



CANADA

# House of Commons Debates

---

VOLUME 134 • NUMBER 072 • 2nd SESSION • 35th PARLIAMENT

---

OFFICIAL REPORT  
(HANSARD)

**Monday, September 23, 1996**

**Speaker: The Honourable Gilbert Parent**

## CONTENTS

(Table of Contents appears at back of this issue.)

The House of Commons Debates are also available on the  
Parliamentary Internet Parlementaire at the following address:

**<http://www.parl.gc.ca>**

# HOUSE OF COMMONS

Monday, September 23, 1996

The House met at 11 a.m.

---

*Prayers*

---

## PRIVATE MEMBERS' BUSINESS

[*English*]

### BROADCASTING ACT

The House resumed from September 16 consideration of Bill C-216, an act to amend the Broadcasting Act (broadcasting policy), as reported (with an amendment) from the committee.

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, when this bill first came to the House, I referred to it as being a band-aid or a small piece of trim on a far larger problem. My opinion remains the same.

Our problem is that government after government, Liberal or Conservative, keep on moving forward and never really solve the real problems with respect to Canadian content, with respect to the CRTC, with respect to the CBC. I therefore recommended to my colleagues in the Reform Party that we begrudgingly support the bill.

It was rather interesting that the result of the vote on the bill at second reading was that 147 of the members of the House voted in favour of it and only 25 voted against it.

I listened with interest to the Parliamentary Secretary to the Minister of Canadian Heritage and I quote from his speech of last week.

—I am pleased to rise today to speak on the hon. member's bill, and would like to take advantage of the same opportunity to congratulate him on the effort he has put into it.

I, and I believe most of the other members of this House, share the objective sought by the hon. member for Sarnia—Lambton in introducing this bill. We all agree that Canadians must be able to fully express their opinion on the programs they receive in their homes. We all wish to ensure that that Canadian consumers receive the programs they want at a reasonable price.

He goes on to say very specifically:

I congratulate the hon. member for his initiative.

To suggest that statement was somewhat less than genuine might be best put if I read what he went on to say. He said:

This bill would, unintentionally, restrict Canada's capacity to guarantee Canadian content and the availability of French programming outside of Quebec. As a francophone from outside Quebec, I believe that access by the regions outside Quebec to French programs is essential—

It would be impossible for me to support such a bill that would take away the flexibility of the Canadian government. That would also go for Canadian content. It would also go for the rural regions. It would have a negative impact right across Canada.

It is clear the MPs are against negative optioning. The new president of the CRTC has indicated that she prefers the positive option. The cable companies have indicated that they are against and they do not intend to use it.

Why do we have laws? With due respect to the shareholders and the management of the cable companies, I suggest that when they went ahead and used negative option billing and received a resounding rebuke from the people of Canada should be enough of a warning to us as members of Parliament that we should be taking steps to protect the members of the Canadian public from such activity as was undertaken by the cable companies. I suggest that this was totally disingenuous on the part of the parliamentary secretary, who after all was speaking for the heritage minister and the heritage department when he said: "I congratulate this member on his wonderful bill but I am not going to support it". It was significantly disingenuous.

• (1105)

Then we read in the *Globe and Mail* over the weekend about some of the background that has now become public.

Mr. Bureau argues that passage of the bill would effectively kill the chances for success of any new French-language speciality service.

Astral has a stake in two speciality channels that were approved this month by the CRTC: the Comedy Network and Teletoon, an animation station that will be broadcast in English and French—

"To put it simply, new French services just won't be able to survive."

The bill has other opponents, including the CRTC and heritage minister Sheila Copps, who say it could hamper the commission's ability to require cable distributors to offer services that it feels should be available to all in the national interest.

*Private Members' Business*

The front benches of the government have suddenly woken up to the fact that as opposed to the steps that they have consistently taken time and time again to bring in their own vision of what Canada is all about, this bill will give Canadian consumers freedom and opportunity which the government would prefer they not have. In other words, those 23 speciality channels which the CRTC just licensed, without a form of negative option billing, probably will never make it to air or certainly some of them will not.

The most blatant form of negative option billing was the one that was undertaken in January of last year. Members will recall that new channels were tacked on and a bill arrived in the mail box of the householder. This was rather sneaky because when many people receive a bill they simply pay it. Many people would have taken a look at that bill and because there was only \$1, \$2 or \$3 added to the bill, would have ignored the extra charges and paid it.

I do not believe that any cable company, either in Quebec, Ontario or any other province, would have the audacity to do that kind of blatant negative option billing.

What I believe could happen and I know this is the reason why the heritage department and the heritage minister is so opposed to this is that the cable companies could be offering different packages. With new technology they can now come up with different bundles or groups of offerings of channels.

If I want to receive a particular channel then along with it comes all of this other material. If these channels are so good why are they not prepared to stand on their own? Why will cable companies not say it will cost you 75 cents to see French cartoons? Why would they not say it will cost you 50 cents to see speciality programming whatever the speciality programming is?

I suggest the reason for that is because there is money involved and where money is involved there is influence. I am rather interested in the number of people who have been working the Liberal backbenches on this one. The list of lobbyists who have worked opposing the bill reads like a who's who in the Liberal Party.

For example, the former minister of communications, Francis Fox, Liberal strategist, Michael Robinson who appears Thursday morning on CTV, the former CRTC guru, André Bureau, who I just finished reading, worked on the Liberal MPs to oppose this bill.

I suggest to the backbench Liberals that they might want to give very serious consideration and ask themselves if it is more important that they fall in line with the very encrusted Liberal hierarchy and the front bench, or should they be making representations in this House on behalf of all Canadians?

• (1110)

This bill has been something of a sleeper. I commend the member who brought it to the House. I sincerely commend him because he took action on behalf of the people in his constituency, on behalf of the people in Ontario and indeed, by extension, on behalf of all people who receive cable in their homes. He brought forward this bill that is going to stand in the way of the kind of manipulation that there has been, not only by the cable companies but indeed by the heritage ministry, of what is good and what is not good, what is Canadian and what is not.

This Canadiana idea and keeping it under control I suggest is the core of what is behind the front bench going against this.

I ask Liberal members: When we had a vote in this House of Commons of 147 to 25, how in the world can any of them even contemplate changing their vote? This is truly going to be a time of counting, a time when we are going to see those who have the backbone to stand up to the front bench.

**Ms. Colleen Beaumier (Brampton, Lib.):** Mr. Speaker, I am pleased to participate in the debate on Bill C-216 and specifically to address the motions put to this House by the hon. member for Richmond—Wolfe and the hon. member for Sarnia—Lambton who is the sponsoring member.

The hon. member for Richmond-Wolfe has introduced a motion which would defeat Bill C-216. I cannot in good conscience support this motion.

I was pleased to speak in support of Bill C-216 in the House on April 26 of this year. Those of us who have supported this legislation from the beginning are very pleased with the progress it has made. It is a testament to the quality of this legislation that it has made it this far.

My comments during that first debate focused on consumer rights. I argued that this legislation is in the best interest of Canadian consumers.

As members of Parliament, I believe it is our duty to protect those interests. Often when our constituents call us they forget that before we were elected and again after we are finished we were consumers, we are consumers, we are taxpayers and we will continue to be. It is not an issue that we are devoid and separated from. We do know what their concerns are.

Since the bill was originally introduced a great deal of activity has apparently occurred behind the scenes. If we are to believe newspaper reports, lobbyists have been very active turning this matter into a linguistic issue. Rather than focus on the only issue at hand, the issue of consumer rights, lobbyists have focused the attention of members on a divisive national unity question.

*Private Members' Business*

I wonder why they did not raise the same concern when cable operators publicly stated that they will no longer employ negative option billing practices. I wonder why they did not raise their voices when the government rejected the idea of a cable tax to support the CBC, the CBC which was created to be the main instrument to unite Canadians from coast to coast to coast and to keep Canadian culture distinct in North America.

The argument that the demise of negative option billing will have a negative impact on French language programming simply does not make sense. The best way to ensure demand for television services in both official languages is to ensure audiences in both official languages.

Burgeoning second language immersion programs across Canada are a testament to the growing number of bilingual Canadians. These Canadians will be able to enjoy and therefore demand quality entertainment in both official languages. That is the best way to safeguard demand for programming in both official languages.

There is only one issue at the heart of this legislation: consumer rights. Do Canadian consumers have the right to be asked whether they want a product before being charged for it? Do they have the right to choose how they spend their entertainment dollars? The answer is an unequivocal yes. Canadian consumers have the right to choose whether they want a product before paying for it. This is just common sense. If we were dealing with any other industry other than the cable industry, it would not even be an issue. I do not understand why we choose to treat powerful cable operators with kid gloves. Canadians are telling us we have to stop.

• (1115)

I received many calls from my constituents this weekend urging me to support this legislation. In fact my voice mail kept filling up. I returned every call that I received and there was not one call in support of stopping this bill. There is no doubt that my constituents support this legislation. Let there be no doubt in their minds that I am listening and will vote in their best interests. I would urge all of my colleagues to do the same.

It has been said, for those who argue in favour of government, that without government we are merely consumers. In this era of deregulation and government downsizing, it is important that we establish a regulatory framework which is consumer oriented. The passage of this bill would represent a giant leap in this direction.

Certainly, cable operators have taken measures to encourage cable subscription from Canadians, as they should because they are in the business of making money. The various subscription packages available to consumers and the advent of direct payment

schemes have proven successful for these operators. Direct payment in particular is a very powerful tool when combined with negative option billing because it gives cable operators direct access to automatic payment from Canadians.

When the cable companies implemented negative option billing a year and a half ago in Ontario, had my constituents not been concerned about this and had my constituents not called me, I probably would not have even realized that I was being billed for a service which I really did not want. Many of us do not even really know how much our cable bill is because we have so many other things that we are dealing with now. That means the cable company had the right to take money from my account even without my knowledge. Depending on one's income bracket, maybe \$3 a month is not a lot, but if we add it up across the country, that is \$25 million a year taken from the pockets of Canadians without their consent.

Just as cable companies will make every effort to maximize their profits, we as members of Parliament must make every effort to balance the playing field so that consumer interests are protected.

The activities which have apparently occurred behind the scenes raise another issue: the relationship between elected officials and their constituents and that between elected officials and lobbyists. We made a red book commitment to consult with our constituents, not to consult with lobbyists. I say to all hon. members that we must honour this commitment.

The cable companies in my area have been very good to me. They have given me good programming. They have helped me to pass my message on to my constituents. However, if my message to my constituents is that in order to get this hour every two weeks to communicate with them that I have to give in to the wishes of lobbyists, I am not sure that is the message I want to communicate.

I would like to make a comment to the hon. member across the floor who spoke before me. We know who is who in the Liberal Party. Our constituents are who is who in the Liberal Party. We do not need lectures on backbenchers standing up and taking a stand. We do stand up and take a stand. We will continue to take a stand. I could perhaps suggest that the hon. members on the other side of the floor should have followed their own advice when it came to the gun legislation when they took polls in their own ridings.

**Mr. Hill (Prince George—Peace River):** We did.

• (1120)

**Ms. Beaumier:** We are united on this issue. I suppose it is not really the time to be fighting each other but I know who is who in the Liberal Party and I know who we owe in the Liberal Party when we get here: We owe the people who put us here.

*Private Members' Business*

With respect to the motion by the sponsoring member, the hon. member for Sarnia—Lambton, I would urge all of my colleagues to support Bill C-216. It is an amendment that seeks to clarify the intent of the legislation.

I congratulate the member for Sarnia—Lambton for introducing this much needed legislation.

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** Mr. Speaker, it is indeed a privilege to be able to enter the debate this morning, especially on the motion that would have the effect of taking away the essence or the substance of Bill C-216 which was presented to the House by the member for Sarnia—Lambton.

I join my colleagues and also the member opposite in congratulating the member for Sarnia—Lambton for bringing this to the attention of the House and also for providing an opportunity for each of us to express ourselves and to vote on this issue and the motion before us which destroys the essence of the bill.

I am going to oppose that motion and suggest why I want to support the bill and why I must oppose this motion. In the context of making this presentation I will address three questions: What would the benefits be of supporting Bill C-216? Why is the bill being opposed at this time? Why am I supporting the bill?

What would the benefits be of this legislation if it were to be passed by this House? The number one benefit is that the freedom of choice would be given to the consumer. Recently the CRTC approved 23 new channels. The effort and the impact of those 23 new channels is to give to the consumer a wide variety of choices in what they can pick off the air waves or in this case, from the menu that is being offered by the cable companies.

If there is one thing we need in this world today, it is the opportunity to choose with so many different programs available. There will probably be very shortly through direct to home television and various other options some 200 channels available to the consumer. The consumer wants to choose not only what the service is that shall be provided to them but also the quality and the price at which that service or opportunity ought to be given to them.

There are today many many providers of television programs in the world. We can get all kinds of information from cable companies. We can get all kinds of information from the grey market where companies are taking the signal directly off the satellite and beaming it out into the marketplace to the consumer.

One could argue that the grey market is really not a legal market; it is a market which in fact is illegal because there is no legislation covering that issue. People are taking programs, using American addresses or some kind of vehicle that allows them to come into the Canadian area. They are watching these programs. The time has come for us to choose clearly and directly what it is that we want.

There is fierce competition in the cable industry, in the satellite industry, in the whole area. As that competition becomes more aggressive and as that competition becomes more intense, the reason for interference by a commission of government is increasingly bad.

We need to have a place where the consumer ultimately begins to rule what will enter his mind. It is through the mind that we finally determine our actions and the thoughts that take place. Members know that the actions we enter into are first of all thoughts in our minds. It is absolutely imperative that consumers be given the opportunity and the legislative protection to allow them to choose what will come. The cable company or any other group does not have the right to decide for the consumers what they will see and the price they will pay for it.

• (1125)

What happened last January was the suggestion that the cable companies would present new packages and the consumers would pay the new prices. If consumers did not want the new package, then they could write, phone or communicate in some fashion to the cable company to indicate they did not want the service in their homes.

People are busy. People are not always aware of some of the things which are happening around them. There is a habit of using automatic withdrawals from the banking system to pay for these items. Otherwise the consumer looks at the invoice and says: "All right, I will pay it".

More significantly, in this busy world there are certain deadlines. People are given an option. They can say they do not want the new service, but they have to do it by a certain date. If the deadline is not met, the consumer receives an invoice for the new service.

That is not a good idea. Consumers should know exactly what it is they are paying for. They must know exactly when they must make their decision. The point at which that ought to happen is the point at which we make the decision to buy a particular service. It is not the point at which the company says: "This is what you are going to get and it will cost you another \$5 per month after this date. The only way to avoid it is to tell us you do not want the service".

There is another thing which comes into play here, that is, there are more and more wireless television transmissions appearing than there are cable. Our cable companies have provided a tremendous service to Canadians. I want to congratulate them. I want to commend them for the quality and for the price at which they deliver the service. It has been excellent. However, a new era is rapidly dawning. We are going to move into the wireless transmission of television programs to an ever increasing degree.

Why is this bill being opposed at this time? Could it be that this bill is being opposed because the current operation actually preserves the monopoly of the cable companies in certain areas? Could it be that it would require the cable companies to become

more aggressive in their marketing? That would cost a little more money than it does now. As a consequence it would reduce their revenue.

Are the cable companies actually afraid of the wireless transmission? Will it make their installations obsolete? Could that be the case? Could it be that it will reduce the power of the CRTC to pick winners and thereby extend certain power to the commission that they would lose if negative option billing were to be outlawed?

We can ask all kinds of questions. One begins to wonder what is the real reason behind this sudden shift in thinking on the front bench.

Could it be that there is a fear that French programming would become uneconomic to transmit and therefore we would have to preserve that facility? Will we now force other people to subsidize that programming? Is there a concern that certain parts of Canada would resent subsidizing the television programs designed for a selective audience?

If the programming is good enough, if the entertainment value is strong enough and if the people feel deeply enough about the issue, they will pay for the programming. We have all kinds of evidence to show that is the case. The issue of forcing people to pay for something that somebody else wants is not in the interests of the consumer generally speaking.

These questions need to be addressed and they have not been addressed.

Why am I supporting the bill? The time has come for us to recognize that the consumers must be able to choose to the greatest degree possible the kind of programming which they desire. It should be my choice. It should be the choice of every individual who has a television set and wants to subscribe to a service as to what it is they will choose. If they need to pay for it, they will pay for it on the basis of what they want.

• (1130)

Second, I am supporting this bill because technological advances increase the number and kind of choices available to consumers. The consumer today has a far greater number of choices available, and should be able to choose them. There should be no legal infringement on his ability to choose among these various kinds of programs. The motion before us will do exactly that.

Monopoly protection also prevents the marketplace from operating and allowing individuals to have a level playing field as consumers and on the industry side as well.

In light of the consumer, in light of a free marketplace and the people of Canada, I suggest we oppose this motion and support Bill C-216.

### *Private Members' Business*

**Mr. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, I am pleased to rise today to speak on Bill C-216, the bill to amend the Broadcasting Act, as presented by my colleague from Sarnia—Lambton.

Some members may recall that I voted in favour of this bill at second reading to send it to committee for scrutiny and debate, which is exactly what happened at committee where we started finding out that perhaps there were problems with the bill that had not been self-evident at first reading or second reading. I would like to briefly review some of the effects of the bill.

[*Translation*]

The purpose of this bill is basically to amend the Broadcasting Act and Canadian broadcasting policy, and more specifically section 3 of the Act. I would like to refer to some of the items in section 3. For instance, in paragraph (b) it says:

The Canadian broadcasting system, operating primarily in the English and French languages—provides—a public service essential to the maintenance and enhancement of national identity and cultural sovereignty.

A little further, in paragraph (c), we read:

English and French language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements.

We also read in paragraph (d), part (iii), and I quote:

Through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.

I quote these excerpts from section 3 of the Broadcasting Act because I want to make a connection with another issue, and it is that successive Canadian governments have resisted repeated attempts by our neighbours to the south, during free trade negotiations for the Canada-U.S. agreement and NAFTA, which now includes Mexico, to include all cultural matters in these agreements.

We realize and accept the fact that in Canada, certain elements of our culture, because of their very nature, require special protection. Successive governments have resisted attempts by our neighbours to the south to include culture and did so for very obvious reasons, which we find in section 3 of the Broadcasting Act.

This bill will significantly amend section 3, without allowing for certain nuances and reflecting the fact that differences exist in our country. What we have here is a steamroller approach.

[*English*]

Instead of keeping the flexibility that section 3 of the Broadcasting Act offered to the government and to the CRTC, we are approaching it with perhaps more of a steamroller approach, a one size cookie cutter fits all approach, where we do not accept that

*Private Members' Business*

there might be these nuances and differences that are worthy of protection and development.

That is why successive governments resisted including cultural matters in the Canada-U.S. agreement and the North American Free Trade Agreement. With this act we are essentially gutting that section or the ability of the CRTC to use it and have our broadcasting facilities and infrastructure in the country evolve.

• (1135)

Good legislation should not have bad side effects. This is exactly the case we have today. We have a very well intentioned piece of legislation which I supported at second reading because I was one of those consumers. I was riled at my cable distributor for daring to do what it was doing at the time.

We have a good intentioned piece of legislation which has some pretty serious side effects. That is what we as legislators have to be aware of.

When the Speaker rises every morning to start the debate he calls upon la Providence, the Lord, to allow to make wise decisions and good laws. I would urge my colleagues from all parties, front and backbencher, to think seriously about approving a bill that has some unnecessary, unwanted and pretty serious side effects.

[*Translation*]

For example, I often wonder: If the CBC ever decided to insist the Réseau de l'information, RDI, be mandatory, could the CRTC make it so if this bill became law? The answer to that is far from clear, although most of the time the answer given is no, it could not. There would be a lot of problems, and it would not be possible.

I find it somewhat regrettable that my fellow citizens in P.E.I., for instance, cannot get RDI at this time, although it is funded by all Canadian taxpayers, themselves included, because RDI has not yet asked the CRTC to do this. But if RDI did ask, the CRTC would no longer be able to comply. I find this regrettable, and it is one of the serious consequences I referred to earlier.

My colleague, the hon. member for Sarnia—Lambton, like all those who were involved in the consumer protests in early 1995, is trying to put an end to the marketing ploy of negative optioning. There is no doubt in my mind that this is a worthwhile objective, as I have said before. I again congratulate him on his efforts in this connection. Yet, in order to be successful in those efforts, my colleague has chosen to take away from the CRTC its power to force cable companies to carry certain stations, in order to comply with the provisions in Canada's broadcasting policy, an unforeseen serious secondary effect.

Bill C-216 is a bill of national interest, and one that warrants the most serious examination. Let us take all of the time required to address the questions on which the bill focusses. I will be voting

against Bill C-216, not because I support the practice of negative billing, which my colleague would like to see eliminated, but rather because I have the feeling that this bill has the potential to deprive the CRTC of its ability to contribute to the growth of this country's French language minority communities.

Canada is a country peopled by two linguistic communities. We have created institutions with the mandate to reflect this reality and we must therefore ensure that, despite any technical and legislative changes we decide to make to these institutions, this reality is preserved.

If the House decides to reject this bill, I hope that the government will still act swiftly to table a bill that would ban negative billing. There is no doubt in my mind, in light of all the discussions I have had with my colleagues in committee, that the House is almost unanimously in favour of banning negative billing. There is no doubt on this side. But if we go ahead, for goodness' sake let us avoid anything that could be harmful to society. It is with this in mind that I urge all my colleagues, especially backbenchers, to think carefully about the issue, and when they vote, in the next little while or later on, to say no to the negative impacts of Bill C-216.

• (1140)

[*English*]

**Mr. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, I am pleased to speak on Bill C-216.

I congratulate my colleague, the hon. member for Sarnia—Lambton for bringing forward this private member's bill. He did so in response to consumer reaction as a result of the negative billing by cable companies in January 1995.

The bill in its initial stages was widely supported and went to committee and now we have the amended version before us. It seems a lot has happened over the summer and some people are expressing concerns. My colleague for Ottawa-Vanier outlined some of those concerns and I really have to ask why.

First, let us look at some facts. In committee on May 30, 1996 the Parliamentary Secretary to the Minister of Canadian Heritage moved an amendment to Bill C-216. The amendment was adopted by the committee and the bill was reported back to the House as amended. The bill now includes a reference to cable companies serving 2,000 or more subscribers. This was added to address concerns from certain small time cable operators who claimed that for technical reasons they would be unable to comply with the bill as originally drafted.

The phrase "non-mandatory pay or speciality service" was added to address concerns expressed by the hon. member for Ottawa—Vanier who argued that the bill as originally drafted would somehow prevent the CRTC from requiring certain special-



ity services to be carried as part of the basic service offered to all cable subscribers.

Finally, a change was made to allow for the substitution or addition of a new channel when there is no change in the price charged to the consumer.

Bill C-216 applies only to non-mandatory pay or speciality TV services. The CRTC will continue to decide if a channel is mandatory or not. This bill does not affect existing channels such as RDI, CBC, CTV, TSN or MuchMusic. Small cable companies of less than 2,000 subscribers, which are mostly in rural areas, have been exempted from this bill. This bill does not prevent cable companies from substituting one channel for another provided the price does not increase. The facts speak for themselves. This bill should be supported.

My colleague for Ottawa—Vanier talked about the side effects, the debate of lots of discussion this weekend, the side effects and the need for flexibility. An article in the *Globe and Mail* on the weekend talked a considerable bit about what those perceived side effects might be:

Leading the charge against the bill is André Bureau, a former chairman of the Canadian Radio-television and Telecommunications Commission and now president of Astral Communications Inc. of Montreal.

Mr. Bureau argues that passage of the bill would effectively kill the chances for success of any new French language speciality service.

Astral has a stake in two speciality channels that were approved this month by the CRTC.

Those comments by Mr. Bureau are not exactly coming from a non-biased observer. That individual has a special interest in terms of maintaining the power they have at the moment.

I want to outline that on that point of flexibility and concern for the speciality channels, especially in the area of language, it is not a concern that I have ruled out of hand. I have thought seriously about it over the weekend. I agree with many others that there is a need for those speciality channels. There is a need for those issues to be cabled into the livingrooms of people so that they can see, listen, debate and learn more from those kinds of channels.

After serious thought I believe that concern can be addressed in other ways. There is still room for flexibility as a result of Bill C-216. I have only thought about it for a couple of days but one such way would be by offering a package inclusive of that speciality channel that may be required by the country. A package could be offered, the package could be priced and that channel could be part of the package. That way that service could be provided.

I am suggesting that the facts speak for themselves. The concern raised by the hon. member for Ottawa—Vanier in terms of flexibility is not a legitimate concern. I encourage all members of the House to protect the consumers' interests and support Bill C-216.

### *Private Members' Business*

**The Deputy Speaker:** The hon. member for Kamloops has three minutes.

**Mr. Nelson Riis (Kamloops, NDP):** Mr. Speaker, I first want to recognize and appreciate the gesture from my friend, the hon. member for Malpeque. It is with considerable enthusiasm that I speak in support of Bill C-216 in the name of the member for Sarnia—Lambton.

It is one of those rare moments that we have in the House of Commons from time to time where members of all parties are asked to decide whose side they are on. Are we on the side of the cable companies and the vested interests associated therewith, or are we on the side of our constituents?

As the member for Kamloops I suspect I am no different from anyone else in having received literally hundreds of letters, as well as petitions and delegations saying we have to rein in these cable companies and make them more sensitive to the consuming public. Thanks to the hon. member for Sarnia—Lambton we have been given the opportunity this morning to say whose side we are on as members of Parliament.

I suspect that the lobbyists and the mouthpieces for the cable companies have made their views known. Their case is weak. We here are elected to represent our constituents' best interests when it comes to this matter so that we enable them to make a decision on the kind of programming that is made available in their homes.

I speak with enthusiasm in support of Bill C-216. I look forward to support from private members.

We acknowledge there has been some pressure on members of Parliament. Let us also remember that this is private members' hour. We are voting today as individuals, not as members of political parties, not as members of some vested interest group. We are being asked to stand up in our place as independent members of Parliament, private members. Let us not be swayed by phone calls we have received from certain pressure groups and let us vote in the best interests of our constituents.

**The Deputy Speaker:** It being 11.45 a.m., the time provided for debate has expired.

[*Translation*]

Accordingly, the question is on Motion No. 1. 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.

*Private Members' Business*

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

● (1205)

*Before the taking of the vote:*

**The Speaker:** The question is on Motion No. 1.

[*English*]

As it is the practice, the division will be taken row by row starting on my left today where the mover would be sitting and then proceeding with those in favour of the motion sitting on the same side of the House as the mover over here. All those who are in favour on this side will rise by row. I will call the rows. Then all those in favour on this side will rise and I will let you know about that.

When we come to those who are opposed we will follow the same procedure. I know you are all anxious to get on with it. All those on my left in favour of the motion will please rise.

(The House divided on Motion No. 1, which was negated on the following division:)

(*Division No. 124*)

## YEAS

## Members

Alcock	Assad
Augustine	Bachand
Bakopanos	Bélair
Bélanger	Bélisle
Bertrand	Bevilacqua
Boudria	Brien
Cauchon	Chan
Chrétien (Frontenac)	Crête
Dalphond-Guiral	Daviault
de Savoye	DeVillers
Dingwall	Dion
Discepola	Duceppe
Dupuy	Fillion
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gagnon (Québec)	Gauthier
Gerrard	Godin
Goodale	Guarnieri
Guay	Guimond
Harb	Harper (Churchill)
Jacob	Kirkby
Landry	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lefebvre
Loney	Loubier
MacLellan (Cape/Cap-Breton—The Sydneys)	Marchand
Marleau	McKinnon
McTeague	Mercier
Murphy	Nunez
Pagtakhan	Patry
Payne	Peters
Phinney	Robichaud
Rocheleau	Sauvageau
Thalheimer	Tremblay (Rimouski—Témiscouata)
Venne—67	

## NAYS

## Members

Abbott	Ablonczy
Assadourian	Barnes
Beaumier	Benoit
Bonin	Brown (Oakville—Milton)
Bryden	Calder
Catterall	Comuzzi
Crawford	Culbert
Cullen	Cummins
Dromisky	Duncan
Easter	Epp
Finlay	Flis
Fontana	Gaffney
Galloway	Gilmour
Godfrey	Graham
Grey (Beaver River)	Grose
Grubel	Hanger
Hart	Hermanson
Hill (Prince George—Peace River)	Hoepfner
Hopkins	Hubbard
Iftody	Jennings
Kerpan	Keyes
Knutson	Kraft Sloan
Lastewka	Lee
Lincoln	Martin (Esquimalt—Juan de Fuca)
Mayfield	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Milliken
Mills (Red Deer)	Morrison
Nault	O'Reilly
Parrish	Penson
Pillitteri	Reed
Riis	Ringma
Robinson	Schmidt
Scott (Skeena)	Shepherd
Silye	Solberg
Solomon	Speaker
Steckle	Stinson
Strahl	Szabo
Telegdi	Thompson
Ur	Valeri
Vanclief	Verran
Whelan	White (Fraser Valley West/Ouest)
Williams—83	

## PAIRED MEMBERS

nil/aucun

● (1225)

**The Speaker:** I declare the amendment defeated.

The next question is on Motion No. 2. As is the practice, the mover of the motion will vote first and then everyone in the first row who are in favour of the motion will rise.

