



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, May 29, 2001**

**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Tuesday, May 29, 2001

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1005)

[*English*]

### CANADIAN FORCES PROVOST MARSHALL

**Mr. John O'Reilly (Parliamentary Secretary to Minister of National Defence, Lib.):** Mr. Speaker, pursuant to Standing Order 32(2) I have the honour to table, in both official languages, two copies of the 2000 annual report of the Canadian Forces Provost Marshall.

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### GOVERNMENT RESPONSE TO PETITIONS

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

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### COMMITTEES OF THE HOUSE

ABORIGINAL AFFAIRS, NORTHERN DEVELOPMENT AND NATURAL RESOURCES

**Ms. Nancy Karetak-Lindell (Nunavut, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources.

Pursuant to the order of reference of Friday, May 18, 2001, your committee has considered Bill S-24, an act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an act in consequence.

Your committee has agreed to report it without amendment.

### PUBLIC SERVICE WHISTLEBLOWING ACT

**Mr. Greg Thompson (New Brunswick Southwest, PC),** seconded by the hon. member for Winnipeg Centre, moved for leave to introduce Bill C-351, an act to assist in the prevention of wrongdoing in the public service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers.

• (1010)

He said: Mr. Speaker, the whistleblowers bill is very much in the same flavour, somewhat identical to Bill C-206 submitted to the House by the member next to me. Basically it is the same bill, another whistleblowers bill which is identical to the bill introduced in the other place by Senator Kinsella.

It is an example of how parliament could and should work together to get things done. It is a bill that should have been brought in by the government of the day because obviously it was a red book promise in 1993.

We have had a series of bills submitted to the House over the past few parliaments, recognizing that the public servants of Canada need protection so that they can bring breaches of ethics and ethical practices to the forefront without punishment from their employers. The bill would also establish a framework of education on ethical practices within the public service.

I am hoping the bill will be drawn for debate and will become a votable bill. Certainly we have support from both sides of the House, and I hope the government will see fit to bring a bill forward if we cannot do it as private members.

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

\* \* \*

### CRIMINAL CODE

**Mr. Myron Thompson (Wild Rose, Canadian Alliance)** moved for leave to introduce Bill C-352, an act to amend the Criminal Code (dangerous offender).

He said: Mr. Speaker, this private member's bill is entitled an act to amend the criminal code respecting dangerous offenders. It

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provides an application under section 753 of the criminal code to deem people dangerous offenders before they are released from prison for an offence on parole or mandatory supervision or on the date when the sentence expires.

Too many times frontline police officers and parole officials have been warned that individuals should not be put back into society since they are in danger of reoffending. The bill would prevent that from happening.

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

\* \* \*

**CRIMINAL CODE**

**Mr. Myron Thompson (Wild Rose, Canadian Alliance)** moved for leave to introduce Bill C-353, an act to amend the Criminal Code (arrest without warrant).

He said: Mr. Speaker, my second private member's bill is entitled an act to amend the criminal code respecting arrest without warrant. It is based on a number of meetings I have had with police officers across Canada in which they have repeatedly stated that they need more power to enforce the law in order to make society safer.

The bill helps them achieve that by giving peace officers the power to arrest without a warrant a person who is in breach of a probation order binding the person or a condition of the person's parole.

Presently they can only notify parole officers and sometimes it takes so long that a crime is committed. This would prevent that from happening.

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

\* \* \*

• (1015)

**CRIMINAL CODE**

**Mr. Myron Thompson (Wild Rose, Canadian Alliance)** moved for leave to introduce Bill C-354, an act to amend the Criminal Code (taking samples of bodily substances).

He said: Mr. Speaker, I am pleased to introduce Bill C-354, an act to amend the criminal code by taking samples of bodily substances. The idea for the bill came from Bev and Lloyd Bergeson of Cremona, Alberta, who lost their daughter Janiece to a dangerous driver.

