. I have talked to many. I have talked to some who have gone into prison who had no desire

ever to go back again, who are extremely critical of the system inside because it does not deal with self-rehabilitation at all.

**Mr. Kirkby:** That is what you want.

**Mr. Hanger:** I am talking about self-rehabilitation. The parliamentary secretary to the justice minister cannot tell the difference. That is the problem.

This government does not know the difference between rehabilitation programs that are sponsored by the state and the self-rehabilitative desire on the part of the individual to correct his behaviour.

The individual who has a desire to correct his own behaviour is not supported by the system in any way, shape or form. In fact, he is probably hindered.

I have received numerous calls from inmates who have former prisoners who have been in that category. The minute they were arrested, they went through the process, stepped inside the prison at that point in their life and said ''no more''.

The system does not deal with those who have set their hand against authority as a matter of course. It does not deal with those people. In fact, it manipulates them and allows them to be manipulated by others within the system. That is what is happening in our prisons. No one can tell me that is a positive aspect of corrections Canada. It is not.

In effect, with all the money that is being spent on rehabilitative programs all we are really doing and all the taxpayer is really doing is warehousing. There is nothing substantive. There is no skills training any more, or very little.

They are shutting down a lot of the shops within the prisons which used to teach some skills that would give them a slight advantage, if you will, by stepping out and doing something constructive on the other side. It gives them something to work for and desire. Not any more. Look at the shops being closed.

There is an organization called CORCAN. Mr. Speaker would understand that organization since he has half a dozen prisons in his riding. There are a number of votes there that might mean a lot to you, I do not know.

Here is an organization within called CORCAN. CORCAN loses money every year. Why does it lose money? It is supposed to help the prisoners with their programs. It is supposed to teach them. It is supposed to employ within. Why does it lose money? Have members ever asked themselves that?

I speak directly in a way through you, Mr. Speaker, to the Parliamentary Secretary to the Solicitor General. Why does CORCAN, the agency that is supposed to employ people within the prison system, lose money? Why, with its existence as long as it has been there, does it only employ a fraction of the inmates in each institution?

I was at one institution in Alberta. Since Calgary is my home town, I have had a chance to visit those prisons more than many others.

CORCAN has a farm on the property owned by corrections Canada, 350 cow-calf operations. Some urban people might not know what that really signifies, but it is 350 cows. They give calves every year, they feed these animals and ship off the beef.

The beef goes all over the place. It goes to other prisons and elsewhere. I have not been able to track down where. How many people would that kind of operation employ? I know farmers and ranchers who own and have operations of that size. They are family run operations. In the setting at Bowden penitentiary, there are 80 prisoners looking after what many could operate as a family operation in this country. Tell me where the justification is to that?

• (1225)

**Mr. Discepola:** Do you want to give them experience or not?

**Mr. Hanger:** The parliamentary secretary asked me if I want to give them experience in this kind of operation. That is all well and good. I say yes, but let us look at the other side of the issue. Does it take 80 people to feed 350 cows? What are the other 75 people doing in the meantime?

I would have to say that if they are trying to teach somebody the value of getting up at six o'clock in the morning and putting in a full day's work then I think they have failed. Five of them might get up but the other seventy-five might or might not get up because they do not have to go to work. That is the attitude in the prison system. If they do not want to go to work, they do not have to. There might be some adjustment in their pay. They may get paid $1 or $2 less per day but that is about it. There is no obligation on the part of the inmates in our prisons today to go to work.

Most of the inmates are undisciplined anyway which is why they are in jail. They have had their hand against authority right from the beginning and are not going to learn any discipline tactics there. They are not going to learn what it means to get up and take a lunch box to work. They are not going to know what it means to earn a decent day's pay. They want it for nothing and if they cannot get it for nothing then they will take it. Unfortunately, that is often their attitude and is supported by the Liberal government on that side of the House. I do not think that is a healthy attitude to develop in anyone.

The former parliamentary secretary to the solicitor general agrees with all of that. He also feels this is all acceptable and rehabilitative, but that is where the breakdown in the programs

comes. It is not acceptable. It is a failure. Unfortunately the Liberal government on that side of the House cannot recognize that at all.

Let us look at another reality of the bill in reference to deterrence. To extend temporary absence programs would actually have the opposite impact on incarceration in the area of deterrence. In other words, how is it going to deter anyone? We are talking about this so-called rehabilitative viewpoint. How is this going to deter anyone from committing a crime and being incarcerated and not wanting to go back? Deterrence is not there to make it clear to the inmate or the potential criminal.

I have dealt with enough criminals in my lifetime and put enough individuals in jail to know what their mentality is like. For the most part they get together and discuss a lot of things when it comes to crime. They discuss a matter before they even do it, especially if they are operating in conjunction with one another. They will look at it and since they are already bent, for the most part, to break the law and defy authority, they will look at the system and ask ''what is going to stop me, what are the costs of my going out and committing this act?''

If they say a person is going to be sentenced to two years less a day but they will make sure the person gets out quicker now than before, which is what this bill is actually stating, then by the time it filters down into the communities they will be out quicker than before.

The deterrent aspect of the bill diminishes the present law, the present form of incarceration and the demands placed on provincial governments to keep offenders in and cut down on the cost of crime. That again is something this government will not address.

● (1230 )

As I pointed out before, Bill C-53 places prisoner rehabilitation and reintegration as equal to the consideration of the protection of society. The bill says that rehabilitation and reintegration are equal to the protection of society. The truth of the matter is that if the bill says this, then the opposite is true. It is not going to do that because under the present rehabilitation, parole and temporary absences program, the cost of crime continues to soar in our communities.

One study states that the cost of crime is in the billions of dollars. Before getting into the cost of crime as outlined by the Fraser Institute, I am going to criticize the government and the justice department substantially because they have never conducted any studies on the real cost of crime. I pointed that out briefly before. They have never availed themselves of the existing stats or sought input from victims of crime or communities as to the impact of crime on people. They have not done studies to determine what the hospitalization costs are for victims who have been assaulted or raped. The impact of criminal behaviour on our society has not been examined with regard to hospitalization costs.

Let us look at what the report says. I am reading from page 24 on hospitalization costs: ''There are hospitalization costs associated with violent crimes which should also be included as part of the direct costs of violent crime. The average number of days of hospitalization, not including simple outpatient treatment, amount to roughly one-quarter of the total number of violent incidents. That is, for the 270,000 assaults known to police in 1993, about 68,000 hospital days costing about $68 million were required to repair the physical harm done to the victims''. That is just a portion of it.

The legislation coming from that side of the House does not deal with the true costs, even if we just look at the simple category—and I hate to categorize it as a category—of assault. There were 68,000 hospital days costing the taxpayer or government at one level or another money to repair those victims.

The report says that since data on the number of hospital days required to treat the victims of assault are from victim survey data, using crime incidence counts derived from victimization surveys instead of incidents reported to the police might prove to be more appropriate.

What is being said is that a victimization survey was done to prepare the report. The victimization survey quickly noted that the incidents reported to police and the actual figures of people being victimized are two different numbers. In other words the victimization rate is a lot higher than what is reported to the police. As a result the hospitalization costs skyrocketed to $550 million just to deal with assaults in this country. That is outrageous. Why would any government want to pass legislation that would further harm the people of the country? It defies logic. There has to be some explanation, but the explanation I am hearing from the government side is not logical.

● (1235)

I was on the CBC a short time ago and I tried to reason through some of the legislation that had been passed in reference to the criminal justice system. The victim is almost considered to be the accused. I have to say that the government sides more with the protection of the criminal than it does with the victim. It rushes in there and supports the criminal. It supports the rights of the criminal over the rights of the victim.

The facts are sitting there for all to see. They only have to take the shades off their eyes and look.

There was another study done by Brandon Welsh and Irvin Waller: ''Crime and Its Prevention: Costs and Benefits''. This study was done by these gentlemen at the Department of Criminology of the University of Ottawa. The study talked about shattered lives. What is it costing in shattered lives?

This bill would put the criminal back onto the street earlier so that he can victimize more people. It would allow the provinces to do the same thing. The attitude is to open the doors. The motto of the government is: open the doors so they can all get back out and do more damage. That is what is happening. That is the attitude of the government. It is unfortunate and it has a significant impact on our communities.

Welsh and Waller estimate the cost of shattered lives to be $12.1 billion each year. The study covered the period from 1991 to 1993. The cost is outrageous.

What is a shattered life? It is a murder. How do the people in the family feel? It could be a rape or an assault. It could be the cost of social services. For the most part the victims pay for their own care but those who commit the crime are supported by the state. The state rushes in to help them at every turn. It is totally unacceptable, but it is the Liberal philosophy of the day. The cost of shattered lives is significant.

The government has never measured the lost productivity of a person who has been assaulted. It has never measured whether that person is as productive as they were before. It has never measured the outrage, the fear associated with property crime or violent attacks. People have to change their lives but the government refuses to address the matter.

The bill should address the concerns of the community to its fullest and not just the bottom line of what might be in the correctional system both provincially and federally. I would support the bill, but Reform will not support this bill in this context.

● (1240 )

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, I extend congratulations to my colleague from Calgary Northeast for an eloquent speech. It was full of a lot of good suggestions that I sincerely hope the government will be able to adopt in an effort to try to bring some sense to the increasingly absurd situation which is taking place within our prisons and reformatories.

Bill C-53, an act to amend the prisons and reformatories act, was a great opportunity for the government to put forth some constructive solutions to situations with which those who work within the system and those who are observers from without are increasingly dissatisfied. I particularly feel sorry for those working within the system, the men and women who work in corrections. They are finding it increasingly difficult to work within the system and to find meaning in what they do. The outcome of what they are faced with has been less than satisfactory, not from the good efforts they have made but from the fact that the system within which they operate is making it very difficult for them to put forth good solutions.

The suggestion within this bill, as my colleague from Calgary Northeast mentioned, is really to increase the number of temporary absence programs. The reason the government is proposing this is not for the safety of Canadians, it is not to improve the way in which crime and punishment operate within Canada, but it is purely to try to save money.

In the process of trying to save money, which we all approve of, there is going to be a huge cost. The cost is in releasing individuals who have committed crimes, sometimes very serious crimes, and compromising the innocent men, women and children who live in our great nation. That is the cost people are going to have to pay in the efforts the government is pursuing in this bill in trying to increase the number of temporary absence programs which exist within our country.

Of all the problems that are affecting our prisons and reformatories, the government is messing around with a very minor issue. This country's prisons and reformatories need a radical overhaul. My colleague from Calgary Northeast, my colleague from Surrey—White Rock—South Langley and my colleague from Fraser Valley West have all put forward some very eloquent solutions in which we can revamp our justice system to try to ensure that Canadians are safer and try to ensure that crime and punishment and sensible cost effective rehabilitation will be integral parts of the system.

Instead of pursuing these courses, instead of trying to make these solutions better, the government has chosen once again to nibble around the edges into an area that is relatively meaningless in the grand scheme of reforming our prison system. This not only happens within this bill but in fact happens to the majority of bills in this House. In fact it happens to the majority of work that is done in this House and in the committees of the House of Commons. Why is this so? Because we do not have a democracy here. We have a fiefdom.

Every member in this House, if they are honest and look into their hearts, will recognize very clearly that a small cadre of elected and unelected, invisible, unaccountable individuals are making the major decisions within this country. Because of the whip structure that we labour under in this country, the good men and women who work in this House as members of Parliament across party lines are forced to engage in behaviour and are forced to do the bidding of these unelected and unaccountable individuals.

This is not a democracy. This is a fiefdom. It does a huge disservice not only to the people in this House, but most important it does a huge disservice to the Canadian public, the people we are supposed to serve.

This bill provides the Canadian people with just one more example of why our system simply does not work. What goes on in this House 80 per cent of the time is a sham. It is a complete and utter sham.

It is offensive to me that we are dealing with nibbling around this issue. Unlike what the government believes, the situation is that our streets are becoming less safe all the time. It is true that the stated statistics demonstrate that there has been a decrease in crime in adults. It is true that the stated statistics show that there has been an increase in violent crime, in particular with youth. There has been an increase in crime in general with youth.

● (1245)

However, our stated facts and statistics on crime and punishment do not reflect the fact that the actual rates of crime in this country are much greater than the stated levels are. When we look behind these statistics the reason is the Canadian public is becoming increasingly dissatisfied, more fearful and has less and less faith in the justice system as it exists.

If we speak to RCMP officers and the good men and women who put their lives on the line to keep our streets safe we will find they are becoming increasingly dissatisfied. The system ties their hands behind their backs and prevents them from doing their jobs. They are overworked, understaffed and labour under a series of rules and restrictions that prevents them from doing their jobs.

If you are playing hardball with criminals you have to play hardball back. One need not look any further than the Asian gang crime situation in my province of British Columbia and see the terrible difficulties that our police forces are having in trying to bring these individuals to justice. They feel aggrieved that there has been no leadership at the federal or provincial level on this issue. This is why we in the Reform Party have become increasingly dissatisfied by the inaction, whitewashing and smoke and mirrors that have come forward from the justice minister.

Rather than taking the initiative and using his power to work with members across party lines to develop good, concrete, effective solutions to the problems, he has chosen once again to play games. He is not playing games only in this House for political reasons, he is playing games with the health and welfare and the lives and the safety of men, women and children in this country. That is nothing to be proud of.

Crime is increasing in this country and we have asked the minister to do something about it. Apart from the good solutions that have already been put forward by my colleagues let me offer a few more. First, as has been said before, we have to change the mindset of the way we think about justice. Back in the early 1980s the Liberal solicitor general of the day said from now on the primary goal of the justice system is not going to be the protection of innocent civilians; the primary goal is going to be the rehabilitation of criminals.

While we think that rehabilitation is essential to developing a stronger, safer community in the future, there can be no doubt the primary role of our justice system has to be the protection of innocent civilians. Period. End of story. That is what we aim to do.

It is wise to divide up those who are violent criminals and non-violent criminals. Those who are violent criminals have to pay the price. They have demonstrated that they have shown a wilful neglect to innocent people in the worst possible way. If they are sentenced to a term in prison they must pay that price. People who are contemplating committing offences must know they are going to pay a hefty sentence if they commit them.

Second is to ensure that individuals before they are released are not going to pose a threat to innocent people. When I worked in prisons one of the most appalling things imaginable that I saw were individuals with rap sheets as long as your arm who committed many violent offences and who were going to be released even though everybody who worked with these individuals knew they would commit violent offences when they were out, physical, sexual or otherwise. It was known.

The system prevents us from protecting innocent civilians and that is a terrible situation and everybody pays. It is a crime to society.

● (1250 )

The Canadian public should say loudly and clearly that it is not going to put up with it anymore. Canadians demand to be protected and this House must stand shoulder to shoulder with the people of Canada to ensure that people will not commit violent crimes again. To the best of our ability we must safeguard the Canadian public from this. If we have to, we should deem those people violent offenders and keep them in for such a time that they will not pose a threat anymore.

Non-violent offenders should be able to work as part of restitution not only to the victims but also to society at large and for their own incarceration.

There are two things which are not spoken of often but which my colleague from Calgary Northeast mentioned very well. The first is skills training. Many of these individuals do not have appropriate skills so when they are released out of the system they have nothing to fall back on other than a life of crime, which is what they do. As part of the system we must ensure skills training is an integral part of the rehabilitation of criminals.

The second is the extraordinarily high incidence of drug and alcohol abuse by incarcerated individuals. Obligatory counselling and treatment for drug and alcohol abuse must be a mandatory and essential part of rehabilitation. Drug and alcohol abuse, as we know in this House, is a very fundamental part of violence and criminal behaviour.

My third point concerns dealings with psychiatric patients. One of the worst things we have done in recent years is to deinstitutionalize psychiatric patients. In my view, many psychiatric patients should not have been deinstitutionalized, although some certainly should have been and the integration of individuals from that

population in society is something that they and those of us who do not have psychiatric problems have benefited from.

However, there is a large population composed of individuals who cannot take care of themselves on the street. They stop medicating themselves and they go into a worsening spiral of their psychoses. They run afoul of the law and wind up in an institution, in a criminal institution, in a correctional facility. These people should not be there. They should be receiving the appropriate psychiatric treatments. They should be medicated properly. That would save the system money. It would save a lot of hidden costs for our society and, most important, these poor individuals who suffer from psychiatric diseases would be treated appropriately in an environment of safety with the assurance and care they need.

I strongly advise the Minister of Justice to urge his counterparts in the provinces to stop the deinstitutionalizing process and look at effective means of determining which patients should or should not be deinstitutionalized.

My next point is also related to rehabilitation. There is an interesting program that has taken place around San Francisco, California which touches on what I said before. They have brought individuals who are near the end of their sentences into the real, non-custodial world to work in the real world with real people. They are introduced to working in the real world with non-incarcerated individuals.

In the process, these individuals learned a great deal about how to function appropriately with others. They learned conflict resolution strategies. They learned appropriate social mores, how to control violent behaviour and how to work effectively in a work situation. They were required to act responsibly in the working world.

Many of these individuals had never had that opportunity before and had led lives of crime. When they became a part of this type of rehabilitation system—I encourage the Minister of Justice to look at this—the outcome was to save millions of taxpayer dollars and to help integrate them back into society as useful, productive, employable members of society. I would encourage the Minister of Justice once again to look at this other solution.

● (1255)

Another thing I would like to address is the issue of prevention. In my experience in dealing with youth in juvenile detention centres, many of the children do not have the pillars of a normal psyche. It is true that many of them have endured atrocious and appalling conditions of violence and sexual abuse. Throughout that period the pillars of a normal psyche were not allowed to develop. As a result many of them have run afoul of the law and go on to develop into dysfunctional adults later on.

There is a way out but it does not involve trying to change the mindset of these individuals when they are 15. We cannot do it at that time and we certainly cannot do it with a three month, six month or one year incarceration with optional counselling in a juvenile detention centre. Nothing changes. These people are let out and they go right back to the criminal behaviour they had before. Many of these kids go back into the same family situations and endure the same appalling family situation. This does not work.

There are solutions. First, we need to identify children at risk very early on and we need to identify families at risk. It is not too early to identify these families right at the prenatal stage. Families at risk do not just materialize. It is something that one can observe clinically. When these families are identified it is worthwhile to have quick response teams go in and deal with these families.

Furthermore, the school system can be a useful tool. They did this down in the United States, I believe at Columbia University. What they did at inner city schools, which had terrible rates of violence, drug abuse, teen pregnancies and dropouts, is they took these kids early on to teach them at four and five years old not only their A, B, C's, but also appropriate conflict resolution, drugs, alcohol, self-respect and respect for others.

When doing this intervention beginning at the age of four, they had an enormous impact on the future psychological development of these kids. Furthermore, they also brought the parents into the system, many of whom were single parents, and taught the parents the same issues.

The outcome of this was a radical decrease in dropout rates, violence and teen pregnancies in these children. The savings to the system were absolutely enormous. The parents who were also involved were able to develop appropriate parenting skills that they never had before. It was a win-win situation for all concerned. It will not cost us more money. In fact, it will save us money.

I presented this to the Minister of Justice last May or June. I asked him to take a leadership role to bring together his counterparts in the provinces, the ministers of health, human resources and development and the solicitors general, to develop some kind of formalized plan that can be employed in the educational system very early on beginning with kindergarten in order to teach the kids and to also bring the parents who are at risk into the system.

The benefits to our society will be massive. I am confident we will see a decrease in the youth crime rate and a decrease in adults.

This is not pie in the sky. It is cost effective economically and it has been proven in the United States to work.

Dr. Fraser Mustard, part of our centres of excellence in Toronto, has done some work touching on these issues. I would again encourage our Minister of Justice to take a look at this, not study it for 10 years but to start acting and using some of these ideas if for no other reason but to use it as a pilot project.

I know members of this party would be very happy to provide the considerable amount of expertise that exists within our party to the minister for effective, cost effective and socially effective solutions that are going to make our streets and society safer and stronger.

In closing, we do not support Bill C-53. It does not address the central issue we have in this country which is the issue of an increasing crime rate and decreasing safety and putting greater emphasis on the protection of innocent civilians rather than on the rehabilitation of the criminal.

I would ask once again for all of us to work together on this issue for all Canadians.

● (1300 )

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, I listened with great interest to the presentation of my hon. colleague from Esquimalt—Juan de Fuca about Bill C-53.

I know from travelling throughout my riding of Peace George—Peace River and across the country that Canadians are concerned about some measures which have been taken by the government to keep criminals out of the prison system. I speak specifically about the measures known as the alternative measures and conditional sentencing.

In meetings that I had during the Christmas break in my riding, a number of people came to me with concerns about the justice system and specifically about the lack of deterrence in the justice system.

One of the arguments made by the Liberal government is that more criminals have to be kept out of the system and alternative measures must be provided because of the overcrowding of the prisons, the correctional facilities. It seems to me that part of the reason why the jails are overcrowded is that we have made them such a comfortable place in which to reside. Perhaps-

**An hon. member:** A tea party.

**Some hon. members:** Oh, oh.

**Mr. Hill (Prince George—Peace River):** Boy, that certainly got some heckling going from the opposite side, did it not? They certainly dislike to hear that type of reasoning.

**Mr. Discepola:** Name me one Canadian who wants to go to jail.

**Mr. Hill (Prince George—Peace River):** The parliamentary secretary for the minister of justice is spouting off saying, name me one Canadian who wants to go to jail. I am sure we could come up with a long list of repeat offenders. Is he perhaps indicating that there are no repeat offenders in the country? There is a growing list of repeat offenders. Why are there so many repeat offenders if jail provides a real deterrence?

Would my hon. colleague from Esquimalt—Juan de Fuca like to comment on the reality that as long as we continue to send people to jail to shoot pool, play golf, eat steak on Saturday, there is not much deterrence? That is the viewpoint of a growing number of Canadians. Whether or not the Liberals want to recognize that, it is the reality in the real world.

**Mr. Martin (Esquimalt—Juan de Fuca):** Mr. Speaker, I would like to thank my hon. colleague from Prince George—Peace River who, with his colleague from Prince George—Bulkley Valley, has shown a longstanding, intense interest in the justice system. He has put forward some very good solutions. He has worked very hard on the issue and knows of what he speaks. He spends a lot of time in his riding and in other ridings speaking about the justice system. He has done a commendable job in this House in lending expertise to this issue.

A new jail was built in his area. Each cell in that jail cost $175,000. He is quite correct that, contrary to what some of the government members say, there are some individuals who do not mind being in jail. Quite frankly, there is very little deterrence to being in jail for these individuals.

There are four nice meals a day, better than they would be getting were they out. There are a number of options that they would never have outside the jail. That is one of the reasons why the Canadian public feel aggrieved.

They say: ''Why are people who are incarcerated getting better treatment than we are outside? I am part of the working poor. I am slogging away. I have to put my kids through school and be taxed to death. I have to pay my medical, yet somebody who commits an atrocious crime goes into jail and gets all this free''. There is no penalty, no responsibility and no deterrence.

● (1305 )

We are not saying that individuals should not have proper medical care, treatment and counselling in jail. However, they should put their backs into paying for it. One solution that has come from this party is the sensible solution of restitution. There should be restitution to society and also to the institution so that in turn these people can contribute to paying for the cost of their incarceration which for a juvenile can be approximately $90,000 a year and for an adult approximately $60,000 a year.

This bill is dumping, pure and simple. It is an economic bill that dumps people out of jail and on to the streets. The cost will be the safety of the Canadian people. It is not a sensible bill.

As my colleague for Prince George—Peace River stated, the government has not brought forward any sensible solutions for deterrence and no sensible solutions for alternative measures. These people must know that committing a crime is not a pleasurable thing and that they will pay a penalty. There must be a significant element of deterrence put into the system for those who commit crimes.

Since we are a sensible, balanced party, we are putting forward constructive, sensible, economically feasible solutions for restitution and rehabilitation.

We are not in any way, ever going to compromise the health, welfare or safety of Canadians. The bill does just that by dumping these people out on the streets.

**Mr. Charlie Penson (Peace River, Ref.):** Mr. Speaker, I enjoyed listing to my colleague from Esquimalt—Juan de Fuca. He has a pretty good handle on some of the problems regarding the fact that there are a lot of repeat offenders in the system.

I had the opportuntiy of visiting a maximum security prison about two years ago in Edmonton. It is the top level of the prison service, maximum security. There are a lot of social workers, psychiatrists and psychologists working with inmates to try to bring about some rehabilitation.

As a bit of background, about 75 per cent to 80 per cent of the people in the prison at the time of my visit were repeat offenders, returned after having served sentences in the past. However, the prison officials were trying to rehabilitate these people and that is very commendable.

However, at the same time we understood there was a drug problem in the prison. They were trying to rehabilitate prisoners from drug abuse at the same time that drugs were coming into the prison. That simply does not work. The warden of the prison admitted that there was a big problem. He said the drugs came in through conjugal visits, but I suspect it is more than that. Maybe some of the prison staff may be involved. However, it is ironic that we are trying to rehabilitate prisoners for drug abuse at the same time drugs are getting into the maximum security prisons.

My colleague said that he has worked a little in the prisons in his capacity as a doctor. I wonder what his ideas would be on how to correct the problem so that we could get back to rehabilitation, which is really what the prisoners deserve.

**Mr. Martin (Esquimalt—Juan de Fuca):** Mr. Speaker, my colleague for Peace River has hit the nail on the head about a very important problem that is affecting prisons across the country, one which the men and women who work in our prison systems are finding increasingly difficult to deal with, and that is the huge problem of active drug use within the prison system and also the fact that individuals who have drug and alcohol problems are not receiving treatment.

As part of their incarceration, as part of the condition for release, individuals must take counselling for drug and alcohol problems. Also, there should be significant penalties for individuals who smuggle and use drugs and alcohol in the prisons. All they receive right now is a slap on the wrist and that is not adequate.

Contrary to the belief of some social thinkers, deterrence does work to some extent. If people know they are going to be faced with something a little more severe than a slap on the wrist, then they would think twice about doing this.

● (1310 )

The solution is for these individuals to have their sentences extended as summary justice for committing these criminal acts while in jail.

**Mr. Darrel Stinson (Okanagan—Shuswap, Ref.):** Mr. Speaker, I rise today to speak to Bill C-53. It gives me no pleasure to address bills like this when I think about what the government's first priority is supposed to be. Government was formed on one principle: to look after the safety and well-being of its citizens at all times and at all costs.

We have had only two basic governments in this country: Liberal and Conservative. Through time both of these governments, working hand in hand, because there really is no difference in them, have come up with programs such as this piece of garbage. They put these programs forward for the safety and well-being of Canadian taxpaying citizens. That totally goes against the reason for government: the safety and well-being of its citizens. I wish those governments could understand that. They cannot. They have not for years.

Reformers talk to the people. Like our Prime Minister we do not talk to imaginary friends. We talk to the people out there who pay the bills. They own this chair. I do not own this chair.

The reason we are standing here today to discuss this is basically the safety and well-being of Canadian citizens. Because of bills such as this, which have been put forward by both Liberal and Conservative governments, people out there are starting to live by the law of the jungle, not by the law of the land. They live in fear.

Government members may joke about it, but it is a fact. Elderly people are afraid to go out at night to get a loaf of bread. Government members think that is a joke. They think that because people are now starting to live in walled communities in order to be safe is a joke. It is a joke to this great sharing, caring Liberal

government. Government members do not pay attention to what is going on in the real world.

Government members have three basic functions in the House: keep your mouth closed; do what you are told to do; and do not step out of line. For the little bit of gratitude you get, you will be able to sit in the front seat or be able to get your nomination papers signed.

Let us take a look at this. We could go through the whole system of sentencing; truth in sentencing.

At one time when you were given 10 years, 12 years, 15 years, you got 10, 12 or 15 years. That was it. Then along came the bleeding hearts. They say: ''This is not good enough. Somebody who murders should not have to do 20 or 25 years. Gosh, they only took a life. They only left a number of orphans. They only left some widows. That is nothing. We do not know them. We will change the system. We will put in a faint hope clause. We will allow them the opportunity to get out, maybe, in eight years. We will give them something to look forward to, you bet, to go out and reoffend''. This is what we run into in this country. We run into a system where we see the bills from this great government. What for? For cleaning needles so that prisoners can have drugs without being infected in a prison. They cannot control the drugs in their own prison. What the heck is going on here? Where has reality gone? With the red book down the toilet. There is absolutely no doubt about that.

• (1315)

They say that nobody wants to go back to prison. There are people who make that their first home and have made it their first home for a number of years. They forget what it is like to be on the outside.

I really do not want to talk about prisoners so much here. I want to talk about the honest, law-abiding, hard working taxpaying citizen of this country who absolutely gets no protection from this government. How many people do we hear about who are working at the 7-Elevens or the gas stations where an armed robber walks in, holds them up, shoots them, paralizes them and puts them in a wheelchair for the rest of their lives? What do you do with them? You stick them in a corner and forget all about them. There is no system in place for these people, but there certainly is for the person who pulled that trigger or stuck them with a knife. You have all the sympathy in the world for that, do you not?

What about the young children who have to grow up without a mother or a father? There is nothing in place for them, is there? No, but there sure is for the person who made them that way. There is every kind of sympathy you can think of, like re-education. We have our own children out there who cannot afford to go to university, but we will supply university programs. We will do that for the prisoners. You bet we will, but not for the honest law-abiding child who wants to get a better education. No.

We will give them free medical, the best that can be. We have people out there who would love to be able to have medical attention, but no. What do we do? We shut down the hospitals. We create the line-ups, but not for the prisoners. No sir. That would sure be a crime if we ever did that.

We can look at the dental service. There are lots of people out there, I included, who have no dental plan. We work for ourselves. We pay our taxes and we pay to go to the dentist. But not our prisoners. No. We will keep our own people broke paying for it but, by golly, do not let one little prisoner suffer not one iota in this country. Do not let them suffer. Do not make them work. Don't you dare make them work to help supply the costs for incarceration. No, do not do that. That is against their rights. Yes sir, never mind the right of the taxpayer who pays your bills. No, do not worry about them, not one little bit.

I do not understand it. I just do not understand it. We have a system set up. I was asked this question. I have been branded a cold hearted redneck over this question.

**An hon. member:** Extremist.

**Mr. Stinson:** Oh yes, I hear ''extremist'' from over there. Sure, it is extremist to worry about the taxpayer in this country. It is extremist to worry about the livelihood and the safety of my mother. It is extremist. That is right, you keep it up. That is what you call extremist. Shame on you. I hope your parents give you a talking to when you get home. That is all I can say. You have no more thought for them.

**Mr. Cannis:** Racist.

**Mr. Stinson:** I hear the word ''racist'' from that side. Do you have the fortitude or the gonads to stand up and come across here and say that to me, you son of a bitch? Come on.