(The House divided on Motion No. 2, which was agreed to on the following division:)

(*Division No. 125*)

## YEAS

## Members

Abbott	Ablonczy
Alcock	Assadourian
Barnes	Beaumier
Bélanger	Benoit
Bonin	Brown (Oakville—Milton)
Bryden	Calder
Comuzzi	Crawford

Culbert  
Cummins  
Duncan  
Epp  
Flis  
Gaffney  
Gilmour  
Graham  
Grose  
Hanger  
Hermanson  
Hoeppner  
Hubbard  
Jennings  
Keys  
Kraft Sloan  
Lincoln  
Mayfield  
Meredith  
Mills (Red Deer)  
Nault  
Parrish  
Pillitteri  
Riis  
Robinson  
Scott (Skeena)  
Silye  
Solomon  
Steckle  
Strahl  
Telegdi  
Ur  
Vanclief  
Whelan  
Williams —83

Cullen  
Dromisky  
Easter  
Finlay  
Fontana  
Galloway  
Godfrey  
Grey (Beaver River)  
Grubel  
Hart  
Hill (Prince George—Peace River)  
Hopkins  
Iftody  
Kerpan  
Knutson  
Lastewka  
Martin (Esquimalt—Juan de Fuca)  
McClelland (Edmonton Southwest/Sud-Ouest)  
Milliken  
Morrison  
O'Reilly  
Penson  
Reed  
Ringma  
Schmidt  
Shepherd  
Solberg  
Speaker  
Stinson  
Szabo  
Thompson  
Valeri  
Verran  
White (Fraser Valley West/Ouest)

## NAYS

### Members

Assad	Augustine
Bachand	Bakopanos
Bélair	Bélisle
Bertrand	Bevilacqua
Boudria	Catterall
Cauchon	Chan
Chrétien (Frontenac)	Crête
Dalphon-D-Guiral	Daviault
de Savoye	De Villers
Dingwall	Dion
Discepola	Duceppe
Dupuy	Fillion
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gagnon (Québec)	Gauthier
Gerrard	Godin
Goodale	Guarnieri
Guay	Guimond
Harb	Harper (Churchill)
Jacob	Kirkby
Landry	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lefebvre
Loney	Loubier
MacLellan (Cape/Cap-Breton—The Sydneys)	Marchand
Marleau	McKinnon
McTeague	Mercier
Murphy	Nunez
Pagtakhan	Patry
Payne	Peters
Phinney	Ringuette-Maltais
Robichaud	Rocheleau
Sauvageau	Thalheimer
Tremblay (Rimouski—Témiscouata)	Venne—66

## PAIRED MEMBERS

nil/aucun

## Private Members' Business

**The Speaker:** Would the member for Etobicoke—Lakeshore please clarify for us which way she voted on the motion?

**Ms. Augustine:** Mr. Speaker, I intended to vote as I did prior to the last, which was nay.

**The Speaker:** Is the hon. member voting in favour of the motion or opposed to the motion?

**Ms. Augustine:** Mr. Speaker, I am opposing the motion.

**The Speaker:** You are opposing the motion. Is that correct?

**Ms. Augustine:** Yes.

**The Speaker:** I declare the motion carried.

**Mr. Roger Galloway (Sarnia—Lambton, Lib.)** moved that the bill, as amended, be concurred in.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

• (1230)

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

### (Division No. 126)

## YEAS

### Members

Abbott	Ablonczy
Alcock	Assadourian
Barnes	Beaunier
Benoit	Bonin
Brown (Oakville—Milton)	Bryden
Calder	Comuzzi
Crawford	Culbert
Cullen	Cummins
Dromisky	Duncan
Easter	Epp
Finlay	Flis
Fontana	Gaffney
Galloway	Gilmour
Godfrey	Graham
Grey (Beaver River)	Grose
Grubel	Hanger
Hart	Hermanson
Hill (Prince George—Peace River)	Hoeppner
Hopkins	Hubbard
Iftody	Jennings
Kerpan	Keys
Knutson	Kraft Sloan

*Private Members' Business*

Lastewka	Lee
Lincoln	Martin (Esquimalt—Juan de Fuca)
Mayfield	McClelland (Edmonton Southwest/Sud-Ouest)
Meredith	Milliken
Mills (Red Deer)	Morrison
Nault	O'Reilly
Parrish	Penson
Pillitteri	Reed
Riis	Ringma
Robinson	Schmidt
Scott (Skeena)	Shepherd
Silye	Solberg
Solomon	Speaker
Steckle	Stinson
Strahl	Szabo
Telegdi	Thompson
Ur	Valeri
Vanclief	Verran
Whelan	White (Fraser Valley West/Ouest)
Williams—83	

## NAYS

## Members

Assad	Augustine
Bachand	Bakopanos
Bélair	Bélanger
Bélisle	Bellehumeur
Bertrand	Bevilacqua
Boudria	Catterall
Cauchon	Chan
Chrétien (Frontenac)	Crête
Dalphon-Duval	Daviault
de Savoye	DeVillers
Dingwall	Dion
Discepola	Duceppe
Dupuy	Fillion
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gagnon (Québec)	Gauthier
Gerrard	Godin
Goodale	Guarnieri
Guay	Guimond
Harb	Harper (Churchill)
Jacob	Kirkby
Landry	Lavigne (Beauharnois—Salaberry)
Lavigne (Verdun—Saint-Paul)	Lebel
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lefebvre
Loney	Loubier
MacLellan (Cape/Cap-Breton—The Sydneys)	Marchand
Marleau	McKinnon
McTeague	Mercier
Murphy	Nunez
Pagtakhan	Patry
Payne	Peters
Phinney	Pickard (Essex—Kent)
Ringette-Maltais	Robichaud
Rocheleau	Sauvageau
Tremblay (Rimouski—Témiscouata)	Venne—68

## PAIRED MEMBERS

nil/aucun

• (1235)

(Motion agreed to.)

**Mr. Roger Gallaway (Sarnia—Lambton, Lib.)** moved that the bill be read the third time and passed.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Speaker:** The vote will start with the member for Sarnia—Lambton and all those to my left.

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

• (1245)

*During the taking of the vote:*

**The Speaker:** Colleagues, just to get a correct interpretation, the member for Essex—Kent, would you please be quick.

**Mr. Pickard:** I would like my vote recorded as nay.

**The Speaker:** The member for Essex—Kent is opposed to the motion.

(Division No. 127)

## YEAS

## Members

Abbott	Ablonczy
Alcock	Assadourian
Barnes	Beaumur
Benoit	Bevilacqua
Bonin	Brown (Oakville—Milton)
Bryden	Calder
Comuzzi	Crawford
Culbert	Cullen
Cummins	Dromisky
Duncan	Easter
Epp	Finlay
Flis	Fontana
Gaffney	Galloway
Gilmour	Godfrey
Graham	Grey (Beaver River)
Grose	Grubel
Hanger	Hart
Hermanson	Hill (Prince George—Peace River)
Hoepfner	Hopkins
Hubbard	Iftody
Jennings	Kerpan
Keyes	Knutson
Kraft Sloan	Lastewka
Lee	Lincoln
Martin (Esquimalt—Juan de Fuca)	Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)	Meredith
Milliken	Mills (Red Deer)
Morrison	Nault
O'Reilly	Parrish
Penson	Pillitteri
Reed	Riis
Ringma	Robinson
Schmidt	Scott (Skeena)
Shepherd	Silye
Solberg	Solomon
Speaker	Steckle
Stinson	Strahl
Szabo	Telegdi
Thompson	Ur
Valeri	Vanclief
Verran	Whelan
White (Fraser Valley West/Ouest)	Williams—84

*Government Orders*

## NAYS

## Members

Assad	Augustine
Bélaïr	Bélangier
Bélisle	Bachand
Bakopanos	Bellehumeur
Bertrand	Boudria
Catterall	Cauchon
Chan	Chrétien (Frontenac)
Crête	Dalphondu-Guiral
Daviault	de Savoye
DeVillers	Dingwall
Dion	Discepola
Duceppe	Dupuy
Fillion	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Gauthier	Gerrard
Godin	Goodale
Guarnieri	Guay
Guimond	Harb
Harper (Churchill)	Jacob
Kirkby	Landry
Lavigne (Beauharnois—Salaberry)	Lavigne (Verdun—Saint-Paul)
Lebel	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lefebvre	Loney
Loubier	MacLellan (Cape/Cap-Breton—The Sydneys)
Marchand	Marleau
McKinnon	McTeague
Mercier	Murphy
Nunez	Pagtakhan
Patry	Payne
Peters	Phinney
Pickard (Essex—Kent)	Ringuette-Maltais
Robichaud	Rocheleau
Sauvageau	Thalheimer
Tremblay (Rimouski—Témiscouata)	Venne—68

## PAIRED MEMBERS

nil/aucun

**The Speaker:** I declare the motion carried.

(Bill read the third time and passed.)

---

**GOVERNMENT ORDERS**

[English]

**CRIMINAL CODE**

The House resumed from September 19 consideration of the motion that Bill C-45, an act to amend the Criminal Code (judicial review of parole ineligibility) and another act, be read the third time and passed; and of the amendment.

**Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, it is my privilege today to participate in the debate on Bill C-45, a bill which addresses the concerns of Canadians, a bill which strengthens our

justice system and will keep our streets and neighbourhoods safer for our families and our children.

I must first take issue with the motion by the members opposite that this bill be deferred for six months. I find it ridiculous that the Bloc would have put forth a motion that would delay the passage of this legislation. At this time when Canadians are expressing their concerns about safety, it would be totally unacceptable for us to put off the debate on this important legislation.

I assure you, Mr. Speaker, that I am speaking for the majority of members here when millions of Canadians are very anxious about what the government is doing to proceed on debate, passage and implementation of Bill C-45. We are anxious to do this because this bill will help law enforcement agencies to do their jobs. It will keep dangerous criminals off the streets and it will make our society a safer place.

We have as a government put in place a number of initiatives to address criminal and correctional law. Bill C-45 continues to fulfil our red book commitments to Canadians that we are serious about law and order and that we are taking this opportunity to address these issues. Bill C-45 addresses high risk offenders.

Several measures place controls over persons convicted of sex crimes and other violent offences. These measures aim to reduce the risk that persons previously convicted of sex offences and other violent offences commit further crimes. They also address public concerns about violent sexual offenders.

The dangerous offender provisions in the Criminal Code have proven to be useful mechanisms for sentencing serious offenders who pose a high risk of committing further violent offences. Through a special hearing, such offenders may be given an indeterminate sentence.

• (1250)

It is proposed that the Criminal Code be amended to make a number of improvements to benefit society.

Under the criminal law, a judge has discretion to sentence a dangerous offender to a fixed term. The task force on high risk violent offenders suggested that it makes little sense to go through an elaborate dangerous offender procedure only to obtain a definite sentence. Provinces have expressed support for this change.

Under the proposed changes the judge will no longer have the discretion but rather will be required to impose an indefinite sentence.

Currently a dangerous offender application must be made at trial. The crown will now have up to six months after conviction to bring a dangerous offender application.

Furthermore, the process has been streamlined. The number of psychiatrists required to testify at a hearing has been changed from two to one.

It is proposed that the initial parole review of a dangerous offender be moved from the third year of imprisonment to the

*Government Orders*

seventh year. This brings the initial review by the national parole board closer to parole eligibility calculations for many of the serious personal injury offences.

It is proposed that a new sentencing category to be called long term offender be added to the Criminal Code. The procedure would be similar to the process for dangerous offenders.

The long term offender procedure will apply to persons convicted of crimes such as sexual assault or weapons charges. Under the proposal a convicted criminal found at a special hearing to be a long term offender would be subject to an imprisonment sentence suited to the offence with an additional period for supervision of up to 10 years. A person who cannot be found to meet the narrow definition of dangerous offender could be found to be a long term offender provided the criteria were met.

It is proposed that a new judicial restraint provision be added to the Criminal Code. This procedure would focus on persons who pose the risk of committing a serious personal injury offence. The attorney general could bring an application where there are reasonable grounds to fear that an individual would commit a serious personal injury offence. These grounds would be examined at a hearing before a judge.

As one of the conditions the judge could order that the program of electronic monitoring be applied if such a program were available in the province. The judicial restraint would last up to one year. A breach of conditions would constitute a separate criminal offence.

As we can see from the foregoing comments, Bill C-45 deals directly with dangerous offenders, long term offenders and judicial restraint. These are safety issues which deserve debate in the House. These are measures which Canadians deserve in the law of this land.

The victims of violence, the families of victims and sadly, the survivors of victims have shown us the need for the type of measures that are outlined in the bill. Law enforcement agencies from across the country have asked us to give them the opportunity to tackle crime with the types of tools that are provided in the legislation.

I urge my colleagues on both sides of the House to support Bill C-45. I urge them to do so now, for to wait six months or even six weeks does nothing to address the concerns which Canadians have and does nothing to keep dangerous offenders off the streets. Why would we want to do that? How could we possibly go back to our constituents and say that we will do it down the road sometime? Why wait? Let us do the right thing today. Let us show the leadership and conviction for those who have placed us in the role of legislators. Let us legislate what is right for Canadians and pass Bill C-45.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Mr. Speaker, I am pleased to rise in the House today to debate Bill C-45.

• (1255)

It never ceases to amaze me to listen to members opposite as well as to the official opposition. When it comes right down to it, they think very much the same when it comes to getting tough on crime and on criminals in this society. I note the Bloc members would like to liberalize criminal justice to such a point that I do not believe they would want to throw anyone in jail. They made that very clear in their support and the amendments to many of the proposals they put forward on section 745. I do not really see a whole lot of difference between the Liberals who are bringing forth this legislation and the Bloc members who want to liberalize things even further.

That is not what Canadians are saying. They are complaining right across the country for substantive changes to the Criminal Code. They want a government that is serious about that but we are not getting that message. There is a lot of rhetoric on the opposite side about getting tough on crime and coming up with some very significant pieces of legislation to do it but the government is not doing it.

The government is making more law, but what is that law really saying? On one side Bill C-45 comes forward and on the other side the Minister of Justice brings forward bills that would make indictable offences dual procedure offences. That is talking out of both sides of the mouth. The government is getting tough on one side and weakening on the other. What do we end up with as a result? Somewhere in between it is a status quo type of bill, but that is not what Canadians want.

Section 745 symbolizes the sorry state the Liberal social engineers and soft on crime politicians have put upon the criminal justice system. It symbolizes the welfare state criminology philosophy that pervades corrections, parole and sentencing in Canada today. It is a philosophy whose key promoters argue wrongly that one, criminals commit crime primarily because they themselves are victims, and two, that crime including murder is mostly a product of social conditions. In short, it is a philosophy that draws attention away from individual responsibility and personal accountability for one's actions. I will return to those two themes shortly.

Upon review of the proposed amendments to Bill C-45, I note that most are either minor or technical in nature. Quite frankly, they do very little to change the substance of the bill, which is to amend the Criminal Code to the extent that if Bill C-45 is passed by Parliament, the following changes will come into effect.

First, applicants, including those now serving time for murder, will no longer be entitled to an automatic right to a section 745 hearing. A screening mechanism will be utilized in that a superior court judge will first decide whether the application has a reasonable prospect of success before the applicant will be able to go before a community jury.

*Government Orders*

The member who preceded me in speaking to this bill pointed out that it is the opposition that has held up this phase of the bill coming into law. I will take exception to those words because it was the Minister of Justice who introduced this bill in the dying moments of Parliament prior to the summer recess because he did not want debate on the topic.

Most people want to see section 745 stricken from the code. However, that did not happen. The debate did not occur because the Minister of Justice left it until two weeks before the recess to ram it through, hoping that the opposition would take it and run with it.

The Bloc members, the official opposition of this country, the separatists of this country, decided that they were going to interfere with that process even voting against it in hope that they could change it and liberalize it even further. That is what happened but the blame falls squarely on the shoulders of the Minister of Justice because the bill was introduced so late.

• (1300)

Another change that will come into effect with the passage of Bill C-45 is that persons convicted of multiple murders after the bill comes into force will not have the right to apply for early parole under section 745. That does not include the convicted murderers who were sentenced prior to this bill. Somewhere in the neighbourhood of 600 murderers who have received a life sentence will be eligible to apply under the old provisions of the code. Often we talk about making retroactive changes. This is one place that legislation could come into play where they would not have that provision suitable for them.

The third point is the jury from now on will be required to reach a unanimous decision before the parole ineligibility is shortened, which is an advantage.

Those three points are an advantage in protecting the country. However, they do not answer the concerns of most people. They do not go far enough.

The effect of this legislation, which is most relevant, is that people like Clifford Olson and Paul Bernardo will be affected by the first and third proposals but not by the second. They may still apply for section 745 hearings and furthermore they may receive early release from life imprisonment. The possibility exists that they still could receive early release.

I often think about murderers like Paul Bernardo and Clifford Olson and what they have done to members in the community where I live. I know there are other families that struggle with knowing that Olson or Bernardo still have access to our courts, to the hearing process. There is no closure. I think more respect and

dignity should be awarded in their direction, which does not seem to exist in this Parliament.

For this reason alone the Reform Party cannot support this legislation. We are not going to support this bill. My colleagues and I have travelled this country and we have listened to every response, often emotional, of representations by victims' groups, police officers, prison guards and rank and file law-abiding Canadians. They want section 745 scrapped.

Canadians are sending Liberal politicians a unified message that a killer who commits first degree, premeditated murder ought not to ever have the opportunity for early release.

I am going to refer to my own community frequently because it is reflective of others in the country where tragedies and murders have taken place and have victimized the community as well as those closest to the families. I remember a few years back that a seven-year-old mute girl was murdered by an individual. He killed her after he picked her up in the playground. It was a premeditated murder. He was charged with first degree murder and convicted.

That crime is just as serious as those crimes that were committed against many families by Clifford Olson as well as Paul Bernardo. I do not think that killer should have any more of an opportunity to apply for early release than Clifford Olson or Paul Bernard. The bill falls short. Canadians tell us that life should mean life.

• (1305)

The first policy in our blue book under parole is that there should be no parole, that the full sentence should be served. That is what many Reformers are saying and it is quite reflective of what others in our society are saying as well.

This is a sentiment of which the justice minister is either unaware or more likely a sentiment of which the minister has a vested interest in not being aware. To whom is he listening?

The fact that there no longer exists truth in sentencing for killers outrages Canadians. They want to see a person who is sentenced to life get life. Consequently, a particular topic is finding its way into coffee shop and dinner table discussions. The feeling is that the return of the death penalty for capital murder is desirable and desperately needed. Therefore, I want to put the Liberal government on notice that a Reform government will hold a binding national referendum on the reinstatement of capital punishment. A Reform government will abolish, repeal and scrap section 745 of the Criminal Code. That is what Canadians are saying. As I pointed out, we are on record.

For the three years I have served in Parliament I have noticed how the justice minister conducts business. It is obvious that instead of listening to victims' groups, ordinary Canadians, police

*Government Orders*

officers or prison guards, the justice minister lends his ear to special interests, legal aid defence lawyers and other socialists soft on crime special interest lobbies.

I sometimes find it remarkable who the justice minister picks to imply endorsement of his policies. He may have a representative of the chiefs of police or a representative of the Canadian Police Association. But is that reflective of rank and file chiefs and is it reflective of police officers across the country? I think not. One example of that was the gun control issue. It was not reflective of rank and file officers across the country. I think that sometimes certain associations and organizations become too politically involved.

What a sad day it is when the minister, duly elected to serve the democratic wishes of Canadians, fails to do so. The government can be assured that Canadians will hold it accountable at the time of election. I look forward to that time. In fact, I am going to make sure that more of the government's position is clearly revealed in other areas of the country outside of my own. That is my campaign, to bring forward justice issues because I know it is close to the minds and hearts of a lot of people.

Prior to my election to Parliament I served for 22 years as a police officer. I was on duty on May 24, 1977 when my colleague, Constable William Shelver was shot in the back of the head. His assailant, Roy Glaremin also shot and injured another constable that night. Mr. Glaremin applied for judicial review under section 745 in 1993 and he has initiated proceedings for another review later this year. Lawyers tell me that he will likely be successful this time around. He shot a policeman.

Nothing contained in the proposals brought forward by the justice minister to Bill C-45 will stop a vile killer like Glaremin from seeking early release.

The bare truth about section 745 of the Criminal Code is that nearly 50 of the last 60 killers who have applied for early parole hearings using section 745 have had their eligibility period reduced from 25 years to 15 years. Most of these killers were imprisoned as first time murderers. Therefore, they are all eligible for early release under section 745. They can apply. Nothing proposed in Bill C-45 will change this reality. The claim therefore that the justice minister's tinkering with section 745 will toughen up parole criteria is not exactly that. It has been engineered to mislead Canadians to believe that real action has been undertaken by the government to keep killers in jail. The truth is that the justice minister has no intention of getting tough with criminals and the section 745 proposal is evidence of that fact.

• (1310)

A certain number of those 600 eligible killers will not apply, as has been the case in the past. I do not think that will really change a

whole lot under this present system. The reviews that will continue on will not only open up cases for those victims who have had loved ones murdered, it will cost taxpayers a considerable amount of money for hearings on the applications that come forward.

I state for the record that the Reform Party will accept nothing less than the full repeal of section 745 of the Criminal Code. I also restate that the proposals put forward by the Liberal government do not properly address the concerns of the majority of Canadians. Anything less than a true life sentence is completely unacceptable where the killer has committed premeditated, first degree murder.

Poll after poll, survey after survey that have been conducted in this country clearly reflect that people want capital punishment for first degree murderers. Section 745 is anything but a faint hope clause. Rather it is a sure bet law for killers, and it must be repealed and scrapped, not modified, not tinkered with. Canadians want nothing less.

Another reason that illustrates why section 745 must be repealed is the case of Clifford Olson. Last April the serial child killer sent sneering personal notes to several MPs in which he boasted about his prospect for early parole under section 745. I notice this is continuing. His notes are generally signed: "Yours truly, Clifford Olson, the beast of British Columbia". Truly he is a beast and should not even have the opportunity to do what he has done.

Later this fall, Olson will have served 15 years of his multiple life sentences for mass murder and rape. He made his application for early release under section 745 on August 12.

The case of Clifford Olson clearly illustrates that anything less than a true life sentence for killers, whether they be one-time murderers or multiple murderers, is completely unacceptable. Closure will come for victims, for communities, only when a true life sentence means exactly that. There will be no application for early release and victims will be able to rest easy.

I urge members opposite to reconsider this bill. Certainly it has some positive attributes, I do not deny that but it does not go far enough. It does not invoke closure. It does not send a killer away for life where he should be. That is Reform's proposal and that will reflect most positively across this country.

• (1315)

[Translation]

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, the Bloc Quebecois will vote against the bill, but for reasons entirely opposite to those stated by my hon. colleague from the Reform Party.



As we know, this bill amends section 745, under which prisoners may eventually apply for parole. Parole is not granted automatically; it may be requested and may or may not be granted.

The amendments before us would require jury approval be unanimous rather than by two thirds majority, as it stands. What this means in real terms is that, at present, prisoners who apply for parole must first convince two thirds of the jury. It is no small task. It is not something that is easy to do. Let us face it, the burden of proof is already on the prisoners. It is an uphill battle for them.

Now, if the requirement provided for in section 745 is unanimity rather than a two thirds majority, prisoners no longer face an uphill battle, but an unscalable wall. Basically, all it would take is for one member of the jury to have any hesitation for the whole process to be stalled. We might just as well say that parole shall not be granted to anyone under any condition.

Section 745 would also be amended to deny serial killers, that is anyone who has committed more than one murder, access to this judicial review procedure. May I point out that an inmate's rehabilitation is not necessarily a function of the number of murders he may have committed as much as the circumstances surrounding these murders and the individual's character.

Let us consider, for example, the case of someone who commits a murder in cold blood, compared to that of another individual who kills two people in a panic. The latter may feel regret as he never had the intention of committing these murders in the first place, whereas the former may not feel sorry at all but still have access to the judicial review mechanism, while the repentant killer, on the other hand, would not.

The third amendment to Section 745 proposed in this bill provides for a selection mechanism whereby the chief justice of the superior court or the designated judge would determine, based on written representations, if the applicant has a reasonable chance of having his request approved by a jury. In other words, the convict who wants a judicial review must submit to the judge a written application outlining the reasons why he believes his request has a chance of being approved. The judge will then assess these reasons and determine if the application can be submitted to a jury, which must render a unanimous decision.

As you can see, these three amendments to Section 745 would make the implementation of the review mechanism triply ineffective.

• (1320)

Beyond these technical considerations, one has to look at the reasons why this judicial review process was originally put in place. We all agree that, when someone is handed down a very long sentence—such as imprisonment for life or 25 years—for a terrible

### *Government Orders*

crime, one way of encouraging this individual to rehabilitate and to behave during his detention is to give him some faint hope that, if he does make an effort to rehabilitate, he might eventually reintegrate society and become a good citizen. In other words, whether it is in jail or in any other sphere of human activity, motivation is always a powerful incentive.

Clause 745 would have the effect of destroying this motivation. Consequently, from the time an inmate knows that, for all intents and purposes, his chances of again becoming a member of society some day are nil, or that he will have to wait too long for such opportunity, why should he make any effort to rehabilitate? Why should he display good or even exemplary conduct in prison?

The proposed amendments to section 745 would have the effect of nipping in the bud any will to rehabilitate among those serving long sentences.

We have to look at the nature of the problem. As the English expression so appropriately says:

[*English*]

Is this an overkill? Let us look at the situation.

On December 31, 1995, 175 people in prison were eligible for a judiciary review. Of these 175 only 76 had made such a request. Of these, 13 had not been dealt with. That means 63 had been dealt with. Of these, 39 obtained a reduction in their inadmissibility delay. That does not mean they were released, it means that they could make another request after a certain period of time.

For those who had benefited from a release, as of December 31, 1995 only one was a repeat offender and the offence was armed robbery.

This is an overkill by the Minister of Justice.

• (1325)

Clifford Olson is a problem, but within the actual rules of the law he has virtually no chance at all of obtaining an early release. Are we going to change a system that has been fine tuned over the years to make totally sure that an individual with no chance really has no chance?

[*Translation*]

I believe that we are up against a situation here where the Minister of Justice is in the process of playing up to the Reform Party supporters, if I can put it that way, by applying rules similar to the ones Reform wanted to see implemented.

Under the circumstances, this ill-advised political opportunism would run counter to the interests of our society and would, without a doubt, move a piece of legislation that was drawn up carefully over time several decades back in time.

*Government Orders*

If I may, I would like to make use of the few minutes remaining to me to go beyond the bill to some more fundamental considerations. Essentially, the entire question of incarceration of an inmate has two purposes: first of all, of course, punishment for a crime, but also, and above all, public safety.

Often, although the crime committed requires punishment, the nature of the crime means that the person who has committed it no longer constitutes a risk to society and, provided a fine is paid or some other condition met, incarceration is not necessary, because public safety is not involved. When it is, however, imprisonment becomes necessary.

But every imprisonment involves release, eventually. The important thing is to ensure the individual no longer constitutes a risk for society when the release does take place. Now, an important point: does the prison setting offer the incarcerated individual the rehabilitation he or she needs to no longer represent a danger to our society on release?

Of course we could say: "Lock them up for life. They will not get out until after they are dead, and then they are no longer dangerous". Now that approach is extreme in the extreme, if you will pardon the overkill, and it does not reflect the basic values of a modern democratic society. We can do better than that. We can do better and we have the resources to do so.

The rehabilitation process should be such that, when the individual leaves prison, he no longer constitutes a risk to society and above all will be able to make a positive contribution to society. We must turn a passive individual into a person who will be an asset to society or at least give him that opportunity, since we cannot force people to change.

However that implies having a number of resources. It implies investing money to help this individual rehabilitate himself. As you know, I sit on the justice committee, and I had a chance to put questions to our experts in this field.

• (1330)

I simply asked them when, if a person is locked up for a certain period of time, let us say 10 years, does the rehabilitation process start? Believe it or not, it may take from 18 and 24 months, which means that, during most of the time he is incarcerated, there will be used no attempt at rehabilitation, and ample opportunity for his behaviour to deteriorate. Only in the final months is an attempt made to make him less of a danger to society, because eventually he will have to be released. Even if he is in for 25 years, eventually he will have to be released.

Our view of these issues goes back to the lack of resources only a few decades ago to help a person rehabilitate himself. Times have changed. If a person has some kind of chemical deficiency in the brain, we can treat that. We know that minute quantities of certain substances an individual may have too much or too little of in the course of his life can cause depression or manic states, in other

words, they can significantly alter an individual's behaviour. It does not happen to everyone, but it does happen to some people.

We also know that the environment in which a young child is raised can influence his behaviour as an adult. And we also know, because of more advanced studies and research, how to make an individual become aware of his problems and to react effectively.

It is time that this knowledge was put to use in the prison system, so that, eventually, individuals would be kept in the system only as long as it took to turn them into full and productive members of society, who no longer pose a threat to the public.

Any longer and they become more dangerous, time bombs waiting to go off. In conclusion, you will understand that the Bloc Québécois does not wish to support this bill, but fervently hopes that there will be a complete overhaul of approaches to incarceration.

[English]

**Mr. Art Hanger (Calgary Northeast, Ref.):** Mr. Speaker, I listened intently to the member for Portneuf. I do not see very much difference in viewpoints by this member, certainly by his party, to that of the Liberals, especially to that of the member for Notre-Dame-de-Grâce.

The member for Notre-Dame-de-Grâce says nothing can replace the life of the victim. In the same breath he also says it is a waste of a life to keep a murderer in jail. That is what came about from the architect of section 745.