The bill would allow a peace officer, who has reasonable or probable grounds to believe that a person is operating a motor vehicle in a dangerous manner and has caused the death of another person, to demand that the person provide a urine, breath or blood sample to determine the concentration of any alcohol in the person's blood.

The bill would ensure that those who are suspected of driving drunk would be tested immediately by a police officer. There would no longer be any reason to delay the testing of a person as a result of the bill.

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

\* \* \*

**PETITIONS**

## THE ENVIRONMENT

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am very pleased to table a petition signed by residents in my constituency of Winnipeg North Centre and other citizens of Winnipeg.

The petitioners are concerned that cellular telephone towers and antennae and the radio frequency electromagnetic radiation that they emit have not been proven to be unsafe. They are concerned about possible biological changes as a result of RF emissions. They are also concerned that the introduction of cellular towers into residential areas could be problematic in terms of the health and well-being of those neighbourhoods and the residents in these areas.

They call upon parliament to impose a moratorium on the erection of cellular telephone antennae and towers in residential areas and to create federal standards for cellular telephone and antennae locations that apply to principles of prudent avoidance.

\* \* \*

[Translation]

**QUESTIONS ON THE ORDER PAPER**

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

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

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[English]

**YOUTH CRIMINAL JUSTICE ACT**

**Hon. Ethel Blondin-Andrew (for the Minister of Justice)** moved that Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the third time and passed.

**Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I am pleased to speak today to Bill C-7, the youth criminal justice act.

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The youth criminal justice act is a balanced, fair and effective approach to youth justice that is supported by a majority of Canadians.

Of course, there are many views on how to address a topic as complex as youth crime and the youth justice system. Some argue that the youth criminal justice act is too harsh. Others argue it is too weak and not tough enough. The federal government, which is responsible for criminal law, has heard these views and considered them in the development of the youth criminal justice act.

The youth criminal justice act is not about what is tough or easy, but about what is fair and appropriate. I would like to focus my comments today on recent get tough recommendations made by the attorney general of Ontario.

Before addressing some of Ontario's specific recommendations, I will first comment on Ontario's claim that it has not been allowed to voice its concerns about the youth criminal justice act. This claim is simply baseless.

The Minister of Justice met with provincial and territorial ministers of justice on this issue on a number of occasions and she has heard Ontario's views. Furthermore, Ontario, like all other provinces, was invited to have its officials participate in the parliamentary committee hearings on the bill. It was Ontario's choice to decline to participate in this forum. Instead, it held its own hearings after three years of consultation and debate.

● (1020)

Let us turn to some of Ontario's recommendations in its get tough approach.

Ontario recommends that 16 and 17 year olds be automatically tried and sentenced as adults when charged with a serious offence, such as murder, attempted murder and manslaughter. This recommendation is part of Ontario's call for adult time for adult crime. This may be a catchy sound bite but it is a terribly flawed youth justice policy.

Bill C-7 makes it clear that 16 and 17 year olds who commit serious offences can receive an adult sentence. The bill provides a presumption that a young person 14 years of age or older found guilty of the most serious offences should receive an adult sentence. These offences include murder, attempted murder, manslaughter, aggravated sexual assault and repeated other serious violent offences. The presumption means that it is up to the young person to persuade the judge that he or she should receive a youth sentence rather than an adult sentence.

Bill C-7 also permits provincial prosecutors to apply for an adult sentence for any offence for which an adult would liable to more than two years in prison. This allows provincial prosecutors to request an adult sentence for a wide range of offences.

Unlike Ontario's proposal, the youth criminal justice act does not make adult sentences automatic. The youth criminal justice act reflects a belief that judges can be trusted to consider the specific circumstances of a case and to determine whether a particular offence and offender requires an adult sentence. It also assumes that provincial prosecutors can be trusted to seek an adult sentence in appropriate cases. If the judge finds that a youth sentence would not be adequate to hold the young person accountable, the judge is required to impose an adult sentence.