**The Acting Speaker (Mr. Hopkins):** Order.

**Mr. Stinson:** I will not have some s.o.b. sit here and call me a racist.

• (1320)

**The Acting Speaker (Mr. Milliken):** Order please. Hon. members know that sometimes tempers flare in debate but I think if the hon. member would continue to engage in verbal sparring rather than the other sort we would all be better off. I think that is true throughout the House.

I invite the hon. member if he wishes to resume his remarks to do so. If he feels it is not a good time for that obviously he can allow another member to speak. If he has a problem that he wishes to raise he can do it through the Chair. I invite him to address his remarks through the Chair, indeed all hon. members to address their remarks through the Chair rather than directly.

**Mr. Stinson:** Mr. Speaker, you are right, I should address the Chair. I do not mind being called a lot of things but there are a few things I will not stand for.

**Mr. Mills (Broadview—Greenwood, Lib.):** But you can call anybody what you want.

**Mr. Stinson:** I have never said that to any man yet. Never.

**Mr. Discepola:** You should read the blues tomorrow.

**Mr. Stinson:** Yes, I am afraid I have read your blues before. I have heard all this before from you people.

**The Acting Speaker (Mr. Milliken):** Order. I invite the hon. member—and I thought he had agreed to take my advice—to address his remarks through the Chair. The intemperate language that we are hearing in the House is perhaps unnecessary and it is not helped when members address each other instead of addressing the Chair.

I respectfully again urge the member in his remarks to address them through the Chair and not to other members in the House. I am sure if that happens other members will try to do the same. I appreciate that co-operation.

**Mr. Stinson:** Mr. Speaker, you are right.

Bill C-53 does absolutely nothing to address the safety and well-being of citizens of this country. I have said that before and I will say it again because I do not think people fully understand what goes on here. We hear from the government time and time again that violent crime is down in this country.

Yes, in some aspects it is but they forget to tell the people that one of the reasons is because it is called plea bargaining. We have a plea bargaining system set up that when a person is charged with a number of offences, through our good graces we are a forgiving people, I guess, and we will wipe that all underneath the table if they will plead guilty to one portion of their crime. When the government says that violent crime is down in some areas, sure it is. We have allowed them to get away with it. We have allowed them not to be sentenced on that issue.

Let us look at truth in sentencing and what it really is. It is a joke. It is a joke on the taxpaying people of this country but the members on the other side do not seem to think so. They use this as a basis for their argument. They do not tell the people the proper stats of what the crime is, what the plea bargaining system does or what was plea bargained away. No, not this sharing, caring government. It would never think of doing that.

I am proud to stand here today and oppose this bill and I look forward to any of the questions.

**Mr. Dennis J. Mills (Broadview—Greenwood, Lib.):** Through you, Mr. Speaker, to the member I want to begin by reading a short sentence from the bill because I think it is important that Canadians understand exactly what this bill does. If they listened to the member for the last few minutes his speech in no way, shape or form reflected anything that was in this bill. He was talking about something that had nothing to do with this bill. This enactment amends the Prisons and Reformatories Act by adding a statement of purpose and principles for temporary absence programs similar to the statement in the Corrections and Conditional Release Act. The enactment also authorizes the provinces to create additional types of temporary absences consistent with purposes and principles.

• (1325)

The enactment extends the period of temporary absences granted for non-medical reasons to a maximum of 60 days and adds the power to renew temporary absences following a reassessment of the case. The amendments authorize the provinces to establish eligibility criteria for temporary absences in order to restrict the concurrent eligibility of prisoners for some types of temporary absences and parole.

Part of this whole program is about rehabilitation. Is the member from the Reform Party saying that he does not believe in rehabilitation? Is the member saying that once you are assigned or put in prison that is the end of you for life? Is this some kind of new treatment the member is trying to design? I am just not clear where the member is coming from.

I wonder if the member could make it quite clear to those of us in the House and state categorically that he does not believe in rehabilitation in any way, shape or form. That was the message I got from his speech.

**Mr. Stinson:** Mr. Speaker, I am sorry the hon. member got that from my speech because that is not what I meant at all. I believe in self-rehabilitation. I believe in the rehabilitation of certain criminals for certain crimes. There is nothing wrong with that. What I have trouble with is when we have the state passing out little goodies, allowing them out on temporary absences. How many have re-offended during temporary absences?

**Mr. Mills (Broadview—Greenwood):** That's not what the bill says.

**Mr. Stinson:** Yes.

**Mr. Discepola:** You guys are just mixing apples and oranges.

**Mr. Stinson:** No, we are not mixing apples and oranges. We want truth in sentencing, especially for violent, repeat and serious criminals. We want that.

We hear the rhetoric all the time from this government that this is not what this or that means, then all of a sudden down the road the light goes on for them. Maybe two or three years too late they say ''by gosh, that was used for that, wasn't it?'' We get this all the time. We read about it all the time. We did not understand that is what it meant.

I say and have always said two violence strikes and you are out, period, bang. Every criminal who is convicted the second time of a violent crime should be sentenced to imprisonment without eligibility for early release or parole. That is totally opposite to early release and temporary absence. That is all that means.

**Mr. Williams:** Mr. Speaker, I rise on a point of order. I allowed two or three minutes for cooler heads to prevail, as you saw, Mr. Speaker, a few minutes ago.

However, I would like to rise on a point of order on Beauchesne's 485 regarding unparliamentary language which caused the outburst of rage from my colleague who was insulted by the member for Scarborough Centre who shouted words across the floor and accused my colleague of being a racist and an extremist. This type of language from members of the Liberal Party, the governing party, demonstrates their contempt for people who wish to express a point of view that is different from their own. This type of language does not belong in the House. It does not belong in a civilized society. It does not belong in any part of politics.

• (1330)

I would hope that the member for Scarborough Centre would rise and apologize profusely and without reservation to my colleague. I would hope that these remarks would be withdrawn and that the incident be recorded as having come from the Liberal Party members as their attitude when challenged by someone who has an opinion different from their own.

**Mr. Discepola:** Mr. Speaker, I rise on a point of order. We will have to look at the blues. The actual unparliamentary language that was used came from the member opposite who was speaking at the time.

I was sitting two benches away from the member for Scarborough Centre. If someone would look at the blues and put the debate into context, the speaker at the time was referring to generalities with respect to certain terms that he was using in his speech.

All the member from Scarborough Centre did was to suggest other forms of words that he would be able to use. Extremist was a word that was used, yes. The member for Scarborough Centre also used the word racists in the plural tense. He did not put his criticism directly at the member. He directed it at the terms members are using.

I would encourage the Chair to review the blues to see that the blues speak for themselves. The actual apology should come from that member for the words we know he used.

**The Acting Speaker (Mr. Milliken):** It would be helpful to the House if the Chair had an opportunity to review the blues to see what was said as suggested by the parliamentary secretary.

As members know, I was not in the Chair at the time even though I was in a position where I could hear what was being said in the House. I was immediately adjacent to the Chamber. I did not hear all the words that were alleged. However, I understand that there was a contretemps. I heard some language that was unparliamentary used. In the circumstances, since the matter has now been raised, it would be appropriate to defer the matter until the Chair has an opportunity to review the transcript of the proceedings. We will get back to the House.

If members have further submissions to make on the point, it might be appropriate that they make them in chambers after rather than now in the circumstances because I think we have heard both sides of the argument.

If the member for St. Albert insists, I will hear more, but given what I have decided to do, I hope his remarks will be extremely pertinent to the position of the Chair, given what I have already said.

**Mr. Williams:** Most pertinent, Mr. Speaker. I would like to draw your attention to the remarks by the parliamentary secretary who was talking about the heated debate being in context. The Speaker has ruled on many occasions that unparliamentary language is unparliamentary language in context or out of context.

The second point I would like to make is that the member who uttered the words is sitting in the Chamber. He should stand up and acknowledge that he said that in this House before his peers. If he can shout it out in anonymity, he should be prepared to stand up and acknowledge his words. He has the opportunity to stand up right before us as we speak to withdraw the comment he made.

**The Acting Speaker (Mr. Milliken):** The Parliamentary Secretary to the Minister of Transport on the same point. Again, I hope he bears in mind what I said to the hon. member for St. Albert before he started his second comments.

**Mr. Keyes:** Mr. Speaker, I thank you for the opportunity to speak on this issue. It is pertinent and I respect your wise counsel.

It should be noted by all members of the House that when there is the rhetoric that may fly back and forth during debate between members in the House, there is opportunity for any member who disagrees with a member opposite to follow protocol, to stand in their place and ask the Speaker whether he or she has heard the remark and then ask the Speaker to rule that that remark be withdrawn.

However, for a member to leave his chair, call someone an s.o.b., run across the aisle and physically challenge him I hope will be a consideration in your ruling.

• (1335 )

**The Acting Speaker (Mr. Milliken):** Debating the matter in this way is perhaps unnecessary. I know members have strong views perhaps as to what transpired, but I have indicated the Chair will look at all the facts and will review the blues. As I indicated, the Chair did not hear some of the comments that have been alleged and so is not in a position to make a comment without that review. In the circumstances we will leave the matter until the Chair has had that opportunity. Then further discussions can take place.

**Mr. Cannis:** Mr. Speaker, given what happened and what transpired, as my colleague described earlier, with the verbal abuse coming this way and the physical reaction, I will respect the Chair's decision to review the blues. At that time I will be prepared to stand up and withdraw the word racists in plural, if I have to after your review, Mr. Speaker.

**The Acting Speaker (Mr. Milliken):** I thank the hon. member. The Chair will proceed with the review as indicated.

We have five minutes remaining in questions and comments. The hon. Parliamentary Secretary to the Solicitor General of Canada on a question or comment.

**Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Mr. Speaker, I would like to thank my colleague from Broadview—Greenwood who has attempted to put this debate in its true context. We have in front of us a simple bill, Bill C-53, a bill that has been discussed and negotiated after several years of discussions not only with the provinces and the territories but with each official judicial power and each provincial justice ministry. They have unanimously endorsed our position.

Members opposite seem to have difficulty understanding that this bill deals with provincial legislation which affects offenders serving two years less a day. I sat hear patiently this morning and listened to the rhetoric and the challenges of the members of the Reform Party. They challenged the government as to what it has done. I will remind them of our initiatives.

I remind them of the provisions in Bill C-45 to establish someone as a long term offender. I remind them of the indefinite sentences that have been imposed on those long term and dangerous offenders. They are indefinite sentences in the sense that they will no longer only get 10 years but a judge has to condemn them to indefinite sentences. This means they are not eligible for parole before seven years. It also means that after those seven years their sentences could be prolonged by a subsequent two years and cannot come up for review before two years.

Why did Reformers vote against those initiatives? Why did they vote against the initiative to allow for 10-year supervision after a complete sentence has been served by an offender? Instead they have chosen to hide behind the rhetoric.

I will ask the member specifically since it was he who brought it up. Last spring when it came time to review section 745, the infamous faint hope clause, we could have put serial killers behind bars for good without eligibility for parole. We could have specifically addressed the case of Clifford Olson to prevent him from even applying. Why did the member's party vote against all these initiatives? Why, why, why?

**Mr. Stinson:** Mr. Speaker, why should Clifford Olson even be allowed to apply for release, period? Why, why, why? Because the government has allowed that type of system to ferment here.

Government members can try to dress this up with all the pretty flowers and all the pretty words but the fact is that they are still kicking people out through the system. They are giving that over to the provinces; there is no doubt about that. But why? Why would they even be thinking about that? Why would they not be thinking of something else instead? We have tried for years with the Liberal way and the Conservative way to address crime, to address reoffenders. Actually, many of the good programs have been taken out of the penal system. It is pretty tough in some areas to learn a trade in prison because of all the other programs that are in place like weight lifting, swimming, tennis and golf.

• (1340)

When people get out of prison they might like to be able to say they can do welding, mechanics or iron work, something where they may stand a chance of a job placement and contribute to the system instead of abusing it. This has absolutely nothing to do with that. I could readily support bills that did that sort of thing. No one in the Reform Party would have trouble supporting bills like that.

Instead we get this feel good, fuzzy-wuzzy thing: ''We will release you early. We will kick you out. We will make sure you do not do your sentence. We will give you a temporary release for anything you like''. To me that is not what prison is for. People are normally put in prison because they broke the law, not because they obeyed the law. In the odd case that may happen, but it is very, very seldom. In fact, I have not heard of one.

I was always led to believe that if you do the crime, you do the time. That does not seem to be the case any more. We do not have that. Now it is: You do the crime and we will look after you for life. You do not have to worry about anything. Step out of jail and we will just keep right on looking after you. We will make sure that your wants and needs are met, but if there is something we cannot supply, you just go right back out and commit a crime. That seems to have been the attitude over the last 25 years.

When we were young I guess we all thought we were tough and nothing would ever happen to us and we would get along just fine. But as tough as guys thought they were in my day, they always stood aside for the elderly and helped the elderly and had respect for the disabled and helped in any way they could. Today we do not see any of that. Why? Because there is nothing in place. Penal systems are looked upon as a joke.

I understand that many prisoners are trying to get extradited back to Canada from the United States and other countries to serve their time.

**An hon. member:** There is no deterrent here.

**Mr. Stinson:** That is right. There is cable colour TV, all kinds of food, exercise, medical and dental programs.

**The Acting Speaker (Mr. Milliken):** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

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

*And the bells having rung:*

**The Acting Speaker (Mr. Milliken):** At the request of the chief government whip, the division is deferred until later today at the conclusion of the time allotted for Government Orders.

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## CRIMINAL CODE

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.)** moved that Bill C-46, an act to amend the Criminal Code (production of records in sexual offence proceedings) be read the second time and referred to a committee.

• (1345 )

**Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, it is my pleasure to submit to the House for second reading Bill C-46, an act to amend the Criminal Code regarding the production of personal records of complainants and witnesses in sexual offence proceedings.

This legislation, which the minister introduced last June, has been the focus of much media attention. The problem which the legislation addresses has also been thoroughly debated in the media and in Canadian courtrooms.

The amendments to the Criminal Code for which I am seeking support respond to a troubling and complex issue which is having an adverse effect on sexual offence victims, the majority of whom are women or children.

I know that members of the House are familiar with this issue. Their constituents have brought it to their attention and it has been subjected to questions in the House. I know all members share my concern. I am confident they will support these very essential measures.

Over the last several years defence counsel has increasingly sought access to the wide range of personal records of sexual offence complainants, the type of records one would expect to be private, including school records, medical, psychiatric counselling and other therapeutic records, employment records, Children's Aid Society records, journals and diaries. The list goes on.

In sexual offence prosecutions, more so than any other offence, the defence focuses on the credibility of the complainant. Sexual offences are unique. Usually there are no witnesses to the offence and often there are no observable signs of an offence having been committed. For many sexual offences the only element which distinguishes normal and acceptable sexual activity from a sexual offence is the absence of consent of one party.

Sexual offences are also unique in another way. They are surrounded by myths and stereotypes about the type of person who becomes a victim and why. Moreover, the consequences of a sexual offence are devastating and long lasting.

While the prosecution must prove every element of a sexual offence, including the absence of consent of the complainant, often the complainant's word pitted against the accused is the only evidence to establish this one essential element of the offence. Hence the defence of the accused will focus on the credibility of the complainant in most cases. The search for personal records has become the strategy to assist the defence in the impeachment of the complainant's credibility and reputation.

Consider the following scenario. A person is sexually assaulted and following the assault receives counselling from a sexual assault centre. The counsellor may take notes of the sessions where the complainant is distraught and full of self-doubt about why this

has happened. The notes are the perceptions or recollections of the counsellor. They are not verbatim transcripts of the conversation. They are not statements. Yet defence counsel may attempt to gain access to and explore those records, looking for perhaps what is in the view of the defence an inconsistent statement. Or perhaps the complainant has undergone therapy for depression or child sexual abuse long before the assault which is now subject to criminal charges.

These records may also be sought to suggest that the complainant's perceptions or recollections of the incident are confused. In other words, the suggestion is that the complainant who has received such counselling or therapy is less credible.

In the extensive consultations which led to this legislation the Minister of Justice was overwhelmed by the accounts from sexual assault service providers, sexual offence survivors and lawyers at the range of records sought, the reasons advanced for the records and the relative ease with which they have been produced to defence counsel. The most troubling aspect of the consultations has been the devastating consequences of the production of irrelevant personal records for the victim.

● (1350 )

The minister was also troubled by the perception of victims and service providers about the insensitivity of the criminal justice system. They recounted several examples which caused them to believe that there is little point in participating as a witness in a sexual offence prosecution. For example, they referred the minister to an event in 1988 where defence counsel in the Ottawa area, attending a workshop on tips and strategies for sexual assault proceedings, were being advised to seek records, including Children's Aid Society records, medical, psychiatric, hospital and immigration records as part of a strategy ''to whack the complainant hard at the preliminary inquiry''.

This attack on the complainants was recommended so that either she would give up and ask the crown to withdraw the charges or in the event that she withstands this gruelling and embarrassing treatment to cause the lawyer to rethink the accused's defence.

This approach ignores the fact that the complainant is not supposed to be on trial and moreover trial by ordeal has never been part of the criminal justice system in Canada. Yet these ordeals continue to occur and may result in sexual offence victims deciding not to report offences or not to participate as witnesses.

The willy-nilly production of personal records to the accused is having a serious and devastating impact on sexual offence complainants and on record holders themselves. Some claimants will decide not to participate as witnesses in the prosecution. Some may decide not to report an offence to the police. Others may report to the police but forgo the counselling or treatment essential to their recovery and well-being due to fears that these personal records, whether generated before or after the offence, will not be kept private during the court process.

The impact is also experienced by record holders, including hospitals, sexual assault centres, social service agencies and doctors who are incurring substantial legal costs to appear in court to respond to subpoenas. In addition to the legal costs, such appearances take the record holder away from their day to day work of helping people, that is, doing what they ought to be doing. The very act of issuing a subpoena to a record holder cannot be ignored. Whether the records are even remotely relevant to the proceedings or not, the record holder must respond.

The consultation process also reveals situations where subpoenas for records were issued to the service providers who had never met, treated, or counselled the complainant at all. In other words, these subpoenas were simply fishing expeditions.

I am not suggesting that a person should not have an opportunity to pursue the best defence available and defence counsels do acknowledge that relevance is a factor in accessing information and records. However, relevance appears to take on different interpretations in sexual offence proceedings and does not appear to be a very significant hurdle to access to those records.

In describing the current situation that Bill C-46 will address, the minister has consistently referred to the impact on sexual offence victims in a generic way. However, let there be no mistake. We are talking about women and children. Our sexual offence laws and, indeed, all our laws apply equally to men and women in the sense that they are gender neutral. A man or woman can sexually assault another man, woman or child, but the overwhelming majority, that is 99 per cent, of sexual offence victims are women and children.

While the law is on its face gender neutral, when it comes to sexual offences the impact of the law is disproportionately felt by women and children. The production of personal records raises more than simply rights of privacy and the rights of full answer in defence. It raises equality issues and thus the solutions to this problem must squarely address these equality issues.

● (1355 )

One of the most troubling aspects of the impact of the production of records is that it runs counter to the spirit of reform of our sexual assault laws which the federal government has been attempting for the past 20 years.

In the past, our laws have not adequately served victims of sexual offences. Before the substantive reforms to the sexual assault provisions of the code, in 1976 and later in 1983, the successful prosecution of the offence of rape was extremely difficult. The evidentiary provisions required the victim's evidence to be corroborated and left the victim's personal life, including sexual history and reputation, virtually an open book.

The reforms of 1983 attempted to eradicate long, outdated myths about sexual offence victims and their behaviour. However, despite the reforms of 1983, which repealed the old offences, including rape, and put in place the current sexual assault offences and which repealed the restrictive evidentiary provisions, attitudes about sexual offence victims have been slow to change.

Thus, it was necessary for further amendments in 1992 to restore the rape shield protections in the Criminal Code to safeguard the complainant's sexual history to as great an extent as possible without adversely affecting the rights of the accused to a fair trial.

Today we are faced with dealing with yet another issue which threatens sexual offence victims and indeed every woman's confidence in the criminal justice system. We must take this opportunity to put the progressive reforms of our sexual offence laws back on track. We must take the—

**The Speaker:** The hon. member still has approximately 28 minutes in his discourse. I see he is coming into another section. As it is almost 2 p.m. we will proceed to statements by members and he will have the floor when debate is resumed.

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# STATEMENTS BY MEMBERS

[*English*]

## CITIZENSHIP ACT

**Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.):** Mr. Speaker, during 1997 Canadians from coast to coast to coast will be celebrating a special milestone in the history of this country.

January 1, 1997 marked the 50th anniversary of the Canadian Citizenship Act. Prior to the passage of this important legislation, legally there was no such thing as a Canadian.

The inspiration behind the drafting of the Citizenship Act is a story worth telling. In February 1945 cabinet minister Paul Martin Senior visited a military cemetery in Dieppe, France. Struck by the varied ethnic origins of the soldiers' names on the gravestones, Mr. Martin concluded that the one thing that united them all was that they were Canadians.

With the blessing of Prime Minister King, Mr. Martin drafted a Canadian Citizenship Act and presented it to the House of Commons in 1946 where it was passed with overwhelming support.

This 50th anniversary is an opportunity to think about how precious our Canadian citizenship is and a chance for all Canadians to reflect with pride on how much we—



[*Translation*]

## BLACK COMMUNITY

**Mr. Osvaldo Nunez (Bourassa, BQ):** Mr. Speaker, February is black history month. The black community's significant contribution in Quebec and Canada warrants recognition. I draw particular attention to the major contribution made by the Haitians, who are well represented in my riding of Bourassa in Montreal North.

It was in 1606 that the first blacks arrived in New France, but it is more their endless struggle to throw off the yoke of slavery that we should be remembering this month.

In our more pluralistic society, racism and discrimination remain a fact of life. Only sincere political will can put an end to such injustice. On behalf of the Bloc Quebecois, I offer the black community in Quebec and Canada our respect, our pride, our support and our gratitude.

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[*English*]

## GOODS AND SERVICES TAX

**Mr. John Williams (St. Albert, Ref.):** Mr. Speaker, the GST continues to be a thorn in the side of all Canadians. The Liberals have double-crossed, danced around and window dressed the GST to no avail.

During this Parliament, government revenues have increased by $26 billion a year. The GST only brings in $16 billion a year. This proves that the government could have lived up to its promise to axe, scrap and abolish the GST. It proves that it could have lived up to its commitment without introducing another tax. It demonstrates that the Liberal government will take a tax dollar wherever it can find it, squeeze it or collect it. The concept of tax relief has never crossed its mind.

• (1400)

We know that the government has misled Canadians. The Prime Minister has already acknowledged that he has done so. Let me remind the Prime Minister and his Liberal caucus that they can mislead some of the people all of the time and all of the people some of the time, but they cannot mislead all of the people all of the time and they will find that out at the next election.

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## SELVA SUBBIAH

**Mr. Jag Bhaduria (Markham—Whitchurch—Stouffville, Lib. Dem.):** Mr. Speaker, last week Selva Subbiah, one of the most hideous serial rapists in Canada, was convicted of raping more than 20 Canadian women. These innocent victims were drugged, threatened and sexually assaulted by this evil man. He was sentenced to 20 years in jail and according to published accounts, the presiding

judge has ordered the investigating officers to escort Subbiah to the airport for deportation when he is released. In essence, after serving the sentence, he will be deported back to his native Malaysia.

Canadian tax dollars should not be spent to keep this evil person in our prisons. Even if his lawyer files an appeal, it should be heard in his absence.

The justice minister should immediately make arrangements to deport this convicted criminal and send him back to his country of origin. It is time for the federal government to get tough on individuals like Subbiah.

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## EVINRUDE CENTRE

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, Peterborough riding was honoured this past Saturday by the presence of two of our most honourable colleagues: the members for Brant and Northumberland. They joined me and the people of Peterborough in celebrating the opening of a fine new arena, the Evinrude Centre. To have these ministers attend this event is testimony to this government's continuing support of and interest in the infrastructure program in the city and county of Peterborough.

Many athletes, including hockey players and figure skaters, will use the Evinrude Centre. Among others, it will be home to the Peterborough Pirates of the Central Ontario Women's Hockey League and other women's teams.

My congratulations to all those who have worked to bring the Evinrude Centre into being, including city council, Ken Armstrong and the fundraising committee, city staff and all those groups and individuals who have donated time and money to this fine arena.

My thanks also to all municipalities who have helped make the national infrastructure program such a success in Peterborough riding.

* * *

[*Translation*]

## WOMEN'S CURLING CHAMPIONSHIP

**Mr. Mark Assad (Gatineau—La Lièvre, Lib.):** Mr. Speaker, I am pleased to report that a woman's team from Buckingham, a city in the riding of Gatineau—La Lièvre, won the Canadian curling championship in Thornhill, Ontario, last weekend.

Agnès Charette, the skip of the winning team of Mary Ann Robertson, Lois Baines and Martha Don, represented Quebec at the Canadian Imperial Bank of Commerce Canadian women's senior curling championship. The team from Buckingham beat the Greenwood team from Ontario in the finals.

This is the first time a Quebec team has won since the women's championship was founded in 1973. Congratulations to Ms. Charette, who is well known in the world of curling, and to her teammates.

* * *

[*English*]

## SAGUENAY FLOOD

**Mr. Jim Jordan (Leeds—Grenville, Lib.):** Mr. Speaker, recently in my riding of Leeds—Grenville we had an excellent example of the generosity that some Canadians have for other Canadians in difficulty.

The mayor of Brockville, accompanied by a group of local residents, travelled to the flood stricken Saguenay region of Quebec to deliver a cheque for $40,000 to the residents of Chicoutimi. The purpose of this donation was to assist the community's recovery from the July flood.

The money was collected from citizens and companies in the Brockville area, most of whom have never visited the Saguenay region. The drive for funds originated with a local businessman, Mr. Joe Hudson, who saw it as a great opportunity to show concern for fellow Canadians, regardless of where they live or the language they speak.

I want to congratulate the Hudson family and all the citizens of the Brockville area who gave generously to the plight of other Canadians in their time of need.

* * *

● (1405)

[*Translation*]

## HUMAN RIGHTS

**Mr. René Laurin (Joliette, BQ):** Mr. Speaker, torture, kidnapping and political assassinations by security forces are prohibited under Turkish law and international treaties on human rights.

Yet, in Turkey, these are everyday occurrences. In 1995 alone, more than 35 people disappeared after being arrested by the security forces, 15 died from torture while in custody and another 100 or so were killed for political reasons.

The figures for 1996 paint an equally dramatic picture. During the first 10 days of January, four prisoners were beaten to death in an Istanbul prison, and a reporter covering their funeral suffered the same fate.

We condemn the complacency of the Canadian government, which did nothing to promote respect for human rights in countries where these rights are systematically violated, and in Turkey in particular.

[*English*]

## LIBERAL GOVERNMENT

**Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.):** Mr. Speaker, during our winter recess I met with a number of constituents who told me about how this Liberal government has ruined their lives.

Like the boat store owner who has had to lay off 70 per cent of his staff because of high taxes. Or the builder who was in dispute with GST over the amount owing. Revenue Canada garnisheed 70 per cent of his net income, forcing him into bankruptcy which has led to the loss of his home and the breakup of his marriage. Or the young trucker who decided to buy his own truck. However he failed to incorporate his business and when he fell behind in his GST payments his personal accounts were garnisheed and he and his wife, who was six months pregnant, lost their home.

If only this government would attack its own wasteful spending with the same zeal it has gone after the average Canadian taxpayer, then maybe we would not have such high unemployment, a record number of bankruptcies, or the personal tragedies that were brought to my attention over the past six weeks.

* * *

## EMPLOYMENT INSURANCE

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, during the last election this government ran on a promise of jobs, jobs, jobs. However, under this government's new EI regulations it is to the recipient's benefit to say no to part time work and stay on welfare.

Instead of living up to its jobs promise, this government's legislation is actually penalizing people who want to work.

In the wake of vocal opposition from the people of Atlantic Canada, a newly formed committee of Liberal MPs is now trying to make changes to the legislation they initially supported.

During the debate in the House, I warned members of the government of the problems with this legislation. Nevertheless, every single Liberal MP present during the vote supported the bill.

For the sake of Atlantic Canadians, I hope this committee will make changes to the legislation. However, for those MPs trying to appease their constituents because an election is coming up, this is a case of too little too late. Their homework should have been done before this flawed legislation was passed.

*S. O. 31*

## PEACE OFFICERS

**Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.):** Mr. Speaker, the national memorial to slain police officers is only a few feet away from this Chamber. Every year hundreds of Canadians gather in the nation's capital to honour these men and women who gave their lives in the line of duty.

The murder of a peace officer is tragic and unacceptable. It is for this reason that I recently introduced Private Members' Bill C-344 which would end any chance of early parole for those convicted of the first degree murder of a peace officer in Canada. This measure is supported by the Canadian Police Association and over 1,200 Canadians from every part of Canada who have signed a petition.

Police deserve our support. Bill C-344 acknowledges that those who died and are honoured on this Hill shall never, ever be forgotten.

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## MICROCREDIT

**Mr. Bill Graham (Rosedale, Lib.):** Mr. Speaker, Microcredit has been one of the most successful development strategies of this century.

Twenty years ago Dr. Yunus founded the Grameen Bank in Bangladesh and began to lend small amounts of money to those who had never been considered acceptable credit risks before, mainly impoverished rural women. These women invested the loans with spectacular returns, thus benefiting all members of their families and the economic health of their country.

Microcredit is now included in development projects worldwide, in developed countries as well as poor ones.

The Calmeadow Foundation in Toronto is a pioneer in Microcredit in this country, making small loans available to the inner city poor and to aboriginal groups throughout Canada.

● (1410 )

Today in Washington two of our colleagues joined delegates from 36 countries to promote the use of Microcredit worldwide.

[*Translation*]

We should join together in wishing them the best of luck in this endeavour, which is so crucial to the future of so many people around the world.

*S. O. 31*

[*English*]

## SPECIAL OLYMPICS

**Mr. Janko Perić (Cambridge, Lib.):** Mr. Speaker, from February 1 to 8 Canada will host the sixth Special Olympics World Winter Games in Toronto and Collingwood.

During this week over 80 countries, including 2,000 athletes with mental disabilities will be giving it their all for the joy of sport, and will come together to build friendships and support in an atmosphere of acceptance and dignity.

Since 1968, Canadian athletes have been representing Canada at the Special Olympics and all have come home as winners. The mission of this World Games is to foster awareness and understanding both for the Special Olympics movement and for people with mental disabilities everywhere.

I would like to invite all Canadians to encourage and support our Special Olympians and their families by attending and cheering on our athletes at the 1997 Special Olympics World Winter Games.