I see no difference in what the member for Portneuf is saying to that which the architect of section 745 has said. I would like him to tell me and the rest of this country that the murderer of Constable Shelever, Roy Glaremin, is no more or less of a vicious murderer than Olson or of the murderer of Mrs. Morrison's seven-year old daughter who as a mute and who could not even scream out for help. Is he any more or any less of a vicious murderer than Olson?

• (1335)

**Mr. de Savoye:** Mr. Speaker, I do not know personally any of these individuals and I am not a judge to make a judgment. I will say this. These murders should never have happened. As a society the important question we must ask ourselves is how could we have prevented this from happening.

At the moment we are speaking here to each other we know that young people are not being cared for, that some are hungry and are not attended to properly even at school. Why not? What are we doing to prevent this?

Second, I am hearing about punishment the second time someone commits a murder. For God's sake, I do not want the second time to happen, if the first time ever happens. Let us rehabilitate this individual. Even if we want it otherwise, this person eventually will be liberated, will have served his or her term. He or she will be

*Government Orders*

on the street and as dangerous as ever. We do not want this to happen. Let us rehabilitate them.

In the first place let us not have conditions of life which fabricate vicious people. They are the reflection of our neglect.

**Mr. Werner Schmidt (Okanagan Centre, Ref.):** It was very interesting, Mr. Speaker. The hon. member suggested we should prevent crime in the first place. I do not think anybody would ever disagree with that. Of course we would rather not have any crimes committed at any time, much less murder.

I was rather interested in the rehabilitation statement the hon. member made, that we should rehabilitate these criminals and make sure they become productive members of society. I do not think anyone would disagree with that.

The concern that I have, and I would like to ask the member to address this, is after we put all these special programs into place, after we put all these rehabilitation mechanisms in the place of work or the prison where this person is incarcerated and we go through all these machinations, what assurance would the hon. member require before the individual was released from prison that would give to society the assurance that person will not be a repeating offender?

Could the hon. member tell us what are the tests he would apply? What are the indicators that future behaviour will be fundamentally different from the behaviour that got the person to perpetrate a crime of killing someone else?

[*Translation*]

**Mr. de Savoye:** Mr. Speaker, we know that companies wishing to hire candidates have a battery of written and behavioural tests enabling them to determine in advance of hiring whether individuals will be able to perform the required duties, whether their behaviour, social values and abilities will meet their future employer's expectations.

We also know that great strides have been made in behavioural psychology in recent years. All the scientific knowledge for determining whether or not an individual has been rehabilitated already exists. Is it infallible? Science is human, and is therefore fallible, but the odds are in favour of success, while with the system we now have, the odds are against it. That is what I am saying.

• (1340)

[*English*]

**Mr. Bob Ringma (Nanaimo—Cowichan, Ref.):** Mr. Speaker, I have a question of the last speaker. Do we have time?

**The Deputy Speaker:** The hon. member was not recognized earlier because he is the next speaker and the 10 minute period has expired. The hon. member has the floor for 20 minutes.

[*Translation*]

**Mr. Bob Ringma (Nanaimo—Cowichan, Ref.):** Mr. Speaker, I would like to begin by asking my friend, the member for Portneuf, if by any chance he has been discussing this issue with his constituents, because our views are so different that—

**The Deputy Speaker:** I think that the member has misunderstood me. The period for asking questions is over, and we are resuming debate. The hon. member for Nanaimo—Cowichan has the floor for his speech.

[*English*]

**Mr. Ringma:** Mr. Speaker, on with the debate. I apologize for that little intercession. I was hoping to get a question in.

Rising to speak to Bill C-45, the Liberal government's response to calls for tougher parole eligibility guidelines, the reasons why I will not be supporting this bill are numerous, and many of my Reform colleagues have already touched on the legislation's shortcomings in this and in previous debates.

In deciding what to speak on in relation to Bill C-45 I had to choose between the bill's merits, of which there are few, and its apparent lack of consideration for murder victims and their families. I chose the latter if only to highlight the Liberal government's total failure in this regard.

Victims rights groups in Canada like Canadians Against Violence Everywhere Advocating its Termination, CAVEAT, Victims of Violence, Crime Responsibility and Youth, CRY, and others have been calling for the elimination of Bill C-45. These are victims advocates spokespeople. It is a request, as I say, that is long overdue and appears to have been once again ignored by this government.

Yet what is it that victims rights advocates and Canadians in general find so offensive about section 745 of the Criminal Code? Pointedly, Bill C-45 still allows section 745 to remain, albeit in a somewhat watered down form. However, the fact remains that section 745 is still there and murderers will still be able to use its provisions.

I know that some of my Liberal friends across the way and their Bloc supporters will argue this bill is too harsh, but Reform's belief is that this bill does not go far enough. Our belief that this is the case is grounded at least in public support. That was to be the question I was going to ask my friend, the member for Portneuf, how much public support he feels comes from his constituents.

I have listened to some hon. members, including the member for Notre-Dame-de-Grâce, wax eloquent in defence of section 745. After all, that member was one of the driving forces behind the repeal of capital punishment during the Trudeau reign of error. He

*Government Orders*

and his Liberal colleagues were also instrumental in establishing section 745 in its present and soon to be amended form.

If Canadians think about it for a minute they will have as good an understanding as anyone about why the present Liberal government will not repeal section 745 of the Criminal Code. If the government chose to repeal section 745 in its entirety it would have to admit in front of all Canadians that it made a terrible mistake by putting it in the Criminal Code in the first place.

• (1345)

Imagine the media questions the poor Minister of Justice would have to answer if his government were to do the right thing and eliminate section 745. I think that is the crux of the issue here. If the government repeals and in essence admits it was wrong, it would be forced to admit that the Reform Party and every Canadian who wanted section 745 eliminated was right. It is not about to do that.

Beyond that, if Canadians accuse it of being wrong on the issue of section 745, it also leaves it vulnerable in just about every other area of criminal justice reform. By extension one would then be able to criticize every other area of Liberal policy making, which is easy enough to do already.

For example, the Liberals and their Tory predecessors have spent the country \$600 billion into debt. They do not want the deficit to get to zero any time soon because to do so would mean that they would have to again admit that years of deficit spending were wrong. What do they do? Like with every other issue, they tinker around the edges but the problem remains. In essence, Liberal governments never treat the illness or underlying problem. They sort of stick band-aids on the patients in the hope they will not realize how sick they are.

I could go on about Liberal mismanagement but I have only 20 minutes and would be forced to stray from the subject at hand which is their half measure approaches to the issue of criminal justice reform. Half measures throughout.

In any event, the Liberals have decided it is in their best interests politically just to tinker with 745 rather than scrap it. It is my hope that when Canadians go to the polls the next time they will do what is in their best interests and scrap this Liberal government.

While Canadians are trying to fathom exactly why a government which claims to be responsible has a clause allowing persons convicted of first degree murder to get out of doing the full 25 years, they would be within their right to ask what opportunity do murder victims and their families have at a second chance. That is

very basic to this whole argument. What about the victims and their families?

Canadians know the answer to that question just as readily as do Liberal members across the way. The answer is none. Murder victims and families do not have a second chance. Yet across the way they still insist that this bill is an enlightened approach. They call section 745 the faint hope clause. In reality they should have called it the get out of jail card.

It is not just the public calling for the elimination of section 745. A former member of the Liberal caucus has a private member's bill, Bill C-234, calling for this very repeal. Yet at every turn this bill has met with delay and obstructionist tactics by a government intent on burying the bill. Small wonder that Reform is cynical of Bill C-45 which is now before members.

I also want to touch on some of the points raised by both the justice minister and our colleagues from the Bloc. The justice minister in his previous speech addressed the business of whether section 745 was originally brought into the Criminal Code without the full knowledge of the people. Members from the Bloc have previously commented on the backroom shenanigans that occurred in 1976 when capital punishment was being removed from the Criminal Code and this section was brought in. The people of Canada knew nothing about this or its potential impact and they certainly did not give their consent to it.

• (1350)

All we need to do is look at the hue and cry which arose across the country as first degree murderers began to apply and receive reductions in their parole ineligibility.

There was not a great degree of awareness across Canada about what was happening in this area of the criminal justice system. I am also going to suggest that the justice minister has not adequately or successfully addressed this point.

The justice minister also spoke highly about the protection afforded the justice system as a result of juries' being able to decide on the acceptability of a section 745 application. That is fine. I believe juries are an integral part of the judicial process, but juries can act and decide only based on the information they receive. Juries have not always made decisions in the best interests of society because they have been deprived of the information they needed to make a just decision.

I also suggest that if we examine the limited role juries will now have under this amended section 745, all kinds of concerns and questions are present. For example, what kind of information will a jury receive? Will it receive information pertaining to the specific acts the individual has committed, the circumstances surrounding them, the pain and horror caused by that individual's actions not

only to the victim but to the victim's family and to society in general? Will the jury get that sort of information? If the past is any indication, I suggest it will not. Then how can it make a reasoned judgment?

Therefore when the justice minister suggests that all is well simply because a jury of common people picked from the community will be addressing the issue, I suggest there is a weakness in that argument. That weakness is clear according to the information which may be placed before a jury.

I say to the Minister of Justice that a jury cannot act on any information except that which is placed before it. In the case of section 745 hearings this leaves much to be desired in terms of the horror an applicant has caused the surviving family and friends of a victim.

I do not believe this government and its justice minister truly understand the horror inflicted on murder victims by way of their families, friends and society. I can say this because it is most certainly not reflected in the bill we are debating today.

As I mentioned earlier, Bill C-45 shows the justice minister has little empathy with the families of murder victims. These families are survivors. These families have endured nightmares as a result of the heinous crimes committed against their own flesh and blood. The memory of a family member or a friend who has been taken away by the cruel act of murder is insulted by this bill which contemplates a reduction in the punishment of its perpetrator.

Back in June members of the Standing Committee on Justice and Legal Affairs heard firsthand the horror of Sylvain Leduc's grandmother whose grandson was viciously murdered. The committee also heard from the mother of Leslie Mahaffy. Leslie was brutally murdered by Paul Bernardo.

I know my Liberal friends across the way who are chatting about other matters will bleat plaintively that Bernardo has already been declared a dangerous offender and that this bill has no force or effect where he is concerned. That is not the point. When we hear these stories we realize and understand the pain that families and friends could be forced to endure every time one of these sick, twisted animals applies for an early parole. Any avenue such as section 745 which provides killers with a chance for early release makes a mockery of the term life imprisonment.

• (1355)

The penalty for premeditated first degree murder is life imprisonment without eligibility for parole for 25 years. A life sentence is not about rehabilitation, as we have heard today, it is about punishment and retribution for the most horrible crime in society, the unlawful and deliberate taking of an innocent life.

### *Government Orders*

The justice minister does not believe in punishment or retribution as necessary to the sentencing process. He seems only to focus on rehabilitation, which we have heard echoed by the Bloc speakers. That is what we have been getting from his colleagues in every aspect of the Liberal red book promise for safer streets and communities.

The same applies to their half hearted overhaul of the Young Offenders Act, which my constituents are in the process of having their say on in a tele-vote. My constituents are going to give me their input and then I will come back to the House with a private member's bill reflecting their wishes.

I know this concept of voter consultation is alien to many Liberal members, but trust me on this one. If they were to ask Canadians whether they favoured scrapping or amending section 745, Canadians would vote to scrap it in a second. Section 745 of the Criminal Code nullifies the penalty for first degree murder. It provides murderers an opportunity for a judicial review of their parole ineligibility after they have served just 15 years of a life sentence.

As I mentioned earlier, victims' groups, the Canadian Police Association and a majority of Canadians believe section 745 should be eliminated completely. Nothing except the full elimination of that section is acceptable to the Reform Party, and 98 per cent of our delegates at our national convention in June voted for its complete elimination after debating and voting on this issue.

Bill C-45 strips multiple or serial killers of the right to apply for early parole. However, this applies only to multiple murders committed after the passage of the bill. This creates categories of killers. There will be good killers and bad killers.

In true Liberal fashion, good killers are granted special status. This seems to be the hallmark of the government. Got a problem? Give some group or organization special status and that will fix everything. Want to get around being able to hire people on merit? Just give special status, preferential hiring for certain people. It goes on and on. Liberals cater to one group at the expense of another, call it a progressive policy and then criticize anyone who questions their approach.

In any event, good killers will have the right to appeal for early release from prison while bad killers will serve out their life sentence.

As of December 1995 there were 574 first degree murderers incarcerated in Canada. Of those, approximately 5 per cent were multiple killers, so-called bad killers. Multiple killers sentenced after the passage of Bill C-45 will not be eligible to apply for a reduction, but this does not appease people like Mr. and Mrs. Rosenfeldt, whose son was murdered by serial killer Clifford Olson. The Rosenfeldts, the Mahaffys, the Frenches and many other Canadians will not be satisfied until multiple killers receive

*S. O. 31*

fair and just penalties, consecutive life sentences for each of the lives they took. Clifford Olson should be serving 11 consecutive life sentences.

As well, if the jury denies them a reduction in their application for early parole, the provisions of section 745 will allow them to appeal again and again. The same process will be applicable to all first degree murderers.

Let me finish by saying that Bill C-45 and a review of the killer's application by a judge will do nothing but add an expensive layer of bureaucracy to a growing justice industry. Bill C-45 is nothing but the government's—

**The Speaker:** I regret having to intervene but it being almost 2 p.m. we will now proceed to statements by members.

[Translation]

If there are any questions, we will resume after oral question period.

---

## STATEMENTS BY MEMBERS

[English]

### SHANIA TWAIN

**Mr. Peter Thalheimer (Timmins—Chapleau, Lib.):** Mr. Speaker, it is with great pride that I rise again in this Chamber to congratulate Shania Twain for her excellent performance at the Canadian country music awards.

Shania Twain has reaffirmed her status as one of the best country singers that Canada and Timmins have ever produced. Fans greeted the country music superstar back home to Timmins this summer for Shania Twain Day. It seemed like everyone in the Timmins area beat the torrential rain to welcome her back home.

Shania Twain assured her most loyal fans that Timmins is and always will be part of her.

I would like to congratulate the city of Timmins, the Timmins Symphony Orchestra and all who organized and participated in this wonderful day. Volunteers and officials ensured that Shania Twain Day was an overwhelming success.

\* \* \*

### CANADIAN WHEAT BOARD

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, continually this Prime Minister and this Liberal government break their promises to Canadians.

The Prime Minister promised a producer plebiscite on barley and broke that promise. The agriculture minister stated that plebiscites

are the most appropriate vehicle to determine farmer preferences. Prairie farmers demanded producer input into wheat board operation. From B.C. to Manitoba, producers demanded that the agriculture minister immediately cease appointment and initiate wheat board director elections and open the wheat board books for producer scrutiny.

The agriculture minister and the Prime Minister promised a plebiscite for barley producers and this government's own appointed panel members recommended producer direction and accountability for the wheat board.

How many times will Liberals break their word to prairie farmers? Canadians are sick and tired of unaccountable Liberals and their appointed hack dictatorship. Canadians want freedom and truth, neither of which this Liberal government will provide.

\* \* \*

### CANADIAN BROADCASTING CORPORATION

**Mr. John Solomon (Regina—Lumsden, NDP):** Mr. Speaker, Canadians are distressed about the cutbacks to the CBC, but thanks to the Liberal government there is a new CBC that is taking over Canadian media. It is the Conrad Black Corporation.

The Conrad Black Corporation will bring cost effective and sanitized news coverage. It will not waste money or time on bringing balanced reporting. Mr. Black's president, Mr. Radler, has said their newspapers will not even bother reporting fairly on issues raised by New Democrats who, by the way, speak for middle class working Canadians.

The investigation of the Hollinger's monopoly has been dropped by the Federal Bureau of Competition Policy. Why? It is because Conrad Black sent \$12,500 to the Liberal Party and \$11,000 to the Reform Party. These contributions help in Conrad's bid to be the new unfettered and very biased CBC.

While the old CBC is being dismantled, Liberals will have a new corporate network to advertise their vision of tax loopholes for the rich at the expense of program cuts for middle class Canadians. It is, after all, Conrad Black's corporation and he believes that only the wealthy and big corporations really matter.

\* \* \*

### NATIONAL CONFERENCE FOR YOUTH

**Mr. Maurizio Bevilacqua (York North, Lib.):** Mr. Speaker, last week more than 125 Canadians from all regions and backgrounds participated in the National Conference for Youth here on Parliament Hill. I am pleased to report that the results are positive.

The conference challenged employers, labour, educators, governments, youth serving organizations and youth themselves to define their roles in the new economy.

The participants went beyond that. They identified what needed to be done and set about accomplishing it. Partnerships were struck, agreements were made and plans were formulated.

The Career Foundation, an employment organization from Ontario, is going to Newfoundland to share ideas and advice on getting governments, business and youth working together to improve prospects for the future. A high tech firm is teaming up with an alternative learning centre to help our country's youth.

I am pleased to announce to the House that the Canadian Imperial Bank of Commerce has risen to the challenge and has agreed to host the next National Conference for Youth in March 1997.

Much was accomplished in those three days. I would like to thank all participants for their contributions.

\* \* \*

• (1405)

[Translation]

#### JOB CREATION

**Mr. Richard Bélisle (La Prairie, BQ):** Mr. Speaker, on September 17 in New York, Jean-Claude Scraire, Chief Operating Officer of the Caisse de dépôt et placement du Québec, stated: "The political climate in Quebec has no impact on investors' decisions, and I do not see why it should".

It is high time that the Prime Minister and the members of his government stopped looking outside their own backyard for the causes of Canada's and Quebec's weak economy and start taking action to help unemployed Canadians regain their dignity by finding jobs.

Canada's official unemployment rate stands at 9.4 per cent compared to 5.1 per cent in the U.S. The reality is that, while more than 1.5 million Canadians are looking for work, their Prime Minister and his government are acting irresponsibly instead of looking for ways to help them. What is the Prime Minister waiting for?

\* \* \*

[English]

#### ARMENIA

**Mr. Sarkis Assadourian (Don Valley North, Lib.):** Mr. Speaker, September 21, 1996 marked the fifth anniversary of political independence and the end to communist rule in Armenia.

Following the 1915 genocide, the Armenian nation first gained independence from the Ottoman Empire on May 28, 1918. Unfortunately, this independence was to last only a few short years until

*S. O. 31*

the communist takeover on December 2, 1920. After 70 years of communist tyranny, the Armenian nation once again gained its independence with the disintegration of the U.S.S.R.

Canadians of Armenian origin have made a significant contribution to the Canadian cultural mosaic. They continue to grow and prosper in Canada by embracing the democratic principles of freedom, justice and equality that exemplifies the Canadian way. We wish for the continued and speedy growth of freedom and democracy in Armenia.

Happy birthday, Armenia.

\* \* \*

#### WORLD ALZHEIMER DAY

**Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.):** Mr. Speaker, September 20 was World Alzheimer Day. I had occasion to participate in the first ever Alzheimer coffee break put on by the Sarnia—Lambton Alzheimer Society, just one of 120 chapters participating in this event nationwide.

Over 100 locations in Lambton county hosted a coffee break last Friday. I would like to take the opportunity to thank Mrs. Hendrickson who teaches family studies at Lambton Central Collegiate in Petrolia and her senior students for graciously hosting the event my staff and I attended.

Alzheimer's disease is a degenerative brain disorder that affects a person's mental and physical abilities and behaviour by destroying vital brain cells.

There is hope. While there is not yet a treatment to slow or stop the progression of Alzheimer's, much research is being done. Some scientists estimate that the cure is only five to ten years away. Let us hope this indeed is the case.

\* \* \*

#### ART AND MARGARET DIRKSON

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, what a great weekend we had in Medicine Hat when our family got together to celebrate the 50th wedding anniversary of my aunt and uncle, Art and Margaret Dirkson. Participating in this celebration gave me occasion to reflect again on my rich family heritage of love, trust and commitment to each other, and of an enduring faith in God.

My grandparents were able to make Canada their home in the early 1920s, having crossed the ocean in a cattle freighter. They came to Saskatchewan with their 10 children, my aunt Margaret being just a toddler at that time. The Epp family has a tradition of longevity, both in life and in marriage. My grandparents enjoyed over 65 years of marriage and last year we celebrated my parent's 60th anniversary. Now my dad's little sister has gone for 50.

*S. O. 31*

As with a family, so with a country. We value faithfulness and endurance. A family stays together for the long haul by a deep commitment to each other and the regular practice of forgiveness. Why not apply this principle to our country as well? Let us keep our families and our country together.

\* \* \*

[Translation]

**THE INTERNET**

**Mrs. Pierrette Venne (Saint-Hubert, BQ):** Mr. Speaker, an increasing number of our fellow citizens are surfing the Net. It is the latest craze. In October 1995 in Saint-Hubert, André Cyr founded Martinternet, the first and only French-language daily in Quebec to be designed and produced exclusively on the Internet.

Martinternet is read by over 5,000 people every day and is one of the three most popular web sites in Quebec.

Every day, this new electronic medium transmits in excess of 80 news briefs on various topics of current interest, thanks to the support of the Radiomédia news service and of some 15 contributors.

The success of this venture, which is not subsidized in any way, is due to the commitment of volunteers. Like the other information media, this web site will have to rely on advertisers to survive.

• (1410)

We wish Martinternet continued success on the information highway for the greater enjoyment of all the Internet fans out there.

\* \* \*

[English]

**IRVING WHALE**

**Mr. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, on behalf of Prince Edward Islanders I want to congratulate the Minister of the Environment and the Minister of Fisheries and Oceans for the work they and their departments undertook in raising the *Irving Whale* this past summer.

Deserving special mention is Captain Bill Dancer of the Canadian Coast Guard and his operations crew for the hazardous work they performed.

I also want to thank the former Minister of the Environment, the Hon. Sheila Copps, for the efforts she put in to ensure that this project move forward.

**The Speaker:** Colleagues, please do not use the name of any member of Parliament in the House.

**Mr. Easter:** Mr. Speaker, I also express my appreciation to the fishermen, some of whom have since passed on, and to all those who have over the past 26 years never wavered in their determination to see that the potential environmental disaster posed by the *Irving Whale* was removed. This was the largest salvage operation to ever take place in Canadian waters and all those involved should be proud of a job well done. Congratulations.

\* \* \*

[Translation]

**FEDERAL PUBLIC SERVANTS**

**Mr. Nick Discepola (Vaudreuil, Lib.):** Mr. Speaker, federal public servants working in Quebec are again seeing what price those who do not share the PQ's separatist obsession have to pay.

We all recall that, in the last election campaign, the separatists promised that all federal employees in Quebec would have jobs should Quebec become independent. After the majority voted no in the last referendum, federal public servants are now being told that, if and when there is another referendum, they should go and see the federal government if they want to keep their jobs.

How do you like that? The PQ and BQ want Quebec to separate from Canada but would have the Canadian government keep federal employees living in Quebec on its payroll after Quebec becomes independent. Federal employees have seen through the separatists' little game. Next time, an even stronger majority will vote no.

\* \* \*

**THE DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT**

**Mr. Jean-Paul Marchand (Québec-Est, BQ):** Mr. Speaker, the quality of the French language used at Human Resources Development Canada's National Job Bank site on the Internet is poor, to say the least. Mistakes are attributable mainly to bad, literal translation.

Clearly, the St. Thomas CEC in Toronto, given the job of updating this Internet site, uses an automated translation program instead of hiring an experienced translator to do the job. Let me give you two examples that speak for themselves. In a job offer for a translation position—how ironic—“log house” became “maison de bûche”. Another gem, while the correct expression is “connaissance de l'informatique requise”, the text reads “avoir ordinateur opération d'aptitudes”.

Whatever happened to the genius of the French language? Such mistakes are a disgrace and show an obvious lack of respect for francophones across the country.



*Oral Questions**[English]***LIBERAL PARTY**

**Mr. Dick Harris (Prince George—Bulkley Valley, Ref.):** Mr. Speaker, on Saturday night the Liberal Party unveiled a new party poster in Quebec City depicting their opposition parties on an evolutionary scale with Reform at the bottom of the chain.

It is curious that these posters were unveiled at a time when the Prime Minister was delivering a speech on tolerance and respect.

It seems the Liberals have little tolerance for opposing viewpoints and no respect for the two million Canadians who voted Reform in the last election.

During the 1993 federal election the Tory party ran a disgusting TV ad which made a personal attack on the appearance of the Prime Minister. Reformers joined millions of Canadians in denouncing this sleazy Tory tactic. Now it appears that the Liberals are stooping to the very same sleazy Tory tactics.

Are the Liberals afraid that Reform will become the voters' natural selection come the next election? Or does the Liberal Party's notion of tolerance and respect apply only to those Canadians who vote Liberal?

\* \* \*

• (1415)

*[Translation]***THE MOUVEMENT DE LIBÉRATION NATIONALE DU QUÉBEC**

**Mrs. Eleni Bakopanos (Saint-Denis, Lib.):** Mr. Speaker, the separatist movement has long been associated with groups and individuals who promote segregation, racism and intolerance.

*[English]*

In today's *Gazette*, Raymond Villeneuve, president of the Mouvement du libération nationale du Québec openly attacked the Jewish community of Quebec. He stated: "If there is trouble after Quebec becomes independent, nationalists will remember who was against them".

*[Translation]*

I appeal directly to the leader of the official opposition to publicly and strongly condemn these racist and violent comments, which have no place in our society.

*[English]*

Separatists want Quebec to believe that they are not racist and not exclusionist yet their leaders do not denounce people like Mr. Villeneuve. As a Quebecer I am insulted. As a member of the cultural communities I am insulted.

When will they realize that we are just as much a part of this society and this province as they are?

\* \* \*

**GOODS AND SERVICES TAX**

**Mrs. Daphne Jennings (Mission—Coquitlam, Ref.):** Mr. Speaker, during the last election campaign Liberal candidates across the country promised to abolish the GST, with the Prime Minister promising to remove the GST tax on books.

The Deputy Prime Minister also said during the 1993 campaign: "Food isn't subject to the GST because it's a necessity. So are books. They are needed for young minds to grow".

As literacy critic I must say research shows that jobs, crime prevention and better health and safety are linked to literacy and the greatest single factor in the development of literacy skills is the presence of reading materials in the home.

Both the Conservatives and the Liberals are guilty of bringing in the GST on books and leaving the 7 per cent GST on reading materials. Now with the Liberal harmonization, the finance minister will deal a crippling blow to the least affluent citizens of the Atlantic region by forcing them to pay a full 15 per cent on reading materials.

The minister bragged last week about increasing educational credits for students. How does that help when the students will not be able to pay for their books? When is this government going to live up to its election promises and remove the tax on reading?

**ORAL QUESTION PERIOD***[Translation]***THE CANADIAN ARMED FORCES**

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, last weekend, two other generals broke the wall of silence and added their voices to those of the military who challenge General Boyle's leadership.

Generals Vernon and MacKenzie had very harsh words for the Chief of Staff. The fact is that, in spite of the efforts made by the Prime Minister and his defence minister to plug the holes, the ship is taking on water everywhere.

Given the new and very harsh criticisms that were levelled not only at General Boyle, but also at the Prime Minister, who is accused of not being loyal to the armed forces, will the Prime Minister agree that it is urgent and necessary to review his position and to personally intervene to settle the leadership problem that exists at DND and at the head of the Canadian Armed Forces?

*Oral Questions*

[English]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the mark of a democratic society is that individuals are free to criticize the government. It is not unusual for governments to be criticized by former politicians. I have to say that one of the many blessings I have as Minister of National Defence is that from time to time many former members of the armed forces pop up and make certain contributions to public debate.

Generally those contributions are constructive. In some cases they are critical. That is the right of those individuals. In some cases they are uncomfortable with the direction in which we are taking the armed forces. In other cases it is to set the record straight and to put their own time in office in a certain light with respect to posterity.

This is quite normal in a democracy and it certainly does not shake our resolve to continue the course that we have embarked on.

[Translation]

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, these are not ordinary citizens taking part in a debate. We are talking about generals, the highest ranked officers in the Canadian army, who, as soon as they leave the military, express their feeling of helplessness over the lack of leadership in the forces.

• (1420)

The minister can talk about a public debate in our great society, but what is truly extraordinary is to have an army with no leader and no minister. It appears that, in some cases, soldiers are now ashamed to wear their uniform, because of the lack of leadership at the national defence department. On August 29, General Boyle said in the *Globe and Mail* that he would resign if his leadership was questioned.

Could the defence minister tell General Boyle on our behalf that his original statement on his leadership was far preferable to his present desperate attempt to hang on to his job as Chief of Staff, when he no longer has credibility? Could the minister convey the message to General Boyle?

**The Speaker:** Colleagues, in the House, members must always address the Speaker and not one another.

[English]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I can understand your confusion between the hon. member and me in the way we look. I can say that we share fundamentally different convictions about the country and about the direction of the armed forces.

I am quite surprised by what the hon. member has said. Somehow he has elevated the position of a general officer retired

from the armed forces into some privileged position within Canadian society. Well, I have news for him. We are all equals in Canadian society, whether we are ex-generals, plumbers or carpenters. We all have the right to take part in the democratic process and express our views.

The hon. member sat through the questioning last week. He did not take part in it. I think he understands the process. It is a process which he supported, and the former Bloc leader, now the premier of Quebec, supported when he was in the House, which is to have an open, independent inquiry so that all the issues can be heard and that no individual, no circumstances should be judged in isolation.

[Translation]

**Mr. Michel Gauthier (Leader of the Opposition, BQ):** Mr. Speaker, last week the Prime Minister spoke of the major job of making cuts and reorganizing the Armed Forces, which his Minister of Defence and chief of defence staff had ahead of them.