Ontario's proposal neglects to take into account that judges, after having heard all the elements of the case before them and after consideration of the facts, are best placed to determine whether a youth sentence would be adequate to hold the young person accountable or if an adult sentence is appropriate. Ontario apparently does not trust its own prosecutors to use their judgment, consider the circumstances of a particular offence and apply for an adult sentence in appropriate cases.

Allow me to address another area of Ontario's concerns. Ontario recommends applying adult parole provisions to young people who have received an adult sentence for murder.

Under Bill C-7, if a young person receives an adult sentence for first degree murder a life sentence would be imposed. What is fundamental to a youth justice system is the underlying principle that a youth has a better chance of rehabilitation and a re-integration into the community. This is precisely the reason for which we have allowed for intensive rehabilitation programs to be initiated where appropriate.

It is important to remember that no one serving an adult murder sentence would be released unless the parole board is satisfied that the public would not be at risk if the person were to serve a portion of the sentence in the community, under supervision.

Ontario also recommends that the maximum youth sentence be increased. Ontario fails to specify what the maximum youth sentence should be and it fails to provide any rationale for increasing the maximum sentence.

The youth criminal justice act does not increase the maximum youth sentences for a good reason. There is no evidence that judges have found the existing maximum sentences to be not long enough. Longer maximum sentences are not required to impose meaningful consequences that are fair and proportionate to the seriousness of the offence. Longer maximum sentences would not increase the likelihood that the young person will be rehabilitated.

Ontario may not be aware that young persons often receive sentences that are more severe than the sentences adults receive for the same offence. For example, for eight of the nine most common offences in youth court, youth currently receive longer periods of custody than adults who receive custody for the same offence. In

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addition, youths spend more time in custody than adults with similar sentences due to the adult conditional release provisions. These are interesting statistics indeed.

Ontario further recommends mandatory non-discretionary sentences for 12 to 15 year olds who receive a youth sentence for murder.

Under the youth criminal justice act, the judge must impose a custodial sentence for murder. The maximum youth sentence for a first degree murder is 10 years and the maximum youth sentence for a second degree murder is 7 years. The judge determines what proportion of the sentence will be served in custody and what portion of the sentence will be served in the community, under conditional supervision. If the young person breaches a condition of the conditional supervision, he or she can be returned to custody.

It is very unusual for 12 to 15 year olds to commit murder. If such an event occurs, it requires a careful consideration of all the circumstances of the offence and flexibility for the judge to design a sentence that will hold the young person accountable for the offence by imposing meaningful consequences while promoting the rehabilitation of the young person. This is the approach taken in the youth criminal justice act. It is based on the assumption that judges are quite capable of exercising their discretion appropriately.

• (1025)

Ontario recommends that co-accused adults and a young person be tried together. Bill C-7 is based on the fundamental principle that young persons aged 12 to 17 are not adults and they are entitled to separate rules and procedures to take into account their reduced level of maturity.

For nearly 100 years in Canada, young persons charged with offences have been tried separately from adults. A separate trial for young persons and youth courts are a cornerstone of the youth justice system in Canada and throughout the western world.

Although joint trials are possible under the Young Offenders Act, if a young person is transferred to an adult court they are rarely used, and the current transfer process has many problems, including complexity, long delays and unfairness. These problems are addressed in Bill C-7 through the new adult sentencing provisions. All youths would be tried in youth court and only if and when the youth has been found guilty does a court turn its mind to the appropriate sentence. This is fairer and more efficient.

Ontario further recommends that the focus on alternatives to custody be removed. The youth criminal justice act emphasizes the importance of alternatives to custody because a major problem under the Young Offenders Act is the very high use of custody, particularly for the less serious and non-violent offences.

The youth incarceration rate is higher in Canada than in other western countries, including the United States. The youth incarceration rate is higher than the adult incarceration rate in Canada.

About 80% of custodial youth sentences are for non-violent offences. Alternatives to custody, such as requiring the young person to repair the harm caused to the victim, can be more meaningful and more effective than custody in terms of rehabilitation.