* * *

[*Translation*]

## EMPLOYMENT INSURANCE

**Mrs. Francine Lalonde (Mercier, BQ):** Mr. Speaker, the New Brunswick coalitions in opposition to the Chrétien government's cuts to the UI program have not given up. They are carrying on.

Angela Vautour, the coalitions' spokesperson, sent me a statement condemning the Liberal government and the members from New Brunswick, which reads: ''Following your cutbacks in 1994, thousands of workers go without any income from January through August. This year, things are even worse. Even more families and children will suffer the disastrous effects your decisions will have on both the economy and people''.

It reads further: ''Seasonal jobs greatly contribute to the wealth of our province and the country; we are proud to do this sort of work and feel we should not be seen as second class citizens''.

It goes on to say: ''Gentlemen, we would like to know what you plan to do now to remedy the situation. Unemployment is not the problem, the lack of jobs is''.

[*English*]

## LIBERAL GOVERNMENT

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, the family is the most overtaxed institution in Canada.

When Canadians voted the Liberals into power four years ago, they were putting their trust in the Liberal government to live up to promises about job creation, tax relief and personal security.

The Liberals have shattered that trust. They are keeping the jobless rate hovering around 10 per cent by refusing to provide tax relief and eliminate the barriers to job creation. They have hammered Canadian families with an average $3,000 pay cut through hidden tax hikes. They are implementing a knee-jerk alternative to their GST promise which has business interests screaming about lost jobs and opportunities in the already strained Atlantic provinces.

Canadians need a party they can trust, one that follows through on its promises like opting out of the pension system that provides excessive rewards to MPs on the backs of taxpayers.

* * *

[*Translation*]

## TEAM CANADA

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, everyone in Quebec remembers the last team Canada mission, which included over one hundred Quebecers among its 400 participants.

Spar Aerospace, in Sainte-Anne-de-Bellevue, is among the Quebec companies that greatly benefited from the team Canada initiative.

Through the Canadian Commercial Corporation, Spar signed an agreement with Thailand's national research council to rebuild a remote sensing satellite. A contract estimated at $155 million was finally signed after lengthy negotiations, thanks to the Prime Minister's intervention.

Team Canada is a good example of the benefits that result from being part of Canada. Team Canada promotes the development of export markets and helps create jobs, which is precisely what our government pledged to do.

* * *

## CANADIAN ECONOMY

**Mr. Patrick Gagnon (Bonaventure—Îles-de-la-Madeleine, Lib.):** Mr. Speaker, it seems to me that the economic slump which we inherited from the previous Conservative government is slowly lifting, just like a fog.

● (1415)

This morning, *La Presse* released the results of a poll conducted by the Institut du Grand Prix de l'Entrepreneur, which indicate that Canadian entrepreneurs have regained confidence in Canada's economic prospects.

Among the major findings of this poll, we note that 54 per cent of respondents feel the economy will improve in the coming months; 58 per cent believe that Canada's position on world markets will be strengthened over the next five years; 77 per cent of entrepreneurs expect an increase in their business activities; while 68 per cent of them anticipate that their profits will go up.

This poll confirms what we have known for a long time: Canadian consumers and entrepreneurs have faith in our government's economic policies and they know that economic conditions are better than ever to do good business in Canada.

* * *

[*English*]

### HEALTH CARE

**Mr. Bill Blaikie (Winnipeg Transcona, NDP):** Mr. Speaker, yesterday in this House we had some debate about whether the Somalia inquiry should report before the election.

One thing Canadians are unanimous about is to see some action on health care before the election and not to be subjected to a bunch more Liberal promises without action.

Today the Prime Minister was given the opportunity to act through the report of the national health care forum that he set up.

Let us see some action on drug prices. Let us see some action on establishing a stable core for federal funding. Let us see some action on home care. And let us see some action on unemployment, which is the major cause of bad health in this country.

All these things the Liberals can do before the election. Let us see some action.

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## ORAL QUESTION PERIOD

[*Translation*]

### SOMALIA INQUIRY

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, my question is for the Minister of National Defence.

The inquiry into the events that took place in Somalia has taught us a lot about the behaviour of senior officers in the Canadian military. But since the minister has decided to have the commission wind up its work soon, we will unfortunately not learn the whole truth. It must be admitted that the armed forces wasted at least six months of the commission's time with the business of documents that were falsified, hidden, hunted for, and not found, and now that everything needed is available, the minister decides to put a stop to the inquiry.

Will the Minister of National Defence agree that he could very well require the commission to produce an interim report on June 30, allowing him to go ahead with the changes he wants to make, and then authorize the commission to continue its work and try to find out what really happened in this affair?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, there is no doubt that the commission is examining a rather complex matter, that being the events that took place in Somalia, what happened before the troops were sent on the mission and, obviously, what happened after the incidents that took place were discovered, which Canadians categorically reject.

The only question in my mind, and I hope my hon. colleague will understand this, is whether at some point Canadians interested in knowing what went on in Somalia would like to have a historical document. The commission has been sitting for almost two years. We have never commented on the list of witnesses; we have not commented on the schedule; the commission of inquiry on Somalia was granted three extensions, it was originally supposed to hand in its report by the end of December 1995.

In my opinion, Canadians are interested in how we are going to react in the future, should such incidents happen again. They want to be sure that there is not a repetition of all the problems we have heard about and discovered during this inquiry.

If the Leader of the Opposition is interested in a historical document, we in the government are prepared to take action and think that the time has come to take steps to learn what the commission has done, to evaluate its recommendations and to try to do whatever we can to avoid a recurrence of such events.

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the Minister of National Defence has several times mentioned a historical document, he just did so again. What the opposition wants is not a historical document, but the truth about what went on. We share his concern—the one he has expressed in any event—for seeing that light is shed on this whole affair. We want to see changes in the Canadian armed forces; that is what everyone wants. Changes are necessary.

● (1420)

My question is the following: If he wants to take appropriate action and take it in the right place, does he not have to have all the information? If so, why he is rejecting the extraordinarily construc-

tive suggestion we are making of requiring an interim report on June 30, which would allow him to begin taking the action he wishes to take? All the information will be included in the final report, as he sees it, allowing the commission of inquiry to deal with all the new material that came up during this inquiry, which no one had any inkling of at the outset.

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, this inquiry has gone on for almost two years. There is no doubt that those who have been following the whole inquiry have no trouble understanding that, if we were to go along with the hon. member's suggestion that the three commissioners must be satisfied they have seen and heard all the witnesses that were to appear, and gone into all the details of what went on before, during and after, and that all the lawyers representing all the intervenors, that everyone must agree that everything was completed, my hon. friend, the Leader of the Bloc Quebecois, and I would not live long enough to see the end of the affair.

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, the minister has just made an extraordinary revelation: we did not know there was so much involved. Imagine what we will miss if he wraps up the inquiry on March 31.

Seriously though, I am sure that the Minister of National Defence will want to reply to this question. A very serious thing has occurred: senior officers of the Canadian military blackmailed the former defence minister, Mrs. Campbell, who was running for the office of Prime Minister at the time. Such a revelation is very worrisome, fraught with consequences for institutions like the armed forces and Parliament, and for democracy.

I put the following question to the minister. Should we not get right to the bottom of this affair, so that it does not happen again? Listening to the minister's answers, seeing him shift from one idea to another, I wonder whether he himself has been the subject of threats or pressure from the armed forces.

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I very much appreciate the Leader of the Opposition's concern as to whether I have been threatened by someone. Not lately.

I can assure you that I have such respect for my predecessor, who went on to become Prime Minister of Canada, that I would not want to lend credence to the idea that when a minister arrives in a department such as National Defence, everyone can blackmail him as simply as the hon. member seems to want us to believe.

I think it is relatively easy for those who feel that something is not right, that the former Prime Minister is certainly entitled to speak out, and as former defence minister as well. I hope that everyone understands that, in order to find out what happened and whether it was as serious as some people are claiming, all that the individual in question has to do is to give their version of events.

**Mr. Jean H. Leroux (Shefford, BQ):** Mr. Speaker, my question is for the Minister of National Defence.

The minister claims not to have been pressured, at least not recently, by senior officers in the Armed Forces. We are aware that, during her leadership race, former Minister of Defence Kim Campbell experienced very heavy pressure, even blackmail, from senior ranks to convince her not to go too far with her investigations in the Somalia affair.

• (1425)

How can the minister expect us to believe that he has not been pressured as former minister Kim Campbell was, when he suddenly changes his tune and quickly puts an end to the work of the Commission?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, all I can do is assure my hon. colleague that I have not been threatened at any time. No one has tried to scare me, or encourage me to make a decision.

I would like to remind my friend that, when I assumed my position as Minister of National Defence—and this is quite easy to verify—I said right from the start, and repeated it numerous times, that I hoped the Somalia Inquiry would table its report on March 31, 1997. I have never changed my mind. From the time I assumed my position I have repeated, and repeated frequently, that I hoped they would make their report public March 31.

Obviously, because an extension was requested, the government agreed for the third time to extend the mandate of the Commission until the end of June. We thought, however, that this was sufficient to get the work done.

**Mr. Jean H. Leroux (Shefford, BQ):** Mr. Speaker, when he appeared before the Commission as a witness last week, the Chief of the Defence Staff literally insulted the commissioners and prosecutors by attacking their work. This was an obvious attempt to discredit the Commission and, according to Justice Létourneau, the Chief of the Defense Staff came very close to being cited for contempt of court.

Is the Minister of National Defence's rush to prevent the Commission from hearing more witnesses not the result of pressure from the Acting Chief of the Defence Staff, who has had enough of watching Armed Forces personnel answer the commissioner's questions?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I have always been careful not to comment on the evidence submitted to the Commission. I do not believe it would be right.

I wish to assure my hon. colleague that, given my experience as a lawyer, I understand that it is not unheard of for lawyers involved in legal proceedings to be a bit difficult when questions are being asked. Some are more polite than others. I hope everyone understands that. I believe that most Canadians who saw Admiral Murray in action understood that this is a man who wanted to defend his situation as best he could. All Canadians have a right to do so under any circumstances.

* * *

[*English*]

## PUBLIC INQUIRIES

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, this government has adopted a double standard with respect to public inquiries. It was keen to investigate the murder and cover-up in Somalia when it thought it was a Tory scandal, but as soon as the inquiry started to get close to former deputy minister Bob Fowler, the Prime Minister's friend and golfing buddy, all of a sudden it lost its enthusiasm.

It was okay when Justice Krever's investigation was examining Tory complicity with the tainted blood scandal, but when Krever wanted to examine why the Liberal government in 1984 ignored the early warning signs about tainted blood, the government started throwing legal obstacles in his way.

How can Canadians trust this government when it has two sets of ethical standards, one for Liberals and their friends and the other for everybody else?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the hon. member referred to my golf buddy. I never played golf with him. Perhaps in the middle of the night in January in Yellowknife I did, but I do not remember.

The Minister of National Defence took this matter seriously. We had this inquiry for two years and the leader of the third party, as the Minister of National Defence yesterday so rightly said, was the one pleading with us to terminate that as quickly as possible so that we will not have anything to hide by the time of the election.

So we are responding. The Minister of National Defence is doing his best to fulfil the request by the leader of the third party but the leader of the third party has again done a flip-flop.

• (1430)

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, the issue here is not parties or statements. The issue here is public trust. The thousands of tainted blood victims in the country and their families trusted the blood system and it failed them. They trusted the government to find out why and now the government is failing them. Their trust has been abused.

Instead of acting in the best interests of the victims of the blood system, the government tried to block Justice Krever in the courts and attempted to circumvent his findings with a parallel investigation. What is worse, the Prime Minister has now put the blood system in the hands of a minister who has already abused the public trust over highway funding.

Why should tainted blood victims trust this government to fix the blood system? Why should they trust a minister who has violated the public trust before?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, I listened to the preamble of the hon. member's question with regard to the blood system in this country. Notwithstanding his desire to give the impression to Canadians from coast to coast that the blood system somehow lacks the confidence of Canadians, I wish to assure the House and Canadians that our blood system does have the confidence of Canadians from coast to coast.

Finally, I say to the hon. member opposite that if the hon. member wishes to put words to action, why does he not have the guts to run against me in an election campaign?

**The Speaker:** It seems today we have taken a few terms in anatomy that we are trying to use time and again. I would go to the hon. member for Calgary Southwest.

**Mr. Preston Manning (Calgary Southwest, Ref.):** Mr. Speaker, the minister gives an arrogant and an unfeeling answer to a question about tainted blood. It is the type of answer that got the Prime Minister into all that trouble on the TV town hall meeting. It is the type of response that is considered so clever in this House and applauded by members opposite but which if repeated outside this House to the suffering families of the victims of tainted blood would be denounced by every compassionate Canadian as callous, unfeeling and—

**Some hon. members:** Hear, hear.

**Mr. Manning:** When will this minister and this government start to respond to the tainted blood tragedy in a way that restores public trust rather than destroys it?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, the hon. member opposite forgets that it was this minister and this member in opposition who requested and pushed the previous government to have an inquiry into the Canadian blood system.

Furthermore, we have been trying to work co-operatively with provincial governments, consumers and stakeholders across this country to put in place a new system which would ensure that the past would never happen again.

• (1435 )

I have said privately and I have said publicly, in this House and outside this House, that I accept and have acted on all the recommendations that the eminent Justice Krever has made. We

look forward to having his report so that we can do follow-up in terms of the various measures he wishes to recommend.

**The Speaker:** I wonder, my colleagues, if I could ask you to tighten up a bit on the questions and on the answers.

* * *

[*Translation*]

## SOMALIA INQUIRY

**Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ):** Mr. Speaker, my question is directed to the Minister of National Defence.

By gagging the commission of inquiry on Somalia on very questionable grounds, the government is actually challenging the independence of the commission and discrediting, in a way that is unprecedented, the whole system of commissions of inquiry in this country. And in doing so, it prevents the public from ever knowing the whole truth about the matter.

Could the minister tell us whom the government is protecting in this case? Its acting chief of staff, vice-admiral Murray; its ambassador to the UN, Mr. Fowler; its ambassador to NATO and former chief of staff, John Anderson; its senior officials or senior ranks within the Department of National Defence or the minister himself?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, it is very important to realize that the process which has been going on for nearly two years will in fact go on until the end of June.

I am convinced that the report that will be produced by the commissioners will be of the utmost importance to the government and to Canadians in general.

We have no intention and, in fact, no reason to protect anyone at all. We have to make a decision, on behalf of the government, that allows us to proceed with changes in the Canadian Forces and the Department of National Defence, to ensure that in future they will work far more effectively, in a far more acceptable fashion.

We are fully aware of the problem that arose in Somalia and of what has happened since Somalia. What interests the vast majority of Canadians is that we find solutions instead of continuing—

**The Speaker:** The hon. member for Rimouski—Témiscouata.

**Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ):** Mr. Speaker, the government is muzzling the commissioners. It refuses to even consider a possible extension. In so doing, it puts witnesses in a situation where they can afford to be arrogant, since they know that after June 30, everything will be over with.

Does the minister realize that by acting this way, he is making a gesture without precedent in Canadian history, one that will have consequences, because so far, no Canadian government ever denied a commission of inquiry an extension of its mandate? How can the public be expected to have any confidence in the inquiry system from now on?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the hon. member asked a very good question. Every member of this House will at some time have to consider the following: when we appoint a commission, are we supposed to let the commission go on working in perpetuity?

The government has already agreed to three requests for an extension of the committee's mandate. In this case, the commission was supposed to finish its work by March 30, but it was given an extension for the study component until June 30.

Even if the hon. member does not understand, Canadians who are following the situation understand perfectly well why the government made this decision.

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[*English*]

## SOMALIA INQUIRY

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, the Minister of National Defence says that he does not need a full report now from the Somalia inquiry because he already knows the facts. Since he knows so much about what really happened, will he answer this quiz question about these two Liberal patronage appointees: former deputy minister Robert Fowler and former chief of defence staff John Anderson were involved in a high level cover-up in the Somalia affair, true or false?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the hon. member yesterday took issue apparently with how I answered some of her questions. I just want to make sure that I understand, as we continue with this inquiry that she is conducting, whether the hon. member wishes to step outside the House and make any allegations she may wish to make out there with respect to any alleged wrongdoing she may be aware of.

I would point out to the hon. member that the deputy minister to whom she refers was appointed to that position by the previous government. The incidents that occurred in Somalia occurred under the previous administration. The appointment to which she refers, that of the deputy minister, is certainly not one that was made by this government. It was the responsibility eventually, of the person who became the Prime Minister of this country in the previous administration.

• (1440)

Maybe the hon. member might want to consider carefully any allegations she may wish to make and to make sure that whatever she says in here that she has the intestinal fortitude to say outside.

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, if Fowler had not been shipped off to the United States we probably would not even have needed the Somalia inquiry in the first place.

Since the minister obviously cannot say, in that long answer when I just asked him for one word, that these two Liberal appointees were not involved in a cover-up, and since the minister has shut down the inquiry that would have gotten to the bottom of this and told us the truth, does the minister not realize that he is directly responsible for hiding the truth? How can we trust his bravado which is his own real cover-up for bungling?

**The Speaker:** In posing questions hon. members should not in any way impute motive. I would hope that this slant might better better worded, the questions might be better worded in future. If the hon. minister wants to answer it, I will let him.

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, let us see if we can give this a fresh start.

Part of the problem we are all grappling with—and I know that Eaton's always play an important role in this—they like guarantees and it is satisfaction guaranteed or money back at Eaton's. So let us see if we can get it straight now.

Again referring to *Hansard*, I want to know if the hon. member who just posed this question agrees or not, because she likes yes or no answers. Does the hon. member agree with her leader, yes or no, that he wanted the Prime Minister of Canada to ensure that there was no ultimate cover-up in the Somalia inquiry and that the results of the inquiry would be made fully public before the next federal election? Or does the hon. member not expect the next federal election in this century?

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the Minister of National Defence and the Prime Minister promised that the Somalia inquiry would get to the bottom of all this. They have once more broken their promise by imposing a deadline on the commissioners. The minister tells us there have already been three extensions. If the army had not tried to conceal the documents, there would have been no need for an extension.

By muzzling the commissioners, is the government not interfering politically in a judicial process? In other words, is the government not acting both as judge and jury in this case?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I can assure the hon. member that, as I see it, when a commission asks for an extension the first time, it is okay for the government to say yes. At least I hope that was the case.

They ask for a second extension, and the government says yes. That is entirely above board. It is not interference, and everything is okay. They ask for a third extension, and the government says yes. But when the government adds: ''However, we want you to finish your work by a certain date'', in that case, it is interference.

Is it interference when we say no but not when we say yes? If that is the case, why ask for an extension in the first place, if it should be automatic, according to the hon. member?

We must have some logic here. If people ask for an extension, they should realize that the answer may be yes or no, or yes with an extension but with a deadline set by the government.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the minister says he granted an extension because he saw a number of requests. The commissioners asked for extensions because there were a lot of things they did not see. They were concealed by the army. Obviously, if there had been no concealing, there would have been no request for an extension.

The Minister of National Defence said a few months ago that he wanted to know about everything that happened in Somalia. He may have heard some very important news, so important he no longer wants to know everything.

• (1445)

I want to ask the minister whether, when he made his decision, he was perhaps thinking about the next election campaign, and whether the true intentions of the Minister of National Defence were to ensure that what comes out of this report will be only what happened under the Conservative government and then to conceal from the public what happened under this Liberal administration?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, no, this is not about trying to conceal or bury anything whatsoever.

What is important in my mind, and I hope it is in the minds of Canadians, is that we must proceed so as to ensure that the Government of Canada takes steps to prevent such situations from recurring in future.

Regarding what happened in Somalia, the two incidents that occurred within a rather short time frame, everyone is aware that these elements were very carefully examined by the commission. We never required the commission to follow a schedule set by the

government. We refrained from suggesting who should be heard as witnesses.

When the commission has finished its work, it will be able to make recommendations and reach any conclusions it feels appropriate, and the government is committed to take these into consideration.

[*English*]

**Mr. Bob Mills (Red Deer, Ref.):** Mr. Speaker, we have direct allegations that Robert Fowler and General Anderson shredded important documents relating to the murder investigation of Shidane Arone, and that Mr. Fowler did not keep Kim Campbell informed during this entire thing. But the Prime Minister protected his friends, appointed them to positions outside of the country and now he is trying to bury the inquiry before we find the smoking gun.

Will the Prime Minister explain this abuse of trust?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, one of the difficulties is in dealing with this whole area of the inquiry that the hon. gentleman is pursuing. I want to make sure that I understand because I do not know quite what type of response the hon. gentleman wants.

In the ethics bible of the Reform Party it says: ''Questions should not be used to get straight information''.

What I am trying to find out here is: Are you asking straight questions or do you want straight answers?

**The Speaker:** Colleagues, you will please address all of your remarks directly to the Chair.

**Mr. Bob Mills (Red Deer, Ref.):** Mr. Speaker, I would like to remind the Prime Minister that we asked these questions about Mr. Fowler two years ago and then he was hustled off to New York.

My business experience says that if you want to rebuild something that is not working you start from the top, not from the bottom. The problem is the Prime Minister has been protecting the people at the top. When things went wrong for the Prime Minister's friends in positions of responsibility he shut down the inquiry and let the people at the bottom take the blame.

When will the Prime Minister stop shielding his buddies at the top and show some integrity by holding them accountable?

**Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, if my hon. friend's business experience is going to do his party any good he has some mighty tough work to do at the top.

We are dealing now with whether or not the hon. member understands that there have been three extensions given to the commission. The commission is free to ask any witnesses it wishes to appear before it. It can determine who it wants to hear. It has until the end of March to do that and it can determine in its own good time as it always has.

Far be it for us to suggest to the commission or to the hon. gentleman who should be called. If the hon. member wants to make recommendations to the commission on who should be heard as witnesses then he is free to do so.

* * *

[*Translation*]

## AIRBUS AFFAIR

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, yesterday the Prime Minister refused to question the integrity of his ministers, who obviously goofed in the Airbus affair. Perhaps he might be less forgiving of the obvious incompetence of the RCMP Commissioner, Philip Murray, who took two years to realize that his men were investigating a former Prime Minister.

My question is for the Prime Minister. Everyone agrees that it makes no sense for the top man at the RCMP not to be aware of the famous letter to Switzerland. Under the circumstances, does the Prime Minister continue to have faith in the RCMP Commissioner?

● (1450 )

[*English*]

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, the commissioner under the act passed by Parliament is responsible for the management and control of the RCMP. He is carrying out this work. He is assuming his responsibilities and I think that is the answer to my hon. friend's question.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, what is left of the Liberals' wishful thinking, of this government's accountability, when a senior bureaucrat supposedly in charge of the RCMP can make mistakes costing taxpayers millions of dollars and yet continue to hold the respect and trust of this government and this Prime Minister?

[*English*]

**Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.):** Mr. Speaker, I reject the premise of my hon. friend's question because the investigation in question is active. It is ongoing. Brian Mulroney in agreeing to the settlement of the case against him said: ''The parties have always acknowledged that the RCMP must continue investigating any allegations of illegality or wrongdoing brought to its attention''. That is exactly what it is doing.

I do not know why my hon. friend questions this proper work of the national police force.

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## INDIAN AFFAIRS

**Mr. Elijah Harper (Churchill, Lib.):** Mr. Speaker, my question is for the minister of Indian affairs. Last November, the royal commission on aboriginal peoples issued its final report. The commission urges us to end decades of jurisdictional uncertainty and deal with aboriginal peoples on a nation to nation basis within the Canadian federation.

The minister has had two months to study this report. Will he tell the House what actions the government has taken toward considering the recommendations in the royal commission's final report?

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, perhaps the member has an easier question. The royal commission has spent five years with many ups and downs. In the end it has created a very scholarly report. The commission should be commended. It is a living document, a touchstone as has been evidenced by 600 people who met in Montreal last week to discuss the pros and cons.

We could not wait for the report to be finished during our tenure. So many of the things that it recommended in the end we were already doing as they were being discussed: inherent right, general policy, specific policy, the Inuit Grise Fiord package, the contemporary treaty in B.C.

I know the Reform Party has no interest in aboriginal affairs. The 150 tables we had going across the country were interested in what happened to royal commissions. This is what happens. There are 150 tables. This will be a touchstone for our negotiators. It will be a light.

There are 440 recommendations of which 89 touch us. I hope all provinces and territories where they are affected will use that same report as a touchstone, as a light to get to do the job better.

* * *

## AIRBUS

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, by November 8, 1995 the justice minister knew about the inflammatory contents of Kimberly Prost's letter to the Swiss authorities regarding the Airbus scandal.

At that time the justice minister had the opportunity to withdraw the letter and forward a second one, minus the libellous language. This would have stopped the $50 million lawsuit and saved the taxpayers a $1 million out of court settlement and would not have interfered with the RCMP investigation.



Why did the justice minister not withdraw the letter immediately on learning of its libellous content?

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the hon. member should know that a second letter was sent days after November 8, 1995.

A second letter was sent at the request of Mr. Mulroney and his solicitors. That letter made clear that the contents of the first letter were allegations only, unproven and part of an investigation. I hope the hon. member takes that into account when he assesses this situation.

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, anyone who is familiar with the file realizes the contents of the second letter, and it did not do one single solitary thing about appeasing the complainant in this whole matter.

● (1455 )

The justice minister continues to absolve himself of any responsibility when clearly it was his irresponsible decision that cost the Canadian taxpayers millions of dollars. As soon as the justice minister heard of the libellous letter, it was his duty to act responsibly.

Why did the minister not withdraw the original letter and issue his apology immediately? Why did he take over a year and millions of taxpayers' dollars to settle this affair? How can the people of Canada trust this minister's judgment?

**Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the hon. member is entitled to his own opinion but he is not entitled to his own facts.

The facts of this letter are clear. Within days of Mr. Mulroney's lawyers coming to the department and complaining about the language in that letter, a second letter was sent. The first letter had already been acted on and was sent, but the second letter made it clear that what was said were mere allegations, that no conclusions had been reached.

The hon. member asks about my responsibility. I made clear from the outset that I take responsibility for the Department of Justice. The record shows that acting responsibly, I have changed the system inside the department.

The parties to the settlement of this case acknowledge—may I read briefly: ''The parties acknowledge the procedure used in sending a request for assistance—''.

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[*Translation*]

## NATIONAL FORUM ON HEALTH

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, my question is for the Minister of Health.

This morning, the national forum on health presented its report to the federal government. The report contains no criticism of the federal government and contributes nothing to improving health care.

Does the minister understand that the national forum is just so much verbiage and that the real problems in health care are the cuts this government has made to transfer payments to the province?

[*English*]

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, I thank the hon. member for raising the subject matter on the floor of the House.

The conclusions of the forum report were obvious to all. The problems in our health care system today are not as a result of lack of funding. It has to do with the management of the system.

In point of fact, the recommendations that are contained in the forum report suggesting that we, as Canadians, ought to move to a more inclusive system such as including home care and pharmacare are directions that all member ought to support for the benefit of high quality health care for every Canadian.

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## KREVER INQUIRY

**Mr. Grant Hill (Macleod, Ref.):** Mr. Speaker, back to Krever. The Krever commission on tainted blood was designed to clear up a Canadian tragedy designed to explain to a 15-year old youth from Ottawa, David, why his life was shattered when he found on his lab report HIV positive.

Since the Prime Minister talks so much about accountability, since this Liberal government says its whole issue is accountability, can the health minister explain to Canadians why he tried to shut down Krever when he tried to find out who was accountable?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, to repeat what the very eminent Minister of Justice has just said, the hon. member is entitled to his own opinion but certainly not entitled to his own facts on this issue. Quite the contrary.

Since we have assumed our responsibilities in the field of health care in dealing with the blood issue, we have attempted to provide all available information to the Krever inquiry. We have acted on many of the interim recommendations that he has made.

As I have said many times inside and outside this House, we await the final conclusions of Justice Krever so that we can incorporate those that will improve, restore and add confidence to the blood system in this country.

## NATIONAL CHILD BENEFIT

**Ms. Judy Bethel (Edmonton East, Lib.):** Mr. Speaker, my question is for the Minister of Human Resources Development.

For 27 per cent of Edmonton's children who live with their families below the poverty line, the child benefit offered hope. How will the national child benefit help these Alberta families?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I want to thank the hon. member for her question. Indeed the government is very concerned about the situation of children living in low income families in this country. This is one of our top priorities.

• (1500)

We have already been investing a great deal. We have invested over $500 billion in the child tax benefit at this time and in the budget last year we increased the working income supplement by $250 million.

We need to do more and we can achieve better results if we work collaboratively with the provinces. I was extremely pleased when last week we actually achieved a consensus that the provinces and the Government of Canada will develop together a national child benefit, a very good policy for children.

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## HEALTH

**Mr. Svend J. Robinson (Burnaby—Kingsway, NDP):** Mr. Speaker, my question is for the Minister of Health and it is also on the National Forum on Health.

As the minister knows, the national forum urged this government to bring medicare into the 21st century by including primary care, by including home care and of course by including prescription drugs.

Will the minister not only accept these recommendations but will he put an end to the destructive cuts in federal funding for health care to the provinces, restore that funding and tackle the runaway cost of prescription drugs?

**Hon. David Dingwall (Minister of Health, Lib.):** Mr. Speaker, again I think we have to be careful of the facts.

The report says very clearly that Canada has the second most expensive health care system in the OECD countries. Furthermore the forum has said very clearly that it is not an issue of funding; it is an issue of managing and substantially changing the direction in which health care is heading.

That is why I am very happy that the hon. member will support the directions in terms of further improvements as they relate to home care, pharma care and primary care. I appreciate his support

and the support of the NDP as we move forward on these important issues.

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[*Translation*]

### EMPLOYMENT INSURANCE CONTRIBUTIONS

**Hon. Jean J. Charest (Sherbrooke, PC):** Mr. Speaker, my question is for the Prime Minister.

The federal government has very recently discovered a growing problem of poverty in Canada, including among children.

Since his government has just discovered this problem, I would ask the Prime Minister if he will not take immediate action to help overtaxed low income families on the labour market. Will he not recognize that, by overtaxing unemployment insurance contributions by $10 billion over two years, he is placing an unfair burden on them and would he not be prepared to reduce employment insurance contributions, especially for low income families, right now?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the Minister of Human Resources Development has just provided a good description of the current situation. The program we are working on at the moment requires provincial co-operation.

The meeting held last week in Toronto and the one held last month bear witness to a new approach and new co-operation between the federal government and the provinces in helping children in difficulty in our society.

I hope negotiations will continue quickly and that, together with the provinces, we will be able to set up a national program to protect poor children.

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## GOVERNMENT ORDERS

● (1505)

[*English*]

### CRIMINAL CODE

The House resumed consideration of the motion that Bill C-46, an act to amend the Criminal Code (production of records in sexual offence proceedings), be read the second time and referred to a committee.

**Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, today in 1997 we are faced with yet another issue which threatens sexual offence victims and indeed every woman's confidence in the criminal justice system. We must take this opportunity to put the progressive reforms of our sexual offence laws back on track. We must take the opportunity to craft a law which articulates that both the complainant and the accused are worthy of the law's protection. Equality before the law and under the law must be more than rhetoric. Doing nothing will only reinforce the status quo which in many cases is inequality.

I should also point out that other jurisdictions are grappling with the same issues. This is not a uniquely Canadian problem. I am aware that the production of a variety of personal records of sexual offence victims has discouraged reporting and participation of victims in virtually all American states, in the United Kingdom, in Australia and in New Zealand. The approaches developed or proposed in other states to address the issue vary. Some have opted for statutory privileges which apply to specific communications and records. Others have opted for an application for the hearing procedure. What all have in common is the recognition that rights to privacy must be accommodated along with the right to full answer and defence, and that where records are at stake the accused must demonstrate the likely relevance of such records.

I believe that our legislative proposals address this complex issue in a fair and comprehensive manner. While we have learned from the experience of other jurisdictions, the proposals that are put forward are very uniquely Canadian.

Bill C-46 amendments will significantly improve the situation for complainants and witnesses of sexual offences. I emphasize that these amendments are indeed a package. There is no quick or simple solution.

In a nutshell, we are proposing a two stage test for the production of records which places the onus on the accused to establish the threshold of likely relevance of the records requested.

In addition, we are providing guidance to the courts in their consideration of the likely relevance by the articulation of several insufficient grounds for production. The legislation emphasizes that the trial judge must consider the charter rights of both the accused and the complainant or witness when determining whether to produce the records.

Strict procedures must be adhered to when seeking personal records. In the event that records are ultimately produced to the accused, appropriate safeguards for privacy are available.

● (1510 )

A new form of subpoena for personal records will provide better information to the recipient of the subpoena. Important, we have included a preamble which explains why these reforms are essential and what our intention is as legislators.

While the legislation is comprehensive, I emphasize that it does not prohibit the production of records. It recognizes that both complainants of sexual offences and persons accused of sexual offences have rights guaranteed by the charter and that these rights,

while they may conflict, must be accommodated and reconciled to the greatest extent possible.

I would like to briefly highlight the key features of Bill C-46, worked on and brought forward by the Minister of Justice. I know that the legislative committee will carefully review the bill and I will be available to respond to any questions it may have in addition to questions in this House.

As mentioned, Bill C-46 includes a preamble. Until recently a preamble was considered quite a unique feature in criminal legislation. However, a preamble has proven to be a very effective way of Parliament's intention of reforming the law, in identifying the mischief that the law seeks to address and in guiding the interpretation of the legislation. The preamble in Bill C-46 does all this. It reiterates our concern about sexual violence and its impact and specifically acknowledges that the compelled production of records may deter complainants from reporting to police and/or from seeking treatments.

It also highlights that the rights guaranteed by our charter are guaranteed to all people, be they accused of criminal offences or complainants or witnesses in criminal proceedings.

Bill C-46 will amend the Criminal Code to provide that in sexual offence proceedings all applications by the accused for the production of records of a complainant or witness shall be determined by the trial judge in accordance with the new law and procedure.

A justice presiding at the preliminary inquiry will not have jurisdiction to determine an application for the production of records.

The Criminal Code will also set out a definition of records. The definition is general: any form of records that contain personal information for which there is a reasonable expectation of privacy. In addition, to avoid any disputes about whether a certain type of record is included, several specific records are referred to as examples. The definition is capable of embracing other types of personal records heretofore not sought.

Note that the definition specifically excludes records or notes made by the police in the course of their investigation or made by the crown in preparation of its case. Where personal records are sought in sexual offence proceedings, the accused must make an application to the trial judge with notice to the crown, the person in possession of the records, the record holder, and the complainant. This written application must set out the grounds or reasons relied upon to establish that the record sought is slightly relevant to an issue at trial or to the competence of a witness to testify.

The code will further provide that certain assertions made by the accused, unsupported by other information, will not meet the threshold of likely relevance which is necessary for a judge to review the records. The amendment will also guide the trial judge in determining likely relevance by directing the judge to consider, at the initial stage and again at the second stage, the salutary and deleterious effects of production on the accused's right to make a full answer and defence and on the right to privacy and equality of the complainant.

Several specific factors must be considered, including the probative value of the record, the nature and extent of the reasonable expectation of privacy in the record, whether production is based on a discriminatory belief or bias and society's interest in encouraging the reporting of sexual offences.

It is after this careful consideration that the judge determines whether he or she should review the records to determine whether they should be produced to the accused. The judge will conduct such a review in private. I fully appreciate that even production to the judge for the judge's eyes only has a devastating impact on complainants. That is why we have drafted a fairly high threshold which the accused must meet even before the judge will review the records.

• (1515)

At the second stage the trial judge will conduct the same exercise, i.e., determine if the record is likely relevant to an issue at trial or the competence of a witnesses to testify, and will consider the same factors including the charter rights of both the accused and the complainant.

This determination is based on the judge's own review of the records. It may be clear after such a review that the records are absolutely irrelevant. On the other hand the records or some part of them in the judge's view may likely be relevant. If so, the records will be produced to the accused.

Bill C-46 also comprehensively addresses the procedural aspects and it provides additional safeguards to protect privacy and the equality rights of the complainants.

For example, the application must be in writing and must set out the specific grounds relied on by the accused for production. Also, adequate notice, usually seven days, of the application must be provided to the record holder, crown, complainant, or witnesses and any person to whom the record relates.

A subpoena duces tecum in new form 16.1 must be served on the record holder along with the notice of motion. The hearing to determine whether the record should be produced to the judge for review will be in camera.

The complainant or witness, the record holder or any person to whom the record relates may appear at the application hearing and be heard, but they are not compellable witnesses by the crown or defence.

The judge must conduct any review of the records in private. The judge must provide reasons for the determination. Where the judge orders production to the accused, appropriate conditions on production must be considered. A ban on publication applies to the contents of the application and all other information at the voir dire and the judge's reasons.

Specific amendments are also proposed with respect to the issuance and form of the subpoena previously mentioned. For example, in sexual offence proceedings a subpoena which requests a witness to bring anything to court must be in a new form, form 16.1, which will provide detailed information to the recipients regarding their rights and obligations.

These changes to the issuance and form of the subpoena are an essential part of this package of amendments. Subpoenas are not statutory to be pulled from the shelf and served without any consideration of whether they should in fact be issued. The code already provides a test for determining whether the subpoena should be issued. The test is whether a person is likely to give material evidence. This is an adequate test and it will remain the test.

However a subpoena which directs the recipient to bring documents or material with them, referred to as a subpoena duces tecum, will be in a new form. That form will provide full information to the recipient regarding their obligations. They are required only to bring the material to court.

In sexual offence proceedings where the material requested by the subpoena is a record as defined in the Criminal Code, the recipient of the subpoena will be informed that the determination whether to produce these records must be made by the trial judge at the special hearing.

These amendments are designed to ensure that record holders who receive a subpoena do not assume that because the subpoena has been issued by a court official that they must automatically hand over the records requested. The records may not be relevant. It is up to the trial judge to decide whether anything should be produced. The subpoena is simply the mechanism to ensure the attendance of a person in court. These records cannot speak for themselves and it is the record holder's attendance that is requested by the subpoena. The code still requires however that in order to issue the subpoena the issuer must be satisfied that the person is likely to give material evidence.

Some critics of Bill C-46 contend that this legislation is simply a knee-jerk reaction to the supreme court's decision last December in O'Connor. This is not the case. The trend to seek out personal records emerged several years ago and was brought to the attention of the Minister of Justice in June 1994 when he met with national women's groups.

• (1520)

The minister launched an extensive consultation two years ago to fully explore the extent of the problem, its impact on sexual offence victims and possible solutions. The consultation process has included equality seeking women's groups, victim advocates, service providers, the defence bar, crown attorneys and the provincial attorneys general. The consultation process began before and continued after the supreme court's hearing and decision in O'Connor. So these reforms can hardly be said to be a simple knee-jerk reaction to that decision.

It may be recalled that in response to questions in this House over a year ago, the Minister of Justice indicated that he would legislate in this area and that he would not necessarily wait for a decision in the O'Connor case. In his capacity as the Attorney General of Canada, the minister intervened in the O'Connor case urging the courts to adopt a higher threshold for the production of records to the judge for review and urging other procedural protections. But even if the supreme court had completely adopted the argument of the federal government, in my view the legislation would still have been necessary.

The supreme court dealt with the case before it and the issues that arose in that particular case. In the consultation process it became clear to the Minister of Justice that there were several issues and concerns which the O'Connor decision would not comprehensively address.

While the minister could have pursued legislation before the supreme court rendered its decision in O'Connor, the minister thought it wise to consider the views of the supreme court. Following the release of the decision in O'Connor, the Minister of Justice very carefully analysed the judgments in relation to the legislative options then under consideration. Again the minister consulted with members of the Canadian Bar Association, the Criminal Lawyers Association, the Canadian Council of Criminal Defence Lawyers, women's groups, sexual assault service providers, academics and crown lawyers.

The Minister of Justice considered a wide range of views and advice. I would note that no single point of view has prevailed to the exclusion of any others. The Minister of Justice concluded that the legislation was still essential to restore the confidence of the people of Canada in the criminal justice system, to ensure that the equality guarantees in our charter were reflected in law and in practice, and to bring certainty to the law and procedure governing the production of records in sexual offence proceedings.

We have the mandate as legislators to craft a law which comprehensibly addresses an issue which is having a serious impact on victims, particularly women and children. Moreover we have a duty to do so rather than to rely on the common law to make incremental changes.

Some critics of Bill C-46 argue that the legislation steamrolls over the supreme court's decision in O'Connor. I do not agree. There are many similarities between this bill and the supreme court's decision. There are also significant differences. We have not set out to codify O'Connor but it has been carefully considered along with all of the other factors considered in crafting amendments.

I do not intend to respond to every anticipated criticism of this legislation. The legislative committee process will provide another opportunity for careful consideration of these amendments. However I would like to address one other concern.

Some critics contend that the proposed amendments which require the accused to establish the likely relevance of the records and which set out several assertions which on their own, in other words without any supporting information, are not sufficient to justify the likely relevance of criteria, place the accused in a catch 22 bind. They argue that the accused may not be able to establish how the records are likely relevant because he does not know what information is in the records. I do not accept this supposed catch 22 situation.

● (1525 )

First of all, if the law does not impose a threshold of likely relevance on the production of records, then it would be open season on records. They would be simply available for the asking or requesting.

If an accused does in fact have a defence to the charges, for example if he did not have any contact with the complainant, if he believes the complainant consented and if the incident did not happen, then he may pursue that in a defence in the appropriate manner. But the accused should not have carte blanche to peruse records in search of a defence in the form of impeaching the complainant's character or credibility or by intimidating the complainant to such an extent that charges are withdrawn. I would also point out that we are talking about personal records which have been made by third parties, counsellors, teachers, doctors; third parties that have no obligation to provide these records to the accused.

This legislation only deals with the production of records. An accused cannot plunder through irrelevant personal records for titbits of information which can either be exploited or unhelpful, safely ignored. But nothing prevents the accused from calling as a witness a person who has material evidence and asking relevant questions.

As I indicated, the legislation sets out several assertions which the accused cannot rely on to establish the likely relevance of the records. The need for articulating these insufficient assertions was highlighted in the consultation process and goes right to the heart of why these amendments are necessary. The accused will not satisfy the likely relevance threshold for production to the trial judge for review by setting out any unsupported assertions of why the records are or may be relevant. The accused must establish how or why the records are likely relevant to an issue at trial. In some cases this may require the defence to reveal information pertaining to the proposed conduct of the defence.

In addition to the general requirement of likely relevance, the code will clarify that any one or combination of unsupported assertions will not meet the test. For example the accused cannot simply state that the records should be produced because records about the complainant exist, or that they may disclose a prior inconsistent statement, or they may relate to the credibility of the complainant or witness, or may reveal allegations of sexual abuse by others.

The articulation of insufficient grounds or assertions is intended to ensure that speculation will not found an application for records. Fishing expeditions will not be condoned by our law and neither should they be. If the legislation permitted an accused to guess why records may be relevant, then in every case records would be produced and this legislation would have accomplished nothing.

But note that these assertions are not impermissible per se where the accused can offer some support for the assertion. For example if the accused can establish to the satisfaction of the trial judge that the records are likely relevant because they do in fact disclose a prior inconsistent statement, the trial judge may determine that the records should be reviewed.

This legislation responds to a situation which threatens the confidence of the people of Canada, particularly women and children, in our criminal justice system and it responds in a fair and focused way. The legislation applies only in sexual offence proceedings. The legislation does not sacrifice the rights of the accused to benefit the victim, nor is it my intention nor the intention of the minister, nor is it the desire or the intention of victims to do this. Our intention is to ensure that the law protects equally all those who rely upon it.

The essence of the amendments I have described is that applications for personal records of complainants and witnesses in sexual offence proceedings must be carefully scrutinized by the trial judge. I am not suggesting that this will be a simple or speedy task for trial judges but it is a necessary task.

The amendments will not prohibit the production of records. Rather the amendments set out the test to determine whether and to what extent production should be ordered and to guide the courts in applying that test, requiring the courts to consider and balance the competing charter interests at both stages.

• (1530 )

An accused person who can establish the need for relevant information in the records in accordance with the law and procedure will not be denied the records. The right to a full answer and defence has not been sacrificed.

The personal commitment of the Minister of Justice is to continue to examine the laws of Canada to ensure that they effectively protect the people of Canada and that they reflect fairness and balance in responding to the needs and concerns of all Canadians. This commitment is shared by all members of the government. Bill C-46 is yet another example of this commitment.

Bill C-46 is indeed another example of the tremendous achievement of the Minister of Justice to put forth real solutions to real problems. In the history of this Parliament it can be said with safety that no more significant amendments have been made to the criminal justice system to make our streets and homes safer than those which have been introduced by this Minister of Justice. In this regard I am very proud to offer my support to this legislation and I encourage others to do the same.

[*Translation*]

**Mr. François Langlois (Bellechasse, BQ):** Mr. Speaker, I am pleased to speak on behalf of the official opposition and to address Bill C-46, an act to amend the Criminal Code, particularly as regards the production of records in sexual offence proceedings.

Incidentally, the 35th Parliament will probably go down in history as the one during which the largest number of criminal issues were dealt with. A large number of bills have been on the House agenda, and the Standing Committee on Justice and Legal Affairs has been particularly busy throughout this Parliament, and it seems that it will continue to be until the end. I do not think there was a need to speed up things in every case. In some cases yes, but not all the time.

The hon. member for Prince Albert—Churchill River just made a speech in which he was already referring to Bill C-46 as an achievement for the government. Let us not rush things. We are currently building the foundations of a bill, and I take the hon. member's word to the effect that this bill will be thoroughly reviewed by the Standing Committee on Justice and Legal Affairs. I do hope this exercise will not be conducted hastily, as has been the case with certain bills in recent months.

That having been said, Bill C-46 includes some interesting and valuable provisions, as well as others that may be more questionable or that raise concerns. The witnesses who will appear before the Standing Committee on Justice and Legal Affairs will shed light on these, so that we can deal with them accordingly.

Restricting the disclosure of some files to the defence and, consequently, to the person accused of a criminal offence of a sexual nature that often involves a woman or a child, is a laudable principle.

The hon. member said earlier that this bill does not in any way violate the constitutional rights of the person accused. At first glance, I have doubts about this, because the act includes a preamble with seven whereases before we get to the following: ''Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada—''.

When the government includes such whereases in a bill, it is because it thinks the legislation does not meet the Oakes test. The restrictions contained in this bill have no justification in a free and democratic society. It seems, at first glance, that they will have to be justified before the courts, since there are probably grounds for a charter challenge.

• (1535)

However, the possibility of a charter challenge is not grounds enough to prevent our legislating. I would say that the likely success of a charter challenge should be a much more serious caution. In my opinion, however, the mere possibility must not preclude the examination of legislation.

In order to better understand Bill C-46, let us draw a parallel with the situation when rape was a criminal offence. The term we use now is ''sexual assault''.

For a long time in Canada, when rape was defined as a criminal offence and an offence related to the commission of a sexual act, the victim's past was open to all and sundry. At a rape trial, it was not clear whether the accused or the victim in the witness box should be responding to the accusations from the way they were going after the victim's past. Quite simply, in an effort to cast doubt in the minds of the jury, to colour the victim's testimony, the victim's sexual history was scrutinized in an effort to discredit her testimony and to show that she had had numerous or bizarre experiences, according to the customs of the time. Regardless, they hit into the victim, regardless of the ultimate intent. In many cases, the ultimate intent for the defence was to cast doubt in the mind of the jury or of the judge, if the trial was before the judge alone.

The legislator changed the situation in somewhat the same way Bill C-46 is attempting to do. If, during a trial for sexual assault, the victim is to be questioned on her earlier sex life to find out whether, for example, as we used to put it, she was previously of chaste character, the course of the questioning must be presented to the judge in a voir dire.

Before the jury is allowed to hear the evidence on the victim's past, the judge is entitled to know exactly what link the defence

thinks it can establish, not to simply imply that the victim who may have behaved in a certain way had no credibility.

Through Bill C-46, a norm is set. Before an accused can seek production of personal records that may be in the hands of a psychiatrist, a member of the medical establishment, teachers or guidance counsellors, and even the production of personal diaries that may be in the hands of a complainant, he or she will first have to convince the judge that this evidence is likely to be relevant to the trial.

The accused will have to demonstrate to the judge, who will be sitting without a jury and conducting a hearing very similar to a voir dire, that this evidence will convincingly raise a reasonable doubt. The first time around, the accused will be required to back up the grounds for making an application, and the judge will hear this application in camera. The complainant could be heard. I read the bill to mean that the accused could be heard as well.

We have reached here a breaking point, a cut-off point between the rights of the victim and those of the accused, who is entitled to a full defence.

One can wonder how, without having reviewed records such as those being requested, the accused can be expected to prepare an application and make sufficiently detailed allegations to convince a judge of the relevancy of presenting the evidence.

• (1540)

This is an issue that will be very difficult to resolve. Perhaps we will manage to find both a positive and a clever solution that respects the rights of both parties, because, in law as in every other area, matter is neither lost nor created. What you gain on one side you lose on the other. The balance on which the economics of our entire criminal law rests must be maintained.

Regarding the evidence that may be disclosed at trial, for the jury's information or for the presiding judge to review, Bill C-46 seeks to ensure and give us the assurance that they will be relevant and pertain to the issue at trial.

I noted in passing that this is the only case where the accused is required to use this procedure, i.e. make a voir dire type of application for the production of such records. This is specified in clause 278.3(2), which reads, and I quote:

> For greater certainty, an application under subsection (1) may not be made to a judge or justice presiding at any other proceedings, including a preliminary inquiry.

What about the accused who wishes, at the preliminary hearing stage, to submit to voluntary examination and plead on voluntary examination to have charges against him dropped for total want of evidence, I wonder? Is he precluded from serving subpoenas on those who have possession of these documents? This is a matter for the Standing Committee on Justice and Legal Affairs to look into.

At the preliminary investigation and voluntary examination stage, assuming the person charged agrees to such a voluntary examination, given its explicit conditions, will the person be deprived of certain means of defence? If we seek to deprive that person of certain means of defence, again we are possibly violating the guarantees provided during a full defence.

And what happens if the documents are in the hands of the Crown, a third party, a member of the medical profession, or a psychiatrist? Is the Crown, given the Supreme Court decision in the Stinchcombe case, not required to make these documents available to the defence? This is another issue which the committee will have to look at.

These are measures which may sound appealing, but which have to be taken carefully, in small doses, because they have an impact on the fundamental rule of justice in our legal system, a system that includes the Criminal Code of Canada, the civil code of the Province of Quebec and the municipal codes in the various provinces, which are the cornerstones of our whole legal system. When these cornerstones are altered, our whole legal system is affected.

The civil code reform took place over a number of decades in Quebec, beginning in the fifties. In fact, the process had started long before with the Pérodeau act, in 1915, the Dorion report, in 1931, and then the change regarding the rights of married women in civil matters, in 1954. All this took several decades. The changes were not imposed overnight.

The people of Canada—and the people of Quebec in the case of that province's civil law, know what their legal system is based on. A civil code and a criminal code are basic documents in our society, just as the Holy Scriptures are fundamental to religion.

• (1545)

We should not rewrite the Scriptures every two or three years. It is a genuine document. We do have various translations and, from time to time, exegetes who provide a new interpretation, but we always come back to the same text. The Scriptures are made more meaningful because they have never been rewritten. Apocrypha are dismissed because they do not meet the same authenticity standards as the Scriptures, as we know them.

This little digression was meant to show you that the basic instruments in our legal system should not change too much or too often. Let me loop the loop I started at the beginning of my speech, when I said that we have passed too many pieces of criminal

legislation during this Parliament: the people subject to trial, the solicitors, the lawyers and probably many judges no longer know what the law is any more. Yet, one basic requirement for a society like ours based on the rule of law, under the 1982 Constitutional Act, is that those who are subject to the law of the land must know what the law says, which is why our basic laws like the Criminal Code should not change too often or according to the whims of those in power who, for some reason, maybe because of some pressure from a lobby group, may decide to make changes.

So this bill will have to be examined thoroughly in order to weigh the ins and outs of the proposed reform. At first blush, its intentions appear laudable, there is no doubt. But if we were to ask Canadians, whom the justice system is there to serve, to name one of the important rules of criminal law, they would probably immediately mention the presumption of innocence, without any prodding whatsoever. An accused cannot be presumed guilty; he is even entitled to remain silent, to remain seated during his trial and say nothing.

Furthermore, the Supreme Court and even the Privy Council have had to make this point again on several occasions, overturning juries' verdicts when crown prosecutors went too far with their arguments from time to time, or when judges overstepped the bounds, because it is not even permitted to comment on an accused's silence, if he decides not to present a defence. When the crown has finished presenting its evidence, and the accused does not rise, the next step is arguments, and neither the crown prosecutor nor the judge may comment on the accused's silence; he is entitled to remain silent. This is one of the key principles of our criminal justice system and, for once I agree with many colleagues in this House, a system which compares very favourably with criminal law systems in other countries.

We now realize that, with Bill C-46, we are going to oblige the accused to present evidence, obviously not before a jury, just before a judge, showing that certain elements of evidence are relevant to his defence in order to be able to produce them later on.

In certain cases, the accused will be forced to speak and to reveal part of his strategy because, in a trial, there is the element of strategy. This may lead the crown to say: ''If that is the defence they are preparing, I will adjust my evidence accordingly''.

The accused's right to silence is, of course, affected by this bill. Although not in itself grounds to oppose this bill, this is a reason to ask whether we are affecting basic rights which have taken hundreds of years to become established in our British system of criminal law.

We must not, in the space of a single legislative session, demolish piece by piece, without truly really realizing what we are taking away, what we are changing, values which have been unanimously acknowledged by our forefathers and are the fundamental guarantee of our democratic freedoms, deemed so important that they were entrenched in the 1982 Constitution, particularly, but not exclusively, in sections 7 through 15.

The official opposition will, with an open mind, give its agreement in principle to the adoption of this bill on second reading.

● (1550)

In doing so, however, we wish to make it known that we will be keeping a watchful eye in committee in order to ensure that, in its guidelines and in its practical application, our system of criminal law, the envy of a number of nations, remains a system that continues to be the envy of many countries.

[*English*]

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, I would like to speak for a few minutes to Bill C-46. Bill C-46 will amend the Criminal Code. It deals with the specific issue of the production of records in sexual offence proceedings.

The purpose of the bill is to ensure that counsel for the accused and the accused would only be permitted access to a complainant's or a witness' personal records under very specific and very restricted conditions, thereby better protecting the privacy rights of complainants and witnesses.

As my colleague from the Bloc has just pointed out, there has been a longstanding tradition in the British legal system that accused persons should have the opportunity to make a full and fair defence to any charges that are brought against them. This element of our legal system is something that has been abused, sometimes both ways. Sometimes, especially in sexual offence proceedings, there have been some real accusations and concerns about accused persons and their counsel poking into the private affairs, papers, writings, diaries and journals of sexual assault victims to see whether something can be dredged up whereby the accused or their counsel might impugn the credibility of the alleged victim. That has been seen as a real abuse. On the other hand, there have certainly been instances where complaints that sexual offences have taken place have been brought fallaciously, frivolously, with malice, for reasons of revenge, personal advantage or, in some instances, due to something called false memory syndrome.

We have two very competing interests. We have genuine victims of sexual offences needing to be protected from being further invaded, further outraged and further violated by having their personal lives, records, writings and intimate thoughts dredged up and chewed over in public simply for the purpose of putting forward some defence on the part of an accused person who has genuinely been an offender and who has violated the rights and the safety of that individual. On the other hand, there are some persons in our society who have been accused of sexual offences wrongful-

ly and maliciously, without any justification, who genuinely must be entitled to all the resources available to clear his or her name.

When we deal with those competing interests and when legislation seeks to make some adjustments in the balance between those competing interests, the question we must ask as legislators is whether the balance that is being changed or rebalanced in the legislation is appropriate and fair, and does it genuinely address in an appropriate way these two competing interests.

● (1555 )

Government members opposite will I am sure be pleased to know that I and my colleagues do approve of the balance that has been reached in Bill C-46 to some extent. We make that approval contingent on further examination of these provisions. We feel that there will be a further and more detailed examination of this legislation in committee, that there will be witnesses and those interested particularly and expert in these areas who will be bringing forth further considerations on this. I think at that point all members of the House can make a better judgment as to the adequacy of this legislation.

I think there has been some abuse of the protections and the rights of accused people to further go on fishing expeditions and dredging the personal lives of genuine victims. That has been a real concern. On balance we feel that this is legitimately an issue that should be addressed by government and at this point I think the government is moving in the right direction.

However, there will be other considerations coming forward as the bill is debated, as the bill is examined in committee and as we look a bit more closely at some of the ramifications of this bill.

The bill will change the situation with respect to the production of a complainant's private records. I should say that these records include medical records, therapeutic records, where a complainant has undergone therapy in the past. This is particularly relevant to a complainant who may have come out of therapy claiming some renewed or suddenly discovered memory of abuse or assault, which of course has led to some real concerns in what is now called false memory syndrome. Those records of therapy could be extremely pertinent.

They also would refer to counselling records, to psychiatric records, to children's aid society records, to school records, employment records and, as I have said, personal diaries and journals.

In order for any of these records to be produced the accused will now have to satisfy a two stage process in order to obtain the production of these records. First, the accused will have to satisfy a judge in an in camera session, a private session in the judge's chambers. The judge will have to be satisfied that the records being sought will likely be relevant to an issue at the trial or to the competence of a witness to testify. Therefore all things considered, a judge must say yes, the accused needs, is entitled to and it is appropriate that the accused has access to this information in order to make a full and fair defence.

In this hearing, although both parties will have an opportunity to oppose or promote the application, this will be done in a private hearing so that the privacy and the personal life of complainants will be protected.

Again, it is important to point out that not all complainants are true victims. We do have to be careful that just because a man, woman or child comes forward complaining of having been sexually offended or assaulted that does not necessarily mean, and that is the whole reason we have trials and the court system, that the person is a victim. In fact, they may be making a victim of the person they are accusing and so we need to be very careful about that.

There is opportunity for that kind of application for records relating to an alleged victim to be held in privacy. There is a protection there in the act because section 278 requires a judge to provide reasons for any order that he or she might make coming out of that hearing.

● (1600)

This provides some degree of accountability for the judge's action because that would allow further feedback by the victim or other third parties and, of course, an appeal of the decision of the judge, although this drags out the proceedings even more. I must say that a lot of Canadians are pretty frustrated that court proceedings are so lengthy. That is the first stage of the process.

If the judge decides that the accused has met this requirement, in other words if the accused shows that this information is relevant to a defence of the accused person, the judge will order the production of those records.

The judge will review those records. The judge will then determine whether, in his or her view, the documents are appropriate and are necessary for the accused to make a full answer in defence of the complaints against him or her.

The judge's discretion must balance the witness' or complainant's right to privacy against the accused person's right to make a full defence.

One of the concerns I suspect will come forward in committee and from witnesses is a certain and increasing lack of confidence, it is fair to say, by the public in the discretion of the judiciary.

Some of my colleagues who intend to speak to this bill will bring out some of the incredible decisions, the incredibly unreasonable and unjust, at least to a lay person observing, decisions by judges, by the bench, when it comes to handling this whole difficult matter of victims, victim rights and the rights of accused persons.

There will be concern about the kind of discretion that is placed with judges. Yet that has been the way our judicial system has worked for centuries in the British common law system. If we feel that the discretion of judges is not being exercised appropriately,

perhaps there are better ways to address that than simply to remove that discretion from the bench.

In any event, it will be for the judge to review the material to make a finding, a determination of whether that material is relevant to the defence and then say whether it should be brought forward and used in the trial of the case.

To sum it up, any opposition to this legislation will come because of its potential effect on the right of the accused to a full and fair defence. Those are legitimate concerns. They have to be taken very carefully.

The way this is intended to work, if judges are open, if their discretion is fair and reasonable, the balance should be kept quite well. Judges must actually give reasons for their decision in these matters, even though the hearings are in private, and provide some measure of openness and public scrutiny of this discretion.

There is a very important principle of our legal system that justice must not only be done but it must be seen to be done. Therefore the less we have these decisions made behind closed doors and in a hidden and unchallengeable way, the better. We would want to make sure that does not happen.

We want to ensure that we protect the right and privacy of complainants, many of whom have already suffered incredible violation and abrogation of their rights to safety and to privacy.

Many victims of sexual assault, male and female, simply refuse to come forward because the last thing they need is to suffer more personal trauma, more publicity, more invasion of their emotional well-being. They choose simply to try to put the pieces back together in private rather than come forward. We know that this is a real problem but we also must ensure that justice is not compromised.

• (1605)

The Reform Party supports a judicial system which places the punishment of crime, the protection of law-abiding citizens and their property ahead of all other objectives. We promote a greater emphasis on assisting true victims of crime.

It is important we recognize that not everyone who makes an accusation is really a victim, but we also need to recognize that a great number of people have suffered incredible amounts of harm, hurt, terror, pain and suffering and an invasion of their personal safety in these sorts of cases. Extra protection for these persons who have been genuinely sexually offended or who may have to testify in these cases is something that we need to move toward if we can do that in a fair and balanced way.

The accused, through their counsel, will have to satisfy some additional process in order to obtain private and sensitive information relating to a victim or a witness. If on further study and examination it is found that there are sufficient checks and balances to achieve that objective, then Reform would be supporting this in the final reading.