My question is for the Deputy Prime Minister. I cannot ask it of the Minister of Defence, for he is protecting himself now. Will the Prime Minister admit that such cutbacks and reorganization require total credibility and that, under the present circumstances, neither the Minister of Defence nor General Boyle inspire sufficient confidence among military personnel to acquit themselves of this important task? Could the Deputy Minister respond?

[English]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, it would be useful if the hon. member were to talk to his colleague, the hon. member for Rimouski—Témiscouata. Last week on RDI she said that the armed forces were in need of a good house cleaning. I believe those were her words; I do not have the French translation.

[Translation]

I believe she said that the Canadian Forces needed a good housecleaning, and that Mr. Collette—pardon me for using my name—was the one who needed to do it.

[English]

In other words his own colleague two seats away expressed confidence in me and I am very grateful to continue with the work I am doing.

[Translation]

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, my question is for the Deputy Prime Minister. Last week, the Prime Minister attempted to make light of what General Clive Addy had to say by describing it as the words of a frustrated individual, who was not pleased at having been forced to leave the Army and was therefore criticizing the Armed Forces. Now it is General Lewis Mackenzie's turn to question the leadership of the Armed Forces, and even the loyalty of the Prime Minister, by saying: "He is very

*Oral Questions*

loyal to his staff, which I find admirable, but he ought to be equally loyal to the Army.”

How can the Deputy Prime Minister again ignore the extremely harsh criticisms of the Prime Minister being made by other retired generals?

[*English*]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the hon. member seems to be preoccupied with the remarks of former officers of the Canadian Armed Forces. What I am concerned with are the views and opinions of serving officers of the armed forces. I met with the leadership last week and despite the problems, despite all of the things that are going on that make them feel rather bad and which are bad for the institution, they are solid in their support and they want to continue forward.

• (1425)

[*Translation*]

**Mr. Pierre Brien (Témiscamingue, BQ):** Mr. Speaker, according to General MacKenzie, they are so proud they are afraid to wear their headgear when driving. That is the situation.

My question is for the Deputy Prime Minister. How can the government continue to play down what is going on, when never in the history of the armed forces have we seen so much questioning of and dissatisfaction with a chief of staff, whom the minister keeps defending?

[*English*]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, one of Canada's prominent historians, Desmond Morton, said some time ago on a radio program that there are always problems with peacetime armies.

What we are facing in Canada is not unlike what our allies are facing. I raised this last week. It happened also after the second world war. When there is a massive demobilization of resources and personnel, it creates a lot of disquiet among the ranks. After all, the military is a very hierarchical and very authoritarian organization and when rapid change is thrust upon it, it makes it very difficult for the institution to accept.

However, I have to say that after nearly three years in the job, I am impressed with the men and women of the armed forces and what they have done to accommodate the changes, to accommodate the budget cuts, the reduction of personnel and the introduction of private sector methods in terms of purchasing. All of that they have done in an exemplary fashion.

I would only hope that hon. members opposite could focus on the good things the men and women of the armed forces have done and not on the negative things.

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, the minister talks about what a great job the military troops are doing. I say that is absolutely true, but it is in spite of his leadership, not because of it.

The minister also just said that he would like to hear from serving officers. The truth is that these people are afraid to talk. Only when there is safety in retirement do people like Major-Generals Brian Vernon and Lewis MacKenzie say things like: “Jean Boyle has lost the trust of his troops and should resign. He is not credible to those who are serving this country. Soldiers are embarrassed to wear their uniforms in public”. What a sad day it is when we see soldiers and troops who are absolutely ashamed to drive around in their vehicles in their uniforms.

My question to the defence minister is this, and I will give him a hint that this is no riddle: Just how many major-generals does it take to get the defence minister to do the honourable thing and fire Jean Boyle?

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I forget my lines from Gilbert and Sullivan, but if I could recite them I am sure the hon. member would have a place in them.

The deputy critic of the Reform Party on the weekend on CBC said: “I do not wish to convict General Boyle. I would like to see him out of the seat right now because I think he is doing tremendous damage to the forces”. What the hon. deputy critic said was that he was asking for removal, not for dismissal.

Again, we have two separate points of view from members of the Reform Party. The hon. member for Saanich—Gulf Islands, who is not here today, went on to say—

**Some hon. members:** Shame.

**The Speaker:** The hon. member for Beaver River.

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, yes, my colleague did say that the very least Jean Boyle could do out of a sense of honour would be to step aside and if he is proven innocent, then that is fine and he can return to his job. There is certainly no shame in saying that.

Lewis Mackenzie hit the nail right on the head this weekend again when he spoke out. I always listen to guys named Lew; believe me, I know it is safe. He said that the Prime Minister and the defence minister were putting stubborn political pride before their duty to the men and women of the Canadian Armed Forces.

*Oral Questions*

Rank and file soldiers feel tainted by the Somalia scandal because the Liberal government has failed to do the right thing, the honourable thing, and ask Jean Boyle to resign.

I ask the minister, or perhaps the Deputy Prime Minister: Why are they sacrificing their duty to the men and women of the Canadian Armed Forces to protect their pitiful political pride?

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I am glad the hon. member allowed me the occasion to find another citation from the deputy critic of the Reform Party. He said: "There is a whole bunch of excellent people in the armed forces. Super people and good leaders as well. Unhappily, the tar or the mud that is being flung at the top is floating down and sticking to some of these people". Who is flinging the tar and the mud? It is the opposition.

• (1430)

**Miss Deborah Grey (Beaver River, Ref.):** Mr. Speaker, the only people who are flinging mud right now are those people who have served in the armed forces and know full well what is going on there and what the morale has stooped to.

Jean Boyle can no longer lead the Canadian Armed Forces. It is as simple as that and I do not know why he cannot get it through his head. By blaming his subordinates, Boyle has lost the confidence of his troops. The Prime Minister and the defence minister are no better. These big boys prefer to puff out their chests in some macho defence of General Boyle instead of simply admitting they were wrong.

I ask the minister one more time, will he just forget about his political pride, his political record of not firing people? Will he just put aside this political huffing and puffing once and for all, admit he was wrong and fire Jean Boyle?

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, we have answered these questions for what I think is the sixth day in a row.

There is a commission of inquiry. The inquiry will look at all the facts of concern to the hon. member. When the inquiry finishes its work, which is expected to be in March of next year, the government will respond. At that time, I am sure the hon. member's concerns will be allayed on a number of fronts.

\* \* \*

[Translation]

**JOB CREATION**

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, in a study published last week, Royal Bank analysts estimated that using part of the surplus of the unemployment insurance fund

to lower premium rates would create tens of thousands of jobs in Canada. It will be recalled that the surplus in the unemployment insurance fund will reach five billion dollars this year.

My question is for the Prime Minister. When will the Prime Minister announce a reduction in premium rates in order to create thousands of new jobs, instead of using the money of workers and companies solely to lower his deficit?

[English]

**Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, as the hon. member knows, the unemployment insurance premiums are set in the fall in conjunction with the Minister of Finance and the Minister for Human Resources Development. That will be announced when the decision has been made.

[Translation]

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, bureaucratic explanations are not what we want, we want to see the government doing something to create jobs. Here is a golden opportunity to lower premium rates, lower payroll taxes, which do nothing but kill jobs, and create these jobs. Instead of that, I get a bureaucratic answer. In the 1994 budget, the Minister of Finance said himself that lowering unemployment insurance premiums by 7 per cent would result in the creation of 40,000 jobs.

I put the question to the Deputy Prime Minister, to the government, or to whomever is at the helm: When are you going to take action?

[English]

**Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, the question of jobs is an interesting one. We have already had some 669,000 new jobs since this government took office. We have already dropped unemployment insurance premiums from over \$3 at the time we were elected to the present level which is substantially below that.

We already have those job creation schemes. There have been some 766,000 new jobs in the private sector alone since we were elected, some 80,000 jobs last month. Job creation is this government's job and we are doing it.

\* \* \*

**SOMALIA INQUIRY**

**Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Mr. Speaker, we hope the defence minister has had the weekend to study up on ministerial responsibility.

On Friday the minister stated: "The ministers elected by the people are responsible for the actions within their departments".

This particular minister's department has lied to the military police. It has allowed preferential treatment. It has shredded, withheld, destroyed and altered documents. It has also broken the spirit of the access to information act.

Does the Minister of National Defence plan to take responsibility for these actions, or will he simply act like General Boyle and blame everybody else?

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I believe that we on this side of the House have taken our responsibility in the management of this issue. It has been a very difficult issue for the country, for the government and for the Canadian Armed Forces.

My party in opposition in April 1993 took its responsibility by calling for a public inquiry. In office, at the earliest opportunity after the courts martial were convened and concluded, we took our responsibility by appointing three independent commissioners for the public inquiry.

• (1435)

This government will continue to take its responsibility when the inquiry reports next year and we will respond to the inquiry's findings.

**Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Mr. Speaker, the minister should know that you cannot take accountability only when it suits you.

The defence department has lied to the military police. It allowed preferential treatment. It shredded, withheld, destroyed and altered documents and it broke the spirit of the Access to Information Act.

Will the Deputy Prime Minister hold the Minister of National Defence accountable and fire the minister?

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I think I have answered the question with respect to ministerial responsibility. However, if that is not good enough, I believe I have been responsible for a number of things in the last three years.

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

**Mr. Collenette:** I see the hon. member rising. Perhaps he is somewhat excited because I was about to say that I will take responsibility for bringing in a white paper, for helping to rationalize the infrastructure of the armed forces, for downsizing, delaying and reducing headquarters, for bringing private sector techniques into purchasing and management of the armed forces. That is responsibility and I am proud of it.

### Oral Questions

[Translation]

### AIR TRANSPORT

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, since the Liberals returned to power, the government has been shameless in its favouritism in dealing with the carrier Canadian. The Minister of Transport, after blocking Air Canada's access to the Asian market, did a repeat this summer by taking away its route to the Czech Republic and giving it to its competitor, Canadian.

Air Canada's traditional market, Europe and the United States, becomes more and more accessible to Canadian, and meanwhile, the Canadian government keeps Air Canada away from the most lucrative routes on the Asian market: the old double standard.

Does the minister realize that favouring Canadian over Air Canada means 7,000 Air Canada jobs in Quebec are in jeopardy?

[English]

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, the policy of the government with respect to our two major carriers is one of even-handedness. Air Canada for example, the company the hon. member is concerned about, is flying to Asia, Hong Kong and Japan for the first time as a result of decisions by this government.

I would remind the hon. member, with respect to the route to Hong Kong he mentioned, we negotiated with the Hong Kong authorities who agreed with exactly the number of flights per week that Air Canada asked for. The result was that when Air Canada established its route shortly after we had been dealing with the Hong Kong government and the Hong Kong authorities, it now wishes to have a change. The trouble is that Hong Kong has many things on its mind at the present time, including the establishment of a brand new facility on Lan Tao Island which will indeed be the world's most modern airport when it is opened.

We cannot constantly go back to every one of the 2,000 to 3,000 air bilateral agreements we have whenever one airline or another—

**The Speaker:** The hon. member for Kamouraska—Rivière-du-Loup.

[Translation]

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, let them compete without interference, and you will see the results.

Does the government realize that because of its favouritism vis-à-vis Canadian, it is actually supporting a quasi-subsidary of American Airlines at the expense of a Canadian-controlled company?

*Oral Questions**[English]*

**Hon. David Anderson (Minister of Transport, Lib.):** Mr. Speaker, the policy of the government is and has been to have even-handed treatment of both major airlines.

I certainly agree with the hon. member there are links that American Airlines has with Canadian. In fact, British Airways also has links with it. However, Air Canada has links with Lufthansa and Continental. If we were to stop giving anything to Air Canada because of its links with Lufthansa because it may benefit Lufthansa or some German provider of services, I think that would be absurd.

Obviously in the world of aviation today all our major companies will have links with other major international companies. Both our airline companies are operating in that environment and both are operating competitively. I would prefer to have our airlines try to improve service rather than spend their time on political battles in this House.

\* \* \*

● (1440)

**DEPARTMENT OF NATIONAL DEFENCE**

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Mr. Speaker, the minister says he is responsible for the actions of his department, but in our parliamentary system the essence of ministerial responsibility can be summed up in one word, confidence. Once you lose the confidence of the people you must resign. That is true of governments and it is also true of individual ministers.

This minister and his chief of defence staff have lost the confidence of the rank and file in his own department. He has lost the confidence of the Canadian people and, as evidenced by boards this weekend, he has lost the confidence from even his own general staff. When will he resign?

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, when the Prime Minister asked me to be Minister of Defence he said it was going to be a tough four year slog. I think I can now agree with him.

When you take on a challenge in life you do not back down when things get tough. As long as I have the confidence of the Prime Minister and my colleagues I will see this through and in the end we will have a better armed forces for it.

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Mr. Speaker, this is a sad day in the development of our military. The minister has created a culture of fear in his own department, ordinary rank and file are afraid to speak out and they are afraid they will be court

marshalled on the way to the inquiry. Top generals are told by the Prime Minister if they do not like it they should quit and get out.

When will the minister realize that he cannot run a department on fear? He has lost the confidence of the people who work underneath him. It is time for him to leave. When will he resign?

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I do not know who he has been talking to in the department but the last thing they will say is that I have been running the department on fear. We have a good working relationship at that department despite all the problems, despite the lack of understanding of the opposition.

We are working together collaboratively to change a very proud institution that has served its country well, that is having a very difficult time adapting to some of the challenges of the day with respect to budget downsizing, delayering, reduction of personnel and the coming to grips with the norms and values of modern society.

The men and women of the department are working with me every day in a collegial, friendly and responsible way that will get results.

\* \* \*

*[Translation]***FAMILY TRUSTS**

**Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ):** Mr. Speaker, my question is directed to the Prime Minister.

The Prime Minister's unqualified support for the finance committee's report on the family trusts scandal, and his inaction, means that the Prime Minister refuses to close a tax loophole that has allowed billions of dollars in capital to leave Canada tax free. Every day the Prime Minister refuses to act, he condones the massive exodus of capital from Canada.

What guarantee does the Prime Minister have to offer that no one, not yesterday, not today and not next week, will be able to use this tax loophole to get his money out of Canada without paying income tax like the rest of us?

*[English]*

**Hon. Jane Stewart (Minister of National Revenue, Lib.):** Mr. Speaker, I am pleased to respond to this question because I have not had the opportunity to thank the members of the finance committee for their fine work on this very difficult file.

In addition to providing the Minister of Finance with recommendations on the issue of taxable Canadian property, they have provided to me as minister of revenue some very direct and specific recommendations when it comes to the administration of my department.

I believe the department should act in a way that is transparent, that our decisions should be consistent and that our documentation must be clear and available to Canadians. Those are things that we have already taken to task and they will ameliorate the deficiencies that were part of the administration under our former government.

[Translation]

**Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ):** Mr. Speaker, it appears that some people have a bigger stake in trusts than the average taxpayer.

Who does the government want to protect in its willingness to pay this kind of political price for refusing to do away with this tax loophole? Who?

[English]

**Hon. Jane Stewart (Minister of National Revenue, Lib.):** Mr. Speaker, what I find passing strange about this question is that the Leader of the Opposition and his colleagues were taken to task in the public press in *Le Devoir* saying: "How do you substantiate these claims?"

• (1445)

They have not been able to substantiate these claims, yet they come to the House and continue to talk about family trusts when what we are talking about is the tax position of migrants. They continue to talk about the effectiveness of my officials when there was in fact no indications either from the auditor general or the assistant auditor general that there were problems with the integrity of the department.

They continue to talk about the erosion of the tax base when in fact, as the committee reported and made clear, there are no clear examples of the tax base being eroded.

Finally, they perpetuate this myth that this legislation only applicable to rich and wealthy Canadians when in fact it applies to all of us who may for example want to retire to a warmer climate and have a small business or a family farm, which we want to deal with appropriately.

\* \* \*

#### SYDNEY TAR PONDS

**Mr. Russell MacLellan (Cape Breton—The Sydneys, Lib.):** Mr. Speaker, my question is for the Minister of the Environment.

The Sydney tar ponds are Canada's worst environmental problem. I know the minister shares my concern in cleaning up this mess and has stated so publicly. He has also been reported to have said he is in favour of fencing in the tar ponds.

Could the minister please clarify the government's position with respect to cleaning up the Sydney tar ponds?

#### Oral Questions

**Hon. Sergio Marchi (Minister of the Environment, Lib.):** Mr. Speaker, I wish to first thank the member for the question he poses and for his steadfast co-operation in dealing with what is a very complicated and very troubling situation.

The truth of the matter is that my colleague the health minister and I, together with provincial colleagues and the local member of Parliament had a very successful meeting with residents from Sydney this summer.

One of the things we established is that governments must work with communities rather than simply giving them the solutions at the last minute.

When the Reform Party suggested this is a problem that should be cleaned up in one year's time, that is a very irresponsible statement and a statement that builds and fuels cynicism from the community.

What we have said is that there is a long term solution in finding the viable technology to clean up this mess. We also said, as did the community, that there are some short term immediate steps such as a possible fencing in of the areas. When we were there we had protective foot gear and lo and behold a number of students came in their running shoes. That is an idea that comes from the community.

It is time we level with communities rather than play with them like the Reform Party.

\* \* \*

#### CHURCHILL FALLS

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, the premier of Newfoundland has just stated that he would rather shut down the hydroelectric power on Churchill Falls than sell it to Quebec at a loss.

This dispute has continued to fester because the federal government has abdicated its responsibility in interprovincial trade.

Will the Prime Minister do the fair thing for the people of Newfoundland and do what he can to ensure the renegotiation of this contract?

**The Speaker:** I am trying get the mesh here with the responsibility of the minister on this question. However, I saw the hon. minister getting to her feet and if she wishes to answer this question, I will permit it.

**Hon. Anne McLellan (Minister of Natural Resources, Lib.):** Mr. Speaker, as undoubtedly the hon. member knows, there is a contract in place between the Governments of Newfoundland and Quebec. This is a contract dispute that has been ongoing for some time. The federal government is not a party to that contract. Therefore it would be singularly inappropriate for the federal government to interfere in what we hope is the successful resolution of points of disagreement between the two contracting parties.

*Oral Questions*

**Mrs. Diane Ablonczy (Calgary North, Ref.):** Mr. Speaker, the hon. member and the Prime Minister do not seem to find it inappropriate to intervene when it comes to rerouting the Sable gas resource through to Quebec. All of a sudden it is inappropriate in this case. Why does the Prime Minister refuse to step in and prevent Hydro Quebec from picking Newfoundlanders' pockets to the tune of \$1 billion every year?

• (1450)

**Hon. Anne McLellan (Minister of Natural Resources, Lib.):** Mr. Speaker, I cannot let the comment made by the hon. member in her question go unchallenged.

The Prime Minister on behalf of the government has made it very plain that in relation to the Sable Island gas project normal regulatory processes will be followed and whether and when that project goes ahead will be dependent on market conditions.

I want to clarify the record. The government is being quite consistent. In relation to Newfoundland and the Government of Quebec there is a contract in place between those two parties. It is for those two parties to negotiate any disagreements.

\* \* \*

[Translation]

**THE CBC**

**Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ):** Mr. Speaker, my question is for the Minister of Canadian Heritage.

Some time ago, the Minister of Canadian Heritage criticized the CBC for not doing enough, in her view, to promote Canadian unity.

Are we to understand that the budget cuts imposed on the CBC, which incidentally are deeper than those made in other government operations, are a reflection of the government's discontent and anger with the CBC for apparently not doing enough to promote Canadian unity?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, if we used the same logic as the hon. member, we would have to conclude that Ms. Beaudoin does not support Télé-Québec.

**Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ):** Mr. Speaker, I wish the Minister of Canadian Heritage would change her tune, let Quebec deal with Quebec problems and focus on managing the affairs of the country. That should be plenty.

Does the Minister of Canadian Heritage not realize that, had she not wasted \$45 million on all kinds of gadgets to promote national unity and sunk \$100 million into a broadcast fund she wants control over, the \$127 million in funding she just took away from the CBC could have been maintained? How much more does the

minister plan to divert from cultural institutions just for her propaganda purposes?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** First of all, Mr. Speaker, the hon. member's claim that the cuts imposed on the CBC are deeper than those to government operations in general is simply not true. The CBC cuts amount to 23 per cent, which is less than the cuts sustained by individual government departments.

That said, the Bloc Québécois criticized time and time again the broadcast fund. The funny thing is that this fund has received the support of Rock Demers, Les Productions La Fête, Éliane Doré of Ciné Gestion Inc., Carmen Bourassa of Téléfiction Inc., Charles Bélanger, president of the CFCF broadcasting group, Louise Baillargeon of the APFTQ, and Christiane Gagné, to name a few.

[English]

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, speaking of the CBC, the Reform Party has a very clear vision of a publicly funded CBC radio and a privately funded or a privatized CBC television. The massive cuts this minister undertook at the CBC last week shows she has absolutely no vision for the future of the CBC. That lack of vision has created across the board cuts that threaten both radio and television.

Will she admit to the House that she again has broken a Liberal election promise with respect to the CBC funding?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, the Reform Party says the cuts took place last week. The cuts were announced last February and amounted to a total cut to the corporation of approximately 23 per cent, something which certainly is going to be very difficult for the CBC to carry out. It is something that I believe, with the creativity of the management and the board of the CBC, will certainly be within their power to carry out.

• (1455)

To suggest that the minister would carry out the cuts would indeed be a gross abrogation of the arm's length policy which must de facto exist to protect the integrity of the CBC.

**Mr. Jim Abbott (Kootenay East, Ref.):** Mr. Speaker, speaking of integrity, I really wonder why this minister not only at the CBC but with national parks, indeed throughout the heritage department, announced cuts way back in February and has a sword of Damocles over thousands of people in the employ of the CBC and national parks throughout the entire department. The reality is there was an election promise of funding.

Was the \$400 million cut an example of a Liberal double cross or just the minister's incompetence and lack of commitment?



*Oral Questions*

**Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.):** Mr. Speaker, to clarify Mr. Martin's budget in February, the cut was \$100—

**The Speaker:** I know the Deputy Prime Minister would not want to use one of our members' names.

**Ms. Copps:** Mr. Speaker, the cuts the member refers to is \$127 million. The fact is that the federal government continues to support the CBC directly and indirectly to the tune of \$875 million per year.

If someone actually took a page out of the Reform Party's book and took the deficit to zero in three years, which was its proposal, there would be no CBC.

\* \* \*

**FISHERIES**

**Mr. Harold Culbert (Carleton—Charlotte, Lib.):** Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Reports of sightings of increased cod stocks off the Atlantic coast are causing great and positive excitement in Atlantic Canada. Can the minister tell the House today exactly what the current scientific evidence and findings are? Will these new findings provide for our cod fishery next year?

**Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, to best respond to that question I can tell the House the results of the scientific and the sentinel surveys this year compared to last year. A number of things were determined.

Sentinel survey is actually done by fishermen in just over 100 sites around Newfoundland, Labrador and the gulf. There are a number of things this year compared with last year. First of all, the catch rates were better. In the sentinel survey in some cases the catch was double to 25 times greater than last year. The fish are larger and the size range is greater.

Scientists have indicated that the decline has ceased. The environment is better for the fish and the recruitment has indeed begun, although very slowly.

I have a caution. These sentinel surveys are controlled sites. They are inshore and there is no competition. We will be looking at some possible tests offshore in the near future.

The fisheries resource conservation council has done consultations in Newfoundland, Labrador and Atlantic Canada. It will be coming forward in October with a recommendation to me.

For the time being, cautious optimism.

[Translation]

**THE IRVING WHALE**

**Mrs. Monique Guay (Laurentides, BQ):** Mr. Speaker, my question is for the Minister of the Environment.

The operation carried out this summer to raise the Irving Whale will cost taxpayers in Quebec and Canada over \$31 million.

At a time when the federal government is slashing health care, education and unemployment insurance, is it not absurd to take \$31 million out of taxpayers' pockets to clean up the damage done by the multi-billion-dollar Irving corporation and, to add insult to injury, to give them back the Irving Whale, which they are thinking of using again? Will the Liberal government make Irving pay for the operation, yes or no?

● (1500)

[English]

**Hon. Sergio Marchi (Minister of the Environment, Lib.):** Mr. Speaker, I thank the hon. member for her question.

It has to be understood that there was overwhelming support, as I mentioned to her last week, both from Îles-de-la-Madeleine as well as from residents of P.E.I., to get this environmental ticking bomb up and out safely from the bottom of the ocean, which is exactly what happened this summer.

The Irvings have agreed, which they did not do last year, to destroy the PCB contaminated fuel. This can cost anywhere between \$2 million and \$10 million. That will be absorbed completely by the Irving company.

The Government of Canada and I support very strongly the polluter pay principle. That is why, once all the bills are in, estimated at between \$30 million and \$35 million, we will make an application to the oil pollution fund. In that way we can recoup on behalf of the taxpayers every single last penny of that \$35 million.

\* \* \*

**GOODS AND SERVICES TAX**

**Mrs. Daphne Jennings (Mission—Coquitlam, Ref.):** Mr. Speaker, my question is for the finance minister or in his absence for his representative.

I remind the House that in the October 1993 campaign the Deputy Prime Minister said: "Food isn't subject to GST because it's a necessity and so are books". A year earlier the government whip stated: "GST on reading material is a bad policy and undemocratic. It creates more unemployment".

Have these members forgotten they made these statements and that Liberal policy during the campaign affirms a tax free status on reading material?

*Speaker's Ruling*

When is the government going to live up to its election promise and remove the tax on reading?

**Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, the question of the tax base is an important one. The member of the Reform Party should be aware of what her party has said.

The Reform Party has said that it would include a policy that would tax food and drugs, which would make the GST more effective. That is the policy of the Reform Party.

Now the hon. member has complaints about the tax on books. Where would the money come to replace those funds? That is the question I have for the Reform Party.

\* \* \*

**CANADA PENSION PLAN**

**Mr. Svend J. Robinson (Burnaby—Kingsway, NDP):** Mr. Speaker, my question is for the Deputy Prime Minister. It concerns the attempt by the Liberal government to push through a package of cuts to the Canada pension plan benefits, including cuts to people with disabilities, by early October.

Will the Deputy Prime Minister listen to New Democrats, including the governments of British Columbia and Saskatchewan, who are calling on Liberals to back off, take the time to consult seriously, study more carefully the impact of their regressive proposals and look at progressive changes to the CPP instead of hitting the most vulnerable beneficiaries of the system?

**Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, the short answer to that is yes, we will continue to consult.

When we are done consulting we will have the best program we possibly can within the financial means of all the governments, both provincial and federal.

\* \* \*

**INCOME TAXES**

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, my question is for the Minister of Finance.

On August 22, a *Globe and Mail* article alleged that the Liberals had increased the personal tax burden by more than \$12 billion in just three years.

Can the minister tell Canadians why he has vehemently claimed that personal taxes have not increased when it was reported that the government has gouged Canadians for \$12 billion?

**Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.):** Mr. Speaker, that is an important question. There are a number of claims that the government has

increased revenues by dint of tax increases alone. That is entirely false.

We have seen revenues grow, as most governments have. The vast majority of those increases have come from economic growth alone. In fact, the government has not raised personal income tax rates in any of the last three budgets, and that is the fact.

\* \* \*

● (1505)

**PRIVILEGE**

SPEAKER'S RULING—BILL C-234

**The Speaker:** I am now ready to rule on the question of privilege raised by the hon. member for Crowfoot on September 16, 1996 concerning the proceedings of the Standing Committee on Justice and Legal Affairs on Bill C-234, an act to amend the Criminal Code.

[*Translation*]

I would like to thank the chief government whip, the hon. members for St. Albert, Mission—Coquitlam, Fraser Valley East, Lethbridge, Prince George—Bulkley Valley, Calgary North, Okanagan—Shuswap, Wild Rose, and Yorkton—Melville, and the sponsor of the bill, the hon. member for York South—Weston, for their contributions in this matter.

[*English*]

In their comments, members informed the House that the standing committee had dealt with the bill, defeating every clause, and had decided not to report the bill back to the House. In his submission, the hon. member for Crowfoot stated that the committee had breached his privileges as a member of the House by having voted in its meeting of June 18, 1996 not to report Bill C-234 back to the House. He also contended that members of the justice committee were in contempt of Parliament for their actions.

[*Translation*]

Any matter concerning the privileges of members, particularly any matter which may constitute a contempt of the House, is always taken very seriously by the Speaker.

It should be made clear at the outset—and this is a longstanding principle—that it is not for the Chair to get involved in matters within a committee unless there is something so extreme and so blatant that it goes beyond accepted limits and constitutes a contempt of the House or, in some inordinate way, a breach of privilege on an hon. member.

As noted in Beauchesne's sixth edition, Citation 24, which was quoted in part by the hon. member for Crowfoot, "the privileges of Parliament are rights which are absolutely necessary for the due execution of its powers". As hon. members know, these privileges are precious. They exist in order to ensure that members individu-

*Speaker's Ruling*

ally and the House as a whole can properly discharge their functions as the elected representatives of Canadians.

[*English*]

But at the same time, parliamentary privilege is limited. It ensures freedom of speech and, by extension, the right of every member to vote freely on matters before the House. It also ensures that the House has the unimpeded service of its members. Finally, privilege exists to maintain the authority and the dignity of the House. While the matter before us is serious, I am more inclined to view it as a substantive grievance rather than as a question of privilege.

That being said, this grievance is serious enough that it warrants further comments.