Ontario locks up more than 12,000 young persons a year. Ontario has one of the highest rates in the country of incarcerating first offenders found guilty of minor theft. Ontario has been criticized by its own provincial auditor for wasting taxpayer dollars by failing to use more alternatives to custody.

Bill C-7 emphasizes the importance of alternatives to custody while retaining considerable discretion for judges to decide on a fair sentence that holds the young person accountable based on principles of proportionality and promoting the rehabilitation of the young person.

Ontario also recommends that the youth criminal justice act permit publication of the identity of any young offender who is 14 years or older and is charged with a serious offence for which an adult sentence is being sought for the duration of the trial. This recommendation would mean that whenever a provincial prosecutor decides to seek an adult sentence the identity of the young person would be made public before a judge even determines whether the young person was guilty of the offence. This would place enormous power in the hands of prosecutors. It would be fundamentally unfair to young persons who are entitled to be presumed innocent and would largely destroy the longstanding protection of privacy of young persons.

The youth criminal justice act would provide a much fairer approach. It would permit the publication of a young person's identity after a young person has been found guilty of the offence and a judge has determined that an adult sentence is necessary to hold the young person accountable.

It is clear that Ontario's recommendations cannot be supported. Ontario's approach is overly punitive and fails to recognize that young people are not adults. It is not supported by research and it is not reflective of the approach that most Canadians support. It also reflects a fundamental lack of competence in judges and prosecutors being able to exercise discretion to achieve fair, proportionate results. It also lacks faith that youth can be rehabilitated and reintegrated into communities.

Bill C-7 is a much more balanced, fair and effective approach to youth justice. It would require meaningful consequences to be imposed yet recognizes that such consequences do not necessarily

require incarceration or sending a young person to an adult system. It emphasizes the importance of prevention, rehabilitation and reintegration. It recognizes that young persons are still maturing and should be treated differently from adults. It recognizes that the circumstances of an offence can be complicated and that judges should be able to consider these circumstances in determining a fair, proportionate sentence.

The youth criminal justice act is legislation that most Canadians support because, unlike Ontario's approach, it is based on fundamental principles of fairness.

**Mr. Chuck Cadman (Surrey North, Canadian Alliance):** Mr. Speaker, finally we are reaching the last stage of bringing forth a new law in respect of young criminal offenders.

• (1030)

When I first came to this place in 1997, I remember the minister commenting on how youth justice was on her list of priorities and had been since the previous spring. It is now the spring of 2001, four years later. Four years for this piece of legislation is just a little much, especially when we look at the lack of the quality of this bill.

Canadians soon became disenchanted with the Young Offenders Act when it replaced the Juvenile Delinquents Act, but just wait until this youth criminal justice act begins its journey through our courts and through our justice system. It is an abysmal attempt to re-legislate our youth justice law. It is complicated and will be extremely costly, as legal argument after legal argument is made over what parliament's intention was when it is passed.

The bill will unduly delay justice for young offenders, for victims of youth crime and for communities. Anyone listening to this speech will quite naturally ask why. Because this government was never interested in listening to sound arguments and suggestions for improvement. Why? Because the government had a preconceived strategy to merely go through the motions over a number of years and appear to hear from interested parties from one end of this country to the other, while having no intention of deviating from its own determination of what was right for its citizens.

I will spend just a few moments to outline the progress of this legislation.

In 1997 the justice committee completed a cross country review of the Young Offenders Act and made a number of recommendations. One of the most significant recommendations of that committee was to include 10 and 11 year olds under the youth justice legislation. Remember that Liberals controlled the committee as they made up the majority of the body. The committee heard of a number of tragic cases whereby 10 and 11 year olds were committing serious and violent crimes, and thumbing their noses at police

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and the justice system. These young law breakers knew that the present law would not touch them.

The committee also heard case after case whereby social welfare or children aid facilities lacked the expertise and the resources to properly assist these delinquents to get back on to the straight and narrow.