It is fair to say that we do need to take seriously as legislators, as the government of this country, the need to genuinely protect the vulnerable and the people who do not feel safe in our society. We have just had a case brought forward of young men in sports who have been victims of sexual assault and sexual activity which was very destructive to them. Yet there seemed to be very little redress, very little protection, for these individuals.

As we know, there have been some very difficult cases as legislators, as members of Parliament and as elected representatives. I am sure most of us, as have I, have had citizens in their offices frightened and terrified of a potential threat of harm to themselves or to members of their family and simply saying where is the protection, what can be done to make us feel safe. Even in the court system there are victims who do not feel safe.

We have an application being made by Clifford Olson under section 745. He will have the right to examine and to gain evidence from the families of his victims. These are the kinds of very serious measures that lead legislators to try to rebalance the situation as much as possible. Citizens who have already been victims of crime and of personal assault should not have to look forward to every nook and cranny of their personal and private lives being pawed over and dredged up by people who have already caused them untold pain and untold grief and untold terror. That I think is the evil that is sought to be addressed in this legislation.

We want to make sure it does not create a greater evil where everyone accused is simply assumed to be guilty and does not have the tools or the fair legal system to defend themselves. It is really heartbreaking for me and for others I am sure to have to deal with families that say they knew that their loved one was in danger. ''I am afraid to go out on the street. I have to hide my phone number and keep changing it because I know that this individual who has already sexually offended against me is out there, but I do not want to have to go through the court system''.

• (1610)

These are difficult issues. I tried to get statistics about how many citizens this involves in my own city of Calgary. There were over 700 sexual offences, sex related assaults, in the city of Calgary last year alone. Unfortunately the statistics range from unwanted touching, what we consider a less serious assault, although not something to take lightly, to serious sexual assaults against women, children and men.

As one of my colleagues said earlier when talking on another bill, the reason we have government, the reason we ban together as a society and put up with the invasion of organized government in our lives and certainly in our pocketbooks is in return we expect to have our lives and property protected and, to some extent, some measures of corporate well-being centrally administered.

In many instances our justice system has not preserved the lives and well-being of our citizens. These are serious matters. There is a serious lapse in the responsibility of government which we need to address with reasonable measures, well balanced measures and fair measures, measures that continue to assure the citizens of this country that they will have justice, that there will be fairness when they are accused and also that there will be fairness and protection when they have been violated and harmed by lawless people.

At this point the Reform members believe that, on balance, this is a good piece of legislation. It is something which we would consider supporting. We will be very interested to hear the debates in the House because we want to make a good decision on this bill. We will very closely follow it in committee and listen to the witnesses. We hope that at the end of the day this will achieve the goal of better protection for genuine victims of sexual offences while at the same time not crossing the line of being unfair or unjust to persons who are wrongfully and inappropriately accused.

It is a tough balance to achieve. However, as legislators that is what we are called on to do, to balance competing interests in a fair, intelligent and workable manner. It is not easy, but that is what we get the big bucks for. I hope that we do a good job for all the citizens of our country.

**Mr. John Bryden (Hamilton—Wentworth, Lib.):** Mr. Speaker, I do not normally track justice legislation or comment on justice bills. However, I am going to comment on Bill C-46 for a very specific reason which I hope members opposite will listen to.

About five weeks ago a man and his wife came to my constituency office. He is in his seventies and she would be about the same age. They are well known in the town that I live in as upstanding people, members of the church and so on and so forth. They told an incredible story. Apparently their daughter, who was then in her fifties, had been subject for very many years to depression every now and then. In fact, it probably cost her her marriage. About three years ago she started going to a therapist for her depression.

● (1615 )

It turns out that the therapist discovered that she had been seriously sexually abused as a child, complete with satanic rights and the whole thing. She had no recollection of these incidents until she went to the therapist. They involved the father. The elderly couple sat in my office and the wife was in tears because this woman, in her fifties, had taken the results of her memories, which were vivid, to the police. She could tell chapter and book how her father abused her.

The reason why the old couple were upset and why they came to my office is that they heard that Bill C-46 had been introduced into the House of Commons. They asked me to look at it carefully so I have.

I first looked at this phenomenon that was mentioned by my colleague from Calgary North called repressed memory syndrome. This is apparently what was the case with respect to this daughter. She went to a therapist. According to psychological theory, when a child has a very traumatic experience he or she can suppress that experience and bury it in memory. The therapist, many years later during the therapeutic sessions and in probing the past of the client, suddenly encounters these memories and brings them to the surface. That is called repressed memory syndrome.

In the past 10 years or so approximately 800 people have been convicted in North America on the basis of repressed memories that have been brought back to the surface by therapists. They have been convicted of very serious crimes usually involving sexual abuse. They have gone to jail solely on the evidence of these people who had no recollection of these crimes against them as children but suddenly found vivid memories when they were treated by therapists.

In the past few years the medical authorities in Canada and the United States have come to recognize that there seems to be a very strong probability that many of these repressed memories are not memories at all but are induced by the therapist. Indeed, just a year ago the Canadian Psychiatric Association came out with a position paper in which it stated that developmental psychology casts doubt on the reliability of recovered memories from early childhood. Reports of recovered memories of sexual abuse may be true but great caution should be exercised before accepting them in the absence of solid corroboration.

Naturally I began to do some research. I had another case just in the past year and a half about a B.C. lawyer in Victoria. I will not give his name because I am sure he suffered quite enough. He is a man in his late forties. Suddenly out of the blue he was accused by a cousin of abusing her when she was only eight years old. It was a case of her being subject to bulimia and having emotional problems. As the information came out in the courts, she went to a therapist and found that she remembered all kinds of things involving sexual abuse, satanic rituals and all those kinds of things.

This man was convicted in B.C. court of doing this. The court of appeal, however, just a year ago overturned the conviction on the grounds that the original trial judge chose to accept some of the information that she reported from the therapist and not other information. In other words, her memories were so elaborate that the original trial judge felt that he could only accept some of them.

The court of appeal said that the original judge could not be selective like that, overturned the case and called for a new trial.

Added to that, in this particular case there were other witnesses who came forward who also recalled this lawyer having engaged in sexual abuse, satanic rituals, burying a cat in the garden and those kinds of things. They had also undergone this therapy.

● (1620 )

When the authorities actually tried to establish the facts of the case, to actually dig in the garden where the ritually executed cats had been buried, they found nothing. The court of appeal found that the case against this man relied solely on the very elaborate and exaggerated testimony of this woman based on memories that had been brought forward by her visits to the therapist.

I come to Bill C-46. I hope that all my colleagues will listen very carefully to what I have to say. If Bill C-46 goes forward as currently written, the two examples I cite, the couple who came to see me just in the last five weeks and this lawyer in B.C. would not have the opportunity to bring forward evidence of the therapy that the accuser underwent.

Section 278.3(4) says that if the accused wants records he must apply to the trial judge. Even before the trial judge can demand those records, according to the legislation the trial judge is not allowed to consider that the record being asked for by the accused relates to the medical or psychiatric treatment, therapy or counselling that the complainant has received or is receiving.

This legislation makes it impossible for the accused to get the relevant records or even discover the relevant records in a case of false memory syndrome.

The member for Calgary North put a lot of reliance in her remarks on the discretion of judges. I was very interested in her remarks. However, the problem is that the legislation does not give judges discretion. The legislation shuts the judge out of actually requesting the records that are relevant to the accused.

Let me just elaborate on that point a bit. I am going to repeat just a little bit. One must understand that the accused when he seeks the records has to apply to the judge, but the judge cannot agree to order the records on certain grounds. Listen to this. It is not grounds for the judge to ask for the record for the simple reason that the record exists. Just as an example, if one is accused as a result of false memory syndrome and one knows that the records exist, that is not good enough reason to ask for the records.

Second, it is not grounds to ask the judge to demand the records if the records relate to medical therapy. We have already dealt with that. If the complainant has undergone that therapy the accused is not allowed to obtain those records in defence.

Furthermore if the record relates to the reliability of the testimony of the complainant, that is also not reason to ask for the records. In other words, the judge cannot use that as grounds to demand the records.

Where someone is falsely accused by someone who has suffered from depression, the very essence of the defence is to question the reliability. But if the records cannot be obtained that demonstrate the person's reliability or lack of reliability, one cannot defend adequately. It is a major problem.

The judge is not allowed to seek records on the request of the accused if the record may reveal allegations of sexual abuse of the complainant by a person other than the accused. It is certainly not beyond the realm of possibility that a person who is basically sick has probably made accusations of sexual abuse against many people.

If there was a situation where as a result of therapy or counselling that a person disclosed they had been abused, not just by the father but by the cousin, the uncle and the brother, it would be very relevant information to appear at trial.

● (1625 )

I stress that the accused is not allowed to know about this information because the judge cannot tell whether the information exists or does not exist. The judge cannot seek the information, cannot seek the records. We have to be very concerned about that clause in the legislation. We need to be very worried about it.

The problem is this. The situation with false memory syndrome is that the testimony of recovered memory through therapy has become widely discredited in the United States. All kinds of people who have been convicted on these charges are now being released from prison. It is recognized that it is not a very reliable source of testimony. Moreover, some states in the United States will not allow a prosecution based on recovered memories. However, the situation we will have in Canada in this legislation is that we are going in the opposite direction.

If this legislation goes through as presently drafted we will make it so easy, so possible, so absolute for people to make these charges based on what we think is false memory. In many instances, it is false memory. In fact, there was a study done in the United States which found that the majority of the instances were fabricated recollections.

This legislation, if it goes through as it stands, will send innocent people to jail, including my elderly couple. The reason they came before me was because he is afraid of being charged after this bill passes. He will not be able to defend himself.

I laud the intention of this legislation. I appreciate that we must do whatever we can do to protect the rights of the victim and to not require people to appear before the courts to disclose intimate details of their lives for frivolous or trivial reasons.

When it is a question of the accused being free or going to jail, when it becomes a question of the accused defending himself with all the freedom and power that a democratic society invests in the presumption of innocence, then it is not trivial at all to make sure that the records of the complainants are at least available to the judge.

This legislation could be fixed up enormously if this clause which puts all these barriers to what the judge can ask for was eliminated and it was simply a case where the accused could go to the judge and ask for records and the judge could vet those records. We must not attach strings to them.

I would like to comment on one other thing with respect to this legislation. It shows that it may be conceived, however well intended, in a way that does not truly reflect the high values we, as legislators, must hold toward the principles of the presumption of innocence and the right of the accused to a fair trial.

In clause 278.5(2) it says that in determining whether the judge should produce a record or not as a result of the request of the accused, the judge has to ask himself how deeply he will invade the privacy of the complainant and that kind of thing.

Here are three unusual things. According to the legislation, the judge has to also consider whether the production of the record would potentially prejudice the personal dignity and the right of privacy of any person to whom the record relates.

In other words, we have on one hand the accused fighting for his or her freedom and we have the judge having to consider, not the rights of the accused or the presumption of innocence or whether it is a fair trial or not, but the right to privacy or the dignity of the person making the accusation is going to be compromised in any way.

I submit that there is something wrong there because the fundamental job of the courts is the determination of guilt or innocence, not to worry about the sensibilities of any witness, for that matter, much less the person who is laying the complaint.

● (1630 )

In this same clause the judge is also told he has to ask himself when he considers producing the records or not, whether society's interests in encouraging the reporting of sexual offences will be compromised. He is also told he has to consider society's interest in encouraging the obtaining of a treatment by complainants of sexual offences. In other words, he is asked to consider that which is not relevant to the trial at hand, that which is not relevant to the innocence or guilt of the person who is accused.

I do support in principle, but only in the broadest general sense, the idea that we must do what we can to protect the reputations of those people who find themselves the victims of sexual abuse. However, as legislators we must never forget that our primary obligation is to protect the fundamental rights, the fundamental liberties and the fundamental freedoms of all Canadians, especially those who are accused and before the courts.

* * *

## BUSINESS OF THE HOUSE

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, on a point of order, there have been discussions among the parties and I believe that if you seek it, you will find there is unanimous consent for the following two motions. I move:

That the following standing committees be designated for the purposes of the statutes cited:

1. Standing Committee on Justice and Legal Affairs: section 36 of an act to amend the Criminal Code (mental disorder) and to amend the National Defence Act and the Young Offenders Act in consequence thereof (Chapter 43, Statutes of Canada, 1991);

2. Standing Committee on Industry: section 14 of the Patent Act Amendment Act 1992 (Chapter 2, Statutes of Canada, 1993).

**The Deputy Speaker:** Does the hon. parliamentary secretary have unanimous consent to move the motion?

**Some hon. members:** Agreed.

(Motion agreed to.)

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if the House would be so obliged, I have a second motion. I move:

That the order of the House adopted December 12, 1996 concerning travel by the Standing Committee on Human Rights and the Status of Disabled Persons be amended by replacing the word ''February'' with the word ''March''.

**The Deputy Speaker:** Does the hon. parliamentary secretary have unanimous consent to move the motion?

**Some hon. members:** Agreed.

(Motion agreed to.)

* * *

## CRIMINAL CODE

The House resumed consideration of the motion that Bill C-46, an act to amend the Criminal Code (production of records in sexual offence proceedings) be read the second time and referred to a committee.

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, I would like to express my appreciation to my colleague for Hamilton—Wentworth for his intervention in this debate.

I did ask about the import of section 278(3) and was told that the intent of that section was to remove the notion of fishing trips by the accused or their counsel. Relevant records could still be brought forward but just any old thing could not be brought up and the judge had to go through it.

I am very interested in the member's construction of this section which says that in fact this would bar the judge from bringing forward these records. I would agree with him if that is the import of the section that it would cause some real concern for people who are accused under this so-called repressed or false memory syndrome.

I think too that some of the construction which could be put on the mandate given to the court of certain public policy considerations could interfere with the pure notion of justice.

• (1635 )

The member has made some extremely troubling and serious points in the debate about section 278.3(4). I would like to ask the member if he studied this, what evidence or authority can he bring to bear to suggest that there really is no discretion at all on the part of the court, that it would simply close the door on these records being brought forward? I have been given to understand that although it prevents fishing expeditions, it did not absolutely close the door. Perhaps the member could discuss a bit more why he has taken that position.

**Mr. Bryden:** Mr. Speaker, when I approached the legislation, as I do in all instances, I looked very carefully at the text. I like to think that as a result of my background I am fairly practised at analysing language and words. I will read into the record the relevant words that put restrictions on what the judge can call forward and the member can judge for herself.

Subsection 4 says: ''Any one or more of the following assertions by the accused are not sufficient on their own to establish that the record is likely relevant to an issue at trial''. Then it goes from (a), (b), to (c) that it is not sufficient ''that the record relates to the incident that is the subject matter'', or ''that the record may relate to the reliability of the testimony of the complainant or witness''. To my mind the text of the legislation is very, very clear.

Sometimes we perhaps get our attention diverted, and I do not offer this as a criticism; I should be so lucky that I should be right 5 per cent of the time myself. Sometimes we are a little deceived inadvertently by the words and descriptions and intent of legislation which we as members see as part of the publications for many departments. As members we very rarely have the opportunity to study legislation at length. Indeed, I point out to the member that I would never have noticed this legislation had it not been for this elderly couple who came full of fear about it.

**Mr. Ian McClelland (Edmonton Southwest, Ref.):** Mr. Speaker, I too would like to thank the hon. member for Hamilton—Wentworth for his interventions, which I know from experience are interventions that will add to the value of the legislation we are addressing. I hope the member opposite will raise this as the bill progresses to committee. If there is substance to the concern particularly as it surrounds false memory syndrome, it is something we had better inoculate this bill against.

I would bring to the attention of members that what Bill C-46 does, at least in the interpretation of what I bring to the debate, is it clarifies the circumstances when such records may be subpoenaed. It was not considered advisable that the term ''likely to have relevance'' be left to a case by case judicial interpretation. Specifically, the records cannot be subpoenaed at a preliminary hearing, only at trial. This is a very important distinction. They cannot be brought forward at a preliminary hearing, only at trial. At that time there is a two-step process, first to establish the relevance of the documents and second, an examination of the documents by a judge in private.

Does the member think that the legislation would be improved if part of the legislation was that the judge who reviews the evidence may not be the trial judge?

**Mr. Bryden:** Mr. Speaker, I do not know how to answer that. I see what the member is getting at.

One problem of the trial judge being the sole arbitrator is that the judge himself can make a mistake. The problem is these records are being examined in camera. I would prefer if it was not just the trial judge, that there was another person in authority who could examine the records at the same time.

• (1640)

My difficulty is that the accused is fighting for his freedom. I even think it is appropriate for the accused to go on a fishing expedition if that is a way of trying to find evidence he believes exists that will either prove his innocence or discredit the complainant. On the other hand I am sensitive to the problem of the victims as well.

Where I think the line should be drawn is that the accused should have the option in this legislation of asking for whatever records he or she likes, so long as the records are reviewed in camera by the trial judge, and I accept the member's point, and one other person, one other official of the court or somebody else. We can then make sure that the records are being handled in a non-prejudicial fashion because it is possible for a trial judge to be prejudiced.

I think the bill can be corrected and still achieve its basic target, but only if we always allow the accused the opportunity to defend

himself absolutely by the production of records. It does not matter even if those records are held in camera, just so long as the accused and his counsel can see those records.

[*Translation*]

**Mrs. Pauline Picard (Drummond, BQ):** Mr. Speaker, first I would like to thank the hon. member for Québec, the status of women critic, for giving me this opportunity to speak to Bill C-46.

In fact, the purpose of Bill C-46 is to regulate the production of records of victims of sexual assault. This bill became necessary as a result of a decision by the Supreme Court of Canada in December 1995, in the O'Connor case. This was a case of sexual assault in which a man accused of sexual assault against four young girls demanded access to the school, medical and psychological records of the complainants. In a decision that was by no means unanimous, the Supreme Court declared that in certain cases, the accused should have access to the records of complainants.

We should put this debate into the context that existed at the time. For several years, victims of sexual assault had been protected by new provisions of the Criminal Code which provided that an accused person may not attack the reputation of his victim, especially the victim's sexual reputation.

You will recall that these provisions were adopted following decades of abuse of victims by the accused. The latter could, and certainly took every opportunity, to try to tarnish the credibility of their victims by publicising the sexual past of the latter. Thus the myth was maintained that a woman who was no longer a virgin deserved to be raped. Fortunately, this is now a thing of the past, thanks to a change in attitude that was long overdue.

Women gradually won their right to equality, including the right to sexual freedom. The battle has been long and hard, but we cannot take the results for granted, especially when certain judges start to air their real feelings towards women.

Women had won a certain measure of legal protection. This protection is important because it encourages women who are victims of sexual assault to lay charges. It also encourages them to persevere, once the initial charges have been laid. Legal protection also gives victims a chance to minimize, as far as possible, the impact the assault has had on them by encouraging them to seek assistance that is available in the community and from professionals.

The framework of legal protection is essential in the battle against violence towards women. That is why it is so important to have legislation that ensures the accused is entitled to a full and complete defence but also protects the victim's access to the courts.

• (1645)

Such access confirms men's and women's entitlement to equality. How could we talk about equality between the sexes when men could sexually assault women almost without impunity, because the women would not report the assaults for fear of having their private life made public?

If we want a society where men and women are equal we must use every means at our disposal to ensure that men and women are equally entitled to integrity and security. The best guarantee of these rights remains, despite its failings, the legal system.

On the subject of the protection of rights, I will look at the first issue of concern, that of the balance between the rights of the accused and the rights of the victim.

In its preamble, the bill talks of the accused's right to a full defence and the victim's right to privacy and equality. The preamble also talks of striking a balance between these rights as far as possible.

The arguments of the parties opposing this bill rest on these words, the concept of balance. On the one hand, counsel for the defence want greater access to the victims' file, basing their request on the absolute right of the accused to a full defence. The idea behind that is that it is better to free 1,000 guilty individuals than to unfairly sentence one single innocent one.

On the other hand, according to those speaking on behalf of the traditional victims of sexual assault, i.e. women, hardly any lawsuits are instigated on the basis of false accusations of sexual assault and the right of women to privacy and to not be assaulted demands that access to records be strictly forbidden.

Where is the middle ground between these two extreme positions? How can a balance be struck between the rights of the accused and the rights of the victims? At present, it would appear that the rights of the accused are better protected. Let me explain. As we all know, the right of the accused to a full defence has been entrenched in the Constitution since 1982.

But this right was already afforded enough protection by the courts before the Canadian Charter of Rights and Freedoms was passed. As I said earlier, it is already part of our judicial standard to protect the innocent against wrongful conviction at any cost. Indeed, especially since passage of the charter, the courts have developed a whole slew of rules and criteria to protect even better this right to a full defence.

A whole series of rulings have been made on this provision of the charter and there will likely be more still. But much less known is the right to privacy and the right to personal safety, which have not yet made it into our judicial and folk culture. Because fewer judicial decisions having a strong impact have been made on the

subject, it is wrongly viewed as less important, when in fact, both are mentioned in the charter and nowhere does it say that this right is less important.

Why is this? I think this is, unfortunately, a reflection of the lesser prominence traditionally given to women's rights. As *Toronto Star* journalist Michelle Landsberg has pointed out, have we ever heard of a police officer testifying at a trial and being required to disclose his medical records or sexual life in order to establish his credibility as a witness?

Why have women traditionally been subjected to such humiliation, if not because they were not given the same credibility? Yet, as this journalist noted, there is no such invasion of the victims' privacy in other criminal cases. Whenever women and sexuality are involved, our society always feels the need to impose constraints on women. Yet, their right to privacy is protected under the charter.

• (1650)

Now that I have raised this issue, I want to deal specifically with the justice minister's bill. The minister wants to strike a balance, but he does not provide any guidelines, any specifics as to how to achieve such a balance.

Again, at this point I am merely raising concerns. However, I wonder if, in light of the current tendency to give priority to the right to a full and complete defence, judges who will have to deal with an application for the production of records might not be involuntarily influenced, thus denying the right of the victim to privacy. We will have to take a careful look at this issue if we want to make sure that, some day, women and men are treated equally.

Another issue which raises concerns, in my opinion, is the scope of disclosure. The bill provides that the records of the plaintiff or of a witness can be the object of an application. What does this mean?

If, for example, the victim's child must testify, will the accused have access to the child's medical and therapeutic records, or to his diary? Similarly, if, as provided under the definition of ''record'', the content of a diary or personal journal can be produced, will the fact that a third party is mentioned as having been a sexual partner result in that person having to be involved in the process in order to protect his right to privacy?

I believe the current wording might lead to abuse and we will have to take an in-depth look at the possible impact of this legislation on third parties who are absolutely not involved in the proceedings.

Finally, I want to mention a very real concern of women's groups, namely the issue of costs. It is now clear that the O'Connor decision had a real impact on the practices of certain stakeholders. This impact varies from one organization to another, depending on their philosophy and financial resources.

In speaking with support groups for victims of sexual assault, I learned that some have simply decided not to keep files. These groups still provide assistance to victims, but no longer keep files, so that they will not have to divulge them to an accused.

The consequences of this decision are fairly major, since it is through keeping files that continuity in the assistance provided can usually be ensured, in addition to allowing the versatility that leads to better results. The consequence of this is that victims are penalized.

Other organizations, however, have decided to continue keeping files, and must therefore incur legal expenses to intervene when they receive requests to turn these files over.

We are all very aware of the cuts in funding to aid groups. I have talked about it on several occasions, as have many of my colleagues. In this era of cutbacks, how can victim assistance organizations allow themselves to spend their meagre resources on lawyers' fees? These are heartbreaking decisions to have to make. Should more women be helped, or should those already in the system be protected?

There is something wrong with a system that forces organizations that request and receive funding for victim assistance to use part of this funding, which is still inadequate, to defend victims' right to privacy.

It seems to me that the government should recognize its responsibility in this situation and include measures in the bill that will ensure that the costs of those holding files and of witnesses will be paid when they are defending the right to privacy.

In conclusion, I repeat my support in principle of Bill C-46, but on condition that the House be allowed to conduct an in-depth study of the elements that raise questions so that victims are finally granted equal rights.

I would also like to take this opportunity, at second reading, to urge the government to act in good faith and to agree to the proposals the Bloc Quebecois will be making to improve this bill.

It seems to me that, one day, we will have to stop playing petty politics when considering bills that have an impact on the most vital aspect of human beings, their integrity.

• (1655)

[*English*]

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, it is a pleasure for me to rise this afternoon and speak to Bill C-46, an act to amend the Criminal Code as it pertains to the production of records in sexual offence proceedings.

I must say at the outset that I have been very vigilant in listening to the various interventions which have been made by my hon. colleagues on both sides of the House. In particular, I wish to commend the hon. member for Hamilton—Wentworth who just spoke. He brought out some very real concerns about how this

particular piece of legislation will affect the rights of the accused and perhaps impact dramatically on those rights. He was concerned about how it would affect a fair trial under our judicial system because of allowed testimony, particularly as it pertains to what has been known as the repressed memory syndrome and to cases of false memory syndrome. That is a very real concern.

My hon. colleague from Calgary North in addressing the bill stated that the support of the Reform Party for this legislation is very tentative at this particular time because we want to see and hear all the relevant witnesses who will come before the justice committee to speak on it.

We have some very grave concerns. We want to ensure that the rights of the accused are protected. However, at the same time, as the member for Calgary North so eloquently put it, we have felt for a long time that the victims of crime have been overlooked by the justice system in Canada. It is high time that governments began to act in the best interests of the victims rather than always concentrating on the rights of the accused and, in many cases, the rights of convicted criminals. That is why the Reform Party supports this legislation in principle. It is why we are interested in hearing various members making their interventions and bringing up relevant points.

The hon. member for Hamilton—Wentworth spoke about specific cases in his riding. Constituents went to his office to voice their concerns about this legislation. That is very important. Too often members in this place and governments become unresponsive to people out in the real world who ultimately have to deal with legislation that is passed in this place.

It is important that we cast the net as widely as possible in looking at this piece of legislation and in asking witnesses to come forward. We must ask for input from Canadians from coast to coast who will undoubtedly be affected if the legislation becomes law.

A couple of hours ago the Parliamentary Secretary to the Minister of Justice spoke about the absence of witnesses in these cases. He said quite eloquently that we are primarily talking about women and children in this legislation.

As I travel throughout my riding of Prince George—Peace River, meeting with constituents, justice is a big issue. I have taken to referring to it as the lack of justice in our legal system in Canada today.

• (1700 )

I feel so strongly that this government is missing the boat in many areas of trying to protect the most vulnerable citizens of our country. I will bring something to the attention of the House. It is something that I had endeavoured to bring to the House quite some time ago. It was my observation at that time that my concerns fell on deaf ears. The concerns I have been bringing to the House in this area are concerns of the people back home which I consider with a great deal of respect.

This government would have the Canadian people believe that it is especially concerned about the most vulnerable, the women and children. As I have noted in the past, we have to be very careful. In our discussion of Bill C-46 today we have heard that we have to be very concerned and very careful to achieve a balance with judicial legislation, a balance between the rights of the accused and the rights of the victims of crime. I have already heard a great many colleagues speak today about trying to achieve that balance.

The case I will refer to is related to a piece of legislation that was passed previously. Because Bill C-46 deals with sexual assault I want to zero in on a case that I was made aware of last fall. We pass legislation from time to time in the House of Commons while many times we may not really understand the possible ramifications. That is why it is so critical, as I said earlier, that hon. members bring forward the concerns of their constituents and bring them to the House of Commons for debate.

The case I want to point out flows from a bill that was passed over a year ago in this place. At that time it was known as Bill C-41, which brought about a system of conditional sentencing in our judicial system. At that time Reformers raised a number of concerns about that piece of legislation and the government in its infinite wisdom said that those concerns were unfounded, that it would make sure conditional sentencing was not used in cases of violent crime and that it was only there for the discretionary use of judges in minor crimes.

Some time ago there was a case in my home province of British Columbia that involved a woman who was a victim of sexual assault. The alleged perpetrator, the accused aggressor was a past common law spouse of this woman. At the time she reported the assault to the police she did not even report it as being a sexual assault but as just a common assault because she did not think the system would respond, that the system would respect the fact that she was sexually assaulted by a former spouse.

For reasons of anonymity I have to be careful not to reveal the location and the identities of the people. This woman lives in fear for her life and in fear of ongoing reprisal by the aggressor. When the case eventually went to court, the judge found the aggressor guilty of sexual assault.

• (1705)

In the judge's ruling he said: ''In this case I do not believe the evidence of the accused, nor am I left in doubt by it''. So he found the accused guilty.

He 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 support''. Is that not something? What we have here is an individual convicted of sexually assaulting a woman and the sentence is one year to be served in the community.

I would like to read the conditional sentence order that was imposed upon this convicted rapist. Let us call the fellow what he was, a convicted rapist. This is the conditional sentence order: ''The court adjudged that the offender be sentenced to a term of one year and that the serving of the sentence in the community would not endanger the safety of the community. It is ordered that the offender shall from the date of this order, or where applicable the date of expiration of any other sentence of imprisonment, serve the sentence in the community subject to the offender's compliance with the following conditions''.

What are the conditions that the judge imposed upon this convicted rapist? They are: ''Namely, the said offender shall: (1) keep the peace and be of good behaviour, (2) appear before the court when required to do so by the court, (3) report to a supervisor on October 3, 1996'', and it gives the location that he is ordered to report to, ''and thereafter when required by the supervisor in a manner directed by the supervisor, (4) remain within the province of British Columbia unless written permission to go outside of the province is obtained from the supervisor, and (5) notify the supervisor in advance of any change of name or address and promptly notify the supervisor of any change of employment or occupation and in addition, shall have no contact directly or indirectly with the [name of the victim], nor attend at or near any premises occupied by her. Shall abstain absolutely from the consumption of alcohol and shall submit to a breathalizer upon the demand of a peace officer. Shall attend, participate and successfully complete any counselling as directed by your probation officer. You shall continue to provide for your dependants'', signed by the judge.

I find this absolutely preposterous. It clearly shows why we have to be so very careful in this place in the legislation that we pass. Here is a judge using the old Bill C-41, the amendments to the Criminal Code, to allow a convicted rapist, to what? To serve his time in the community, to continue to pay support for his children and his estranged spouse, to take some counselling if it is directed by the probation officer. It is absolutely incredible.

Following that decision a letter was received by Reformers from the victim. I would like to read it into the record. From time to time we have to bring what happens in this place down to how it affects average Canadians, Canadian men, women and children out there in the real world.