As all members know, committees are the creatures of the House. When a bill is referred to a committee, that committee is empowered to examine that bill, amend it if in the opinion of the committee it is in need of amendment, and to report the bill to the House with or without amendment. These powers are explicitly stated in citation 831(2) of Beachesne's sixth edition, which was quoted by several members. While it is often said that committees are masters of their own destiny, they do remain subsidiary to the House and cannot substitute themselves for the main body. Bourinot's commentary in his fourth edition, at pages 520 and 521 makes this quite clear. It states:

Every committee on a public bill is bound to report thereon. The House alone has power to prevent its passage or to order its withdrawal.

• (1510)

This comment is based on a Canadian precedent dated May 14, 1886, and is found in the Senate *Debates* at pages 516 and 517.

[*Translation*]

On the other hand, unless the House specifically sets a date for a committee to report a bill back to the House, the bill remains in the possession of the committee until such time as it is reported to the House. While a committee should always endeavour to report a bill to the House in a timely fashion, having decided not to report the bill does not preclude the committee revisiting the bill and reporting it to the House at a later date. Therefore, the justice committee's decision not to report Bill C-234 to the House at this time is not an offence against the authority or dignity of the House.

[*English*]

Hon. members should keep in mind that the House always has the power to modify the terms of the committal of a bill to any committee. Should a member or a minister be of the opinion that a committee charged with the review of a bill is defying the authority

of the House, he or she may choose to bring it to the attention of the House by placing on notice a motion to require the committee to report by a certain date. As hon. members know, this can indeed be done under Government Orders or Private Members' Business, but such a notice of motion could also be placed under the rubric "Motions" and be dealt with under Routine Proceedings. As Speaker Fraser ruled on July 13, 1988, at page 17506 of the *Debates*, referring to the then Standing Order 56(1)(p), which is our current Standing Order 67(1)(p):

This Standing Order lists as debatable items usually raised under Routine Proceedings "motions—[concerning] the management of the [House] business [and] the arrangement of its proceedings."

The rubric "Motions" usually encompasses matters related to the management of the business of the House and its committees, but it is not the exclusive purview of the government, despite the government's unquestioned prerogative to determine the agenda of business before the House.

Under our current practices, the Chair may well accept, after due notice, such a motion, on the condition that it is strictly limited to the terms of the committal of a bill to a committee and that it is not an attempt to interfere with the committee's proceedings thereon. In so doing, the House would have an opportunity to determine whether the bill should remain in committee or be reported back.

[*Translation*]

In our procedures, the House must always retain control over business it refers to committee. In different circumstances, a situation could arise whereby a majority of members, regardless of party, might, for whatever reason, decide to remove or not remove a bill, even a government bill, from committee.

• (1515)

[*English*]

Bill C-234 is the property of the House which it has delegated to the justice committee to examine. As with any bill referred to committee, the House would usually wait for the justice committee to report. However, should the House be of the opinion that the bill has remained with the committee too long it can look into the matter.

Speaker Fraser noted in ruling on a similar matter on February 26, 1992 at page 7624 of the debates:

If the House wishes to take cognizance of this, if the House wishes to exercise its authority, then of course it may do so. But in my view, it would not be correct or proper at the present time for the Speaker to intervene.

I concur with Speaker Fraser's view.

Since hon. members and the House have a remedy to their grievance I cannot find that the decision taken by the committee has prevented members from expressing their opinions or attending to their parliamentary functions. Therefore there was no breach of

*Routine Proceedings*

privilege because the capacity of honourable members to carry on their duties as members of the House has not been impaired.

[Translation]

Again, I thank the hon. members for raising this important matter.

He said: Mr. Speaker, I am pleased to introduce this bill aimed at changing the name of my riding of Bourassa to Montréal-Nord.

My riding now includes and intersects the boundaries of the municipality of Montreal North. The residents identify very much with their city.

• (1520)

It must be pointed out that the provincial riding is also called Bourassa, which creates confusion among voters. The people I consulted expressed their support for this change.

(Motion agreed to, bill read the first time and printed.)

\* \* \*

## ROUTINE PROCEEDINGS

[Translation]

### CANADIAN CENTRE FOR OCCUPATIONAL HEALTH AND SAFETY

**Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 32(2) and to Subsection 21(1) of the Canadian Centre for Occupational Health and Safety Act, I have the honour to table, in both official languages, copies of the annual report of the Canadian Centre for Occupational Health and Safety for 1995-96, which was submitted by the council.

Pursuant to Standing Order 32(5), this report is deemed referred to the Standing Committee on Human Resources Development.

\* \* \*

[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 two petitions.

\* \* \*

## 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 27th report of the Standing Committee on Procedure and House Affairs regarding the associate membership of various committees. I intend to move concurrence in the report later this day.

\* \* \*

[Translation]

### ACT TO CHANGE THE NAME OF THE ELECTORAL DISTRICT OF BOURASSA

**Mr. Osvaldo Nunez (Bourassa, BQ)** asked for leave to introduce Bill C-326, an act to change the name of the electoral district of Bourassa.

[English]

## 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, if the House gives its consent, I move that the 27th report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

(Motion agreed to.)

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

That the following member be added to the list of associated members of the Standing Committee on Procedure and House Affairs: Mauril Bélanger.

(Motion agreed to.)

### FINANCE

**Mr. Herb Grubel (Capilano—Howe Sound, Ref.):** Mr. Speaker, I move that the third report of the Standing Committee on Finance presented on Wednesday, September 18, be concurred in.

I would like to split my time with the hon. member for St. Albert. I was disappointed when I read in the report of the finance committee on the issue of Canadian tax property some harsh criticism of the auditor general's report.

While the report accepts as proper the auditor general's criticism of government policies, institutions and practices which lead to waste and inefficiency, it considers inappropriate any criticism which involves waste or inefficiencies due to the actions of bureaucrats.

The latter type of criticism—

**The Acting Speaker (Mr. Kilger):** On a point of order, the hon. member for Mississauga South.

*Routine Proceedings*

**Mr. Szabo:** Mr. Speaker, I would ask the Chair to clarify whether it is necessary for the House to give unanimous consent for the concurrence of that motion.

**The Acting Speaker (Mr. Kilger):** The answer to the question raised by the hon. member for Mississauga South is no. This business is on the Order Paper and Notice Paper as item No. 2, and so we will proceed with the business of the House.

**Mr. Grubel:** Mr. Speaker, I will continue with my debate. The latter type of criticism is seen to involve allegedly inappropriate second guessing of decisions reached by bureaucrats carrying out their assigned functions in good faith.

I believe this distinction between these two types of criticism made by the auditor general is inappropriate. Waste and inefficiency occur both because the government sets the wrong policies and because bureaucrats err in the interpretation of what might be ambiguous directions flowing from the laws that guide their actions.

• (1525)

For example, consider that the auditor general discovers that government policies have seriously damaged coastal fishing in Canada. In my view, it does not matter whether this damage has occurred as a result of a faulty regulation passed by Parliament or whether it is due to the judgment of bureaucrats in the field who have erred in the interpretation of empirical evidence.

Let me now turn to my personal interpretation of the validity of the points raised by the auditor general. He noted that the intent of the Canadian law on the taxation of all capital gains may not have been carried out as a result of faulty decisions made by bureaucrats in the Department of Finance.

I listened with great interest to the presentation of a number of complex issues by representatives of the finance department as well as a group of distinguished lawyers specializing in foreign taxation. In brief, here is what I have learned.

Whenever Canadians decide to move abroad permanently they have to pay taxes on accrued capital gains. This can be done easily and fairly for capital gains associated with stocks, bonds and other assets for which objectively determined prices exist. However, some assets, in particular real estate and privately held companies, can be evaluated reliably only when they are traded. In addition, the market for such assets may be depressed, and forcing a sale would not be in the interests of either the emigrant or the Canadian taxpayer.

It therefore seems to be fair and reasonable that the Parliament of Canada has permitted emigrants to declare such assets to be

treated as so-called taxable Canadian property, which means that capital gains are taxable in Canada only when such property is sold. However, there is a complication. If the sale takes place 10 or more years after emigration, according to bilateral international agreements the sale of the property results in capital gains taxes payable to the country of the emigrant's new residence. Since Canada is a country of large net immigration, this provision appears to work in our country's favour though, to the best of my knowledge, this has not been verified empirically.

Family trusts in law are treated much like people. When the trust is shifted abroad, readily valued capital gains are taxed immediately and others are registered as taxable Canadian property. The trust at the heart of the controversy owns very large claims on privately held business in Canada which therefore escape the payment of capital gains taxes upon moving abroad.

The auditor general argued that the transactions surrounding the movement abroad of this trust violates the spirit of the law that capital gains taxes have to be paid on all accrued capital gains. However, this argument involves a narrow interpretation of domestic law and neglects the existence of international taxation agreements which always take precedence over domestic law.

I think Revenue Canada treated the trust in question appropriately. If it had acted differently, it would have violated the right of equal treatment under the law for all.

The Finance committee hearings brought up some other issues like the use and timing of some advance rulings and the shift of assets from publicly traded firms to privately held companies. I did get the impression that some of these actions were motivated by the desire to minimize tax applications of the trust upon emigration. This is disturbing in a sense. But given the complexity of taxation laws, I cannot blame owners of large assets for hiring the best lawyers available to help them minimize their tax liabilities.

I heard no evidence that the letter of the Canadian law had been broken by these transactions. The entire episode reinforced my conviction that Canada needs a simplified, flatter system of taxation.

Let me now turn to what I found wrong with the administration of the law pertaining to taxable Canadian property. Officials have acknowledged that they have less than complete information about the disposal of such property after the emigrants move abroad and that therefore some capital escapes untaxed.

To deal with this problem the committee report recommended that the immigrants be required to register their Canadian taxable property and to pay a security which would be applied to tax application whenever the property was sold.

*Routine Proceedings*

• (1530)

I agree with the registration requirement recommended and frankly I am surprised that it did not exist in the past. If the imposition of this regulation is the only result of the inquiry, the auditor general can be proud.

However, to keep costs down and laws fair, I recommend that the government does not impose the requirement for security on emigrants. I suggest that instead the government use existing information and resources by putting a conditional lien on real estate held as taxable Canadian property.

Revenue Canada's operational division can be required to report when relevant assets change ownership in the case of privately held companies. These provisions would be very cheap since they involve existing knowledge and institutions. This recommendation is at the core of the Reform Party's minority report.

Let me note in closing that during the finance committee hearings I repeatedly listened to some people advancing propositions about deliberate tax evasion, collusion of the Revenue Canada officials and their political bosses with wealthy Canadians to avoid taxes, and biases in the technical testimony given by tax lawyers. In spite of serious efforts on my part, in no case could I discover any evidence of wrongdoing.

I may have a mental block on this issue or my intellectual capacity is inadequate to capture the intricacies of taxation laws and alleged conspiracies. I have similar problems with conspiracy theories about the assassination of President Kennedy, the current fiscal crisis of government and the death of Elvis Presley. Rationally I cannot rule out that these conspiracies exist, but I have accepted that I may have to die without ever knowing for sure whether or not they are true.

**Mr. John Williams (St. Albert, Ref.):** Mr. Speaker, last May the auditor general tabled his report in this House. In that report he included a chapter regarding the family trusts which he believed should be brought to the attention of this House. With hindsight, I think he was absolutely correct in doing so.

Just today for example, the Minister of National Revenue in this House not even an hour ago said that the report by the finance committee on the issue would "ameliorate the deficiencies in her department".

The report by the finance committee was based on the referral of the family trust issue to the committee. The mandate given by the Minister of Finance was not to pass judgment on the work of the auditor general but to look into the matter regarding the taxation of family trusts.

I find it disconcerting that the finance committee would take the mandate that was given to it and go beyond that mandate and pass

judgment and comment on the work of the auditor general who is an officer of this House, not an officer of the committee.

If I may quote from the finance committee report, on page 6 it states: "Revenue Canada and the Department of Finance could have more fully documented the decision making process that led to the rulings". That has to be one of the great understatements of this Parliament.

Let me give a quick synopsis of the documentation as the auditor general found it. On December 3, 1991, Revenue Canada advised the Department of Finance of the proposed transactions and that it intended to refuse to grant a favourable ruling.

On December 12 Revenue Canada's rulings review committee decided that a favourable ruling should not be provided. On the same day, Revenue Canada advised finance that it would not rule and requested finance to leave the interpretation of the act to it.

On December 16 the taxpayers' representatives were advised that a favourable ruling would not be provided.

On December 18 Revenue Canada informed the taxpayers' representatives that it could not accept their offer of December 16, 1991.

On December 18, a memorandum was prepared for the assistant deputy minister of Revenue Canada advising the deputy minister that the department was unable to rule favourably.

On December 23 a revised memorandum is prepared for the deputy minister advising that the taxpayers' proposal is not acceptable.

• (1535)

That is a document of the transactions in this case.

On December 23, the very same day the memorandum was prepared saying that it was not acceptable, all records of all meetings ceased. Somehow later that day there was a complete and absolute turnaround in the decision making by the Department of National Revenue admittedly at the urging of the Department of Finance. The ruling was completely and absolutely reversed.

The point the auditor general brought to the attention of this House was that an issue of this magnitude affecting hundreds of millions of dollars of tax revenue, whether the ruling was right or wrong, the process by which they arrived at the decision that was ultimately communicated was absolutely and totally unjustified. There was no documentation whatsoever that the auditor general could find to support the favourable ruling. Every meeting that was documented from the time it was first received until the day a turnaround was done said they could not justify granting a favourable ruling.

It was not whether or not the issue was correct. It was the method by which it was done. As the auditor general has stated, as an officer of this House, as an auditor, when he finds this type of

*Routine Proceedings*

decision making, what else is he to do but to bring it to the attention of the House?

That he did and that he was absolutely correct in doing. For that, he has been chastized by the finance committee. If I may quote from page 3 of the report: "It would be asking too much however to expect the auditor general also to scrutinize the day to day work of each of the many technical professionals in the public service". Going on: "In short, the auditor general cannot be asked to intervene in the public servants' reasonable exercise of their professional judgment".

Is this reasonable exercise of their professional judgment? Absolutely not. The whole paper trail says that they were going to rule adversely and somehow, somebody in one day turned that absolutely and completely around.

Continuing on, the report says: "Public servants, like other workers cannot be held to an impossible standard of perfection. Provided their actions are reasonable, professionally competent and carried out in good faith, they should be allowed to do their work without fear of being pilloried many years later for those actions". There is no way the actions by Revenue Canada can be considered reasonable, professionally competent and carried out in good faith when there is no documentation to support their decision making.

Another issue I would like to bring up is the report by the finance committee criticizing the auditor general for allowing the breach of the confidentiality rule as far as Revenue Canada is concerned. That is a hypocrisy, if I may say so.

We have before us at this time Bill C-41 and page 16 says: "The information banks that may be searched under this part are the information banks designated by the regulations from among the information banks controlled by the Department of National Health and Welfare, the Department of National Revenue and the Canada Employment and Immigration Commission".

The Divorce Act is being amended to allow the information bank of the Department of National Revenue to be available to be searched. Therefore, this idea that the auditor general has breached the confidentiality of the Income Tax Act is a hypocrisy on behalf of the government.

The finance committee should respect the mandate given to it by the Minister of Finance: to investigate the circumstances surrounding this family trust. Therefore, I would like to move an amendment. I move:

That the motion be amended by deleting all the words after the words "September 18, 1996" and substituting the following:

"be not now concurred in but that it be recommitted to the Standing Committee on Finance with instruction to amend the same to remove all references to the mandate of the auditor general."

• (1540)

**The Acting Speaker (Mr. Kilger):** The amendment proposed by the hon. member for St. Albert is in order.

We still have a period of questions or comments to the hon. member for St. Albert.

**Mr. Alex Shepherd (Durham, Lib.):** Mr. Speaker, I listened with interest to the member for St. Albert. He talked about the issue of confidentiality in the income tax system. This is a very important issue. It was touched on by virtue of the auditor general's investigation in this matter.

For those people who do not know, our system is based on a certain integrity of the system. Information that is given to Revenue Canada is basically confidential. In other words, if any one of us here submitted our income tax return to Revenue Canada, we would not anticipate that another person could get that information and use it for whatever purpose.

I would be interested to know the comments of the member because I know he has some experience in the area of accounting and possibly auditing.

When we choose an audit sample, the idea is to get a sampling of what is going on in a department or a typical population base, but we must be certain when we direct this at something as sensitive as Revenue Canada that the population base is basically large. In other words, we want to know as a general rule how certain procedures of Revenue Canada are undertaken. It is incumbent on the auditor general to respect the confidentiality of the system in choosing that audit sample.

In reading the report of the auditor general, I was somewhat chagrined to discover that the audit sample represented only one or two cases. The problem with that is that when there are only one or two cases, after a while when we start describing what the cases are like, it becomes very easy for somebody in the general public to identify the taxpayer.

The finance committee was really addressing the issue of whether the bases of the audit sample were such that the auditor general contravened the intent of Revenue Canada to have confidentiality. For instance, if he did the same thing with one of us, if he said it was a member of Parliament who comes from St. Albert, by the time he was through defining a sample, we would all know who it was.

Could the member address the very important issue of confidentiality in taxpayer information?

**Mr. Williams:** Mr. Speaker, I understand where the member is coming from. The confidentiality of the Income Tax Act is sacrosanct and our concept that taxpayers voluntarily assess the amount of taxes owed by them is on the understanding that the information is confidential and will not be held against them at a later date.

*Routine Proceedings*

• (1545)

The auditor general, as far as I am aware, did everything he could to try to maintain that confidentiality. It certainly was not the auditor general that breached the confidentiality rule.

This was the point I made in my speech. The member pointed out that perhaps we could identify this particular tax cut. I am looking at Bill C-41 and I quoted that the Department of National Revenue information banks are now going to be opened up for searches.

Obviously the Divorce Act and Bill C-41 will allow a particular person to search the data banks at Revenue Canada for information on a particular person, for example, an ex-spouse. What happens to confidentiality under Bill C-41? It is right out the window, absolutely and completely. Name, social insurance numbers, taxable income and everything else will be on the table for people who have a specific interest in that particular taxpayer. That is why I find this whole comment from the government side to be absolutely and completely hypocritical. Right now we are debating Bill C-41 which guarantees that the confidentiality of Revenue Canada will be breached.

[*Translation*]

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I am very pleased to have the opportunity, through this motion, to discuss one of the greatest scandals in the history of federal politics. The saga began last May 7, when the auditor general, Canada's watchdog over public finances, the one who makes federal public servants and politicians accountable, shed light on this scandal.

What happened is that the government allowed a Canadian resident, a billionaire, to transfer to the United States assets of \$2 billion that were held in a family trust, without paying any tax on the capital gains realized on these assets.

How was the person able to transfer these \$2 billion? After all, Quebec and Canadians taxpayers get sued if they owe one dollar in taxes to Revenue Canada. So, how did this billionaire manage to transfer his billions to the United States? He did two things.

First, he benefited from the complicity of officials from Revenue Canada and the Department of Finance and, second, he obtained an interpretation of a section of the Income Tax Act that normally only applies to non-resident holders of capital in Canada, such as Americans, Europeans and others from other continents. However, in the case of this scandal uncovered by the auditor general and involving the billionaire, a distorted interpretation of the section was made.

On December 12, 1991, Revenue Canada issued a ruling to the effect that this billionaire and trustee did not have the right to transfer billions of dollars tax free. However, on December 23,

when everyone had left for the Christmas holiday and had turned their attention to their families, to the festivities and to what was in store for 1992, some officials from the revenue and finance departments in Ottawa somehow found a way to reverse Revenue Canada's ruling, so that the billionaire could transfer his billions to the United States without paying his due to the taxman.

• (1550)

This process is all the more shocking because there is no record of any meeting. There are no minutes from these meetings of December 12 and 23, the outcome of which was that, initially, the billionaire was told no, and later on was told yes, with the blessing of Revenue Canada and the Minister of Finance, and billions were transferred tax free. No paper trail. And that is one of the main discrepancies raised by the auditor general in his last report.

When this scandal came to light, it was quite something to see the Liberal members on the public accounts committee, the committee that receives the auditor general's report for study and that calls witnesses to appear before it to shed more light on the scandals uncovered by the auditor general. It was a sight to behold to see the Liberal members rising solemnly before the cameras and saying that the Liberal government would get to the bottom of this scandal.

The member for Brome—Missisquoi stood before the cameras and said: "This is ridiculous, this took place in 1991, under the Conservatives; we will get to the bottom of this". And he worked himself into quite a lather.

Two days later, he was nowhere to be seen. Two days later, the member for Brome—Missisquoi had disappeared. The story was that he was in his riding attending to urgent matters. He stayed there nearly two weeks. Lip zipped, he hid, because he knew very well that he had perhaps said a bit too much, that perhaps his government, the Liberal government, lacked the political will to get to the bottom of this billionaire scandal.

And indeed, since then, we have found out from the government side that it was perhaps not just the Conservatives who were behind this scandal, that if we scratched the blue a little, there would also be a little red underneath. The attempts to bury this scandal are quite astonishing.

First, the question of this two billion dollar trust was referred to the finance committee for study. I have nothing against the finance committee, and do not wish to run down what it is doing, but it is not that committee's place to cast light on this sort of financial scandal. Moreover, the government has seen fit to give the finance committee a very clear mandate, which was necessary in order to avoid coming up against this type of ambiguity in the Income Tax Act in future.



*Routine Proceedings*

The mandate was not to bring in experts, or public servants, or even politicians, who were behind that shameful decision in 1991, in order to ask questions and really get to the bottom of the matter. Not in the least. That is the mandate of the public accounts committee. Passing the scandal over to the finance committee for analysis was the first way of clouding the issue.

Second, in early June my Bloc Québécois colleagues and myself—my colleagues in the opposition—were witnesses to a session in which the auditor general's mandate, reputation, integrity, and competence were smeared during his appearance before the finance committee.

It was shameful, really a cheap shot, as they say, to have the chairman of the finance committee, the Liberal chairman of the finance committee, lecturing the auditor general because he had, on behalf of the people, and on behalf of the Parliament of Canada, brought up one of the worst financial scandals to have occurred in the federal administration for decades. It was embarrassing to see the chairman of the finance committee depriving all of the MPs sitting on that committee of the right to speak, while he alone grilled the auditor general, trying in every way possible to back him into a corner and undermine his credibility. Committee chairmen have resigned for less in the past.

We must understand who the auditor general is. It is important to understand this because if he is being denigrated by the Liberal majority, there must be a reason. He must have found out something. He must have found out about a scandal that might affect the senior levels of this government. The auditor general is the one who, on behalf of Quebecers and Canadians, scrutinizes government accounts, departmental accounts and the attitude of public servants.

• (1555)

It is his task to oblige these senior executives and government ministers to give an account of themselves. That is his duty. If the auditor general finds out that money is being wasted in the departments, as he has pointed out in successive reports since this venerable institution first came into being, and as he will surely do next Thursday when he tables his report in the House, the government is then forced to act to clean up public finances, to restore integrity to the administration of public funds and also to plug tax loopholes as he recommends.

The auditor general is not the government's auditor. He is the auditor of Parliament. He is the people's auditor. He is the one who says when public moneys are well managed, when taxpayers' money, money they worked so hard to earn, is well spent or misspent or the Income Tax Act is properly enforced. Since early June, the Liberals have done nothing but tarnish the reputation of the auditor general. That is a very sad commentary on this government.

This scenario went on throughout June and July, when the finance committee sat and the chairman of the committee unilaterally decided to invite his expert friends. Six of the eight experts invited to the finance committee were people who, without wishing to undermine their credibility, certainly had no credibility in this particular case. And why not? Not only because they were invited by the Liberals, but because these experts are the very people who help wealthy Canadian families find all kinds of tricks to avoid paying their share of income tax, to avoid paying taxes to Revenue Canada.

Backed by government officials and perhaps also by politicians, as we may find out some day, these same experts helped transfer \$2 billion to the U.S. without a penny being paid in taxes.

How can you ask these experts who help wealthy Canadian families evade tax, which means that these families do not do their share to put our fiscal house in order, to take a stand against a tax provision that enabled these families to transfer billions of dollars to the U.S.? That makes no sense. They cannot be both judge and judged.

Just last week, the Liberal majority on the finance committee decided to submit their recommendations to the government, so that such "ambiguity" would not be a problem in the future. What did the Liberal majority say in its report? It said three things.

First, listen to this, the same scenario was continuing. They pursued their smear campaign against the auditor general, saying that he was unable to understand these matters, did not understand how the Income Tax applies to billionaires who want to transfer billions of dollars tax free.

They even said he may have been remiss in his duties since the information he gave made it possible to guess which family was behind this scandal, when in fact the information was leaked from Revenue Canada to the *Globe and Mail*. It was probably a public servant who was also outraged by his colleagues' actions in this matter who revealed the owner of this trust fund to the *Globe and Mail*. It was not the auditor general. Again, in polite terms, the Liberals presented this fact as though it was the auditor general's doing. It is a disgrace.

They added that the Income Tax Act had to be implemented properly, that it had to be fair and unambiguous. The government's second recommendation was to say: "Now that the scandal has been uncovered, now that we have put our finger on the so-called taxable Canadian property tax provision"—which originally was to apply only to non-residents and which allowed the \$2 billion to be transferred out of the country in one of Canada's worst financial scandals—"instead of maintaining this ambiguity, we will open the gates so everyone can use this taxable Canadian property clause to do just about anything, like transfer hundreds of millions or billions of dollars to the U.S. or to other places around the world

*Routine Proceedings*

without paying a penny in tax on the capital gains from these trust funds”.

• (1600)

Just try doing that as the average taxpayer. Just try to get out of paying \$10 in federal tax, and they will be after you. Even when we get notices telling us we made a calculation error, when there is a difference of 50 cents between what we calculated as tax owing and what Revenue Canada has calculated, we have to make out a cheque for 50 cents. And now they are letting two billion in assets go to the U.S., which represents hundreds of millions of tax dollars in lost government income. And, by the way, that lost income of hundreds of millions of dollars will be made up for by you and me, and all the taxpayers in Quebec and in Canada, while they are just allowed to slip out of the country with no problem.

The senior officials had an advance ruling; they can do as they please. What is more, the Liberal majority report, which has become the official government position since last week, becomes the law. This is anarchy, this is a free for all for millionaires and billionaires. They can do what they please in future, while the average taxpaying wage earner will be crushed by the Canadian taxation system.

In the last three years, and even during the time of the previous government, so much in the way of sacrifices was called for, the taxpayer has been bled dry, the law has been so tightened up. To take unemployment insurance as an example, workers have become so marginalized, workers and entire families in Quebec have become marginalized they experience a great deal of difficulty in getting back into the work force. Yet the millionaires and billionaires are fine, no more problems for them, they can do as they please.

This government, this Prime Minister, this Minister of Finance, despite their high calling, serve only millionaires and billionaires, not the average taxpayer; it is not true, not with their scheming, not with such an attitude and certainly not with recommendations that, in a matter of hours, managed both to tarnish the reputation of the auditor general, the watchdog for the government's finances, and to open up the gates for millionaires. Mr. Speaker, this is not right.

If we look at the process alone, they did everything they could to obscure matters. They went so far as to tarnish the auditor general's reputation, to question his competence, and then opened the gates by saying that henceforth, this exception, cooked up on December 23, and approved with millionaires and billionaires in mind, will now become the law in Canada.

**An hon. member:** Hard to believe.

**Mr. Loubier:** Yes. One tax law for the poor and middle income taxpayers. When your income is modest, you pay: you pay the

taxes. You pay them all, not more or less. When you are poor, you are stomped on by this government, but when you are a millionaire or a billionaire, Revenue Canada and the Finance Department open their doors wide to rush through an advance ruling so that you can do as you please.

This is what things have come to. It is not right. But if it is not right, if it is really not right, what is behind it? That is what we are trying to find out. First of all, we are trying to get the Liberal government to put the report of the Standing Committee on Finance where it belongs, in the garbage, and then to shut the gates, rather than throwing them wide open. That is what we are trying to do.

My second point is that the government should finally agree to what we have been asking for since the auditor general's report was published, and that was to refer this issue, which was quite fittingly raised by the auditor general, to the public accounts committee, which is in a position to shed all the necessary light on this financial scandal. Public servants and politicians made this decision at a time when everybody was partying, while everybody thought the government and their public servants were taking care of them, and these people allowed this financial scandal to occur. Let us bring them before the public accounts committee and question them and oblige them to give an account of themselves, and that applies to this government as well.

• (1605)

As I said earlier, if we rub a little bit, underneath the blue we will find a bit of red. Maybe if we scratch some of the blue, we will find some Tories behind all this. We may find them at very senior levels in government, perhaps in the entourage of the Prime Minister and the Minister of Finance.

Maybe we will find some worthy Liberal millionaires and billionaires gravitating around the government in power, who were able to take advantage of a decision made in 1991, which served as a precedent for opening the flood gates, and which from now on, in any case, with the Liberal majority report, will ensure that everyone can get millions and billions out of the country. Not poor people, not the middle class. They have no money. The government comes down hard on them, but millionaires and billionaires, the friends of the party, those who give \$50,000 or more to the Liberal Party, will have no problem. They get the red carpet treatment and can do whatever they like.

They will pay for this mess. They will pay the political price for it. You may be sure the opposition will not let them get away with it. From now on, the official opposition is on the war path, to serve taxpayers in Quebec and Canada as well. We will call on the people to tell this government to behave like a responsible government, not like a government for millionaires and billionaires.

*Routine Proceedings*

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, while I listened to the speech made by the hon. member for Saint-Hyacinthe—Bagot the same question kept coming to my mind and I would like him to elaborate on this: Why this diversion? In politics, when one wants to turn attention away from something, one looks for something that will do precisely that. But this is going a bit far.