The justice committee recognized the necessity to bring 10 and 11 year olds into the more formal youth justice process for the safety and security of communities, but especially for the interest, guidance and protection of the offenders themselves. There should be a definite desire to address misbehaviour before it develops into more serious criminal activity and before it becomes too late.

Bill C-7 fails to include 10 and 11 year old offenders. Those who are in so much need for assistance and redirection will not get it. The government does not seem to be interested in helping those who desperately need it. The minister's answer seems to be that we should just leave it to present social welfare organizations even though it has been acknowledged that they are failing and have failed in that regard.

In 1997 the provinces of Alberta, Manitoba, Prince Edward Island and Ontario came to an agreement on youth justice at what was known as the Prince Edward Island conference. One of the proposed amendments to the Young Offenders Act was to reduce the age of criminal accountability. As I already mentioned, this aspect was completely ignored by the government's youth legislation even though those provinces represented a significant portion of the country.

Those provinces also agreed on a number of issues, such as: first, providing for easier transfer to adult court and automatic identification of repeat and serious offenders; second, application of their victim surcharge to young offenders; third, restriction of legal aid to circumstances where youth or the guardians cannot afford to pay for legal services; and fourth, mandatory custody for offences involving the use of weapons.

Needless to say the government did not listen to these provinces. Their proposals were ignored and disregarded. This was in spite of the fact that it was the provinces that were on the ground floor, so to speak, on the whole aspect of youth justice.

In Canada the provinces have constitutional responsibility to administer our youth criminal law. The federal government merely makes the law and leaves it to the provinces to try to administer whatever mess the legislation creates. No wonder we often question why the provinces and the federal government seem to be at odds with each other over so many areas of mutual involvement.

Our constitution could not have been drafted any better for the federal government. It writes the law and then when the law causes difficulty, impossibilities, criticism and outrage, it merely points

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an accusing finger at the provinces and their administration of the legislation.

As we can see, the government refused to listen to its own justice committee and it refused to listen to the provinces, its partners in the youth justice process. I do not know how much influence the minister even had over her own legislation. We all hear how the Prime Minister's Office seems to dictate and direct almost everything that happens in parliament. I do know that she is ultimately responsible as this legislation has her name on it.

However, so far I have only spoken about the situation back in 1997. She still had a lot of time to rectify legislation that was so far off track. After all, she still had debate in this place to consider. The justice committee would also have had the opportunity to review the legislation and propose changes, and the House would have had the opportunity at report stage to consider further proposals.

• (1035)

I remember very well the fall of 1997 and spring of 1998 because it was when I first came here. For a number of months the minister kept answering questions about legislation to replace the Young Offenders Act. Upon her appointment as Minister of Justice in the early summer of 1997, she stressed that a new youth justice program was among her priorities. She also characterized the Young Offenders Act as "easily the most unpopular piece of federal legislation".

For the rest of 1997, all 1998 and into the spring of 1999, the official opposition pressured the minister to introduce her long promised legislation. We all should remember her continual claims that it would be coming to the House in a timely manner or fashion.

In March 1999 it finally arrived as Bill C-68. It was little more than a revision of the Young Offenders Act. A significant number of experts and persons involved with the youth justice process criticized the legislation as being as bad as or worse than the Young Offenders Act. Others characterized it as being essentially the Young Offenders Act with a new name, the youth criminal justice act. In any case, the government merely brought in the legislation to put off the pressure that had been coming from all directions over just where the youth justice legislation was.

Not much was done with Bill C-68 when the House recessed for the summer of 1999. Over the summer the Prime Minister prorogued parliament and the bill died on the order paper. It should have stayed dead.

At the beginning of the second session of the 36th parliament, the justice minister again talked about youth justice legislation appearing in a timely manner. She then reintroduced her legislation as Bill C-3. It was nothing more than Bill C-68 with a new number. From its introduction in October 1999 until parliament was dis-

solved in October 2000, the government had clearly indicated that it was not open to suggestions. After almost a year before the justice committee, and after a significant amount of witness testimony, the Liberal dominated justice committee referred the bill to the House of Commons unchanged.