This particular victim wrote:

> I am writing to inform you of a recent court decision and the subsequent sentence imposed under guidelines of the new Bill C-41, sentence reform.
>
> I was the victim of a sexual assault at the hands of my former common law spouse, [Mr. X].
>
> Initially I did not disclose the sexual assault to the RCMP for fear that they would not believe me. I only disclosed the common assault. Finally, three days before the trial, I told the crown counsel the whole story. [Mr. X] was charged and subsequently convicted.
>
> What concerned me was that after finding the accused guilty [the] judge said something about this being a good case for ''community sentencing''. The sentencing was conducted in [another town], therefore I was unable to see justice be done and could not have any other input other than my written victim impact statement.
>
> Watching [Mr. X] be sentenced would have helped me put some closure to this crime. I had to find out from word of mouth about the sentence.
>
> At the close of the trial His Honour said something about [Mr. X] and I getting along in family court the week before and he seemed to think that because of this [Mr. X] would be a good candidate for this new type of sentencing.
>
> I have no choice but to get along with [Mr. X] in family court because I do not want the court to think that I am using my children to get back at him. I have tried very hard to keep the family and criminal matters separate. Is the court telling me that they needed to see a serious reaction from me in family court and then they would understand the extent of my fear toward this man, and then perhaps send him to jail? I would rather see him go to jail than get his child support.
>
> As far as I am concerned, [Mr. X] got the usual slap on the wrist. How is it that he is the convicted sexual offender and I am the one who is a prisoner? I am terrified of this man. It is no consolation to know that he'll have a criminal record, or that he has a lot of conditions. He is still free and I suspect he does not feel punished. I, on the other hand, will be trying to heal for many years to come.
>
> This type of sentence tells the public that sexual assault within a marital relationship is not that serious. Don't you think?
>
> I think the crown counsel should appeal this sentence. I also think that our government should clarify what types of criminals will be dealt with under this new legislation. Perhaps community sentencing should be for less serious crimes.
>
> In closing, as much as I would have liked to go to the media with this I cannot do so for fear of [Mr. X].

● (1710)

I submit this is a very sad case indeed. Shame on this government for not listening to those types of cases.

On November 4, 1996 in this very Chamber I raised this particular case in a question to our justice minister. Quoting from *Hansard* from that date, the question I asked reads as follows:

> Mr. Speaker, at one time in Canada someone convicted of rape was subject to very severe penalties. Now with conditional sentencing their life does not seem to change much.
>
> A man in B.C. was just convicted of sexual assault. What was his punishment? He is on conditional release, scot free.
>
> These lenient decisions in three different provinces—

—because I had referred to a number of cases—

> —have set dangerous precedents. Section 742 states that a conditional sentence is not an option when there is a danger to the community. Are women not part of the community?
>
> Will the minister responsible for the legislation clarify this for women and, more important, for judges? He talks about a tool for the courts. He talks about appropriate cases. Will he clarify whether a conditional sentence is appropriate for rape?

Here is the response on November 4 from the Minister of Justice:

> Mr. Speaker, 10 years ago Professor Anthony Doob of the University of Toronto did a study. He showed newspaper reports of sentences, in particular of criminal cases, to members of the public and asked them if they felt the sentences were strong enough. The vast majority felt they were not.
>
> He took the same people, the same cases, and provided all the information about the cases, all the facts involving the offender and the offences. After they had read all the facts a clear majority thought the sentences were too harsh.
>
> The reality is that when the court looks at the offender and the offence and takes all the circumstances into account, the court does a pretty fair job of determining appropriate punishment.

This is the part I like, how the minister summed up:

> Obviously, the business of this member is not to worry about the facts or the reality but to use fearmongering to make his squalid point. That is very regrettable and it is bad public policy.

That is what the justice minister said in reply to a question that I felt was very valid about a piece of legislation that he brought forward and which this Liberal government passed and how it affected one particular case, one particular woman who is out there and has failed to see justice done even though the aggressor in this case was convicted of sexual assault.

In summary, what needs to be done? What can we do in this place? I have a long list of how we can shift the balance toward supporting the victims of crime. From your indication, Mr. Speaker, unfortunately I do not have the time to go through the whole list here today.

● (1715 )

I challenge the government to do as Reformers are doing and start listening to the Canadian people on the issue of justice reform.

Canadians from coast to coast are crying out for the justice minister to bring about meaningful legislation to protect them and to protect the most vulnerable members of society.

[*Translation*]

**Mr. Benoît Sauvageau (Terrebonne, BQ):** Mr. Speaker, I rise on a point of order. In Beauchesne, with respect to decorum, citation 329 states:

In general, Speakers have enforced conservative, contemporary standards.

Everyone knows that male members must wear a jacket and tie, but the Standing Orders do not mention jeans.

My point of order is to find out whether members of this House may attend, and rise to speak, wearing jeans or whether contemporary standards require clean and suitable clothing, a suit, with jacket and tie.

[*English*]

**Mr. Hill (Prince George—Peace River):** Mr. Speaker, I would like to speak to the point of order.

As the member correctly points out, there is no reference in Beauchesne's of which I am aware, of what type of pants we are allowed to wear in this place. I wear jeans from time to time. I have noted that members on both sides of the House do from time to time. I do not do it out of any disrespect for this place.

Quite frankly, I am amazed that the member would bring up such a trivial point and consume the time of the House with such a point of order. Since he has, I would point out that jeans are the accepted apparel for a lot of working people in the real world. Certainly they do not find anything out of order with the wearing of jeans.

**Mr. McClelland:** Mr. Speaker, on the same point of order. Early in the first session of the 35th Parliament, I can recall very distinctly the occasion when a member opposite came into this Chamber wearing a turban.

People were all waiting for the explosive fireworks to happen. I can recall being asked about that and saying that it did not matter what was on a person's head but what mattered was what was in the person's head.

I would say today, it does not matter what kind of pants a person is wearing. What matters is what is in the pants.

**Some hon. members:** Oh, oh.

**The Deputy Speaker:** Does anyone else want to have a go? It is hard to know how seriously to take this. Members will recall that the Chair ruled that members had to wear a tie and a female member got up and asked: ''Do I have to wear a tie?''

[*Translation*]

I thank the hon. member for Terrebonne, who raised the point by quoting Beauchesne. I would like to return to this point of order. It is true that in French Beauchesne refers to ''tenues classiques conformes aux usages contemporains''.

[*English*]

The English version is that in general Speakers have enforced conservative contemporary standards. I take seriously the member for Terrebonne who is concerned that a member from a western province would be wearing blue jeans.

There are many members here who probably think all British Columbians and Albertans wear blue jeans to their weddings. I have no idea.

In light of the fact that the member has made the objection, the Chair will try to come back with some kind of refinement of what has been said in the House today. I thank the hon. member and in due course, if it seems necessary the Chair will come back with some kind of ruling on that, as possible as it might be.

● (1720 )

The Chair has received notice from the hon. member for North Vancouver that he is unable to move his motion during private members' hour tomorrow, February 5. Regrettably, it has not been possible to arrange an exchange of positions in the order of precedence. Accordingly the Chair would direct the table officers to drop that item of business to the bottom of the order of precedence.

[*Translation*]

The hour provided for consideration of Private Members' Business will, therefore, be suspended and the House will continue to examine the matters before it at that time.

[*English*]

**Mr. Ian McClelland (Edmonton Southwest, Ref.):** Mr. Speaker, this has been a very interesting debate. It was made much more interesting by the intervention of the hon. member for Hamilton—Wentworth who brought another dimension to the debate. That dimension is that it is far better that 1,000 guilty people go free than one innocent person be convicted. That is the cornerstone of our jurisprudence and that is the way it should be.

If we go back to zero, back to the start of parliamentary democracy, I believe we will find that as parliamentarians our fiduciary responsibility is to the individual citizen and to protect those citizens from the power of the state. That is what this bill is about.

The hon. member for Hamilton—Wentworth dealt specifically with people who came to see him and brought to his attention that someone with false memory syndrome could totally destroy the lives of people with false accusations. The counsellor protecting the accused would not then have the ability to investigate, to prove that it was false memory syndrome that caused the problem. This is a particularly cogent criticism of the bill and it is something we should investigate very carefully in committee.

This bill has the effect of making it far more difficult, but not impossible, for defence lawyers to break down the credibility of a complainant. We must ask ourselves, why is this? I believe it is basically to protect innocent persons from being victimized by the trial process.

This was very aptly put when, in a 1988 presentation of how to go about undermining the position of a complainant, a criminal lawyer said: ''Whack complainants hard at the preliminary inquiry. Attack with all you have got so that he or she will say, 'I am not coming back'''. We ask if this is justice for someone who has been assaulted or sexually assaulted. It is usually only a small minority of women who are sexually assaulted that actually come forward. Why? It is because they have been invaded as it is. Then they come forward and find their whole lives being bared to everybody. They find themselves being whacked by the lawyer for the accused. We must balance the rights of the victim with the rights of the accused. As I read it, that is what this legislation is all about.

• (1725)

It is important to look at the mindset of a society which allows the law to put the rights of the accused far ahead of the rights of the victim. I would like to use as an example a particularly egregious incident which took place and was recently brought to light in a trial in Yukon. I am talking about the circumstances of the murder of Susan Klassen.

Let me tell the House something about Susan Klassen. She died in November 1995. She was 36. She was murdered by her husband Ralph. Her husband pleaded guilty to manslaughter, notwithstanding the fact that he killed her with his bare hands, bruising his thumbs doing it, and then knotted a pillow case around her neck.

How is that manslaughter? Manslaughter is when a person hits someone and they fall over dead. The person did not mean to kill, however, the individual hit his head and ended up dead. How is it manslaughter when you choke someone so hard that you bruise your thumbs and then you strangle them with a pillow case? How in God's name can that be manslaughter?

We wonder what it would take to get 300 people from the Yukon, on one day's notice, at minus 38 degrees, to march in honour of Susan Klassen. They were not marching just for Susan Klassen; they were marching out of frustration and rage at a judicial system that would allow provocation to be used as the excuse for killing. Provocation. My God. How on earth could anybody use provocation as why they killed somebody by strangulation so hard that they bruise their thumbs and then smother them with a pillow case? Provocation is when somebody says something, you get a little bit upset, like what happened here in this House today, you go over and you nail them, and the person winds up dead. You did not mean to kill. That is what manslaughter is all about.

Susan Klassen attended St. Angela Catholic elementary school and Sir John Thompson junior high school in Edmonton. She won the top award for excellence at Archbishop MacDonald high school, graduated from university in 1981 as an occupational therapist with distinction, and worked in the community. She probably was not an angel. None of us is. Was whatever happened in the relationship between Susan and her husband sufficient provocation for this person to kill her and then plead manslaughter because of provocation?

How does that come back to Bill C-46? It is an entirely different circumstance but it has a common root. When women—and we all know that 99 per cent of the time it is women—suffer from assault, whether it is sexual or any other kind, and when that assault is permissible because of provocation for whatever reason, then we are in a situation where a person who brutally kills someone is able to say: ''I did not mean to, therefore, it was manslaughter. I did not mean to rape this girl. I did not break into her house and rape her. I was provoked into raping her because she was there''.

It is time that we put an end to that. We need to balance the rights of the accused and the victim through amendments and at committee we may satisfactorily answer the question of false memory syndrome. However, the rights of the victim must at least be on par with the rights of the criminal. I would ask the House to consider this when the bill goes to committee and before it goes to third reading.

* * *

• (1730)

[*Translation*]

## CANADIAN FOOD INSPECTION AGENCY ACT

The House resumed from February 3, 1997 consideration at report stage of Bill C-60, an act to establish the Canadian Food Inspection Agency and to repeal and amend other acts as a consequence, as reported (with amendments) from the committee.

**The Deputy Speaker:** Dear colleagues, it being 5.30 p.m., the House will now proceed to the taking of the deferred divisions at the report stage of Bill C-60.

Call in the members.

*Before the taking of the vote:*

**The Acting Speaker (Mr. Milliken):** The question is on Motion No. 1, standing in the name of Mr. Chrétien (Frontenac).

• (1800)

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

*Government Orders*

(*Division No. 205*)

YEAS

Members

Ablonczy
Bachand
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Canuel
Chrétien (Frontenac)
Cummins
Daviault
Dubé
Dumas
Epp
Frazer
Gauthier
Grey (Beaver River)
Guay
Hanger
Hill (Macleod)
Jacob
Landry
Laurin
Lebel
Leroux (Shefford)
Manning
McClelland (Edmonton Southwest/Sud-Ouest)
Mercier
Mills (Red Deer)
Paré
Pomerleau
Rocheleau
Schmidt
Speaker
Strahl
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Williams—69

Asselin
Benoit
Bernier (Gaspé)
Breitkreuz (Yorkton—Melville)
Chatters
Crête
Dalphond-Guiral
de Savoye
Duceppe
Duncan
Forseth
Gagnon (Québec)
Godin
Grubel
Guimond
Harper (Simcoe Centre)
Hill (Prince George—Peace River)
Johnston
Langlois
Lavigne (Beauharnois—Salaberry)
Leroux (Richmond—Wolfe)
Loubier
Marchand
Ménard
Meredith
Nunez
Picard (Drummond)
Ramsay
Sauvageau
Solberg
Stinson
Thompson
Tremblay (Rimouski—Témiscouata)
Venne

NAYS

Members

Adams
Allmand
Arseneault
Augustine
Beaumier
Bélanger
Bethel
Bhaduria
Blondin-Andrew
Bonin
Brushett
Byrne
Campbell
Catterall
Chan
Clancy
Collenette
Comuzzi
Cowling
Culbert
DeVillers
Dion
Dromisky
Dupuy
Eggleton
Fewchuk
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Graham
Guarnieri
Harper (Churchill)
Hopkins

Alcock
Anderson
Assadourian
Barnes
Bélair
Bellemare
Bevilacqua
Blaikie
Bodnar
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Chamberlain
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Cullen
Dhaliwal
Discepola
Duhamel
Easter
English
Finestone
Flis
Fry
Gagliano
Gallaway
Goodale
Grose
Harb
Harvard
Hubbard

Ianno
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Marchi
Massé
McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Minna
Murphy
Nault
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Robichaud
Robinson
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Solomon
St. Denis
Stewart (Northumberland)
Taylor
Thalheimer
Ur
Vanclief
Walker
Wells
Wood
Zed—157

Iftody
Jackson
Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
Loney
MacDonald
Malhi
Manley
Marleau
McCormick
McLaughlin
McTeague
Mills (Broadview—Greenwood)
Mitchell
Murray
Nunziata
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Robillard
Rock
Serré
Sheridan
Skoke
Speller
Steckle
Szabo
Telegdi
Torsney
Valeri
Volpe
Wappel
Whelan
Young

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy

Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 1 lost.

[*English*]

**Mr. Kilger:** Mr. Speaker, I rise on a point of order. If the House would agree, I would propose that you seek unanimous consent to apply the results of the vote just taken to report stage Motion No. 7.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent that the vote just taken apply to report stage Motion No. 7?

**Some hon. members:** Agreed.

**The Acting Speaker (Mr. Milliken):** So ordered. I declare Motion No. 7 defeated.

[*Editor's Note: See list under Division No. 205.*]

**The Acting Speaker (Mr. Milliken):** The next question is on Motion No. 13.

● (1805)

[*Translation*]

**Mr. Kilger:** Mr. Speaker, you will find that there is 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 no.

**Mrs. Dalphond-Guiral:** The members of the opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no.

**Mr. Solomon:** Mr. Speaker, the NDP members in the House today will vote no on this motion.

**Mr. Nunziata:** Nay, Mr. Speaker.

**Mr. Bhaduria:** Nay, Mr. Speaker.

(The House divided on Motion No. 13, which was negatived on the following division:)

(*Division No. 206*)

YEAS

Members

Asselin
Bachand
Bergeron
Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)
Canuel
Chrétien (Frontenac)
Crête
Dalphond-Guiral
Daviault
de Savoye
Dubé
Duceppe
Dumas
Gagnon (Québec)
Gauthier
Godin
Guay
Guimond
Jacob
Landry
Langlois
Laurin
Lavigne (Beauharnois—Salaberry)
Lebel
Leroux (Richmond—Wolfe)
Leroux (Shefford)
Loubier
Marchand
Ménard
Mercier
Nunez
Paré
Picard (Drummond)
Pomerleau
Rocheleau
Sauvageau
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)
Venne—41

NAYS

Members

Ablonczy
Adams
Alcock
Allmand
Anderson
Arseneault
Assadourian
Augustine
Barnes
Beaumier
Bélair
Bélanger
Bellemare
Benoit
Bethel
Bevilacqua
Bhaduria
Blaikie
Blondin-Andrew
Bodnar
Bonin
Breitkreuz (Yorkton—Melville)
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Caccia
Campbell
Cannis
Catterall
Chamberlain
Chan
Chatters
Chrétien (Saint-Maurice)
Clancy
Cohen
Collenette
Collins
Comuzzi
Copps
Cowling
Crawford
Culbert
Cullen
Cummins
DeVillers
Dhaliwal
Dion
Discepola
Dromisky
Duhamel
Duncan
Dupuy
Easter
Eggleton
English
Epp
Fewchuk
Finestone
Finlay
Flis
Fontana
Forseth
Frazer
Fry
Gaffney
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Gerrard
Goodale
Graham
Grey (Beaver River)
Grose
Grubel
Guarnieri
Hanger
Harb
Harper (Churchill)
Harper (Simcoe Centre)
Harvard
Hill (Macleod)
Hill (Prince George—Peace River)
Hopkins
Hubbard
Ianno
Iftody
Irwin
Jackson
Johnston
Jordan
Keyes
Kilger (Stormont—Dundas)
Kirkby
Knutson
Kraft Sloan
Lastewka
Lavigne (Verdun—Saint-Paul)
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Lincoln
Loney
MacAulay
MacDonald
MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi
Maloney
Manley
Manning
Marchi
Marleau
Massé
McClelland (Edmonton Southwest/Sud-Ouest)
McCormick
McKinnon
McLaughlin
McLellan (Edmonton Northwest/Nord-Ouest)
McTeague
McWhinney
Meredith
Mills (Broadview—Greenwood)
Mills (Red Deer)
Minna
Mitchell
Murphy
Murray
Nault
Nunziata
O'Brien (Labrador)
O'Brien (London—Middlesex)
O'Reilly
Pagtakhan
Parrish
Patry
Peric
Peters
Peterson
Pettigrew
Phinney
Pickard (Essex—Kent)
Pillitteri
Proud
Ramsay
Reed
Regan
Richardson
Rideout
Robichaud
Robillard
Robinson
Rock
Schmidt
Scott (Fredericton—York—Sunbury)
Serré
Shepherd
Sheridan
Simmons
Skoke
Solberg
Solomon
Speaker
Speller
St. Denis
Steckle
Stewart (Northumberland)
Stinson
Strahl
Szabo
Taylor
Telegdi
Thalheimer
Thompson
Torsney
Ur
Valeri
Vanclief
Volpe
Walker
Wappel
Wells
Whelan
Williams
Wood
Young
Zed—185

PAIRED MEMBERS

Anawak
Bélisle
Bellehumeur
Boudria
Brien
Calder
Deshaies
Dingwall
Fillion
Godfrey
Hickey
Lalonde
Lefebvre
Mifflin
Murphy
St-Laurent

[*Translation*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 13 lost.

[*English*]

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent to apply the results of the vote just taken to the following: report stage Motion No. 22, report stage Motion No. 23, report stage Motion No. 4, report stage Motion No. 6, report stage Motion No. 9 and report stage Motion No. 19.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent that the vote taken on Motion No. 13 apply to the motions enumerated by the chief government whip?

**Some hon. members:** Agreed.

[*Editor's Note: See list under division No. 206.*]

**The Acting Speaker (Mr. Milliken):** I declare Motions Nos. 22, 23, 4, 6, 9 and 19 defeated.

The next question is on Motion No. 5.

**Mr. 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 nay.

[*Translation*]

**Mrs. Dalphond-Guiral:** Mr. Speaker, members of the official opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no.

**Mr. Solomon:** Mr. Speaker, New Democratic Party members in the House today will vote yes on this motion.

**Mr. Nunziata:** Mr. Speaker, let the record show that I am supporting the government on this matter and no, I am not interested in going back into the caucus. It is too right wing for me.

**Mr. Bhaduria:** Mr. Speaker, I will be voting against this motion.

(The House divided on Motion No. 5, which was negatived on the following division:)

(*Division No. 207*)

YEAS

Members

Asselin
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Canuel
Crête
Daviault
Dubé
Dumas
Gauthier
Guay
Jacob
Langlois
Lavigne (Beauharnois—Salaberry)
Leroux (Richmond—Wolfe)
Loubier
McLaughlin
Mercier
Paré
Pomerleau
Rocheleau
Solomon
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)

Bachand
Bernier (Gaspé)
Blaikie
Chrétien (Frontenac)
Dalphond-Guiral
de Savoye
Duceppe
Gagnon (Québec)
Godin
Guimond
Landry
Laurin
Lebel
Leroux (Shefford)
Marchand
Ménard
Nunez
Picard (Drummond)
Robinson
Sauvageau
Taylor
Tremblay (Rimouski—Témiscouata)
Venne—46

NAYS

Members

Ablonczy
Alcock
Anderson
Assadourian
Barnes
Bélair
Bellemare
Bethel
Bhaduria
Bodnar
Breitkreuz (Yorkton—Melville)
Brushett
Byrne
Campbell
Catterall
Chan
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Cullen
DeVillers
Dion
Dromisky
Duncan
Easter
English
Fewchuk
Finlay
Fontana
Frazer
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Graham
Grose
Guarnieri
Harb
Harper (Simcoe Centre)
Hill (Macleod)
Hopkins
Ianno
Irwin
Johnston
Keyes

Adams
Allmand
Arseneault
Augustine
Beaumier
Bélanger
Benoit
Bevilacqua
Blondin-Andrew
Bonin
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Chamberlain
Chatters
Clancy
Collenette
Comuzzi
Cowling
Culbert
Cummins
Dhaliwal
Discepola
Duhamel
Dupuy
Eggleton
Epp
Finestone
Flis
Forseth
Fry
Gagliano
Gallaway
Goodale
Grey (Beaver River)
Grubel
Hanger
Harper (Churchill)
Harvard
Hill (Prince George—Peace River)
Hubbard
Iftody
Jackson
Jordan
Kilger (Stormont—Dundas)

| | |
|---|---|
| Kirkby | Knutson |
| Kraft Sloan | Lastewka |
| Lavigne (Verdun—Saint-Paul) | LeBlanc (Cape/Cap-Breton Highlands—Canso) |
| Lee | Lincoln |
| Loney | MacAulay |
| MacDonald | MacLellan (Cape/Cap-Breton—The Sydneys) |
| Malhi | Maloney |
| Manley | Manning |
| Marchi | Marleau |
| Massé | McClelland (Edmonton Southwest/Sud-Ouest) |
| McCormick | McKinnon |
| McLellan (Edmonton Northwest/Nord-Ouest) | McTeague |
| McWhinney | Meredith |
| Mills (Broadview—Greenwood) | Mills (Red Deer) |
| Minna | Mitchell |
| Murphy | Murray |
| Nault | Nunziata |
| O'Brien (Labrador) | O'Brien (London—Middlesex) |
| O'Reilly | Pagtakhan |
| Parrish | Patry |
| Peric | Peters |
| Peterson | Pettigrew |
| Phinney | Pickard (Essex—Kent) |
| Pillitteri | Proud |
| Ramsay | Reed |
| Regan | Richardson |
| Rideout | Robichaud |
| Robillard | Rock |
| Schmidt | Scott (Fredericton—York—Sunbury) |
| Serré | Shepherd |
| Sheridan | Simmons |
| Skoke | Solberg |
| Speaker | Speller |
| St. Denis | Steckle |
| Stewart (Northumberland) | Stinson |
| Strahl | Szabo |
| Telegdi | Thalheimer |
| Thompson | Torsney |
| Ur | Valeri |
| Vanclief | Volpe |
| Walker | Wappel |
| Wells | Whelan |
| Williams | Wood |
| Young | Zed —180 |

PAIRED MEMBERS

| | |
|---|---|
| Anawak | Bélisle |
| Bellehumeur | Boudria |
| Brien | Calder |
| Deshaies | Dingwall |
| Fillion | Godfrey |
| Hickey | Lalonde |
| Lefebvre | Mifflin |
| Murphy | St-Laurent |

[*Translation*]

**The Acting Speaker (Mr. Milliken):** I declare motion No. 5 lost.

[*English*]

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent to apply the results of the vote just taken to the following: report stage Motion No. 8, report stage Motion No. 10, report stage Motions Nos. 14, 15 and 16, report stage Motion No. 36, Motion No. 20, Motion No. 27 and Motion No. 33.

• (1810)

[*Translation*]

**The Acting Speaker (Mr. Milliken):** Do we have the unanimous consent of the House?

**Some hon. members:** Agreed.

[*Editor's Note: See list under Division No. 207.*]

**The Acting Speaker (Mr. Milliken):** therefore I declare motions Nos. 8, 10, 14, 15, 16, 36, 20, 27 and 33 lost. Consequently, Motion No. 17 is also lost.

[*English*]

The next question is on Motion No. 3.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, if you were to seek it you would find there is unanimous consent that the members who voted on the preceding motion be recorded as having voted on the motion now before the House, with Liberal members voting no.

**Mrs. Dalphond-Guiral:** Mr. Speaker, members of the official opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, the Reform Party members will be voting yes on this motion.

**Mr. Solomon:** Mr. Speaker, New Democrat members in the House tonight will vote yes on this motion.

**Mr. Nunziata:** Mr. Speaker, I will support the NDP on this one. They need some help.

**Mr. Bhaduria:** Mr. Speaker, I will be voting against this motion.

[*Translation*]

(The House divided on Motion No. 3, which was negatived on the following division:)

(*Division No. 208*)

YEAS

Members

| | |
|---|---|
| Ablonczy | Asselin |
| Bachand | Benoit |
| Bergeron | Bernier (Gaspé) |
| Bernier (Mégantic—Compton—Stanstead) | Blaikie |
| Breitkreuz (Yorkton—Melville) | Canuel |
| Chatters | Chrétien (Frontenac) |
| Crête | Cummins |
| Dalphond-Guiral | Daviault |
| de Savoye | Dubé |
| Duceppe | Dumas |
| Duncan | Epp |
| Forseth | Frazer |
| Gagnon (Québec) | Gauthier |
| Godin | Grey (Beaver River) |
| Grubel | Guay |
| Guimond | Hanger |
| Harper (Simcoe Centre) | Hill (Macleod) |
| Hill (Prince George—Peace River) | Jacob |
| Johnston | Landry |
| Langlois | Laurin |
| Lavigne (Beauharnois—Salaberry) | Lebel |
| Leroux (Richmond—Wolfe) | Leroux (Shefford) |
| Loubier | Manning |
| Marchand | McClelland (Edmonton Southwest/Sud-Ouest) |
| McLaughlin | Ménard |
| Mercier | Meredith |

Mills (Red Deer)
Nunziata
Picard (Drummond)
Ramsay
Rocheleau
Schmidt
Solomon
Stinson
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Williams—75

Nunez
Paré
Pomerleau
Robinson
Sauvageau
Solberg
Speaker
Strahl
Thompson
Tremblay (Rimouski—Témiscouata)
Venne

NAYS

Members

Adams
Allmand
Arseneault
Augustine
Beaumier
Bélanger
Bethel
Bhaduria
Bodnar
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Chamberlain
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Cullen
Dhaliwal
Discepola
Duhamel
Easter
English
Finestone
Flis
Fry
Gagliano
Gallaway
Goodale
Grose
Harb
Harvard
Hubbard
Iftody
Jackson
Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
Loney
MacDonald
Malhi
Manley
Marleau
McCormick
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Minna
Murphy
Nault
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons

Alcock
Anderson
Assadourian
Barnes
Bélair
Bellemare
Bevilacqua
Blondin-Andrew
Bonin
Brushett
Byrne
Campbell
Catterall
Chan
Clancy
Collenette
Comuzzi
Cowling
Culbert
DeVillers
Dion
Dromisky
Dupuy
Eggleton
Fewchuk
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Graham
Guarnieri
Harper (Churchill)
Hopkins
Ianno
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Marchi
Massé
McKinnon
McTeague
Mills (Broadview—Greenwood)
Mitchell
Murray
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Robichaud
Rock
Serré
Sheridan
Skoke

Speller
Steckle
Szabo
Thalheimer
Ur
Vanclief
Walker
Wells
Wood
Zed—151

St. Denis
Stewart (Northumberland)
Telegdi
Torsney
Valeri
Volpe
Wappel
Whelan
Young

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy

Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 3 lost.

[*English*]

**Mr. Kilger:** Mr. Speaker, if the House would agree, I would propose that you seek unanimous consent to apply the results of the vote just taken to the following: report stage Motions Nos. 11, 12, 21, 18, 24, 25, 26, 28, 29, 30, 31 and 32.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent for the proposal of the chief government whip to apply the vote just taken to the votes enumerated?

**Some hon. members:** Agreed.

[*Translation*]

[*Editor's note: See list under Division No. 208.*]

**The Acting Speaker (Mr. Milliken):** I declare motions Nos. 11, 12, 21, 18, 24, 25, 26, 28, 29, 30, 31 and 32 lost.

[*English*]

**The Acting Speaker (Mr. Milliken):** The next question is on Motion No. 34.

**Mr. 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.

[*Translation*]

**Mrs. Dalphond-Guiral:** Mr. Speaker, members of the official opposition will vote no.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no.