Why go so far as to call into question an institution such as the Auditor General of Canada? The auditor general is not appointed by the opposition or by lobbyists, but by Parliament as a whole to audit the work of the government. Consequently, he has the support of both the opposition and the government. The auditor general was appointed by this Parliament and this gives him an authority that usually puts him above partisan opinions. But in this particular case, the Liberals sitting on the committee decided to attack that institution.

There must be a reason for that. I think it is basically because the government was just confronted with the fact that it does not comply with the principles of equity and fairness when it comes to tax expenditures. For three years now, the official opposition has been telling the government that an in-depth review is in order. A technical committee was set up. We recommended that the exercise be of a public nature and that a democratic debate take place on the issue, but this was not done.

Now, the government has just been caught with its pants down. To get out of having to explain how someone can send \$2 billion out of the country tax-free at a time when the government tells us it needs all the money it can get its hands on, it tried to create a diversion.

I have two questions to put to the hon. member for Saint-Hyacinthe—Bagot. First, is this diversion justified and, second, has the loophole created by this interpretation been plugged? The government has known about this situation for a few months. Canadian citizens who owe \$50, \$100 or \$200 often have to write the government to defend themselves at a cost that is higher than the amount claimed. Can these people be assured today that the loophole that was created has been closed and that the current government has resolved the ineffectiveness of its predecessor?

• (1610)

**Mr. Loubier:** Mr. Speaker, I wish to thank my dear colleague from Kamouraska—Rivière-du-Loup for his eloquence and his excellent question.

Yes, the government has things to hide. If the government had nothing to hide, when the auditor general published his report on the scandal of the \$2 billion transferred out of the country tax-free, if this annual report had been dealt with in the usual way, that is to say, if it had been referred to the public accounts committee, my

colleague, the hon. member for Beauport—Montmorency—Orléans, who chairs this committee, would have shed light on the reasons behind this decision with the help of his colleagues from Trois-Rivières and Portneuf. Such is not the case.

As I said earlier, this matter was referred to the finance committee, which was asked to make recommendations on future policy but not on the 1991 case. So the government has things to hide and there are sources close to the Liberal Party of Canada, close to the Prime Minister's office or the finance minister's office who have everything to gain by sidetracking this case.

Let us not forget that this 1991 advance ruling by public servants, which was only made public in March 1996, created a precedent. Since then, anyone could have transferred millions or billions of dollars to other countries around the world. Of course, the government has things to hide.

To answer your second question concerning the loophole, no it was not plugged, it was actually enlarged by the Liberal majority proposals, since the twisted interpretation of what constitutes taxable Canadian property obtained from Revenue Canada and the Department of Finance on the basis of the transfer of these \$2 billion to the U.S. was allowed by senior officials, this twisted interpretation has become official government policy, an equally twisted policy serving millionaires and billionaires at the expense of taxpayers in Quebec and Canada.

[*English*]

**Mr. Ian McClelland (Edmonton Southwest, Ref.):** Mr. Speaker, as I understand it, the debate takes place in this context. The auditor general brought down a report which had something to say about family trusts. The Liberals opposite felt that the auditor general was overstepping his mandate and should not be investigating family trusts.

In my business experience it is often the things that we do not know that hurt us more than what we do know.

My question for my hon. colleague is this. Is it not the appropriate function of the auditor general, acting in his capacity as auditor, to investigate and bring to the attention of the government that which it does not know? Is the auditor general not doing exactly what he should be doing by bringing this to the attention of the government?

[*Translation*]

**Mr. Loubier:** Mr. Speaker, in its report, the Liberal majority did question the mandate of the auditor general, claiming that he had overstepped his mandate.

In fact, he was well within the scope of his mandate. In the recent past, between 1982 and 1994, there have been no less than seven or eight cases of interpretation regarding taxation, taxation law, the

*Routine Proceedings*

Canadian Income Tax Act by the auditor general. That is his job too. He does not only look at expenditures and waste. He also looks at how public funds are administered, how the money taxpayers in Quebec and Canada entrust with the federal government is administered. That is his job. He is directly mandated to do that.

This is rather surprising, because, while the auditor general's reputation was being tarnished, in a carefully crafted passage covering about ten pages, with the Liberals using the six experts who testified before the finance committee last summer as their authority—the six experts working for wealthy Canadian families and helping them find ways to dodge tax—these six experts could have been confronted to at least 15 academic tax experts, researchers, real experts with no connection with wealthy Canadian families or interests in firms like Stikeman Elliott, for example, that may in the past have helped put away hundreds of millions of dollars in tax havens or elsewhere thanks to a twisted interpretation of certain provisions of the Income Tax Act.

• (1615)

It is rather strange that these six experts are the ones who help the millionaires, that the Liberals quote them as authorities, while about fifteen others are saying that the government misinterpreted the Income Tax Act, that the public servants did something wrong in 1991 and that, with the agreement of the politicians of the time and the ones currently in office, they did not act in the interest of the true taxpayers. Things are not going well. We are in a system of institutionalized scandals. We are in a system—

**Some hon. members:** Ha, Ha.

**Mr. Loubier:** I hear Liberal members laughing on the other side. Instead of laughing and making silly comments that have no basis—because they did not even read the report of the Liberal majority and our dissenting opinion—they should do their homework, which is to protect the interests of their constituents, not those of millionaires who gravitate around the Prime Minister's office or the Department of Finance, perhaps in the hope of getting, at some point, a job of deputy minister, minister, chair of a committee, assistant or Secretary of State within this government.

Such is the political system of the Liberals. This is what motivates them. It is not to do their homework and to protect the interests of their constituents. If this were the case, they would not give their support; they would not laugh when we discuss one of the worst financial scandals, one that is fuelled by the government.

If the Liberals truly want to protect the interests of their constituents, they should oppose their government and the establishment, because the establishment is doing things that go completely against the interests of Canadians.

[English]

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

**Some hon. members:** Question.

**The Acting Speaker (Mr. Kilger):** The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Acting Speaker (Mr. Kilger):** In my opinion the nays have it.

*And more than five members having risen:*

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

*And the bells having rung:*

**The Deputy Speaker:** The division stands deferred until Tuesday, September 24 at 5.30 p.m.

\* \* \*

## PETITIONS

### YOUNG OFFENDERS

**Mr. Tom Wappel (Scarborough West, Lib.):** Mr. Speaker, I have three petitions to present. The first petition is signed mostly by residents of my constituency of Scarborough West.

The petition brings to mind the brutal murder of Louie Amba in a store in my riding and calls on Parliament to amend the Young Offenders Act to provide that young offenders charged with murder be automatically tried in adult court and, if convicted, that they be sentenced as adults and that their identities should then not be hidden from the public.

### ASSISTED SUICIDE

**Mr. Tom Wappel (Scarborough West, Lib.):** Mr. Speaker, the second petition calls on Parliament to ensure that the present provisions of the Criminal Code of Canada prohibiting assisted suicide be enforced vigorously and that Parliament make no changes in the law which would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

### PROFITS FROM CRIME

**Mr. Tom Wappel (Scarborough West, Lib.):** Mr. Speaker, the final petition contains some 767 signatures from across Canada. It

points out that Canada has absolutely no law to prevent criminals from profiting from their crimes by telling the stories of their crimes.

The petitioners therefore pray that Parliament enact Bill C-205, introduced by myself, at the earliest opportunity to provide in Canadian law that no criminal profits from committing a crime.

• (1620)

#### INTEREST ON LOANS

**Mr. Nelson Riis (Kamloops, NDP):** Mr. Speaker, I am pleased to rise, pursuant to Standing Order 36, to present a lengthy petition on behalf of the Borrowers' Action Society from Edmonton, Alberta.

Its members point out that since 1880 Parliament has passed at least six laws banning the charging of loan interest in advance, yet the practice continues. They point out that by compounding or collecting interest before it is due, lenders charge far greater rates of interest than they disclose to borrowers. They also have a whole set of other concerns.

The petitioners call on Parliament to conduct a full inquiry into the relationship between lending institutions and the judiciary and to enact legislation restricting the appointment of judges with ties to credit granting institutions.

#### INCOME TAX

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have three petitions to present, the first from Ottawa, Ontario.

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 eliminate tax discrimination against 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 second petition comes from Sarnia, 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 and 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

#### Routine Proceedings

containers of all alcoholic beverages to caution expectant mothers and others of the risks associated with alcohol consumption.

#### IMPAIRED DRIVING

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the third petition comes from my riding of Mississauga South and concerns impaired convictions.

The petitioners would like to draw to the attention of the House that victims of the crime of impaired driving must be given the highest priority, as reflected by their impact statements prior to the sentencing of anyone convicted of impaired driving, and in cases of impaired driving causing death or injury, sentencing must reflect the severity of that crime.

The petitioners therefore pray and call on Parliament to proceed immediately with amendments to the Criminal Code that will ensure that the sentence given to anyone convicted of driving while impaired or causing injury or death while impaired reflects both the severity of the crime and Canada's zero tolerance toward this crime.

\* \* \*

#### QUESTIONS ON THE ORDER PAPER

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, Question No. 35 will be answered today.

[Text]

Question No. 35—**Mr. Strahl:**

On June 13, 1995, how many Members of Parliament were in Washington, D.C., what were their names and/or constituencies, in what official capacity did they serve, what official functions did each MP attend on behalf of the government or Parliament of Canada, what was each MP's agenda during their stay in Washington, where did each MP stay while in Washington, what was the total cost of the trip for all the MPs, when and how did they travel there and when and how did they return?

**Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** The Government of Canada did not meet the cost of any trip to Washington, D.C. at the time referred to in this question. Further inquiries concerning this matter may be addressed to the Clerk of the House of Commons.

[English]

**Mr. Zed:** Mr. Speaker, I ask that the remaining questions will be allowed to stand.

**The Acting Speaker (Mr. Kilger):** Is that agreed?

**Some hon. members:** Agreed.

*Government Orders***GOVERNMENT ORDERS***[English]***CRIMINAL CODE**

The House resumed consideration of the motion that Bill C-45, an act to amend the Criminal Code (judicial review of parole ineligibility) and another act, be read the third time and passed.

**The Acting Speaker (Mr. Kilger):** The hon. member for Nanaimo—Cowichan has two minutes to complete his remarks.

**Mr. Bob Ringma (Nanaimo—Cowichan, Ref.):** Mr. Speaker, thank you for clarifying that point. I did get cut a little short prior to question period.

We are resuming debate on Bill C-45, which is the Liberal government's response to calls from the public for tougher parole eligibility guidelines. The main thing I have noticed so far in this debate is that there are real differences of opinion between this corner of the House and others.

One difference concerns the word retribution. There is an element of retribution in the idea of punishment that the public believes in but that is not concurred in by the other side. The other difference is the emphasis on rehabilitation. Rehabilitation is a wonderful thing. By all means we should go for rehabilitation of criminals, for prevention and all of that. But once done there is an element of retribution for what has happened.

Another big difference I have noticed between ourselves and others in this House is the element of consultation or listening to the public. That is a strong point on the part of Reform. We make it a point to get out and listen to what people have to tell us. It seems that the Liberals in particular will make the decision for the public. It is an elite decision. They do not have to listen to what the public has to say. They say: "We know best. Therefore, it shall be this way".

• (1625)

With those differences in mind, I would like to conclude by saying that Bill C-45 may delay, but it will not prevent killers from getting a judicial review and ultimately an early parole. According to the judicial review reports of March 1994, 128 first degree murderers were eligible for judicial review. Of the 71 who applied, 43 had completed their judicial review, while 28 were outstanding. Out of the 43, 19 received immediate full parole eligibility, 13 had a partial reduction and 11 only were denied.

Bill C-45 and the review of a killer's application by a judge will do nothing but add an expensive layer of bureaucracy to a growing justice industry. Bill C-45 is nothing but the government's attempt,

once again, to tinker with the justice system. In this case it is tinkering with the penalty for first degree murder.

Bill C-45 is not the first attempt by the Liberals to tinker with the issue of early release. However, with a bit of luck it will be their last before a Reform government steps into the breach and finally eliminates it altogether.

I will conclude my remarks by serving notice of my intent to vote against Bill C-45. In its present form I do not believe the people of Nanaimo—Cowichan would expect me to do anything less.

**Mr. Tom Wappel (Scarborough West, Lib.):** Mr. Speaker, I was listening to my hon. friend very carefully on this issue, particularly his comments about consulting people and his comments about retribution.

This bill and section 745 talk about, for all intents and purposes, first degree murderers. Short of killing a first degree murderer, what is the maximum penalty which a first degree murderer can get? The maximum penalty that we can give to a first degree murderer, if we do not hang the person, is life. That is the penalty: life in prison. That is the sentence passed by the court in every case where a first degree murderer gets life.

What are we saying when we talk about the 25 years? Twenty-five years is the time at which the murderer can apply to the parole board for consideration for parole. Parole is not automatically granted. This does not open the doors to every criminal after they have served 25 years. This is an opportunity for murderers to go before the parole board to ask for eligibility. That does not mean they are going to get parole. If they do get parole, they are still under the sentence of life imprisonment for the rest of their natural lives. If they breach their parole conditions, they go back to prison under the sentence of life imprisonment for the rest of their natural lives.

When I have an opportunity to make my remarks I will explain why I do not believe that section 745 as it is currently written in the law is appropriate and why it should be amended.

My hon. friend talked about consulting the people. I want him to answer this question for me. All applications under section 745 which proceed must go to a jury. That jury is a jury of peers in the community. The justice community is seeking the opinion of ordinary people in Nanaimo—Cowichan or wherever else they may be. They may be grocery store clerks, owners of shops, insurance people or whoever gets called for jury duty. They will be put on a jury and they will be consulted as a community as to whether or not the person is one who should be granted the opportunity to apply for parole prior to 25 years. That seems to me to be consulting with the community, the ultimate consultation with the community, which is by a jury of one's peers.

*Government Orders*

• (1630)

I ask my friend, does he disagree with that kind of consultation?

**Mr. Ringma:** Mr. Speaker, to answer the hon. member, I do not disagree with jury consultation. The problem I have in connection with Bill C-45 and section 745 of the Criminal Code is: What information will the jury be given? Will they get all the information about the pain, the anguish inflicted on the victim? Will they get the real impact of what has happened to the victim's family and friends? The answer to that is probably no. The real thing about a jury, and it is right that the member raises it, is: What information will they get and what will they base their judgment on except all of that information?

Let us go back to another comment made by the member, that the only thing we are looking at here is life imprisonment. I had Private Members' Bill C-261 in the House on Friday. That bill, after having consulted with the people of Nanaimo—Cowichan, addressed the matter of the death penalty. Consulting with my community I found that the majority of people expressed an interest and a desire to revisit the whole business of the death penalty in Canada.

That again has been taken away from the people by the elites in this country, going back to 1976 specifically by my predecessor, an honourable and noble parliamentarian by the name of Tommy Douglas. Having heard the people of Nanaimo—Cowichan, he said that yes the majority wanted to keep the death penalty but he came to the House and said that he must vote his conscience.

This is one of the basic problems we have in the democracy of this country: Who is listening to whom and who is acting on whose behalf? Are we listening to the people or do we, you the elite, know better?

[*Translation*]

**Mr. Ghislain Lebel (Chambly, BQ):** Mr. Speaker, I would like to return to what the hon. member for Nanaimo—Cowichan said before question period, around 1.50 p.m.: that juries have often acquitted or released people who, in his opinion, ought to have been sentenced, because the juries had certainly been deprived of the information they needed to make a just decision. That they had not been made aware of all of the points in a case, in testimony or in documents, or whatever, but at any rate were lacking information which, in the opinion of the hon. member, led to their acquitting someone accused of some crime, whether a heinous one or not, he did not specify.

I would just like to tell the hon. member from the Reform Party that, unfortunately—or fortunately depending on which side one is on—this is the way our Canadian justice system was designed. Justice for the people by the people. The justice of God will be

meted out by Him, in due time, but in the meantime it is applied by human beings.

On my way here today, I heard a report about a recent discovery somewhere in Australia which indicated that, contrary to what everyone has believed, human beings have been on Earth for 175,000 years. Traces of their presence have been found. I would say that human beings have also been trying for 175,000 years to eliminate violence, murder and heinous crime. It is a human instinct to protect oneself, but we have not been successful.

If the Lord is a truly loving God, I know He will not put the Reform Party in power for the next four years. Should such a calamity come to pass some day, however, I am convinced that the Reform Party will not succeed in eliminating crime in Canada during their four years in power. I am pretty certain that the status quo will remain, the statistics will remain unchanged, as will everything else.

• (1635)

Unfortunately, I had the distinct impression from what the hon. member for Nanaimo—Cowichan said that he is not challenging section 745 but the basis of Canada's justice system.

It has always been said that under our system, we would rather let the guilty go than run the risk of convicting the innocent. If we look at the Reform Party and the courts they would establish, it is the other way around. Let us arrest everyone to make sure some of the guilty do not escape.

This is a reversal, not only of the burden of proof but of the situation. I would like to ask the hon. member if I understood him correctly. Is this what he had in mind when he made his statement? I wonder whether it would not be better to keep the system we have now. Quite frankly, I prefer that system to the one proposed by the Reform Party.

**Mr. Ringma:** Mr. Speaker, obviously we need a legal system in Canada, but the system we have is more concerned about criminals than about victims, in my opinion. We are looking for justice, and at the same time we are trying to listen to our constituents.

If a system does not work the way people want it to work, we must listen to the people. That is why I asked the hon. member for Portneuf whether he consulted his constituents before reaching his conclusions about the justice system in Canada and what should be done with these trials.

We must consult the public, and when we do, we hear something else, and that is the point I am trying to make.

**Mr. Peter Milliken (Kingston and the Islands, Lib.):** Mr. Speaker, I welcome the opportunity today to explain my position on this bill, and I have to say at the outset that I am opposed to the

*Government Orders*

bill and will vote against third reading, for reasons I intend to give in my speech.

In my opinion, the bill goes counter to the principles governing the treatment of offenders, and that is why I am against this bill.

[*English*]

At the report stage in my remarks I reviewed the principles of sentencing in relation to this bill and how this bill served those principles. I mentioned in the course of my remarks that the principal cause of my objection to this bill was the requirement for unanimity in the jury on the question of early release for an inmate. In my view, the other two aspects of the bill which I did not particularly like but was willing to go along with simply fell flat in the face of this requirement for unanimity in the place of the jury.

My very learned and capable colleague, the Parliamentary Secretary to the Minister of Justice, argued vehemently that the requirement of unanimity in a jury was something that was commonplace in our society and was part of the long tradition of the common law. I agree with him fully in that regard. However, what he neglected to mention and what I think is a fair comment on his defence is that juries have never been involved in sentencing. Sentencing has always been the purview of a judge. The jury is in a position to determine guilt or innocence but not to determine the sentence to be imposed on the offender.

Accordingly, while I could sympathize with the argument as far as it went, in my view it is wholly inappropriate for juries to be involved in the question of sentencing. That is a matter that falls, in my view, within the purview of a judge. It has done so for hundreds of years and ought to remain there.

• (1640)

I indicated also my displeasure at the entire process under section 745 which involved a jury in this whole matter since to me it smacked of being involved in sentencing. I did not get time to complete my remarks, so perhaps that was not clear from what I said.

I would like to go back to the four principles of sentencing that I talked about. I mentioned first, the protection of the public; second, the punishment of the offender; third, the rehabilitation of the offender; and fourth, the deterrence to others. I believe those are the four principles on which any sentencing bill ought to be judged.

Does the bill further the four principles? I would like to deal with each of the principles and indicate in my view how this bill fails to enhance any one of those principles to the benefit of the general public, except for possibly one, and in a way that I feel is inappropriate.

The effect of the bill will be to keep people in prison for longer. I think everyone in the House agrees. The Reform members in the House have been arguing strenuously that they get out too early and

they will continue to get out too early under this bill. If implemented, in my view, very few will be able to apply successfully for early release under this bill. I suspect my colleagues opposite know it but for political reasons they wish to argue that the bill does not go far enough.

The bill does go far. I think it goes too far. The hon. member opposite knows perfectly well with a unanimous jury requirement chances of someone getting out are going to be down significantly from what they are today.

How does it enhance any one of these principles? Let me turn to the first one: protection of the public. Protection of the public is the paramount purpose of incarceration. I am firmly of the belief that if an offender is a danger to the public, that offender should be kept in prison to the full extent of the law, that is, to the full extent of the sentence that has been imposed on him or her. Under the current law, that is exactly the situation.

Hon. members complain that these people can apply for early release too soon. Application is one thing; granting is quite another. I invite members to look at the record, to examine it critically if they wish in respect of releases under this section of the Criminal Code. The protection of the public has been paramount in the minds of juries involved in this process and in the minds of the National Parole Board when an application gets to it following a successful jury application.

The record of the inmates who have been released on parole justifies confidence in the system that we have in that only two out of something like 50 have encountered difficulty with the law. Neither has committed a murder. One has gone missing and the other has been charged with some other offence and is back in prison I assume.

The track record of this section has been very good. That evidence, I submit, is being ignored in this debate. It should be enhanced. It should be drawn to the attention of the public who, once they have examined it, might have a different approach if there is any unanimity on the points in this bill.

Since most of the persons who are currently released under the existing system are not a danger to the public—and virtually every one of them has been established not to be a danger to the public—I suggest we have no basis for suggesting that the public protection is at risk. Therefore we do not need to stiffen the rules relating to early release on that ground.

Second, I will turn to rehabilitation of the offender. How is rehabilitation of the offender enhanced by keeping the inmate in prison for longer? I will talk about this in relation to punishment later, but most criminologists would agree that lengthy incarceration does not enhance rehabilitation of the offender. Rehabilitation can be accomplished in a relatively—

**Mr. Harris:** Protection of society.



*Government Orders*

**Mr. Milliken:** I just dealt with that argument. If only the member had been listening instead of babbling away over there he might not be yelling at me now. He can yell to his heart's content. I have some remarks to make and I suggest he sit and listen.

In my submission the rehabilitation of the offender is not enhanced by a sentence in excess of 15 years. I do not think we would find a criminologist in the country who would suggest that a longer sentence assists in rehabilitation.

• (1645)

Third, I turn to the deterrent effect of a lengthy sentence. A life sentence, the sentence for murder and which is conveniently forgotten a great deal in this debate, in my view is as great a deterrent as this law should have and does have. I submit it is a great deterrent for murder.

The point is most murders, from my limited knowledge in this area, are crimes of passion. I do not think the offender sits and thinks of the consequences of his or her acts when the murder is taking place.

I know hon. members may suggest that if the sentence were heavier fewer murders would take place, but that is certainly not the experience here or in any other country. A heavy sentence is entirely appropriate for murder, but a lengthy prison sentence in my view does not act as a deterrent to others. I think the fact that a murder has taken place is the deterrent. It is a crime that is abhorrent to most other people in our society, and justifiably so.

I turn finally then to the question of punishment. The question really is do we improve our law by increasing the length of time served in jail in terms of punishment of the offender? Have we achieved something that benefits our society as a whole?

I have a real objection to the view that we improve the punishment of a victim by lengthening the sentence. I say so because I am concerned that as a society we judge the seriousness of an offence by the length of a sentence. Yet virtually every offence in our Criminal Code and virtually every offence in any statute is punishable by a fine and/or imprisonment or imprisonment in lieu of payment of the fine.

When I was practising law and I went to court to see people getting charged with speeding, for example, the fine was \$100 or five days. Someone could serve five days or pay but they had a choice. They could go to jail or pay. Why would we ever give anybody the option? Why is a fine not mandatory and if they do not pay their fine they lose their licence, or their car is taken away or something like that? Why do we send people to jail at public expense when there is no reason from the point of view of protection of the public to send them there?

Surely as a public policy matter the reason people should be imprisoned is to protect the public. It should be a matter of last resort. We send people to prison when someone is going to be a risk to others. When they are not, we try to devise another punishment that fits the crime but is not one that involves great public expense, which imprisonment involves, again conveniently forgotten as we discuss this bill, and which may involve substantial damage to the offender, perhaps unintentional or perhaps intentional but damage to the offender.

I am not suggesting when I talk about other punishments that I am agreeing with the hon. member for Calgary Northeast who wants to bring in whipping, caning and spanking.

**An hon. member:** You are agreeing with him.

**Mr. Milliken:** The hon. member thinks I am agreeing with him but I want to assure him I am not.

Whipping was abolished in this country some years ago and I have not gone to Singapore to see how caning is carried out there, as I know the hon. member for Calgary Northeast wanted to do before the member for Calgary Southeast blew the whistle and then got drummed out of the party.

She pointed out the extremism. She recognized extremism when she saw it and she blew the whistle. I always thought the Reform Party favoured whistle blowing legislation but when she blew the whistle she got the boot. I can only say that it leads me to suspect that its support for whistle blowing legislation is only skin deep and it would change quickly if it got any more seats, just as its sense of democracy seems a little odd.

In any event, I want to make it very clear that it is not whipping, caning or spanking that I am talking about.

**An hon. member:** It works.

**Mr. Milliken:** The hon. member says it works. The evidence is that it does not work. I would not want to confuse him with facts.

I am talking about alternative punishment that we know we talk about. We have heard a lot of talk about alternative punishment, but when it comes right down to it we have not done a great deal about it. We have not looked at alternative ways of dealing with people aside from putting them on probation. The public regards probation as a cop-out, something that has happened where instead of putting the person in jail we put them on probation.

Jail is the measurement of punishment in this country. The longer the sentence, the more serious the crime. If someone commits a serious crime and gets a short sentence the public tends to regard it as a miscarriage of justice. Why? Because there is no other punishment. If a person goes to jail, normally when they get out of jail they are scot free. Everything is over. There may be a period of probation and there may be something else added but usually if there is a jail term nothing else is added. The jail term is what the public looks at as the measure of punishment. I suggest

*Government Orders*

that we have to change that. I invite hon. members opposite to think of changing it and look at alternative measures.

• (1650)

Why, for example, when someone commits the crime of theft, do we not look at making them pay back the person they stole the property from at something like double the value of the property they stole?

**An hon. member:** Because they do not have any money.

**Mr. Milliken:** The hon. member says they do not have any money. That is not always true, especially in shoplifting cases.

Why, for example, would they not look at other alternatives like requiring extensive community service instead of sending them to jail at public expense? This alternative, in my view, is not explored, possibly because the law does not allow it or the policy of the law does not recommend it and because the public expectation is that if the person committed a serious offence, bang, he has to go to jail. There has to be a jail term and punishment.

What do we have for murder? A jail sentence is required but the penalty for murder is a life sentence. I have no quarrel with that. It is entirely appropriate because there will be some murderers, and hon. members opposite talk about these particular persons all the time in their speeches, who in my view should never be released because they pose a danger to the public and should remain locked up.

On the other hand, there are a large number of persons who have committed murder who pose no danger, who are remorseful and who wish they had never done it and, in my view, ought to be released and become contributing members in our society again.

That is why I have difficulty with the whole concept of minimum sentences in the Criminal Code. I do not agree with minimum sentences. In my view there should be judicial discretion, particularly on the question of release. The National Parole Board is perfectly well equipped to make decisions on who is and who is not a danger to the public and release accordingly.

I have some additional figures to support my suggestion on the statistics relating to sentences for murder. I want to point out some of these figures to hon. members opposite because they may have forgotten them.

When we looked at the capital punishment issue in Parliament some years ago some figures were prepared concerning the period prior to the moratorium on capital punishment which started on January 3, 1968. From 1961 to 1968, 28 cases, in the case of murder, were sentenced to death and commuted to life. The average time served in those 28 cases was 12 years before parole. There were five life sentences without having been sentenced to death

with the average time served being 6.2 years before conditional release was granted by the parole board.

From 1968 to 1974 there were 44 sentenced to death, with 13.5 years the average sentence served; 85 were sentenced to life with 7.7 years being the average sentence served.

If those figures were adequate punishment then, and I would suggest they were, why is it so inadequate now? Why do we have to lock them up for so much longer today at public expense, at a cost of \$40,000, \$50,000 or \$60,000 a year depending on the level of security. However, of course Reform does not care about money. All it wants to do is cut pensions.

I want to turn to the cases that have occurred from 1976 to 1984, in other words the experience since this act came into force. Of course, people who were sentenced before the act came into force were unaffected by its provisions. Capital murder, 45 cases, number of years served, 15.46; non-capital murder, 268 cases, average number of years served, 10.43. These are averages. If these are adequate punishment why are we proposing by this bill to increase the number to 25 years with virtually no chance of getting out? I submit that it does not make sense.

I want to say that if 15 years was good enough for the last 20 years, we do not need to increase it to 25 years now.

• (1655)

I want to turn to Matthew's Gospel and read one line: "Always treat others as you would like them to treat you. That is the law and the prophets".

The hon. members may say that if they were guilty of murder they would like to go to prison for life and stay there until the end of their natural days. Perhaps at their age 25 years would expire before that happened anyway.

I want to say this. After a year or two they would wish they had not done that. They would wish they were out. I am sure that is the case. I have visited these prisons. I know what they are like. I know the people there all want to get out. They do not want to stay despite the suggestion of hon. members opposite.

In my view if we were to treat these others as we would have them treat us, I do not agree with locking them up without any opportunity to apply for parole no matter how good they have been, no matter how hard they try, no matter what efforts they make a reconciliation or whatever feelings of remorse they may have. I do not think those are grounds for keeping someone locked up forever.

I turn to hon. members and suggest again that they reread the story of the Good Samaritan. The question asked at the end of the story is who was neighbour to the man who fell among thieves. It was the person who had pity on him, who had compassion on him.