The committee did not deal with any of the submitted amendments. It received approximately 250 proposed amendments, including roughly 150 from the government itself which were primarily technical in nature. The Bloc submitted two amendments. In summary, its amendments were to keep the Young Offenders Act or exempt Quebec from the youth criminal justice act, allowing the province to continue operating under the Young Offenders Act.

The Progressive Conservatives had some very practical suggestions that would likely have received support from many members of the official opposition. The NDP proposals were not generally in accordance with our views and we likely would not have supported them.

I proposed approximately 50 substantial amendments which followed much of what had been heard through the justice committee process, as well as a number of changes to simplify what many experts deemed to be a complex piece of legislation that would become a haven for legal arguments throughout the various court levels. Youthful offenders would be subject to inordinate delays, legal aid costs would soar, as would costs for court administration, crown attorneys and police.

At report stage of Bill C-3, the opposition parties and the government resubmitted their committee amendments. In addition, the Bloc decided to filibuster the process and presented more than 3,000 proposals to send a message of its dissatisfaction with the bill. Consequently, Bill C-3 died on the order paper with the election call in October 2000.

The legislation was essentially reintroduced as Bill C-7 in this parliament. It was almost in the same format as it was when it was known as Bill C-68 in 1999. In over two years the government merely reaffirmed its intention of refusing to accept any significant change.

Just recently the minister, in response to one of my questions in the House, attempted to confuse Canadians when she suggested that she had made some 182 amendments to her youth criminal justice legislation. Yes, she made about that number of changes, but at least 90% of them were as a result of poor drafting in the first place. The government, after almost two years as a priority and after months of promises to bring forth legislation in a timely fashion, ended up rushing the law into parliament with a significant number of French translation problems and a number of inconsistencies between various clauses.



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Other amendments included in Bill C-7 were as a result of the government finally recognizing some of the problems created by its legislation. Some things would just not work as set out in Bill C-68 and Bill C-3.

• (1040)

Other changes came about as a result of lobbying by special interest groups because they came from left field and had never been discussed or argued before the justice committee. However not one word changed as a result of the work of the justice committee or the amendments proposed by the opposition. As I said before, the government was obviously not ever in a position to consider amendments through the parliamentary review process. It was a done deal.

The whole process of parliamentary review has been in fact a sham. The opposition, the government backbenchers, the committee process are merely window dressing to assist the government in selling its program for youth justice. There has never really been an open review toward improving proposed legislation. It has already been decided that only the powers within this government know what is best for Canadians. Some might say that is indeed a shame.

I say it is essentially a fraud on the Canadian people. We are all sent here to do a job as best we can and to have our input into having legislation take into account the interests and concerns of all the various parts of the country. When we are essentially placed in a position of merely going through the motions for appearances sake, the something is drastically wrong with the process.

Some listeners may suggest I am being unduly harsh and critical of this legislation. I do so because of my concern for a proper and effective response to the universally accepted failure of the Young Offenders Act. When the country fails to properly address youth crime, we fail those young persons who get themselves on the wrong side of the law. When the process becomes so time consuming and complicated that many offenders are able to beat the system, we lead them and their peers into believing that they can get away with breaking our laws. When we fail to properly rehabilitate those young offenders, we do them no favour as it often becomes too late to subsequently bring them back on track.

It is not just the offender. What about the family of the offender who sit on the sidelines to witness that young person repeat and perhaps move on to more serious and violent crime? What about the victims of those initial and repeat crimes? It is a common fact that the most common victim of youth crime is another youth. Young people assault other young people. Young people sexually assault other young persons. The list goes on. What about the communities? When a young offender does not receive proper guidance and reformation, that person will likely reoffend against the same community against which he committed his original crime.

No wonder citizens and communities do not feel safe and secure these days. We have all heard the horror stories of the failure of the Young Offenders Act. I am afraid we will hear the same stories when this youth criminal justice act works its way through the system.