● (1815 )

**Mr. Solomon:** Mr. Speaker, New Democratic Party members in the House of Commons tonight will vote yes on this motion.

**Mr. Nunziata:** Mr. Speaker, I will be voting yes on this matter.

**Mr. Bhaduria:** Mr. Speaker, I will be voting yes on this motion.

(The House divided on the Motion No. 34, which was agreed to on the following division:)

(*Division No. 209*)

YEAS

Members

Adams
Allmand
Arseneault
Augustine
Beaumier
Bélanger
Bethel
Bhaduria
Blondin-Andrew
Bonin
Brushett
Byrne
Campbell
Catterall
Chan
Clancy
Collenette
Comuzzi
Cowling
Culbert
DeVillers
Dion
Dromisky
Dupuy
Eggleton
Fewchuk
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Graham
Guarnieri
Harper (Churchill)
Hopkins
Ianno
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Marchi
Massé
McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Minna
Murphy
Nault
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Alcock
Anderson
Assadourian
Barnes
Bélair
Bellemare
Bevilacqua
Blaikie
Bodnar
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Chamberlain
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Cullen
Dhaliwal
Discepola
Duhamel
Easter
English
Finestone
Flis
Fry
Gagliano
Gallaway
Goodale
Grose
Harb
Harvard
Hubbard
Iftody
Jackson
Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
Loney
MacDonald
Malhi
Manley
Marleau
McCormick
McLaughlin
McTeague
Mills (Broadview—Greenwood)
Mitchell
Murray
Nunziata
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Robichaud
Robinson
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Solomon
St. Denis
Stewart (Northumberland)
Taylor
Thalheimer
Ur
Vanclief
Walker
Wells
Wood
Zed—157
Robillard
Rock
Serré
Sheridan
Skoke
Speller
Steckle
Szabo
Telegdi
Torsney
Valeri
Volpe
Wappel
Whelan
Young

NAYS

Members

Ablonczy
Bachand
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Canuel
Chrétien (Frontenac)
Cummins
Daviault
Dubé
Dumas
Epp
Frazer
Gauthier
Grey (Beaver River)
Guay
Hanger
Hill (Macleod)
Jacob
Landry
Laurin
Lebel
Leroux (Shefford)
Manning
McClelland (Edmonton Southwest/Sud-Ouest)
Mercier
Mills (Red Deer)
Paré
Pomerleau
Rocheleau
Schmidt
Speaker
Strahl
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Williams—69
Asselin
Benoit
Bernier (Gaspé)
Breitkreuz (Yorkton—Melville)
Chatters
Crête
Dalphond-Guiral
de Savoye
Duceppe
Duncan
Forseth
Gagnon (Québec)
Godin
Grubel
Guimond
Harper (Simcoe Centre)
Hill (Prince George—Peace River)
Johnston
Langlois
Lavigne (Beauharnois—Salaberry)
Leroux (Richmond—Wolfe)
Loubier
Marchand
Ménard
Meredith
Nunez
Picard (Drummond)
Ramsay
Sauvageau
Solberg
Stinson
Thompson
Tremblay (Rimouski—Témiscouata)
Venne

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy
Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 34 carried.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, if you seek it you will find there is unanimous consent that the members who voted on the preceding motion be recorded as having voted on the motion now before the House, with Liberal members voting yes.

**Mrs. Dalphond-Guiral:** Mr. Speaker, members of the official opposition will vote no.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no unless instructed otherwise by their constituents.

**Mr. Solomon:** Mr. Speaker, New Democratic Party MPs in the House will vote no on this motion.

**Mr. Nunziata:** Mr. Speaker, I will be voting yes on this matter.

**Mr. Bhaduria:** Mr. Speaker, I am voting yea on this motion.

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

(*Division No. 210*)

YEAS

Members

Adams
Allmand
Arseneault
Augustine
Beaumier
Bélanger
Bethel
Bhaduria
Bodnar
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Chamberlain
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Cullen
Dhaliwal
Discepola
Duhamel
Easter
English
Finestone
Flis
Fry
Gagliano
Gallaway
Goodale
Grose
Harb
Harvard
Hubbard
Iftody
Jackson
Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
Loney
MacDonald
Malhi
Manley
Marleau
Alcock
Anderson
Assadourian
Barnes
Bélair
Bellemare
Bevilacqua
Blondin-Andrew
Bonin
Brushett
Byrne
Campbell
Catterall
Chan
Clancy
Collenette
Comuzzi
Cowling
Culbert
DeVillers
Dion
Dromisky
Dupuy
Eggleton
Fewchuk
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Graham
Guarnieri
Harper (Churchill)
Hopkins
Ianno
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Marchi
Massé
McCormick
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Minna
Murphy
Nault
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Robichaud
Rock
Serré
Sheridan
Skoke
St. Denis
Stewart (Northumberland)
Telegdi
Torsney
Valeri
Volpe
Wappel
Whelan
Young
McKinnon
McTeague
Mills (Broadview—Greenwood)
Mitchell
Murray
Nunziata
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Speller
Steckle
Szabo
Thalheimer
Ur
Vanclief
Walker
Wells
Wood
Zed—152

NAYS

Members

Ablonczy
Bachand
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Breitkreuz (Yorkton—Melville)
Chatters
Crête
Dalphond-Guiral
de Savoye
Duceppe
Duncan
Forseth
Gagnon (Québec)
Godin
Grubel
Guimond
Harper (Simcoe Centre)
Hill (Prince George—Peace River)
Johnston
Langlois
Lavigne (Beauharnois—Salaberry)
Leroux (Richmond—Wolfe)
Loubier
Marchand
McLaughlin
Mercier
Mills (Red Deer)
Paré
Pomerleau
Robinson
Sauvageau
Solberg
Speaker
Strahl
Thompson
Tremblay (Rimouski—Témiscouata)
Venne
Asselin
Benoit
Bernier (Gaspé)
Blaikie
Canuel
Chrétien (Frontenac)
Cummins
Daviault
Dubé
Dumas
Epp
Frazer
Gauthier
Grey (Beaver River)
Guay
Hanger
Hill (Macleod)
Jacob
Landry
Laurin
Lebel
Leroux (Shefford)
Manning
McClelland (Edmonton Southwest/Sud-Ouest)
Ménard
Meredith
Nunez
Picard (Drummond)
Ramsay
Rocheleau
Schmidt
Solomon
Stinson
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Williams—74

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy
Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken):** I declare the motion carried.

(Bill concurred in and read the second time.)

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

**Some hon. members:** Agreed.

**Mr. Kilger:** Mr. Speaker, I would like to verify with the Chair that in fact there was consent to go to third reading on Bill C-60.

**The Acting Speaker (Mr. Milliken):** I did not hear anyone say no when I asked the question, so I proceeded. I did ask twice.

We will order this for third reading at the next sitting of the House.

* * *

## NUCLEAR SAFETY AND CONTROL ACT

The House proceeded to the consideration of Bill C-23, an act to establish the Canadian Nuclear Safety Commission and to make consequential amendments to other acts, as reported (with amendment) from the committee.

**The Acting Speaker (Mr. Milliken):** The House will now proceed to the taking of several deferred divisions at the report stage of Bill C-23.

The question is on Motion No. 1.

**Mr. Kilgour:** 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 nay.

[*Translation*]

**Mrs. Dalphond-Guiral:** The members of the official opposition will be voting yes, Mr. Speaker.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no.

**Mr. Solomon:** Mr. Speaker, New Democratic Party MPs in the House tonight will vote yes on this motion.

**Mr. Nunziata:** Mr. Speaker, I will be voting yes on this motion.

**Mr. Bhaduria:** Mr. Speaker, I will be voting no on this motion.

(The House divided on Motion No. 1, which was negatived on the following division:)

(*Division No. 211*)

YEAS

Members

Asselin
Bachand
Bergeron
Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)
Blaikie
Canuel
Chrétien (Frontenac)
Crête
Dalphond-Guiral
Daviault
de Savoye
Dubé
Duceppe
Dumas
Gagnon (Québec)
Gauthier
Godin
Guay
Guimond
Jacob
Landry
Langlois
Laurin
Lavigne (Beauharnois—Salaberry)
Lebel
Leroux (Richmond—Wolfe)
Leroux (Shefford)
Loubier
Marchand
McLaughlin
Ménard
Mercier
Nunez
Nunziata
Paré
Picard (Drummond)
Pomerleau
Robinson
Rocheleau
Sauvageau
Solomon
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Tremblay (Rosemont)
Venne—47

NAYS

Members

Ablonczy
Adams
Alcock
Allmand
Anderson
Arseneault
Assadourian
Augustine
Barnes
Beaumier
Bélair
Bélanger
Bellemare
Benoit
Bethel
Bevilacqua
Bhaduria
Blondin-Andrew
Bodnar
Bonin
Breitkreuz (Yorkton—Melville)
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Caccia
Campbell
Cannis
Catterall
Chamberlain
Chan
Chatters
Chrétien (Saint-Maurice)
Clancy
Cohen
Collenette
Collins
Comuzzi
Copps
Cowling
Crawford
Culbert
Cullen
Cummins
DeVillers
Dhaliwal
Dion
Discepola
Dromisky
Duhamel
Duncan
Dupuy
Easter
Eggleton
English
Epp
Fewchuk
Finestone
Finlay
Flis
Fontana
Forseth
Frazer
Fry
Gaffney
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Gerrard
Goodale
Graham
Grey (Beaver River)
Grose
Grubel
Guarnieri
Hanger

Harb
Harper (Simcoe Centre)
Hill (Macleod)
Hopkins
Ianno
Irwin
Johnston
Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
Loney
MacDonald
Malhi
Manley
Marchi
Massé
McCormick
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Mills (Broadview—Greenwood)
Minna
Murphy
Nault
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Reed
Richardson
Robichaud
Rock
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Solberg
Speller
Steckle
Stinson
Szabo
Thalheimer
Torsney
Valeri
Volpe
Wappel
Whelan
Wood
Zed —179

Harper (Churchill)
Harvard
Hill (Prince George—Peace River)
Hubbard
Iftody
Jackson
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Manning
Marleau
McClelland (Edmonton Southwest/Sud-Ouest)
McKinnon
McTeague
Meredith
Mills (Red Deer)
Mitchell
Murray
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Peterson
Phinney
Pillitteri
Ramsay
Regan
Rideout
Robillard
Schmidt
Serré
Sheridan
Skoke
Speaker
St. Denis
Stewart (Northumberland)
Strahl
Telegdi
Thompson
Ur
Vanclief
Walker
Wells
Williams
Young

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy

Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 1 lost.

**Mr. Kilgour:** Mr. Speaker, on a point of order. If the House would agree I would propose that you seek unanimous consent to apply the results of the vote just taken to report stage Motion No. 5.

• (1820)

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent that the vote just taken apply to report stage Motion No. 5?

**Some hon. members:** Agreed.

[*Editor's Note: See list under Division No. 211.*]

[*Translation*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 5 lost.

[*English*]

The next question is on Motion No. 3.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, you will find the House will give its consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members being recorded as voting nay.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will be voting yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote yes.

**Mr. Solomon:** Mr. Speaker, the New Democratic Party MPs in the House tonight will vote yes on this motion.

**Mr. Nunziata:** Mr. Speaker, I will be voting with the NDP on this matter.

**Mr. Bhaduria:** Mr. Speaker, I will be voting yes on this motion.

(The House divided on the Motion No. 3, which was negatived on the following division:)

(*Division No. 212*)

YEAS

Members

Ablonczy
Bachand
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Blaikie
Canuel
Chrétien (Frontenac)
Cummins
Daviault
Dubé
Dumas
Epp
Frazer
Gauthier
Grey (Beaver River)
Guay
Hanger
Hill (Macleod)
Jacob
Landry
Laurin
Lebel
Leroux (Shefford)
Manning
McClelland (Edmonton Southwest/Sud-Ouest)
Ménard
Meredith
Nunez

Asselin
Benoit
Bernier (Gaspé)
Bhaduria
Breitkreuz (Yorkton—Melville)
Chatters
Crête
Dalphond-Guiral
de Savoye
Duceppe
Duncan
Forseth
Gagnon (Québec)
Godin
Grubel
Guimond
Harper (Simcoe Centre)
Hill (Prince George—Peace River)
Johnston
Langlois
Lavigne (Beauharnois—Salaberry)
Leroux (Richmond—Wolfe)
Loubier
Marchand
McLaughlin
Mercier
Mills (Red Deer)
Nunziata

Paré
Pomerleau
Robinson
Sauvageau
Solberg
Speaker
Strahl
Thompson
Tremblay (Rimouski—Témiscouata)
Venne
Picard (Drummond)
Ramsay
Rocheleau
Schmidt
Solomon
Stinson
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Williams—76

NAYS

Members

Adams
Allmand
Arseneault
Augustine
Beaumier
Bélanger
Bethel
Blondin-Andrew
Bonin
Brushett
Byrne
Campbell
Catterall
Chan
Clancy
Collenette
Comuzzi
Cowling
Culbert
DeVillers
Dion
Dromisky
Dupuy
Eggleton
Fewchuk
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gerrard
Graham
Guarnieri
Harper (Churchill)
Hopkins
Ianno
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lincoln
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Marchi
Massé
McKinnon
McTeague
Mills (Broadview—Greenwood)
Mitchell
Murray
O'Brien (Labrador)
O'Reilly
Parrish
Peric
Peterson
Phinney
Pillitteri
Reed
Richardson
Robichaud
Rock
Serré
Sheridan
Skoke
St. Denis
Stewart (Northumberland)
Alcock
Anderson
Assadourian
Barnes
Bélair
Bellemare
Bevilacqua
Bodnar
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Chamberlain
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Cullen
Dhaliwal
Discepola
Duhamel
Easter
English
Finestone
Flis
Fry
Gagliano
Gallaway
Goodale
Grose
Harb
Harvard
Hubbard
Iftody
Jackson
Keyes
Kirkby
Kraft Sloan
Lavigne (Verdun—Saint-Paul)
Lee
Loney
MacDonald
Malhi
Manley
Marleau
McCormick
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Minna
Murphy
Nault
O'Brien (London—Middlesex)
Pagtakhan
Patry
Peters
Pettigrew
Pickard (Essex—Kent)
Proud
Regan
Rideout
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Speller
Steckle
Szabo
Telegdi
Torsney
Valeri
Volpe
Wappel
Whelan
Young
Thalheimer
Ur
Vanclief
Walker
Wells
Wood
Zed—150

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy
Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken)::** I declare Motion No. 3 negatived.

**Mr. Kilger:** Mr. Speaker, on a point of order. If the House would agree I would propose that you seek unanimous consent to apply the results of the vote just taken on the following: report stage Motions Nos. 6, 7, 8, 14, 18 and 19.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent for the proposal put forward by the chief government whip?

**Some hon. members:** Agreed.

[*Editor's Note: See list under Division No. 212.]*

**The Acting Speaker (Mr. Milliken):** I declare Motions Nos. 6, 7, 8, 14, 18 and 19 negatived.

The next question is on Motion No. 4.

**Mr. 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 nay.

[*Translation*]

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote nay.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no.

**Mr. Solomon:** Mr. Speaker, New Democratic Party members in the House will vote yes on this very important Motion No. 4, Bill C-23.

**Mr. Nunziata:** Mr. Speaker, again I will be supporting the NDP on this very important motion.

**Mr. Bhaduria:** Mr. Speaker, I will be voting yes on this motion.

(The House divided on Motion No. 4, which was negatived on the following division:)

(*Division No. 213*)

YEAS

Members

Bhaduria
McLaughlin
Robinson
Taylor—7
Blaikie
Nunziata
Solomon

NAYS

Members

Ablonczy
Alcock
Anderson
Assadourian
Augustine
Barnes
Bélair
Bellemare
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Bevilacqua
Bodnar
Breitkreuz (Yorkton—Melville)
Brushett
Byrne
Campbell
Canuel
Chamberlain
Chatters
Chrétien (Saint-Maurice)
Cohen
Collins
Copps
Crawford
Culbert
Cummins
Daviault
DeVillers
Dion
Dromisky
Duceppe
Dumas
Dupuy
Eggleton
Epp
Finestone
Flis
Forseth
Fry
Gagliano
Gagnon (Québec)
Gauthier
Godin
Graham
Grose
Guarnieri
Guimond
Harb
Harper (Simcoe Centre)
Hill (Macleod)
Hopkins
Ianno
Irwin
Jacob
Jordan
Kilger (Stormont—Dundas)
Knutson
Landry
Lastewka
Lavigne (Beauharnois—Salaberry)
Lebel
Lee
Leroux (Shefford)
Loney
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Manning
Marchi
Massé
McCormick
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Mercier
Mills (Broadview—Greenwood)
Minna
Murphy
Nault
O'Brien (Labrador)
O'Reilly
Paré
Patry
Peters
Pettigrew
Picard (Drummond)
Pillitteri
Proud
Reed
Richardson
Adams
Allmand
Arseneault
Asselin
Bachand
Beaumier
Bélanger
Benoit
Bernier (Gaspé)
Bethel
Blondin-Andrew
Bonin
Brown (Oakville—Milton)
Bryden
Caccia
Cannis
Catterall
Chan
Chrétien (Frontenac)
Clancy
Collenette
Comuzzi
Cowling
Crête
Cullen
Dalphond-Guiral
de Savoye
Dhaliwal
Discepola
Dubé
Duhamel
Duncan
Easter
English
Fewchuk
Finlay
Fontana
Frazer
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Gerrard
Goodale
Grey (Beaver River)
Grubel
Guay
Hanger
Harper (Churchill)
Harvard
Hill (Prince George—Peace River)
Hubbard
Iftody
Jackson
Johnston
Keyes
Kirkby
Kraft Sloan
Langlois
Laurin
Lavigne (Verdun—Saint-Paul)
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Leroux (Richmond—Wolfe)
Lincoln
Loubier
MacDonald
Malhi
Manley
Marchand
Marleau
McClelland (Edmonton Southwest/Sud-Ouest)
McKinnon
McTeague
Ménard
Meredith
Mills (Red Deer)
Mitchell
Murray
Nunez
O'Brien (London—Middlesex)
Pagtakhan
Parrish
Peric
Peterson
Phinney
Pickard (Essex—Kent)
Pomerleau
Ramsay
Regan
Rideout
Robichaud
Rocheleau
Sauvageau
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Solberg
Speller
Steckle
Stinson
Szabo
Thalheimer
Torsney
Tremblay (Rimouski—Témiscouata)
Ur
Vanclief
Volpe
Wappel
Whelan
Wood
Zed—219
Robillard
Rock
Schmidt
Serré
Sheridan
Skoke
Speaker
St. Denis
Stewart (Northumberland)
Strahl
Telegdi
Thompson
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Valeri
Venne
Walker
Wells
Williams
Young

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy
Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 4 lost.

**Mr. Kilger:** Mr. Speaker, if the House would agree I would propose that you seek unanimous consent to apply the results of the vote just taken to report stage Motions Nos. 9 and 13.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent for the proposal of the chief government whip?

**Some hon. members:** Agreed.

[*Editor's Note: See list under Division No. 213.*]

**The Acting Speaker (Mr. Milliken):** I declare Motions Nos. 9 and 13 defeated.

The next question is on Motion No. 10.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, you will find the House will give its consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members being recorded as voting nay.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yes.

● (1825)

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no.

**Mr. Solomon:** Mr. Speaker, New Democratic Party MPs in the House tonight will vote no on this motion.

**Mr. Nunziata:** Mr. Speaker, I will be voting no on this matter.

**Mr. Bhaduria:** Mr. Speaker, I will vote against this motion.

[*Translation*]

[*Editor's Note: See list under Division No. 206.*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 10 lost.

The next question is on Motion No. 11.

**Mr. Kilger:** Mr. Speaker, you will find the House will give its consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members being recorded as voting nay.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yes.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote yes.

**Mr. Solomon:** Mr. Speaker, New Democratic Party members will vote no on this motion.

**Mr. Nunziata:** Mr. Speaker, I support the government on this matter.

**Mr. Bhaduria:** Mr. Speaker, I will vote against this motion.

[*Translation*]

[*Editor's Note: See List under Division No. 205.*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 11 lost.

[*English*]

**Mr. Kilger:** Mr. Speaker, if the House would agree I would propose that you seek unanimous consent to apply the results of the vote just taken to report stage Motions Nos. 12 and 16.

**The Acting Speaker (Mr. Milliken):** Does the House give its consent to the proposal put forward by the chief government whip?

**Some hon. members:** Agreed.

[*Translation*]

[*Editor's Note: See List under Division No. 205.*]

**The Acting Speaker (Mr. Milliken):** I declare Motions Nos. 12 and 16 lost.

[*English*]

A negative vote on Motion No. 16 requires a vote on Motion No. 17. Accordingly, the question before the House is on Motion No. 17.

**Mr. Kilger:** Mr. Speaker, I would like to draw the table's attention to Motion No. 15.

**The Acting Speaker (Mr. Milliken):** We will deal with Motion No. 15 first to keep things in order. I thank the whip for the advice. The question is on Motion No. 15.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, I believe you would find unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberals voting yea.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yea.

[*English*]

**Mr. Strahl:** Mr. Speaker, we may be in danger of unanimity on this one. We vote yes as well.

**Mr. Solomon:** Mr. Speaker, New Democratic Party members in the House will make it unanimous. We will vote yes on Motion No. 15.

**Mr. Nunziata:** Mr. Speaker, in the spirit of non-partisanship I will agree with my colleagues.

**Mr. Bhaduria:** Mr. Speaker, I will support this motion.

(The House divided on Motion No. 15, which was agreed to on the following division:)

(*Division No. 214*)

YEAS

Members

| | |
|---|---|
| Ablonczy | Adams |
| Alcock | Allmand |
| Anderson | Arseneault |
| Assadourian | Asselin |
| Augustine | Bachand |
| Barnes | Beaumier |
| Bélair | Bélanger |
| Bellemare | Benoit |
| Bergeron | Bernier (Gaspé) |
| Bernier (Mégantic—Compton—Stanstead) | Bethel |
| Bevilacqua | Bhaduria |
| Blaikie | Blondin-Andrew |
| Bodnar | Bonin |
| Breitkreuz (Yorkton—Melville) | Brown (Oakville—Milton) |
| Brushett | Bryden |
| Byrne | Caccia |
| Campbell | Cannis |
| Canuel | Catterall |
| Chamberlain | Chan |
| Chatters | Chrétien (Frontenac) |
| Chrétien (Saint-Maurice) | Clancy |
| Cohen | Collenette |
| Collins | Comuzzi |
| Copps | Cowling |
| Crawford | Crête |
| Culbert | Cullen |
| Cummins | Dalphond-Guiral |
| Daviault | de Savoye |
| DeVillers | Dhaliwal |
| Dion | Discepola |
| Dromisky | Dubé |
| Duceppe | Duhamel |
| Dumas | Duncan |
| Dupuy | Easter |
| Eggleton | English |
| Epp | Fewchuk |
| Finestone | Finlay |
| Flis | Fontana |
| Forseth | Frazer |
| Fry | Gaffney |
| Gagliano | Gagnon (Bonaventure—Îles-de-la-Madeleine) |
| Gagnon (Québec) | Gallaway |
| Gauthier | Gerrard |
| Godin | Goodale |
| Graham | Grey (Beaver River) |
| Grose | Grubel |
| Guarnieri | Guay |
| Guimond | Hanger |
| Harb | Harper (Churchill) |
| Harper (Simcoe Centre) | Harvard |
| Hill (Macleod) | Hill (Prince George—Peace River) |
| Hopkins | Hubbard |
| Ianno | Iftody |
| Irwin | Jackson |
| Jacob | Johnston |
| Jordan | Keyes |
| Kilger (Stormont—Dundas) | Kirkby |
| Knutson | Kraft Sloan |

Landry
Lastewka
Lavigne (Beauharnois—Salaberry)
Lebel
Lee
Leroux (Shefford)
Loney
MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney
Manning
Marchi
Massé
McCormick
McLaughlin
McTeague
Ménard
Meredith
Mills (Red Deer)
Mitchell
Murray
Nunez
O'Brien (Labrador)
O'Reilly
Paré
Patry
Peters
Pettigrew
Picard (Drummond)
Pillitteri
Proud
Reed
Richardson
Robichaud
Robinson
Rock
Schmidt
Serré
Sheridan
Skoke
Solomon
Speller
Steckle
Stinson
Szabo
Telegdi
Thompson
Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)
Valeri
Venne
Walker
Wells
Williams
Young

Langlois
Laurin
Lavigne (Verdun—Saint-Paul)
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Leroux (Richmond—Wolfe)
Lincoln
Loubier
MacDonald
Malhi
Manley
Marchand
Marleau
McClelland (Edmonton Southwest/Sud-Ouest)
McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney
Mercier
Mills (Broadview—Greenwood)
Minna
Murphy
Nault
Nunziata
O'Brien (London—Middlesex)
Pagtakhan
Parrish
Peric
Peterson
Phinney
Pickard (Essex—Kent)
Pomerleau
Ramsay
Regan
Rideout
Robillard
Rocheleau
Sauvageau
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Solberg
Speaker
St. Denis
Stewart (Northumberland)
Strahl
Taylor
Thalheimer
Torsney
Tremblay (Rimouski—Témiscouata)
Ur
Vanclief
Volpe
Wappel
Whelan
Wood
Zed—226

NAYS

Members

—0

PAIRED MEMBERS

Anawak
Bellehumeur
Brien
Deshaies
Fillion
Hickey
Lefebvre
Murphy

Bélisle
Boudria
Calder
Dingwall
Godfrey
Lalonde
Mifflin
St-Laurent

● (1830 )

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 15 carried.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, in this spirit of unanimity and great co-operation, I propose that the House apply the results of the previous vote to report stage Motion No. 17 and to the concurrence motion of the bill at report stage.

[*English*]

**The Acting Speaker (Mr. Milliken):** Is the House in agreement that the vote just taken be applied to report stage Motion No. 17 and to the motion for concurrence which is about to be moved in respect of this bill?

**Some hon. members:** Agreed.

[*Editor's Note: See list under Division No. 214.*]

**The Acting Speaker (Mr. Milliken):** I declare Motion No. 17 carried.

**Hon. Anne McLellan (Minister of Natural Resources, Lib.)** moved that the bill, as amended, be concurred in.

[*Editor's Note: See list under Division No. 214.*]

(Motion agreed to.)

* * *

## PRISONS AND REFORMATORIES ACT

The House resumed consideration of the motion that Bill C-53, an act to amend the Prisons and Reformatories Act, be read the third time and passed.

**The Acting Speaker (Mr. Milliken):** The House will now proceed to the taking of the deferred recorded division on the motion at the third reading stage of Bill C-53.

[*Translation*]

**Mr. Kilger:** Mr. Speaker, you will find that there is unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberals voting yea.

**Mrs. Dalphond-Guiral:** Mr. Speaker, the members of the official opposition will vote yea.

[*English*]

**Mr. Strahl:** Mr. Speaker, Reform Party members present will vote no, unless instructed otherwise by their constituents.

**Mr. Solomon:** Mr. Speaker, the New Democratic Party MPs in the House tonight will vote yes on this motion.

**Mr. Nunziata:** I will vote yes on this matter, Mr. Speaker.

**Mr. Bhaduria:** Mr. Speaker, I will be supporting this motion.

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

(*Division No. 215*)

YEAS

Members

Adams
Allmand
Arseneault
Asselin
Bachand
Beaumier
Bélanger
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Bevilacqua
Blaikie

Alcock
Anderson
Assadourian
Augustine
Barnes
Bélair
Bellemare
Bernier (Gaspé)
Bethel
Bhaduria
Blondin-Andrew

| | |
|---|---|
| Bodnar | Bonin |
| Brown (Oakville—Milton) | Brushett |
| Bryden | Byrne |
| Caccia | Campbell |
| Cannis | Canuel |
| Catterall | Chamberlain |
| Chan | Chrétien (Frontenac) |
| Chrétien (Saint-Maurice) | Clancy |
| Cohen | Collenette |
| Collins | Comuzzi |
| Copps | Cowling |
| Crawford | Crête |
| Culbert | Cullen |
| Dalphond-Guiral | Daviault |
| de Savoye | DeVillers |
| Dhaliwal | Dion |
| Discepola | Dromisky |
| Dubé | Duceppe |
| Duhamel | Dumas |
| Dupuy | Easter |
| Eggleton | English |
| Fewchuk | Finestone |
| Finlay | Flis |
| Fontana | Fry |
| Gaffney | Gagliano |
| Gagnon (Bonaventure—Îles-de-la-Madeleine) | Gagnon (Québec) |
| Gallaway | Gauthier |
| Gerrard | Godin |
| Goodale | Graham |
| Grose | Guarnieri |
| Guay | Guimond |
| Harb | Harper (Churchill) |
| Harvard | Hopkins |
| Hubbard | Ianno |
| Iftody | Irwin |
| Jackson | Jacob |
| Jordan | Keyes |
| Kilger (Stormont—Dundas) | Kirkby |
| Knutson | Kraft Sloan |
| Landry | Langlois |
| Lastewka | Laurin |
| Lavigne (Beauharnois—Salaberry) | Lavigne (Verdun—Saint-Paul) |
| Lebel | LeBlanc (Cape/Cap-Breton Highlands—Canso) |
| Lee | Leroux (Richmond—Wolfe) |
| Leroux (Shefford) | Lincoln |
| Loney | Loubier |
| MacAulay | MacDonald |
| MacLellan (Cape/Cap-Breton—The Sydneys) | Malhi |
| Maloney | Manley |
| Marchand | Marchi |
| Marleau | Massé |
| McCormick | McKinnon |
| McLaughlin | McLellan (Edmonton Northwest/Nord-Ouest) |
| McTeague | McWhinney |
| Ménard | Mercier |
| Mills (Broadview—Greenwood) | Minna |
| Mitchell | Murphy |
| Murray | Nault |
| Nunez | Nunziata |
| O'Brien (Labrador) | O'Brien (London—Middlesex) |
| O'Reilly | Pagtakhan |
| Paré | Parrish |
| Patry | Peric |
| Peters | Peterson |
| Pettigrew | Phinney |
| Picard (Drummond) | Pickard (Essex—Kent) |
| Pillitteri | Pomerleau |
| Proud | Reed |
| Regan | Richardson |
| Rideout | Robichaud |
| Robillard | Robinson |
| Rocheleau | Rock |
| Sauvageau | Scott (Fredericton—York—Sunbury) |
| Serré | Shepherd |
| Sheridan | Simmons |
| Skoke | Solomon |
| Speller | St. Denis |
| Steckle | Stewart (Northumberland) |
| Szabo | Taylor |
| Telegdi | Thalheimer |
| Torsney | Tremblay (Lac-Saint-Jean) |
| Tremblay (Rimouski—Témiscouata) | Tremblay (Rosemont) |
| Ur | Valeri |
| Vanclief | Venne |
| Volpe | Walker |
| Wappel | Wells |
| Whelan | Wood |
| Young | Zed —198 |

NAYS

Members

| | |
|---|---|
| Ablonczy | Benoit |
| Breitkreuz (Yorkton—Melville) | Chatters |
| Cummins | Duncan |
| Epp | Forseth |
| Frazer | Grey (Beaver River) |
| Grubel | Hanger |
| Harper (Simcoe Centre) | Hill (Macleod) |
| Hill (Prince George—Peace River) | Johnston |
| Manning | McClelland (Edmonton Southwest/Sud-Ouest) |
| Meredith | Mills (Red Deer) |
| Ramsay | Schmidt |
| Solberg | Speaker |
| Stinson | Strahl |
| Thompson | Williams—28 |

PAIRED MEMBERS

| | |
|---|---|
| Anawak | Bélisle |
| Bellehumeur | Boudria |
| Brien | Calder |
| Deshaies | Dingwall |
| Fillion | Godfrey |
| Hickey | Lalonde |
| Lefebvre | Mifflin |
| Murphy | St-Laurent |

**The Acting Speaker (Mr. Milliken):** I declare the motion carried.

(Bill read the third time and passed.)