*Government Orders*

These people are our neighbours whether we like it or not. Some of us might not like it, but they are our neighbours.

**An hon. member:** What about the victims?

**Mr. Milliken:** I am not forgetting the victim. I am coming to the victim. As neighbours to both the victim and his or her family and to the perpetrator, the offender, we have a duty. We have a duty to the victim's family to bind the wounds and share the sorrow. We also have a duty to the offender to heal and try to reconcile that person with the society which he has foully wronged. In my view, our obligation to do that extends to offering some glimmer of hope to that person, some opportunity when good behaviour can result in something of value.

In any approach to this bill we can all win if we go for reconciliation and release because those things go together.

In conclusion I quote a speech that I think fell on deaf ears in Shakespeare's *The Merchant of Venice*. I will try it today because it sums up my argument very briefly:

The quality of mercy is not strain'd;  
It droppeth as the gentle rain from heaven  
Upon the place beneath: it is twice blest;  
It blesseth him that gives and him that takes;  
Tis mightiest in the mightiest: it becomes  
The throned monarch better than his crown;  
His sceptre shows the force of temporal power,  
The attribute to awe and majesty,  
Wherein doth sit the dread and fear of kings;  
But mercy is above this scepter'd sway;  
It is enthroned in the hearts of kings,  
It is an attribute to God himself;  
And earthly power doth then show likest God's  
When mercy seasons justice.

I have spoke thus much to indicate my reasons for voting against this bill.

**Mr. Ian McClelland (Edmonton Southwest, Ref.):** Mr. Speaker, as always, the eloquent member for Kingston and the Islands has favoured us with his prose. As always, hidden in the jewels of his prose, is perhaps a bit of wisdom or perhaps a bit of fantasy.

I ask the member for Kingston and the Islands, whose heart is so full of compassion for the perpetrators of crime, to reflect on the words by a former British prime minister. On the sixth floor of this very building there are portraits of past British prime ministers, one of whom is Benjamin Desraeli.

The member opposite was so quick to stand and shout charges of extremism at this side of the aisle because we would say that those who break our laws should be sanctioned. That is part of the social contract.

I wonder if he realizes that when he hurls that charge of extremism across the aisle at us, Benjamin Desraeli, the great British prime minister, once said that today's extremist is tomor-

row's moderate. We are the pathfinders. We were called extreme because we said that it would be a good idea for us not to leave future generations of Canadians bankrupt because our generation spent beyond its means.

● (1700)

When the House decided it was going to do away with the death penalty 30 years ago, the quid pro quo was 25 years. It was not 15 years or 10.43 years. It was 25 years. As a civilized society we would no longer take a life because a life had been taken. We would protect society. There would be deterrence because 25 years means life, but we would not be taking a life.

Members today have a duty and a responsibility to the victims and to the potential victims which should override that compassionate, soft heart. Yes, we should all be compassionate. However, if it was the member's family or if it was the member's neighbour who was violated by a murderer, would he feel so charitable? Would he think that there should not be a sanction beyond a fine, or that simple remorse is good enough?

As a society we are not going to get blood from a stone. We are not talking about manslaughter. We are talking about premeditated murder. We are not talking about accidental murder or crimes of passion. We are talking about cold-blooded, premeditated murder. It is important to make that distinction.

I would ask the hon. member opposite to justify to the people of Canada why he thinks those who commit cold-blooded, premeditated murder are worthy of compassion.

**Mr. Milliken:** Madam Speaker, the hon. member has asked three questions. He asked what my position would be if it was someone in my family who had been murdered. I have not had that experience. I can only hope that I would take the approach which I have described in my speech.

I would remind him of the appearance of a gentleman to give evidence before the Standing Committee on Justice and Legal Affairs during the pre-study of this bill last June. He had lost a loved one through a murder. He was opposed to this bill. He spent a great deal of time and committed a great deal of his resources to working with inmates in trying to achieve reconciliation and in trying to bring them back as working, capable and law-abiding members of our society.

He believed that was the right approach and he said so before the committee. He did not take the view that the person who had committed the offence against his loved one should spend the rest of his days locked up in prison. He felt it would be better for society if that person, assuming he was not a danger to the public, could be released and could participate in society as a law-abiding citizen.

*Government Orders*

Surely the lives of all of us would be enriched if that were the case, if that person could in fact be released and would not have to spend the rest of his or her time sitting in jail doing, practically speaking, nothing.

That was his approach. I agree with that approach. It is exactly the approach we should take.

I am sure the hon. member, when he contemplates not the notion of punishment but the notion of what is best for our society, would agree that if the person does not pose a risk to society, after a reasonable period in jail, should be considered for release. I know there has to be some sentence served, and 15 years is a long time, despite what hon. members suggest. If after 15 years in prison the person is no longer a risk, why would we not look at release as a possibility? It may be on terms. It always is because the person is, after all, under a life sentence. There will always be some reporting. There will always be some checking on whereabouts. There will always be some restrictions on movement. That follows with a life sentence. That is part and parcel of it.

• (1705)

Hon. members say that life only means 25 years. It does not because at the end of 25 years murderers still have to apply for parole and may not get it.

I could name some murderers, and I am sure hon. members opposite can too, who are most unlikely to get out under any circumstances until the end of their natural lives. There are some in prisons in my community who are there for the rest of their lives. I know they are not going to get out.

**Mr. Thompson:** As long as we have people like you.

**Mr. Milliken:** Hon. members can hoot and holler but this is the fact.

If the public is protected, in my view, we are all enriched by making change and saying let us get on with life. Our place as a society is to live with the people that are our neighbours, that are our fellow citizens. It is not to say that because you have done certain things we will shun you forever from our presence. At some point we have to recognize that those people may well be back. Indeed we should be saying that we will have you back. There are going to be terms because you are going to be on a life sentence, but we will have you back on certain terms and encourage your participation as law-abiding citizens again.

**Mr. Myron Thompson (Wild Rose, Ref.):** Madam Speaker, I never thought I would see the day that I be voting the same way as the hon. member for Kingston and the Islands against a bill. He will be voting against the bill for a totally different reason than I am because he is applying this warm, fuzzy, love the criminal logic, Liberal latitude thinking solely of the criminal, whereas I am saying it is time we addressed the victims.

Thousands and thousands of victims belong to organizations trying to get something done. One petition presented by CAVEAT had 2.5 million signatures. Darlene Boyd collected one million more signatures. When that many Canadians are joining forces, trying to get something done, why would this social engineer we call a justice minister literally ignore these petitions? Or better yet, what does ignoring these petitions tell Canadians about the Liberal government and the justice—

**The Acting Speaker (Mrs. Ringuette-Maltais):** Your time has expired, hon. member.

[*Translation*]

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ):** Madam Speaker, I had the opportunity to speak on this bill at second reading. At the time, I raised the issue of attitude toward this bill, which is an important issue.

I think the remarks I made then are still valid, as the government did not bring in the amendments we thought it might make to the bill to enhance the Canadian system.

From the outset, I must say that this is a bill that draws on the responsibility of the law makers. It does not deal with details, but with important matters affecting human beings, the lives of human beings, people, not only criminals, but also the victims' families. It makes deciding the issue all the more difficult.

We are dealing with a bill to amend the rules for setting the parole ineligibility period for individuals sentenced, say, to 25 years in prison and who, under the existing rules, after serving 15 years, may apply for a reduced sentence and be released early.

We can either give way, as the Reform Party did, to anecdotal accounts, individual cases, the kind of stuff that makes the first page of newspapers. Our first reaction may be to say: "The system should be much more repressive, to give people who commit such heinous crimes no chance of ever getting out of prison".

That is the first attitude, the first reaction we may have, but I think that, as law makers, we have a duty to look further, beyond this first reaction. We must go and see what the reality is for the people in these situations.

• (1710)

As of December 31, 1995, 175 prisoners were eligible for this program. Of these, 76—already fewer than half—had applied for a reduction in their number of years of imprisonment without eligibility for parole.

Of these 76 cases, 39 were granted a reduction. And at December 31, 1995, out of this total, there was only one repeat offence, a case of armed robbery. This was not a repeat offence involving assassination or murder, but armed robbery.

*Government Orders*

Therefore, overall—those listening to us know this—there is no perfect system that would completely eliminate errors. In all human endeavour, there are forms of error. What we must do is evaluate whether the system now in place has given and continues to give satisfactory results, and then find ways to improve it.

I think the situation needs to be looked at very carefully. In this regard, the Minister of Justice perhaps gave in too quickly to representations that I would call a bit more election minded. We are seeing the Reform Party's relentless pursuit of this issue. The justice minister, perhaps knowing that an election was coming up, gave in a little too quickly. And since he knows that the system is working reasonably well, he said: "We will table a bill with amendments that are neither fish nor fowl and that will not really improve the situation".

Therefore, rather than adopting this attitude and resorting to a litany of examples, as the Reform Party is doing, or to simply try to gloss over the situation, as the bill does, I think that we must look further for the attitudes to adopt and the positions to take.

First, we must ask ourselves whether our goal is to punish these people, who are in prison for prolonged periods, some up to 25 years. Is our goal to rehabilitate them? Is our goal to ensure society's safety? In the end, are we not trying to do all these things? And must we not try to find a satisfactory balance?

Let us remember how it works at the present time. Under the act, when someone applies—as we know, 76 of the 175 eligible have applied—he appears before a jury, 8 out of 12 of whom must agree. These jurors are members of society who have agreed to decide, based on their abilities and on the information before them, whether the person should benefit from a shorter ineligibility period than the one originally set. In other words, the person could be paroled at an earlier time than originally set out, at the time of sentencing.

Let us not forget that this process comes into play 10, 12, 14, 16 or 18 years after the sentence was handed down. A distinction must be made between the time a person was sentenced and the time his ineligibility is reviewed. These are two very different issues. To be sure, there are times when a person changes his behaviour to the point where he could reintegrate society. Statistics tell us that this is often the case.

However, under the current system, victims, who are an important factor in the equation, do not have enough of a say in the process. The relatives of victims live a very difficult situation. When the victim is a young person, a brother or a sister, the grief is such that the survivors look for a way to alleviate it. One such way is to think that this unfair, terrible and unacceptable death was caused by another person and it would not be humanly correct to let this person benefit from a situation where he would not be made to realize the seriousness of his action.

We agree that there should be greater representation of the families of victims. This could be an option for the future, one that should have been examined more thoroughly and that should have been included in this bill.

• (1715)

The minister now wants a unanimous decision. This means that not 8 out of 12 but 12 out of 12 jury members will have to agree to reduce the ineligibility period. This means that everyone on the jury must keep an open mind, that no one must decide a given application can never be approved on principle. Otherwise, the bill would, perhaps not hypocritically but somewhat artificially, close all the doors, eliminate any possibility of rehabilitation, without actually using the word.

On this point, I think the minister is hiding behind a smoke screen. That is one of the reasons why we cannot support the bill as it now stands, because the government maintains that the decision should be approved not by 8 out of 12 but by 12 out of 12 jury members. Could a compromise have been reached? Maybe, but the government has made no move to that effect.

The other criterion is the link to multiple murders. Someone held responsible for the murder of more than one person would not be eligible. I do not think there is a causal link. Is a double murder more serious than a single one? Are there not other elements that must be considered, such as the circumstances surrounding the case, that are as important as the number of people killed if not more so?

It is not an easy situation. It is not easy to evaluate. We have to study the present system, and ask ourselves whether this system is working as it should, whether there are improvements to be made and whether there is anything that should be studied a little more in depth.

We made representations. We tabled them in the House. However, the government did not accept any amendments. I think this is one area where we should move carefully. We have to make sure that the decisions we make represent a strong consensus within society. These are things which have a bearing on us as human beings.

In this regard, I object to the statement by the Reform Party, which said a while ago: "If you were in such a situation, if a member of your own family had been killed—"

I think this kind of attitude is very dangerous. We are not in such a situation, we are legislators, in a Parliament, who have to make decisions for the society as a whole.

Here is another example: If I do not keep to the speed limit on the highway, I may be highly indignant at the consequences, such as being arrested or the like, but it does not necessarily mean that I am right.

*Government Orders*

In the case of murders, where relatives of the victims are emotionally deeply wounded, it is very difficult to ask people in that situation to be objective. I do not think it is up to them to determine what the sentence should be. It is up to us as legislators to take on our responsibilities and evaluate the situation.

When judgment is passed, when a person is found guilty of a murder and is therefore a criminal, we have to determine, then, the sort of person involved and the kind of sentence we are going to impose, and it is normally 25 years. But 10, 12, 14 or 15 years later we have to review what happened and current circumstances, taking into account the behaviour of the person in jail.

I believe we must also take into consideration the opinion of the family and find a way to allow for the best possible judgment in as many instances as possible. In this area, the present system has produced some interesting results. It is true enough that there will always be crimes which grab the headlines and which we will find abhorrent. Yet I think we should also—and I believe it is an obligation for the legislator—go and look at all the other cases. If among the 39 reductions of the ineligibility period there is only one case of recidivism, it means that 38 of these people did not re-offend.

• (1720)

That means that a number of these people are back on the streets and do not constitute a security risk in our society. We have managed to reach one of our goals I just mentioned, securing rehabilitation without endangering society. We have to make sure our actions do just that.

Should we have simply referred this bill back to committee to hear more experts, study various cases again, evaluate this situation once more and look for some compromise? Should we have amended the bill so that families can be heard when a review of parole ineligibility is requested? Should we have raised the ratio of jurors from 8 to 9 or 10 out of 12? Is this something we should have looked at?

These are important aspects which the government has refused to consider, so that we are now heading for a dead end. The government knows the present system gives fairly good results, but it has to deal with electoral pressures. Reform members have been talking about petitions with thousands of signatures asking for harsher treatment of criminals.

But the responsibility of government members in this area is not to give in to voter pressure, but to ensure that the systems they set up are effective and will properly meet the objectives of our criminal justice system.

It is true that individuals must be very conscious of the consequences of their actions and that punishment must be proportionate to the offence so they understand the consequences and know what

they are exposing themselves to, but, we must also ask ourselves if we are able to rehabilitate some of the individuals we put in jail and if we must keep in jail those we cannot rehabilitate because they pose a threat to society.

I think that, as legislators, we have that kind of responsibility, and the bill before us does not improve in any way on the current situation. If we adopt this bill, we will not be in a position to say, five or ten years from now, that we improved the possibility of rehabilitation and our society a safer place.

We consider the bill to be incomplete and in need of more fine tuning, that is why the Bloc Québécois cannot vote for it unless the government amends it in a way that brings it more in line with the objectives set at the beginning of the process. The government should also take this opportunity to study the whole question of violence in our society to be able to avoid simplistic solutions, because the solutions put forward by the Reform Party will not solve the problem and will not reduce criminality.

There will not be fewer murders because people will not have the possibility of getting a reduction of their parole ineligibility period. This is not the way things are decided at the time the crime is committed. As legislators, I think we have to review this issue, to refine it or, if absolutely necessary, to maintain the current legislation, which still has given interesting results, and introduce new legislation only when we have been able to put on the table solutions that will really improve the situation. That is why the Bloc members will vote against the bill.

[English]

**Mr. Jake E. Hoepfner (Lisgar—Marquette, Ref.):** Madam Speaker, I ask the hon. member how many individual families he knows that have suffered this trauma of having somebody in their family murdered, what the consequences were for these families and how they coped with this situation.

• (1725)

I know a few such families and I find it almost unbelievable that we do not address this issue. We looked more or less at the issue of rehabilitation rather than at the trauma these people have caused in the communities.

[Translation]

**Mr. Crête:** Madam Speaker, for each of the bills we vote on, we have not necessarily personally experienced the situations facing the people whom we have to make decisions on.

Except that, in the present situation, perhaps because of my age, we have had to give much consideration, in the past 20 years, to the objectives we were aiming at with the justice system. We put in place some things that are aimed at a form of rehabilitation and I believe we were pretty successful. No one challenged the statistics that were given on that. These are official statistics.

*Government Orders*

Of the 175 people eligible as of December 31, 1995, 76 applied for a reduction of their parole ineligibility period; 39 got a reduction and only one committed another crime. The crime was armed robbery, not murder.

So, this information tells us the current system is still working pretty well. There are certainly things we must look at more closely, and one of the elements that was not put forward in the reform to insure better rehabilitation is the issue of consulting the families when we decide whether or not to reduce the parole ineligibility period. We should add that, we could put it in more specifically, we could give them a more important voice in the process, and I am part of that.

It is important to understand all the psychological process that these people undergo. The evidence is there: the families of victims do not suffer any less. It is not because the murderer is going to serve 25 years that the victim's family is going to grieve less. There is no direct link in this respect.

Nobody has ever proven there was one. If we have proof, I would like to see it. I understand that, for someone in such a situation, for a victim's parents, life is very hard, but the way to alleviate their sadness is not necessarily to make sure that the individual who has committed the murder, the criminal act, is punished. It will not make them feel any better.

I believe that, as lawmakers, we have to take the whole situation into account. We have to look more into what human reactions are in such situations and act accordingly. At the moment, the way things are handled, I believe that the status quo is much better than the amendments proposed by the government or a rigid approach, which would not solve anything.

[*English*]

**Mr. Tom Wappel (Scarborough West, Lib.):** Madam Speaker, in the last sentence I think we were getting to what I am interested in, which is the actual position of the Bloc Quebecois on this section. Is it that the status quo is what the law should be or is it that the status quo is better than the amendments that have been proposed? Exactly what is it?

The hon. member in his speech said that maybe we have not taken into account the perspective of the victims. Maybe the hon. member has not read the bill. I draw his attention to page 4 of the bill, section 745.3(1), subparagraphs c and d.

One thing the jury shall consider—it is mandatory—is the nature of the offence for which the applicant was convicted. That deals with the hon. member for Nanaimo—Cowichan's problem that the jury does not know how heinous the crime was.

• (1730)

Second, sub (d) states that any information provided by a victim at the time of the imposition of the sentence shall be considered by the jury. That is, any information provided by a victim at the time of the imposition of the sentence or at the time of the hearing under this section. It is obvious that the victim's perspective is dealt with in subparagraph (d). The jury is required to consider any comments that the victim's family made at the time the sentence was imposed or at the time of the review under this section. Perhaps the hon. member could explain why he feels this bill does not deal with the victims.

Could the hon. member please, in one sentence, tell us what the position is of the Bloc Quebecois so that the people of Quebec know? Is the position that the current law is just fine? If it is, say so. If it is not, what precisely is wrong and what would the Bloc Quebecois suggest should be in the bill?

May I remind him in closing, while he is thinking about an answer to those two questions, that he and some hon. members, in my opinion, are confusing section 745 with sentencing. This has nothing to do with sentencing. Sentencing is imposed by the law. Life imprisonment is the sentence. Section 745 deals with how long a person has to stay in prison before they can apply for parole. When the jury decides that it will be 15 years instead of 25, it is not deciding to let the person out, it is deciding that the person will have to serve 15 years before they can make an application to the parole board. It is the parole board that will decide under the appropriate legislation whether that person will be released.

Let us stick with the legal realities of what we are talking about. We are not talking about sentencing. We are talking about how long the term will be before a person can apply to the parole board.

What I am really interested in is what the heck is the position of the Bloc Quebecois?

[*Translation*]

**Mr. Crête:** Madam Speaker, in response to my colleague's question the easy part of my answer is that we certainly do not want the Liberal wishy-washy approach. This is very clear.

They claim they want to change things, to make them better, but in the end they just make suggestions that slam the door, because they do not have the guts to clearly say what they want, because they are influenced by right-wing attitudes and the Reform's approach. To save some votes, they do something which is neither here nor there. For instance, compared to the way things were before, requiring unanimity in the jury is tantamount to slamming the door.

When you think that screening by a chief justice will be required before any application is submitted to a jury, this means that

*Government Orders*

chances of parole are almost non-existent. To exclude all those committing multiple murders is trying to close the door on something that has no basis.

The Bloc is not ready to put up a smokescreen with such purely cosmetic amendments. If the government wants to make changes, it should propose real fundamental changes; once they are on the table, we will examine them and see if they would really bring about some improvement.

As the member knows, statistics show that the present system is far more efficient than the one they are proposing. They have submitted a bill with a little window dressing in order to be able to say to people: "Look. We have done something about that issue; the results are not so important; we put a bill to the House and we hope to score some political points with that."

That is unacceptable on the part of a supposedly responsible government.

As far as confusing sentencing, I think the member missed part of my presentation. This is exactly what I explained when I said we had to make a fundamental difference between the sentence given by a judge and the evaluation of the ineligibility period, or the eligibility later on.

When time comes to decide if, after 15, 18 or 20 years, someone will be eligible for parole, the situation is entirely different from the initial one, because years have gone by and circumstances have changed. I think our position on this point is quite clear.

Finally, I think we could go further in consulting the families.

• (1735)

Indeed, I think that the measures proposed in the bill do not go far enough, that they should be strengthened. With what we know today about the rules that govern human activity, I think we could go much further, because we have to rise above the anecdotal and demagogic and try to draft a bill that will improve the situation.

Instead of voting for this started up legislation, the Bloc Quebecois would much rather keep things as they are and continue to trust the people who gave us what we have now, so that in a number of years we will have scrutinized this whole issue. No one in the Bloc ever said that we were not ready to reflect upon this. We should go back to the committee, go back to the drawing board and come back with a truly finished product.

[English]

**Mr. Tom Wappel (Scarborough West, Lib.):** Madam Speaker, I am very pleased to have the opportunity to address the House on this very important issue at third reading stage.

To approach the issue I will take a little walk through history and have a look at where this section came from, how it came about,

why there is a problem and what the Liberal government proposes to do about it. I support the legislation and I will explain why. I will try to indicate why I do not think the criticisms that have been levelled against the legislation really stand up to logic.

Let us go back to 1976 when Parliament abolished capital punishment. There was a huge debate. The representatives of the people in this House decided for whatever reasons that capital punishment was going to be abolished.

Once we abolish capital punishment for high treason and for first degree murder, what are we going to do with people who have committed high treason or first degree murder? We have to do something with them. There are really only two things we can do. We can either put them in jail and throw away the key and never look at them again, which is life in prison, period, full stop, or we can put them in prison for life with an opportunity to apply for parole at some point in time if they have demonstrated a number of things, including that they will not reoffend and that they have been rehabilitated.

If society opts for life in prison, full stop, that is it, there is no need to discuss when these people might get parole because they are not going to get parole. Back in 1976 our society decided not to take that approach. That is a fact. That is a 20 year fact. So we are dealing with facts, not how we would like things to have been in 1976, but how they are in 1996. We have to deal with what has happened over the last 20 years.

What did Parliament decide? Parliament decided not to go with life in prison, period, full stop. It decided to go with life in prison with a chance of being considered for parole after 25 years. Some might argue that should have been where it stopped. But there were people who were concerned back in 1976, as there are people today—and we just heard one of them speak—that this is an awfully long time and that people do change, that they do rehabilitate, that they do become different people and that the quality of mercy we should extend to them.

Those people said there might be circumstances where a person has committed a first degree murder for one reason or another and has served 15, 16 or 17 years, and maybe there will be cases where that person deserves to be allowed to apply for parole.

So a line was drawn by the parliamentarians of that day in 1976, and that line said if you commit first degree murder, you will be sentenced to life in prison. You will have the opportunity to apply for parole after you have served 25 years. By the way, you do have a faint hope of applying for parole before 25 years if you take the section 745 route.

• (1740)

What is the section 745 route? Murderers have to serve at least 15 years. Once they have served their 15 years they then apply to



*Government Orders*

have a jury consider what, whether they deserve a retrial, are not guilty or are a different person? No. It is for a jury to decide whether the person should be allowed to apply to the parole board at any time between 15 and 25 years. That is what the jury is deciding in that case.

The person goes before a jury of his peers, ordinary citizens of the community who have been brought in under the juries acts of the various provinces, and the community thereby is consulted, which is exactly what the Reform Party wants. It wants the community consulted. What better consultation is there than members of a jury from everyday Canada listening to the application of a convicted murderer?

Let us not forget we are not talking about refugees here. We are talking about convicted first degree murderers, people who have killed people, people who have done the worst thing that we can think of in society, which is why they must spend the rest of their lives in jail unless they are paroled. That is the reality. They must spend the rest of their lives in jail unless they are paroled, which is the worst sentence we can give short of hanging in this country.

One could make much of the fact that it is a 25 year sentence, but that is not true. It is a life sentence. We should deal with reality, not rhetoric.

The murderer goes before a jury. We know this is happening but why is it coming up? Finally since 1976 more than 15 years have passed and these first degree murderers are starting to make their applications. Without quibbling about the numbers, the numbers I have show that out of 2,085 murderers currently in the prison population as of December 1995, 574 of them are first degree murderers. I am concentrating my remarks on first degree murderers. Of those 574, 175 have already become eligible to apply under section 745 as it currently exists. Out of those, a whopping percentage, one might say, has been successful in getting some reduction. That is the problem because this gets people all upset.

We have people who have killed police, children, mothers, fathers, some of them are killing their own children, name the horrendous crimes, and some of them are being allowed by a jury of ordinary Canadians to what, get out of jail? No. They are being allowed to apply to the parole board to demonstrate why they should be allowed out on parole.

Some would have the section abolished. I was one of those who supported at second reading the bill from the hon. member for York South—Weston that would have abolished section 745. I want to address this because the Reform Party has made a lot about all these people who supported that bill and who are now supporting this bill. Let me tell members why.

At the time the hon. member's bill was brought forward this bill was not here. Section 745 as it is written is no good, plain and simple. Therefore if we do not fix it we have to get rid of it. There was nothing by way of fixing on the agenda. I do not want it in the Criminal Code as it currently exists, which I will explain in a moment. In the absence of a suggestion to make it better, stronger, to tighten it up and look after some of the loopholes that I think are there, there was no alternative but to vote in favour of a bill that would call for its scrapping, which is exactly what I did.

Now in response to the obvious desire of the House of Commons to do something about section 745, the Minister of Justice has come up with this bill. Let us look at it. What was one of the problems with section 745? Personally I have a problem with the fact that only eight out of twelve jurors can make the decision to allow for a reduced period of time before applying for parole. The hon. member for Kingston and the Islands does not agree with me. It should be unanimous. The hon. member who just spoke from the Bloc Quebecois does not agree with me. He does not think it should be unanimous. It should be.

• (1745)

It is the crown representing the people that must convince a jury beyond a reasonable doubt, all 12 of them, that the person is guilty. That is a very onerous burden. The crown must convince a unanimous jury that this person, beyond a reasonable doubt, is a murderer, has done the most heinous thing that this country knows about, that is kill, take another life. That is a very high burden.

Once the crown has met that burden and has demonstrated to a jury, beyond a reasonable doubt, unanimously, that the person is a murderer, it is not too much to ask that the murderer demonstrate to a unanimous jury on a lesser burden, balance of probabilities, that the murderer deserves to have an opportunity to apply for parole before serving 25 years.

Why should it be that it is only the crown who must convince a jury unanimously? Why should the convicted murder, who in effect is seeking clemency, not be required to show a unanimous jury that he should be entitled to clemency, that he should be entitled to that which he is not entitled to by law because he must serve 25 years.

That is why there is a real problem. It is not fair that the convicted murderer has a lesser burden than we in society who are trying to be protected from that person. That person lost his rights, as far as I am concerned, when he took another human life.

He has to serve the penalty imposed by society unless society decides to give him a second chance. How does society decide? The section 745 process. It is society by way of a jury. It is not some judge. It is not the Minister of Justice. It is not the House of Commons. It is a jury of peers.

*Government Orders*

A person must wonder, if you are in the Reform Party, with the greatest respect, how it is that 80 per cent of applications have been allowed by juries, not by judges, but by ordinary Canadians. Eighty per cent of them have been allowed. These people are insurance brokers, neighbours, in the lawn bowling league, grocers, clerks and car salesmen in your community sitting on a community jury making the decision. It may have been only eight out of twelve. Four did not want it and fought really hard. Eight out of twelve was good enough. How wrong have the juries been? Anybody can fool around with statistics.

We have already heard that of the people who have been granted parole by a jury, by the community, one has reoffended. Out of 50, one has reoffended so far. One is too much. That person was sentenced for armed robbery. As far as I am concerned, one chance and you are gone, buddy. You had your chance. You were sentenced to life. You have committed armed robbery. I will never see you again. Take care. Enjoy Kingston prison. One out of 50 is as close to perfect as we can get without being perfect, in terms of whether or not they have convicted another crime.

There is another aspect to it and that is denunciation. That is a fair question and is a reasonable thing to ask about. What is a human life worth? Is it worth killing the killer? Some would say yes. Is it worth locking the killer away and letting him or her rot in prison? Some would say yes.

• (1750)

How far do you go? Why not just give them bread and water, hard labour, or put them into a military camp? Why not send them up to the Arctic? There are all kinds of approaches that people can take but society as a whole has decided that short of hanging, murderers are going to spend the rest of their natural lives in prison, in reasonably human conditions, with food, water and amenities unless they can demonstrate why they should get out.

In my opinion this bill plugs the loophole of requiring unanimity. That reflects the same considerations that the community gave in convicting the person of the crime in whether or not they should receive clemency. That is really what we are talking about under a different word, clemency.

Are we going to make murderers sit in prison for the rest of their lives, or at least 25 years of it, or are we going to give them an opportunity to try to demonstrate to the parole board prior to 25 years that they should be let out? Remember the parole board has the legislative ability to decide whether people should be let out or not. If a person is in prison for life the parole board can only let that person out as the legislation states.