**The Acting Speaker (Mr. Milliken):** It being 6.34 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

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# PRIVATE MEMBERS' BUSINESS

[*English*]

## CBC NORTH

**Hon. Audrey McLaughlin (Yukon, NDP)** moved:

That, in the opinion of this House, the Minister of Canadian Heritage should proceed immediately to exempt CBC North from layoffs and funding reductions to the operating budget resulting from the $127 million reduction in federal funding to the Canadian Broadcasting Corporation announced in 1996, as well as future cuts should they occur.

She said: Mr. Speaker, I rise to speak on the issue of—

**The Acting Speaker (Mr. Milliken):** Order. Hon. members who are carrying on discussions in the Chamber could perhaps go behind the curtains. The hon. member for Yukon has the floor and members who are interested in participating in the debate this afternoon will want to hear her.

**Ms. McLaughlin:** Mr. Speaker, I am pleased to address this motion today. It is an important motion, not just for CBC and Radio Canada in the north but of course for all of Canada.

I have specifically chosen to address the portion of CBC North because obviously, I have heard most about that from my constituents. I would add that throughout many years, the New Democratic Party members in this House have supported our public national broadcasting system. We continue to do that and feel it is essential to the unity of our country and to bringing Canadians together.

With respect to CBC North, this motion has received a lot of interest in the north. MLAs in the Northwest Territories legislature very much support the motion and support the intent of the motion.

In November 1996 Charles Dent, Minister of Education, Culture and Employment, wrote and spoke to the Minister of Canadian Heritage. He conveyed to her that the Government of the Northwest Territories strongly urges the minister to recognize the unique and vital role of CBC in northern Canada.

The member for Nunatsiaq has lent his support to the campaign to save CBC North and I thank him for that. I have not heard anything from the member for the Western Arctic on this issue, but I do hope she will have the opportunity to respond to the motion today and to support CBC in the north.

The Yukon government very strongly supports the motion as well and CBC in general. Both the government leader, Piers McDonald, and minister Dave Keenan have shown a strong interest in the issue.

I want to quote briefly from a letter written to the Minister of Canadian Heritage by the hon. Dave Keenan, a minister of the Yukon government. It succinctly outlines why this issue is so important to Yukoners and to people in the north:

> As a national institution the CBC is mandated to strengthen Canada by reflecting and sharing the diversity of its regions and cultures. In the Yukon the requirement to build national unity is tied also with the requirement to strengthen the unity of our peoples as major changes in economic and political institutions take place. The cuts proposed to the CBC northern service threaten to remove the ability of the CBC to speak with Canadians who live and work in the north as local news and current events programming is reduced, and will direct the service toward a service that speaks to these people, often with more prepackaged programs from the south.

That succinctly says what much of the concern is by northerners. I should add that the NDP Yukon government has also passed an all-party resolution calling for an end to the cuts to the CBC. The resolution was supported by members of the Liberal Party in that legislature.

I had the opportunity today to look through *Hansard* and to realize once again that New Democrat MPs have been the only ones, along with perhaps one or two interveners from the Bloc Quebecois, who have stood in this place and defended the vital role of the CBC. New Democrats are the only ones who are speaking for the majority of Canadians when we say that the Liberals should keep their election promises and restore funding to the CBC.

Since Mr. Beatty announced in September the CBC board of directors plan to deal with the most recent cut to the corporation's budget, my office has been absolutely inundated with letters and telephone calls. I might say that in the almost 10 years I have been a member of Parliament, as surprising as it may seem, I have never received more calls, conversations, letters, petitions than on this issue. That is why it is so important that people across the country and in this House hear how vitally important this national broadcasting system is to the people of the north.

● (1840 )

In December I sent the Prime Minister some 140 letters which until that time had been received by me in a two to three week period. Since that time I continue to receive calls about the future of CBC and Radio Canada. I would also like to mention the strong movement within the community again through petitions to urge the government to have adequate and stable funding for CBC and especially for CBC North in our view.

I would like to also mention the editor of the *Yukon News*, Peter Lesniak, who has undertaken on his own and in his own name a save the CBC campaign. Again this illustrates the real intent, the emotional attachment and intellectual attachment people have to the service of the CBC.

This is an important motion to northerners and I believe to all Canadians. It is our way to be heard by other Canadians. I have to note that without a strong CBC and Radio Canada in the south, we do not have a strong CBC North either.

We would have liked to have seen much more debate on this motion and have had it brought to a vote, however we do not have this. This has been denied but I would like to point out a few facts to the House today.

In the past 28 months CBC North has dealt with budget cuts of $1.9 million and has already laid off 30 staff. The latest cuts will mean a further reduction to CBC North radio of 28 per cent and to CBC North TV of almost 40 per cent. This is not death by a thousand cuts; this is being hung, drawn and quartered. This is not what the public want to see, nor what they expected from this government.

Aboriginal language programming in the north could be one of the first victims. I have been told that cuts could also affect programs now being broadcast in Inuktitut. Inuktitut will be one of the two official languages of the new Nunavut territory. In fact it might be argued that cuts may violate the Nunavut Settlement Act since the federal government has an obligation to provide basic services in both languages.

French language services in northern Quebec could also be affected. CBC North provides a weekly news magazine called ''Boreal Hebdo''. There is a good chance that this program which is widely listened to may also be seriously affected and see its last

days. So we have aboriginal languages, French language, obviously English language programs all being affected by these cuts.

There is the red book promise, which I am sure we could debate at length. I think many other Canadians believe that during the last election the Liberal government and the current Prime Minister made a commitment to maintain funding for the CBC. But like many other promises during the last election, the Liberals promised they would stabilize funding for the CBC and they did not do it. During the last election the Liberals said they would scrap the GST and they did not do that.

Pierre Berton best summed it up when he said: ''The Prime Minister promised us that he would trash the GST and save the CBC and then he saved the GST and trashed the CBC''. That is Pierre Berton's comment. As we know he is a national hero and has supported national unity. He and many other national figures are now speaking out on this.

In the last election the Liberals said they would make jobs the number one priority but they did not do that either. In the last election they said they would renegotiate NAFTA and they did not do that. In the last election the Liberals made 21 promises to aboriginal people. So far they have kept only three and have shelved the royal commission report on aboriginal peoples. In the last election the Liberals said they would fund the national day care system to create 150,000 new child care spaces for children and they did not do that either. In the last election the Liberals said they would protect medicare and education from Tory cutbacks but by 1997-98 they will have cut $7 billion from those programs.

There are many challenges facing the country today, including the child poverty issue which we are all aware of and the 1.5 million people who are unemployed. What do changes to the unemployment insurance mean to the Liberal Party? It means a change of name to employment insurance. Who buys that? Less than half of the unemployed now even qualify for the benefits and social program spending has been slashed.

• (1845)

Now at the 11th hour we are going to hear some new promises from the Liberals. They are going to say: ''You know those children who have been put into poverty? We are going to do something about that. We will start to do something about it after you have voted for us in the next election''. It is shameful. It is a betrayal of Canada. Canadians will not forget these broken promises, just like the CBC cuts that were not supposed to happen.

I know all members of the House do not all agree on what should be done with the CBC, but at the same time it would have been important to ensure that everyone here could have debated this issue. We should have had a debate about something as fundamental as our 60 year old national broadcasting system. It is a system which in French and in English has served Canadians well. It serves our country well. Canadians need to have the opportunity to express their views.

Throughout the north CBC North is one vehicle. We have very good radio stations which operate in the Yukon, however, it is the CBC which provides that connection with national and international events. It makes the linkages to all parts of the country possible. It allows us as Yukoners and as northerners to speak with the rest of Canada and it allows the rest of Canada to speak with us. Surely that is what this country should be about.

We have seen the destruction of many of our national symbols. Just flying the flag does not hold the country together, as important as it may be. We need a vehicle which will allow us to express our identity and to express our soul.

I want to say that the emotional reaction to the potential loss of the CBC and Radio-Canada really underscores that the government got it wrong. There are certain values, there are certain principles, there are certain things that we need to maintain to preserve the Canada that we know.

Some people have argued that people should take their complaints to Mr. Perrin Beatty, the chair of the CBC board of directors. However, I would point out that the CBC board of directors does not have anyone on it from the north speaking for northern communities. That is why this issue needs to be revisited in the House of Commons. Every other region of the country has someone in that boardroom who can say, ''No, we should do this. Yes, we should do this. Here is an alternative. Here is our regional concern'', but there is no one from the north.

The cuts to the CBC, as I mentioned earlier, are more than just figures in a book. We all realize that there are stringent necessities in terms of budget. However, we also realize, and it has been brought home to us very well, that it is important that we not only have symbols of our country but that we have a way to talk with each other. CBC Radio-Canada has provided that. In the north it is a vital link for us in many areas.

I would like to close with the words of the New Democratic Party leader, Alexa McDonough, who does not yet have the opportunity to speak in the House of Commons, but in the new Parliament we will be happy to see her here. We know she is a representative who will keep her word, who will speak for the people of Atlantic Canada and for all Canadians. In November, Ms. McDonough said that the CBC is one of the most important institutions in this country and that it is capable of holding Canada together. I believe that from the bottom of my heart.

A national and international public broadcasting system is important to this country. To the north and to rural areas it is the vital link that makes us the country that we are.

● (1850 )

I would like to end by asking for unanimous consent to refer this motion to the heritage committee for further study.

**The Acting Speaker (Mr. Milliken):** Order. The House has heard the proposal of the member for Yukon, asking for the consent of the House to refer the motion to the heritage committee for further study. Is there unanimous consent?

**An hon. member:** No.

**The Acting Speaker (Mr. Milliken):** There is no unanimous consent.

**Ms. McLaughlin:** Mr. Speaker, a point of order. I see that members of the Liberal Party do not want to put this to the heritage committee. I would then ask for unanimous consent to make this motion votable.

**The Acting Speaker (Mr. Milliken):** Is there unanimous consent that the motion be made votable?

**An hon. member:** No.

**The Acting Speaker (Mr. Milliken):** There is no consent.

[*Translation*]

**Mr. Gaston Leroux (Richmond—Wolfe, BQ):** Mr. Speaker, I am pleased to speak to the motion put forward by the hon. member for Yukon. The purpose of this motion is to exempt the CBC Northern Service from the CBC cuts.

These cuts became necessary when the government decided to reduce the CBC's overall parliamentary vote by $127 million in 1996-97.

Members will recall that these cuts came on top of the $227 million in reductions imposed on the CBC by the Liberal government since it took office. These reductions of $350 million in the CBC budget, imposed by the Liberal government, will mean the loss of 4,000 jobs, jobs that will disappear because of these huge cuts.

The official opposition, the Bloc Quebecois, has always been very strongly opposed to large cuts in the CBC's funding. Since our arrival in Ottawa, we have reminded the government time and again of the promises it made in its own red book regarding vitality and funding. They promised not only to recognize our major institutions, such as the CBC, the National Film Board and Telefilm Canada, but to ensure their funding. The Bloc Quebecois has always urged the government to keep its promises.

As for the proposal made by the member for Yukon, the principle is a fundamental one. If it were to be voted on, I would expand on it and say that the whole network should be exempted from the cuts, not just the CBC Northern Service. Let us not forget that $350 million in cuts and 4,000 in lost jobs are at stake.

We are in agreement with the principle of the motion put forward by the member for Yukon, but the government must realize that it is hurting not just communities in the Yukon, but francophone communities throughout Canada.

Remember that, in northern Canada, the CBC and its 145 employees provide 220 hours of television and radio programming in eight native languages to an audience of 100,000. Under the latest cuts imposed on the CBC Northern Service, the present television budget of $14 million will be reduced by 30 to 40 per cent and radio service will be reduced by 30 per cent.

With respect to French services, remember that this government has made cuts of $70 million, including $20 million to radio. The cuts imposed on CBC radio are tragic for Canada's francophone communities, since what they are experiencing is not a reduction in service, but the outright closing of their stations, and in other cases considerably reduced services.

● (1855)

I would like to refer to the press release sent by the Fédération des communautés francophones et acadienne du Canada when the cuts at CBC Radio were announced. The federation said that the federal government and the CBC were abandoning Francophone and Acadian communities. That is how they reacted.

In responding to the cuts announced by Perrin Beatty and Ghyslaine Saucier, chairperson of the CBC's board of directors, the federation said in its press release that this decision was tantamount to destroying a tool that was central to the development of our communities. Ms. Copps should have invested the money in the CBC instead of a flag campaign.

For many Francophone and Acadian communities, CBC regional programming is the only medium that reflects their community and culture in their own language. With these budget cuts, the federal government is sending a devastating message. In spite of its high-sounding commitments, it is abandoning the development of a thriving Francophone and Acadian community in this country. When will Mr. Chrétien and Ms. Copps understand the importance—

**The Acting Speaker (Mr. Milliken):** Order. The hon. member knows perfectly well he must not mention members of this House by name. He must refer to them by the name of their riding, even when is quoting what they said. He should use only the name of their riding or their title. I hope the hon. member, who is well acquainted with the Standing Orders, will take this into account in his comments.

**Mr. Leroux (Richmond—Wolfe):** Mr. Speaker, I have here a quote I would like to read to you. As you know, when a text is quoted, it should be quoted word for word.

So the Deputy Prime Minister and the Prime Minister were asked when they would understand the importance of their commitment to serve the community. The Liberal government should intervene and reverse the decisions and dangerous guidelines imposed by the CBC.

This government has itself admitted that it did not meet the commitments made in its red book. In fact, there are some quotes I would like to make to show how far this government has drifted away from its commitments in a number of areas, which is a complete reversal from the emotional message they sent in their red book.

I would like to quote to you what they said initially about the Conservatives' approach to cultural matters: ''Culture is the very essence of national identity, the bedrock of national sovereignty and national pride. At a time when globalization and the information and communications revolution are erasing national borders, Canada needs more than ever to commit itself to cultural development''.

Referring to the Conservatives, it said: ''Funding cuts to the Canadian Broadcasting Corporation, the Canada Council, the National Film Board, Telefilm Canada, and other institutions illustrate the Tories' failure to appreciate the importance of cultural development. The recent attempt to consolidate the Canada Council and the Social Sciences and Humanities Research Council is but one more example of this disregard for the promotion of artistic endeavours''.

In the same breath, they said: ''A Liberal government will be committed to stable multiyear financing for national cultural institutions such as the Canada Council and the CBC. This will allow national cultural institutions to plan effectively''.

• (1900)

What did they do as soon as they got into power? Since 1993, three years ago now, they imposed a total of $350 million in cuts on the CBC. They also imposed cuts on the National Film Board and abolished 4,000 Radio-Canada/CBC radio and television positions.

Here is what they did based on a statement they call their own—let us recall it to mind now: ''Culture is the very essence of national identity, the bedrock of national sovereignty and national pride''. We know that, we share that opinion in Quebec. That is what we say, our Quebec culture is the very essence of the pride in our country.

They said, and I repeat it here: ''Funding cuts to the Canadian Broadcasting Corporation, the Canada Council, the National Film Board, Telefilm Canada, and other institutions illustrate the Tories' failure to appreciate the importance of cultural and industrial development''. ''When we are in power'' they say ''we will provide these institutions with stable financing''. What a disgrace.

Not only do they make promises, but they win people's votes for this party on the strength of statements and convictions about culture and then, as soon as they get into power, they do the total opposite and bludgeon culture.

In conclusion, we must say that this government has no vision of culture—the opposite is true. The major cultural institutions still have a sword hanging over their heads, for they do not know what the next budget will bring. Will new cuts be imposed?

Let us keep in mind that this government has said that the CBC was not doing its job of promoting national unity. The Minister of Defence has even suggested doing away with it.

**The Acting Speaker (Mr. Milliken):** I am sorry to interrupt the hon. member, but his time is up.

[*English*]

**Hon. Ethel Blondin-Andrew (Secretary of State (Training and Youth), Lib.):** Mr. Speaker, I am sure it is of absolutely no surprise to the members opposite that CBC is a rather unique institution. It is an arm's length institution. It has institutional bodies that guide it, that set its priorities.

I am really pleased that there is a debate on CBC North. It is the public broadcaster for Canada's north. CBC North has the mandate to serve all Canadians living in the north regardless of language, culture or locality. It was created in 1958. CBC North brings public broadcasting services to remote and isolated communities which are not economically viable for commercial broadcasters.

Indeed we do have a very unique relationship with CBC. In fact it would be safe for me to say that northerners have a visceral attachment to that public broadcaster. It has made their reality more real to the rest of the world, to the rest of Canada for sure. It has brought in a sense to some of the remotest regions the world news, world events and those in the rest of Canada. It has been a unifying force in this country politically, culturally, economically. I would say that northerners have a unique relationship and a very deep attachment to that public broadcaster.

I do not believe for one moment that I have remained silent or mum on this issue. I may not be broadcasting my views as such for political purposes because I feel that there has been real pain. Really difficulty decisions have been made. Those are difficult things. I think in a sense to go out there and parade around politically on this issue would not be wise.

I am trying to be very careful in picking my words because I do not want to offend my colleagues. I know that they have an equal

attachment and respect for the people who work in the north in that public broadcasting institution.

● (1905 )

CBC's northern service is part of the corporation's public mandate as reflected in the Broadcasting Act to reflect Canada and its regions to national and regional audiences and to contribute to shared national consciousness and identity. All that to say CBC North currently produces 220 hours of radio programming per week in 10 different languages. It serves a total audience of over 100,000 Canadians from across the north in radio production centres in Iqaluit, Rankin Inlet, Inuvik, Whitehorse, Yellowknife and Montreal.

CBC North gathers and exchanges the news of daily life in northern Canada. Regional, national and international news is presented every day. It is drawn from CBC's extensive news gathering sources.

Radio truly is a lifeline service for northern Canadians. Mr. Speaker, if you have ever had a Delta experience in the north, for example in my riding where I come from, you will know about sitting in a fish camp and being able to get very important messages about the changing weather, about transportation, about medical services or about any such necessities that are there for the people who live on the land. You will know that CBC is a very real and big part of northern people's lives.

Having said that, on television CBC North produces four weekly current affairs programs in seven languages. Television production centres in Yellowknife, Iqaluit and Montreal present multilingual coverage of major events.

The CBC recently announced decisions to address budget reduction measures. We must get our fiscal house in order, and that means reductions in government expenditures. No federal department or agency has been immune. Everyone has had to tighten their belts. Ministries have cut, departments have cut, crown agencies have also had to cut. The CBC recognizes that it must do its part in this exercise.

In reference to the comments of my colleague from Yukon, this does not make it easy for me to say that it has been easy, that it has been draconian or Machiavellian, that it was easy to do. It was not easy to do. I am not here as a government apologist. I am here to say that there are circumstances beyond the individual, beyond this government.

Yes, we could make our forays to the Minister of Finance, to the minister of heritage, to any minister in this government, but we must remember that the CBC is an independent agency. Its board of directors and senior management are responsible for making decisions on how best to manage its operations within its resource allocation.

On the resource allocation, yes the government has cut programs all across the board. Agencies and departments have cut. That is true. Yes, we wear that. Yes, we assume the responsibility. But the CBC is an independent agency that sets its own priorities.

Government also sets fiscal targets and it is the CBC's responsibility to determine how best to meet those goals. The CBC is guaranteed journalistic, creative and programming independence under the Broadcasting Act, and Parliament must respect and uphold that relationship. The CBC will decide the appropriate budget for the northern service in the context of its public mandate, overall operations and resource allocation.

The hon. member opposite would be the first to complain if we were to interfere with the journalistic integrity of the CBC. The member would be the very first, I am sure. I would understand that. To be quite honest, the CBC would not tolerate having the government's fingerprints all over its priorities and planning. It would not appreciate that. It would not accept that and the member opposite knows that it would protest vehemently. I would also understand that.

The president of the CBC announced decisions in September with the details of implementation and what it means in terms of layoffs still to be determined in some places. No CBC service is exempt. There will be reductions in both staff and programming in English and French radio and English and French television. However, CBC is not abandoning its public mandate to serve Canadians. In fact, it is returning to its roots as being as Canadian as possible and offering a truly public broadcasting service. It will continue to tell the story to Canada and to present a world seen through Canadian eyes.

● (1910)

New avenues have also opened up. Let me say that I am saddened and unabashed about the sadness and the feeling that I have. I do not perhaps share the priorities that put CBC North in its present position. I would have liked it to be different. I feel there has been a disproportionate cut.

I know the north and I understand the remoteness and the people who work there. The north is a small place. Both my colleague and I know intimately people who work there. So it is not a matter of not caring, it is the reality of the fact that the CBC is an independent agency. It has to set its own priorities.

Yes, we as government officials are responsible for the overall fiscal restraint we operate under and the goals that we set as a government. However, we do not interfere at the departmental or agency level or with the crown corporations that set their own specific priorities.

I feel the north is a priority. I believe it provides a unique service. I would like to continue to work with the people who have the authority, but that would be protested. It would be interfering. I am not allowed to do that.

We have heard the issues raised in the House when ministers of the cabinet have interfered with quasi-judiciary bodies. It is not tolerated. In that sense my hands are tied.

I can only tell northerners how important we feel the work that the broadcasting corporation has offered to us over the years. We cannot thank it enough for that work. We must recognize that the CBC has made a valuable contribution to the north and for the unity of the country and for Arctic sovereignty. Over a whole range of issues it has been a unifying force, a cultural promoter. It is a wonderful institution that should be supported.

I support the CBC but there are realities which are beyond my capacity. I appreciate the opportunity to speak to this issue.

[*Translation*]

**Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, I would first like to congratulate the member on her initiative, because I think we both believe in the value and importance of CBC northern services and we are both concerned that Canadians in remote and isolated communities in the north continue to receive the CBC television and radio services that link them to each other and to their neighbours to the south.

CBC North has a mandate to serve all Canadians living in the north, regardless of their language, their culture and their location. The northern cultural landscape is one of great wealth. The national and regional programs of CBC North bring the various peoples of northern Canada together.

The CBC northern service shares the Corporation's public mandate, which is to reflect Canada and its regions to national and regional audiences. CBC North's mission statement, drafted by its employees, provides for serving the peoples of the north by helping them understand each other and by enabling them to communicate with each other and the rest of the country.

At the moment, CBC North produces 220 hours of radio programming a week in English, French and 8 native languages. This programming is a combination of local programs and the national programs of CBC radio. CBC North's radio service had an operating budget of $9.7 million in 1995-96.

• (1915)

[*English*]

The CBC delivers its northern television service with two and a half hours of northern produced programming that is combined with CBC's national service programming. It produces four and a half hour programs over 26 weeks in Cree, Inuktitut, three Dene languages and English. It reaches 96 communities in the north with over 100 hours of television programming per week. That is, by any measure, a very impressive operation.

The budget for CBC's northern television service was $3.3 million in 1995-96. We have heard many members speak today with regard to CBC North. We have to recognize the reality of this. We must get our fiscal house in order and that means reductions in government expenditures throughout. The budget that was announced in February 1996 gave the CBC the time necessary to plan responsibly and make the appropriate decisions to manage its operations, including CBC North, in light of the new fiscal targets.

The CBC is an independent crown agency and Parliament must respect that relationship. Therefore, it would be inappropriate for the government to intervene in CBC's internal decision making process concerning budget allocations, including the budget for CBC North. These are tough decisions but the government has every confidence that CBC's board of directors and senior management will manage its resources efficiently and will treat its people and the regions fairly.

We do not yet know all the details of the announced measures to meet the budget reductions and what it means specifically for CBC North. However, I would like to assure the hon. member that CBC's obligations under the Broadcasting Act ''to reflect Canada and its regions to national and regional audiences'' will be fulfilled. As part of the service of our national public broadcaster, CBC North ensures that the interests of Canadians living in the farthest regions of Canada are served. This is CBC's mandate and it will not change.

Fundamental and unprecedented changes face the people of the north. In 1999, two new territories will be created through the division of the Northwest Territories. Land claim settlements are creating aboriginal governments equal in scale and resources to public governments. Economic development is poised to unfold in many areas of the north which will expand communities and build new ones. Meeting this change is a small population with a history of survival under harsh conditions.

Now, more than ever, northern Canadians need to be joined together through their public broadcasting system to share their stories and to see and to hear themselves and other Canadians. Cable and in the near future direct to home satellite and other wireless services are breaking down the north's media isolation but these new communication bridges to the north are delivering signals from the south, many of which are American.

On the other hand, the small population base in most centres make it difficult for Canadian private television services to operate economically. There are only two private radio stations serving northern centres.

[*Translation*]

There are great opportunities for broadcasting in the North, and CBC North is well placed to take advantage of them, but the CBC needs to use new technologies if it is to really take advantage of those opportunities.

Digital conversion in the North is inevitable, given the anticipated conversion of the radio and television broadcasting industry as a whole. Digitization involves a rather high initial cost for broadcasters, but it offers them the unique opportunity to consolidate their operations and to realize greater economies of scale. Conversion to digital will also make it possible to provide superior signal quality.

[*English*]

The broadcasting distribution infrastructure is undergoing fundamental change throughout North America and, indeed, throughout the world. Once we have gone digital, there will be opportunities for all broadcasters in the north, public and private, to share infrastructure costs and achieve greater efficiencies in distribution.

• (1920 )

Digitization provides a common technical platform that will encourage a network of networks between CBC North, TVNC, private radio and television broadcasters in the north. Growing from the humblest of beginnings as radio stations transferred from the military, CBC North has built a pan-northern service across four million square kilometres of Canada. In the future CBC North would be a vital link in Canada's northern information highway.

As mentioned earlier by the hon. secretary of state, partnerships will be increasingly important in this complex world where we must do more with less. In particular, partnerships will be critical for building the bridges that will construct our information highway for the millennium and beyond. As a service of our national public broadcaster, CBC North will be an important partner in helping to build the north's information highway.

I thank the hon. member for bringing to our attention this very important subject today.

**The Acting Speaker (Mr. Milliken):** I should advise the House that if the hon. member for Yukon speaks now she will close the debate.

**Hon. Audrey McLaughlin (Yukon, NDP):** Mr. Speaker, I appreciate my colleagues from the Liberal Party and the Bloc Quebecois for addressing this issue seriously. I might not agree with all of the responses, but I do feel that it has been an important debate.

I am saddened that the Reform Party has not seen fit either to participate or to be present for this debate because I think that they too—

**The Acting Speaker (Mr. Milliken):** Order. I hesitate to interrupt the hon. member, but she knows that she is not allowed to refer to the absence of members from the House. Perhaps their lack of participation in the debate is fair comment, but not their absence from the House. I would draw that rule to her attention. I know she is aware of it.

**Ms. McLaughlin:** Yes, certainly, Mr. Speaker. I withdraw the comment about the House. However, participating in the debate I think is important because it affects all parts of the country.

I listened very carefully to all members who spoke on this matter. I listened to their arguments. I am a bit puzzled by some of the arguments.

The hon. member for Western Arctic said that CBC North is a lifeline that deserves support. I would agree. In terms of the many services that are provided by the CBC it is a lifeline that deserves support. At the same time, the member for Western Arctic said that there are fiscal constraints. We recognize that. I believe the member for Western Arctic said that we must get our fiscal house in order. Again, I agree.

However, there is another debate which we also need to have, which is: What is the house that we are getting in order? It is the country. How do we preserve, maintain and develop the culture and the unity of that house that we are trying to get in order?

My point, by this motion and by my comments today, is that the debate around the CBC is not just a funding debate, it is about the house that we are attempting to get in order. We may do so well at getting it in order that people may not feel the same allegiance to the house as we lose social programs, health programs and national institutions such as our rail system and the CBC.

That is why I proposed that we have a vote on this motion and that we refer it to committee, although my proposal was defeated.

I understand the argument made by the Parliamentary Secretary to the Minister of Canadian Heritage and the hon. member for Western Arctic that the CBC is an independent agency in which there should not be government interference. I do not object to that. However, it is impossible to maintain an appropriate service and a stable service without appropriate funding. It is the Government of Canada which provides that funding.

I assume that my two colleagues who spoke before me are not suggesting that providing funding constitutes interference.

• (1925 )

I would like to draw their attention to the fact that during the 1993 election there was a very clear promise from the Liberal Party, its members and its leader, that there would be adequate support and maintenance of the CBC.

I draw my colleague's attention to the definition of the word promise from *The Concise Oxford Dictionary.* It states:

> an assurance that one will or will not undertake a certain action
>
> assure, confirm

That is a promise.

This Liberal Party promised to support the CBC. Support, according to the same dictionary, means ''keep from falling, sinking or failing; give strength to or encourage''.

I do not think all the people who are speaking out in support of CBC can define what the Liberals had meant by supporting the CBC because it is certainly falling, certainly sinking and certainly failing.

That also is at the heart of this argument. There was a clear understanding by the Canadian people that the Liberal Party, were it to become the government, would support our national broadcasting system.

The two members from the government side who spoke said that they liked the CBC and realized that there are constraints, as we all do, but they did not know what they could do as it is an independent agency. What they could do is advocate within their caucus, within their government and within their cabinet that there be sufficient funding for the CBC to continue.

Why is it that so many Canadians are speaking out about what is happening to the CBC? Are my colleagues on the government side suggesting that people like Margaret Atwood, Karen Kain, Atom Egoyan and Norman Jewison who have come together with other celebrities, Pierre Berton for example, to support the CBC are wrong, that they do not know anything and that they do not understand the fiscal house? Are we to assume that the group called Safe Our CBC does not understand what is happening? Are we to understand that Friends of Canadian Broadcasting does not really understand the situation in Canada, that the many constituents I have heard from and I am sure the member for Western Arctic and the Member for Nunatsiaq have heard from do not understand Canada?

I think they understand Canada very well. I think what they and many of us fear is that it will no longer be a vehicle to help Canadians understand each other, to define our country to each other, to define our culture to each other and to maintain it in a way that it will be able to do these things.

It is fine to say that we like the CBC. We love the CBC but we are not going to advocate for enough stable funding for it to run appropriately.

I think what all of these groups are trying to say, what I am trying to say today and what my colleagues from the Bloc Quebecois were saying is that not only do we have to get our fiscal house in order, as we and all of the groups and individuals I mentioned understand that, but we also understand that this country is important. Some of the institutions will of course be adapting to change but some of the institutions like our national broadcasting system is what will help to preserve the house.

I understand the arguments that are being put forward about inference but I think it is a hollow argument, I am sorry to say. It is a hollow argument because no one is asking the members across the way and the government to interfere with the CBC board. What we are asking for is stable funding for Canada's national broadcasting system for the preservation of a very important Canadian institution which contributes to not only national unity but to the development of our culture and understanding of each other as Canadians.

[*Translation*]

**The Acting Speaker (Mr. Milliken):** The hour provided for the consideration of Private Members' Business has now expired and the order is dropped from the Order Paper.

[*English*]

It being 7.30 p.m. this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.30 p.m.)

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**Tuesday, February 4, 1997**

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