The first thing that is good about this bill is that unanimity is required. It is going to tighten up applications and fewer people are

going to get out. That is exactly how it should be because this is a faint hope clause. In my opinion, it should be the exception who has demonstrated beyond a shadow of a doubt, at least to a jury, that he deserves the clemency of society notwithstanding that he took a human life. This person has spent a period of time in prison and as a result has learned a lesson and will never commit this crime again. There are a whole series of reasons why this is done.

One hon. member was quite right in saying that no matter how long a person serves in prison, the victim's family will never feel better. That is true. The victim is dead but that is a circular argument. Except with money crimes a person can never put anybody back in a situation that that person was in before a crime was committed.

If you are assaulted, Madam Speaker, and somebody gets two years in jail, I am sure if somebody asked you if you would prefer never to have been assaulted and had your nose broken and your eyesight destroyed or whatever the case may have been, or should the guy have gotten five years, you would say you would never have had the crime in the first place.

Obviously we are reacting as a society to things that people would rather not have had happen. People kill people so we have to deal with them. Being human beings there are a variety of reasons for this.

The first thing to do is to tighten section 745. We live in a political world, a political place and we have to recognize when something is or is not doable. For a variety of political reasons at this point in the history of this country abolishing section 745 is not doable. Members can rant and rave all they want, it is not doable.

If that is recognized as the case then the next best thing is to make the best of what is offered. Everybody in the House except for a few hon. members would argue that there is something wrong with section 745. Some would say get rid of it, others would say tighten it and then there are various planes in between. Very few would say that it is perfect the way it is although some would.

In a real world if you are not going to get what you want you go for second best. Second best to abolishing is fixing. To say that I did not get abolition therefore I am going to oppose it under all costs is shortsighted.

In my opinion what should be done is to make suggestions for betterment. That was my suggestion before the justice committee a year and a half ago. It was roundly dismissed by the justice minister. A year and a half later there it is in the legislation. So you can do that.

The screening process, unanimity of the jury and nobody who is a multiple murderer will ever have an opportunity to apply for parole are enough for me to support this bill.

*Government Orders*

• (1755)

[Translation]

**Mr. Gilbert Fillion (Chicoutimi, BQ):** Madam Speaker, first of all, I want to clear up some misconceptions. At the beginning of his speech, the hon. member gave us the historical background of the judicial review, but forgot to mention certain things. Indeed, the judicial review came into force in 1976, when the Trudeau government wanted the death penalty to be abolished. That much is true.

But why was the judicial review established at that time? To ensure a majority to vote in favour of the death sentence. That is why in 1976 the government tried to amend what is contained in Bill C-45. To get the votes. It is important to understand how things stood at the time. There was a little bargaining going on at that time, one vote on one thing for a vote on another thing. I will give you this if you give me that. In politics, that is essentially what the Liberals do regularly: "Vote for me and I will vote for you some other time".

As for the present legislation and the three proposed amendments, it is obvious that, despite the rhetoric we just heard, these three provisions will not improve the legislation.

Let us take, for example, the first amendment, which requires unanimity instead of the support of two thirds of the jury. If one member of the jury says no, the judicial review application will be rejected. The Bloc Québécois has proposed changes to these amendments, which were brought forward by my colleagues at second reading.

The second amendment concerns the removal of the right of multiple murderers to apply for judicial review. This amendment is totally arbitrary and unfair. I think we could have focused on these words instead of relating facts that we continuously read about in the newspapers.

As for the third amendment, will it increase access? This amendment will restrict access to the judicial review. It will become practically impossible for anybody to use it. We have suggested that this whole issue be sent back to committee for further study.

Here is the question I want to ask my colleague: Is he willing to defend this bill before his caucus, to send it back to committee and to stop relying on the emotional reactions that this bill has created because it was introduced in the House following certain events?

Therefore, why not suggest that his caucus do a more detailed study, and, in particular, that ordinary Canadians, who could give this bill more credibility, be consulted?

In closing, I would tell him this: The public would be happy to have its say on this amendment to the act. I would also tell him that using this bill to play politics is political opportunism and not the best way to ensure a good bill.

[English]

**Mr. Wappel:** Madam Speaker, it is interesting that the member calls for consultations. I would remind him that Bill C-41 is before the House. A section of that bill got a lot of headlines and a lot of debate in this House. One of the sections that was dealt with in Bill C-41 was section 745. Surprise.

I was on the justice committee then. A lot of people had the opportunity to make whatever submissions they wanted to make on section 745. A few did. A few did say to get rid of it and a few said to keep it.

• (1800)

There was ample opportunity for consultation with respect to section 745. That is exactly where I moved my amendment to require that the jury be unanimous in reaching its verdict. When I say verdict, I should not use that term legally; I mean in reaching its decision of whether or not to allow for reduced eligibility for parole.

There was a lot of consultation on section 745. As it happens it is a huge bill which also contains the words "sexual orientation" and everybody started talking about that, except the people on the justice committee who were doing their jobs. We looked at every section and talked about a whole host of sections and made amendments. There were consultations.

Also, I have no problem at all, none, in saying that if there is one single member of a jury who says no, then it is no. Just as the convicted criminal has no problem if one single member of the jury says not guilty and the other 11 say guilty and he walks free. He has no problem with that. I have no problem with one saying no.

**Mr. Myron Thompson (Wild Rose, Ref.):** Madam Speaker, I heard in the speech by the hon. member that he still referred to this clause as the faint hope clause. I would suggest that after 80 per cent approval of some of these applications it has become the sure bet clause, not the faint hope clause.

He also said that through the use of a jury the voice of the people would be represented through a unanimous decision. If he is really concerned that the voice of the people is heard, then he would probably support a referendum on capital punishment. A national binding referendum would certainly give the voice of the people a chance to be heard.

I know the gentleman from our work together on the justice committee. I would say that he is a real fighter but I find it amazing that he would fight for second best. Apparently he believes abolishment would be first best. He said that fighting for second best is what we need to do.

I remind the member that if he is going home at night not to go only half way or he will never get there.

*Government Orders*

**Mr. Wappel:** Madam Speaker, I know the gentleman from my days on the justice committee and I know him as a fighter as well.

Faint hope. One reason there is an 80 per cent success rate is that it is 8 out of 12. I think when there is unanimity it will get back to where it should be, the exceptional case and not the rule.

On a binding referendum. I do not agree with referendums, generally speaking.

**Mr. Hoepfner:** Do you believe in elections?

**Mr. Wappel:** Yes, I do believe in elections. As a matter of fact that is why I am sitting in this seat. When I first ran in 1988 I told the people of Scarborough West that I did not believe in capital punishment. I have never believed in capital punishment, ever since I found out what the heck it was. I stood up and I said that and I am here for my second term. If they want to get rid of me on that issue, I am not going to change my mind. I do not believe in capital punishment. I do believe in life incarceration unless it is demonstrated that society should grant clemency. That is where I draw the line.

Concerning accepting second best, I do not think that section 745 should be abolished because I do think there is the occasional person who would benefit from this. Everybody, depending on the facts, will show mercy in a certain set of facts. That is the point of this clause: to show some compassion in certain circumstances. If we shut the door completely to compassion and hope, what is left in life?

**Mr. Jake E. Hoepfner (Lisgar—Marquette, Ref.):** Madam Speaker, it has been a lively debate and time is drawing on.

It is very obvious that the Reform Party believes that all persons convicted of first degree murder should be imprisoned for life with no chance for parole or conditional release in any form for 25 years. Consequently, section 745 of the Criminal Code should be repealed.

• (1805)

I remind the hon. gentleman from Scarborough West that when a criminal or a murderer is before the justice system, he gets convicted or he gets released. If the sentence he gets is not to his liking, he can appeal the decision and he can keep appealing the decision until he reaches the Supreme Court. We have seen in the last decade or so that anyone convicted of murder receives the best judicial people in the world to defend them. If we have gone through the process and the person is given a life sentence, it should mean life.

It is only because some weak-kneed politicians have refrained from making decisions which would benefit this country that we are \$600 billion in debt today which our future generations will

probably never look after. Weak-kneed politicians, out of convenience, have said that punishment is not a deterrent. I would like anyone to prove to me that punishment is not a deterrent.

I wonder why the government is continually bringing forward bills which introduce severe punishment for society. The non-compliance bill is definitely one which tries to infer that stiffer punishments will deter violators. If it works in monetary bills and in other bills, why will it not work in the justice system?

The Reform Party mirrors very well Canadians' displeasure with the current weak justice system. Criminals are brazen and tough and do not respect the justice system.

During the weekend of September 16 in Winnipeg a senior of 75 years of age found herself with two intruders in her bedroom at night. What did these people do? They rolled her up in a blanket and made sure she could not move. They tried to take off her wedding ring. They said if they could not get the ring off they would cut it off. Finally they tore off the chain which was around her neck. They went through her premises, ravaged about and took what they wanted. Then they stabbed her in the neck and in the shoulders and left her for dead.

What happened? This lady managed to get to a telephone. She called the police to tell them what had happened to her. What happened within 15 or 20 minutes after the police arrived? The same criminals came back to the same house looking for more stuff to plunder. They thought they had probably killed the lady and she would not have been able to phone the police. They were brazen enough to take the chance to return to take more items.

I suggest to the House that these people probably felt that if they got caught they would be better off inside the prison system anyway, so why would they not go back to see if there were more things in the house? Is this the type of society we want to protect or that we want to encourage to develop in future generations?

What happens to the victims and their families? Fortunately, I have not had to stand at too many murder victims' graves. I have never seen any faint hope clause for them. There is not one single instance where those victims will take another breath of fresh air. Those people are put six feet under the ground and all the families have to remember of that person is a mound of dirt and a headstone.

I listened to the family who had their 16-year old daughter abducted in the middle of the afternoon. She was tied up, thrown into a storage shed and froze to death. After 15 years I have never heard those people say: "We don't wish that our daughter was back".

• (1810)

It appalls me when I hear some people in this House say that we have to rehabilitate these criminals. The person that committed that

*Government Orders*

crime was never found. These people have never had to think about how they would feel toward that criminal, but every time they talk to a community or share their experience, all they have left are the positive memories that child provided for them. This teenage girl had a tremendous influence on her class and on her community, and her life was snubbed out without any consideration.

Now they want to tell me it is some chemical imbalance that makes people do something like this. Never in my 60 years had I even thought of considering that. The people who commit some of these heinous crimes have never had any discipline. They have never had any punishment. They have always had their way and they only think of one thing: themselves. They would not hesitate to put a knife or a bullet into somebody else if they thought they could get some advantage from it.

I do not know what it will take for politicians to realize that in the past 25 years this country has become a worse place to live in, not a safer place. Twenty-five years ago we had been farming for about a dozen years and we never thought of locking the door. We never thought of locking our gas tanks. We never thought that we should stay at home at night because there could be somebody loose and on the prowl. My in-laws who lived in town never dreamt of locking their doors.

Today people dare not go away. If they do not get robbed or if their buildings are not ransacked, something is wrong. I wonder if this is the type of society we have come to appreciate and accept. As long as I am in this House I will speak against this type of society. I have been to countries and have seen what has become of societies that have to protect themselves from the criminal element. They put steel fences around their property and they keep the criminals out, not in.

If this government does not start to realize that is the direction we are going in, it will not be too many generations before we are doing the very same thing. We can see the start of it in some communities already. Rather than protecting their homes from criminals, they are protecting themselves so they cannot get out into society.

One Monday morning in early September I turned on the radio and heard of a young girl named Megan Ramsay. She was five years old. Her mother's common law husband smashed her head in with a baseball bat. A five-year old kid. How can a human being be so degrading that they can do that?

I had to put down animals when I farmed but I never had the heart to use a stick or a bat to kill them. I would go for some kind of instrument that put them away quickly. Here in a family situation a stepfather used a baseball bat. And when he was arrested he was charged with second degree murder. Tell me ladies and gentleman,

how can we put second degree murder on somebody who uses a baseball bat to kill a five-year old girl?

That is how insensitive we have become to this type of conduct. We have come to the point where we know it is going to happen every day. If it has not happened to us personally, we say that we are lucky. But there is no place in this country where it is safe anymore. Twenty-five years ago I did not know what a drive-by shooting was. Today we see it in rural communities like Miami and Altona, Manitoba, areas where there was practically no crime 25 years ago. What has happened to this country? We have representatives in this House who really do not care in what direction we are going as long as it buys them a vote and they will be back here.

• (1815)

I hear members say that society has made these decisions. I have never seen a referendum on capital punishment. I have not seen a referendum on section 745 to circumvent the judgments the judicial system puts on the criminal or murderer.

If we are going to stand up in this House and use rhetoric that seems to suit our ears instead of addressing the issues, we will not make very many decisions to benefit this country.

Why am I so dead set against reversing sentences when they have been pronounced by our judicial system? If we circumvent one law we can do it in other laws.

There is a situation right now in my province where a farmer has gone to jail for selling his own grain for the best price he could. That is not the worst violation, but we also have a farmer who has been benefiting tremendously by keeping his mouth shut and not opening up to say what really happened. If this is justice we are going down the wrong track.

When we are going down the wrong track it is only a matter of time before we have a derailment. The derailment of the justice system over the last 25 or 30 years is something everybody saw coming as soon as capital punishment was done away with, without going to the people for their advice. It was politicians who thought they knew better. They knew what the country needed. Today I must say we have gone a long way toward that derailment and sooner or later the whole train will crash.

We have seen it in different countries where that has happened, Rwanda, Africa and other countries in Asia. We can name one after another.

We still have a democracy where we can change things, but if we are going to address our problems the way we have in the last couple of sessions, I do not have very much hope that we are going to avoid catastrophes.

Hon. members across the way know that when we came in here and said zero in three they threw up their hands and said "no way, we don't need to balance our budget". If they had done it three years ago as we asked them to do we would have money to spend

*Government Orders*

on rehabilitating some of these minor criminals, not the major criminals.

**An hon. member:** Tell the truth.

**Mr. Hoepfner:** That is the truth. It is the honest to goodness truth, and the hon. member knows it. Six hundred billion dollars in debt and his grandchildren will never pay it. That is the truth.

If hon. members say that is not the truth, then let them call it a lie. If it is not the truth then it is a lie and we have \$600 billion of debt.

I am sure the people who helped implement the policies which created that debt are not going to pay it back. They would not even want to try.

It is the same way with the justice system. If they want to try to reverse the system they had better start getting on track and doing something about it instead of using rhetoric which sounds like it was taken from some futuristic generation that did not know what death was. That is what we are talking about.

When I stand at the graveside of one of those murdered people I know there is an imprint on that family for its entire life. Nobody can erase it no matter how the criminal is rehabilitated. The impression on the memory is there.

• (1820)

I will tell the House how I know this. My grandmother, who came out of the Russian revolution, reminisced day after day before she died about the tragedies she had faced. She died while in a coma. These families that have murder victims in their families will never forget it no matter how rehabilitated the criminal is.

If that is not a message that should go to everyone's heart I do not know what else I can say. Does anyone want to see that vision in their dying days? Does anyone want to lay there in a coma thinking: "I was there and I helped defend the criminals instead of going after the protection of the victims and the citizens"?

We heard a Bible quote from someone which stated we should forgive. I also know a Bible quote which states that the government has been given the sword to exercise it. That does not mean just to defend its borders. The government is there to exercise that sword to protect its individual citizens, which is one thing this government is not doing. It is weak-kneed and arrogant and will not listen to the general public.

If we went to a referendum today on capital punishment, if any indication of my constituency has an effect over the country, it would pass by 85 per cent to 95 per cent. Why are we afraid to go to a binding referendum? Why do we not give the people in this country a chance to say what they feel? Why do we not finally listen to the grassroots people and do what they want us to do? No

way. That is too easy. We would rather sit here day after day and joke about the problems we have in this country.

It is not a joke anymore when we have hundreds of people murdered every year and hundreds of thousands of people on welfare who cannot find a job because we have spent the future they deserved. What else can I tell this Parliament? Disband and have an election? No, we do not want elections too often because that is costly, I agree, but I am sure that a lot of these issues will not be talked about in the next election. They will be hid underneath some other political rhetoric.

What are we going to do about that? After 60 years in this country I have seen the good times and the poor times, but I hope we get better times. In 1972 when we had probably the most fluent times in the farming industry, when wheat went from \$1.50 to \$5 or \$6, my mother said you will see starvation in this country. This is exactly what happened in the Soviet Union in 1912 to 1914. People got rich. I said it could never happen. Today I have seen it. I have seen food banks which I have never seen before in every city and every town, something we thought could never happen in this country.

There have been drive-by shootings which we thought could never happen in this country. We have had mass murders to an extent we had never seen before and we are saying that the price of justice is not a deterrent. Punishment is not a deterrent. Why are we implementing any legislation? Why are we giving speeding tickets? Why are we giving this and that? Abandon them. If punishment is not a deterrent let us forget it.

I appreciate these few moments. I hope I have a few members thinking.

**Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Madam Speaker, I listened attentively to the remarks of the hon. member across the way. I want to tell the House how profoundly I disagree with many of the things he said. He is making this country appear uncaring. He is making us into something other than Canadians, and he is wrong. All Canadians are proud of the great record that we have in terms of our crime rate, which is much lower than many others, and so on.

Some people across are going to heckle.

• (1825)

The crime rate has fallen 1 per cent for the fourth year in a row. Violent crime fell 4 per cent, the third decline and the largest drop since 1962. The homicide rate has dropped 3 per cent, reaching its lowest level since 1969. Minor assaults have dropped 3 per cent. Sexual assaults dropped 21 per cent. Homicides involving firearms dropped 10 per cent.

We heard comments from the hon. member across, somehow trying to draw a parallel between the situation in this country and the civil war that occurred in the Soviet Union under the white and red Russians. That is what he said.

*Government Orders*

[*Translation*]

Yes, the member across the way has said it, it is so much rhetoric. That is what we have just heard from the member across the way.

Finally, he told us that the situation in Canada resembled, or could resemble, that in Rwanda. Such statements are insulting.

[*English*]

Some hon. members across are displaying, by a show of hands, the number of murders occurring in a given community. They want to stop others from speaking, and that is typical of the Reform Party. They think they have a monopoly on the truth.

Canadians know what they are all about. It is a game of fear and hatred that they are trying to promote, Canadians one against the other. That is wrong. That is not the type of country in which we live. Notwithstanding the best efforts of the Reform Party, it is not the country in which we will live.

The hon. member who just spoke talked about capital punishment, about having a binding referendum on capital punishment.

**An hon. member:** Where did this guy come from?

**Mr. Boudria:** I know where I came from. I came from my constituency. I was elected by my electors eight times. The day after tomorrow it will be my 20th anniversary in public office. The member across who is still wet behind the ears in this House should have a bit more respect.

The hon. member's colleague in his speech was a bit more polite than the one who is heckling now said about capital punishment that we should have a binding referendum in Canada. The member is free to campaign on that if he wishes.

I have spoken on the debate in this House against capital punishment. I have, following that, made copies of my speech and sent it to every elector in my constituency. In the subsequent election, which is the last one, they sent me here with 82 per cent of the votes in my riding.

**An hon. member:** Not on that issue.

**Mr. Boudria:** The member may say not on that issue, and perhaps he is right. The point I am making to him is that if he thinks he can get elected on that issue alone, I will tell him that he is wrong.

Instilling that kind of hatred in Canadians is not going to work. It is wrong. Does the hon. member or any of his colleagues know, for

instance, that a country could not even be admitted to the European Economic Community if it had capital punishment?

Does he know, for instance, that the country with the lowest murder rate in the western world is Belgium, which has no capital punishment and has not had for decades and decades? It was probably the first European jurisdiction to be that way.

Does he know that the country with the second lowest murder rate in the western world is the Irish republic? It does not have that either. Does he know? Does he care? No, because it does not fit into that kind of hate pattern they are trying to instil in Canadians.

It is not going to work in this country because Canadians are smarter than that. They will not fall for that kind of nonsense.

**Mr. Thompson:** Madam Speaker, I rise on a point of order. It is improper and unparliamentary to start referring to us as hate pushers of any nature. I would ask this member to retract it.

**Mr. Hoepfner:** Madam Speaker, I would like to respond to the hon. member.

**The Acting Speaker (Mrs. Ringuette-Maltais):** We still have two minutes for questions and comments. Had the hon. member completed before the interruption of a point of order?

**Mr. Boudria:** Madam Speaker, I will continue my comments very briefly about the crime rate in Canada and about what this government is doing.

This government has taken the proper approach. This government has seen one party across the way say we should send this bill a lot further down the road. The other party said we should not have done anything at all. The government did not do either with the propositions. We did the right thing.

**Mr. White (Fraser Valley West):** Madam Speaker, I thought a point of order was called. I do not think it was addressed at all here. Are you going to have the point of order addressed?

**The Acting Speaker (Mrs. Ringuette-Maltais):** It was not a point of order. I have addressed it. The honourable member has continued on.

[*Translation*]

It being 6.30 p.m., the House stands adjourned until tomorrow at 10 a.m.

(The House adjourned at 6.30 p.m.)







# CONTENTS

Monday, September 23, 1996

## PRIVATE MEMBERS' BUSINESS

### Broadcasting Act

Bill C-216. Consideration resumed of report stage and on Motions Nos. 1 and 2 .....	4529
Mr. Abbott .....	4529
Ms. Beaumier .....	4530
Mr. Schmidt .....	4532
Mr. Bélanger .....	4533
Mr. Easter .....	4534
Mr. Riis .....	4535
Motion No. 1 negatived on division: Yeas, 67; Nays, 83. . .	4536
Motion No. 2 agreed to on division: (Yeas, 83; Nays, 66) .	4536
Motion for concurrence .....	4537
Mr. Gallaway .....	4537
Motion agreed to on division: Yeas, 83; Nays, 68. ....	4537
Bill C-216. Motion for third reading. ....	4538
Mr. Gallaway .....	4538
Motion agreed to on division: Yeas, 84; Nays, 68 .....	4538
(Bill read the third time and passed.) .....	4539

## GOVERNMENT ORDERS

### Criminal Code

Bill C-45. Consideration resumed of motion for third reading, and the amendment .....	4539
Mr. Pickard .....	4539
Mr. Hanger .....	4540
Mr. de Savoye .....	4542
Mr. Hanger .....	4544
Mr. Schmidt .....	4545
Mr. Ringma .....	4545

## STATEMENTS BY MEMBERS

### Shania Twain

Mr. Thalheimer .....	4548
----------------------	------

### Canadian Wheat Board

Mr. Thompson .....	4548
--------------------	------

### Canadian Broadcasting Corporation

Mr. Solomon .....	4548
-------------------	------

### National Conference for Youth

Mr. Bevilacqua .....	4548
----------------------	------

### Job Creation

Mr. Bélisle .....	4549
-------------------	------

### Armenia

Mr. Assadourian .....	4549
-----------------------	------

### World Alzheimer Day

Mrs. Ur .....	4549
---------------	------

### Art and Margaret Dirkson

Mr. Epp .....	4549
---------------	------

### The Internet

Mrs. Venne .....	4550
------------------	------

### Irving Whale

Mr. Easter .....	4550
------------------	------

## Federal Public Servants

Mr. Discepola .....	4550
---------------------	------

## The Department of Human Resource Development

Mr. Marchand .....	4550
--------------------	------

## Liberal Party

Mr. Harris .....	4551
------------------	------

## The Mouvement de Libération Nationale du Québec

Mrs. Bakopanos .....	4551
----------------------	------

## Goods and Services Tax

Mrs. Jennings .....	4551
---------------------	------

## ORAL QUESTION PERIOD

### The Canadian Armed Forces

Mr. Gauthier .....	4551
Mr. Collenette .....	4552
Mr. Gauthier .....	4552
Mr. Collenette .....	4552
Mr. Gauthier .....	4552
Mr. Collenette .....	4552
Mr. Brien .....	4552
Mr. Collenette .....	4553
Mr. Brien .....	4553
Mr. Collenette .....	4553
Miss Grey .....	4553
Mr. Collenette .....	4553
Miss Grey .....	4553
Mr. Collenette .....	4554
Miss Grey .....	4554
Mr. Collenette .....	4554

### Job Creation

Mr. Loubier .....	4554
Mr. Peters .....	4554
Mr. Loubier .....	4554
Mr. Peters .....	4554

### Somalia Inquiry

Mr. Hart .....	4554
Mr. Collenette .....	4555
Mr. Hart .....	4555
Mr. Collenette .....	4555

### Air Transport

Mr. Crête .....	4555
Mr. Anderson .....	4555
Mr. Crête .....	4555
Mr. Anderson .....	4556

### Department of National Defence

Mr. Strahl .....	4556
Mr. Collenette .....	4556
Mr. Strahl .....	4556
Mr. Collenette .....	4556

### Family Trusts

Mr. Guimond .....	4556
Mrs. Stewart (Brant) .....	4556
Mr. Guimond .....	4557
Mrs. Stewart (Brant) .....	4557

<b>Sydney Tar Ponds</b>	
Mr. MacLellan .....	4557
Mr. Marchi .....	4557
<b>Churchill Falls</b>	
Mrs. Ablonczy .....	4557
Ms. McLellan .....	4557
Mrs. Ablonczy .....	4558
Ms. McLellan .....	4558
<b>The CBC</b>	
Mrs. Tremblay (Rimouski—Témiscouata) .....	4558
Ms. Copps .....	4558
Mrs. Tremblay (Rimouski—Témiscouata) .....	4558
Ms. Copps .....	4558
Mr. Abbott .....	4558
Ms. Copps .....	4558
Mr. Abbott .....	4558
Ms. Copps .....	4559
<b>Fisheries</b>	
Mr. Culbert .....	4559
Mr. Mifflin .....	4559
<b>The Irving Whale</b>	
Mrs. Guay .....	4559
Mr. Marchi .....	4559
<b>Goods and Services Tax</b>	
Mrs. Jennings .....	4559
Mr. Peters .....	4560
<b>Canada Pension Plan</b>	
Mr. Robinson .....	4560
Mr. Nault .....	4560
<b>Income Taxes</b>	
Mr. Dromisky .....	4560
Mr. Peters .....	4560
<b>Privilege</b>	
<b>Speaker's Ruling—Bill C-234</b>	
The Speaker .....	4560

## ROUTINE PROCEEDINGS

<b>Canadian Centre for Occupational Health and Safety</b>	
Mr. Gagliano .....	4562
<b>Government Response to Petitions</b>	
Mr. Zed .....	4562
<b>Committees of the House</b>	
<b>Procedure and House Affairs</b>	
Mr. Zed .....	4562
<b>Act to Change the Name of the Electoral District of Bourassa</b>	
Bill C-326. Motions for introduction and first reading deemed adopted. ....	4562
Mr. Nunez .....	4562

<b>Committees of the House</b>	
<b>Procedure and House Affairs</b>	
Motion for concurrence in 27th report .....	4562
Mr. Zed .....	4562
(Motion agreed to.) .....	4562
Motion .....	4562
Mr. Zed .....	4562
(Motion agreed to.) .....	4562
<b>Finance</b>	
Motion for concurrence in third report .....	4562
Mr. Grubel .....	4562
Mr. Williams .....	4564
Motion .....	4565
Mr. Shepherd .....	4565
Mr. Loubier .....	4566
Mr. Crête .....	4569
Mr. McClelland .....	4569
Division on amendment deferred .....	4570
<b>Petitions</b>	
<b>Young Offenders</b>	
Mr. Wappel .....	4570
<b>Assisted Suicide</b>	
Mr. Wappel .....	4570
<b>Profits from Crime</b>	
Mr. Wappel .....	4570
<b>Interest on Loans</b>	
Mr. Riis .....	4571
<b>Income Tax</b>	
Mr. Szabo .....	4571
<b>Labelling of Alcoholic Beverages</b>	
Mr. Szabo .....	4571
<b>Impaired Driving</b>	
Mr. Szabo .....	4571
<b>Questions on the Order Paper</b>	
Mr. Zed .....	4571

## GOVERNMENT ORDERS

<b>Criminal Code</b>	
Bill C-45. Consideration resumed of motion for third reading .....	4572
Mr. Ringma .....	4572
Mr. Wappel .....	4572
Mr. Lebel .....	4573
Mr. Milliken .....	4573
Mr. McClelland .....	4577
Mr. Thompson .....	4578
Mr. Crête .....	4578
Mr. Hoepfner .....	4580
Mr. Wappel .....	4581
Mr. Wappel .....	4582
Mr. Fillion .....	4585
Mr. Thompson .....	4585
Mr. Hoepfner .....	4586
Mr. Boudria .....	4588

**MAIL  POSTE**

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**8801320**

**Ottawa**

*If undelivered, return COVER ONLY to:*

Canada Communication Group — Publishing

45 Sacré-Coeur Boulevard,

Hull, Québec, Canada, K1A 0S9

*En cas de non-livraison,*

*retourner cette COUVERTURE SEULEMENT à:*

Groupe Communication Canada — Édition

45 boulevard Sacré-Coeur,

Hull, Québec, Canada, K1A 0S9

**Published under the authority of the Speaker of the House of Commons**

**Publié en conformité de l'autorité du Président de la Chambre des communes**

**Also available on the Parliamentary Internet Parlementaire at the following address:  
Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :  
<http://wwwparl.gc.ca>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Additional copies may be obtained from the Canada Communication Group — Publishing, Public Works and Government Services Canada, Ottawa, Canada K1A 0S9, at \$1.75 per copy or \$286 per year.**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**

**On peut obtenir la version française de cette publication en écrivant au Groupe Communication Canada — Édition, Travaux publics et Services gouvernementaux Canada,  
Ottawa, Canada K1A 0S9, à 1.75 \$ l'exemplaire ou 286 \$ par année.**