The government has had almost four years to bring in an efficient and effective bill to address the youth justice problem. It has had the opportunity to hear from experts and professionals from right across the country. It has had the opportunity to hear from the provinces to address their concerns. It could have done a much better job than Bill C-7.

I fully appreciate that many members and Canadians have not had the opportunity to spend the time on this legislation as I have. I have been the official opposition justice critic responsible to watchdog this particular piece of legislation. As well, I have been a member of the justice committee since the bill first saw the light of day back in 1999.

I would like to cover a few aspects of my concerns. The minister likes to play lawyer games and provide half truths and worse about this bill. It is her job to sell the legislation after all. She needs the support and she is forced to sing the song to get it.

First, the bill formerly recognizes a process of what has been described as diversion or alternative programming. The process has been around for a number of years, and I have worked with it myself for over five years now. It is essentially an informal process of dealing with the young person who becomes sidetracked and breaks our criminal law. Specified members of the community, the offender and perhaps the victim get together and decide how to best recognize the damage done and how best to have that offender address the misconduct and the misbehaviour. The offender accepts blame, faced agreed upon consequences and moves on with his or her life hopefully having learned the error of his or her ways. The program has a good success rate, when limited in scope.

The problem with Bill C-7 is that this procedure is not restrictive. It is open for repeat offenders and is available for violent offenders. Being an informal system, there will be little, if any, accounting to ensure that the offender has learned the error of his or her ways if the system permits offence after offence without a more formal and serious reaction by society to the criminal behaviour.

The minister said that it would be up to the provinces to police or administer. We proposed to limit this scheme to no-violent first time offenders, essentially a one time opportunity to avoid a criminal record and get back on track. The minister refused to consider this proposal and has merely dumped the problem on to the provinces.

• (1045)

The problem of extrajudicial measures is very similar to the government's introduction of conditional sentencing a few years

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back. Conditional sentencing was brought in for adults to permit less serious offenders to serve their sentences at home. However, in that case as well, the government did not limit the use of that form of more lenient sentencing. We have seen our courts provide home sentencing to violent, serious and repeat offenders. Victims and communities are outraged.

The minister has finally recognized that there is a problem and that it should now be studied. Are we to end up with the same problem with youth extrajudicial measures when it is allowed for violent and repeat youth offenders? I thoroughly support diversion and alternative measures but their use must be restricted, otherwise its whole use will come into disrepute. Once again, however, the government will not listen.

There is also major concern over the legislation and its presumptive offence scheme. For some reason the government has severely restricted the list of offences for which a young person is liable for automatic adult sentencing and identification. The minister has been saying that there is provision for naming those who receive adult sentences. What she has not said is that there is also provision for those young persons to apply to have their identity protected.

There is also major concern over the lack of sufficient resources for our youth justice process. For years now the federal government has been delinquent in paying its share of the 50/50 cost of youth justice with the provinces. The minister has been trumpeting the fact that the government has allotted \$206 million over three years toward the initiation costs of the new youth criminal justice act. Nowhere has she acknowledged the already significant shortfall on the shared financial obligation toward youth justice.

Two hundred and six million dollars sounds like a lot of money, and it is, but it is over three years and it is for all the provinces. The provinces are already raising the red flag that there has been no real cost analysis of the increased demands of the changes proposed by the legislation.

Obviously in the past this government has not been too concerned about ensuring that young offenders receive sufficient and proper supervision and rehabilitation. The government's cheating on the 50/50 formula is evidence of that. It is no wonder there is so much skepticism about whether the \$206 million will be adequate to address the additional demands of this law. We are going into the new initiative with no idea of its cost. Only the Liberal government operates in this fashion.

Then there is the opting out clause, clause 61, whereby the provinces can create a different criminal law from province to province. Under this clause, an offence as serious as murder would be treated differently depending on the province in which it is committed.

The government is not too keen to hear criticism of the legislation. It is bringing in closure on debate of the bill. Whenever it gets into trouble it does that. How many Canadians realize that the legislation would reduce sentences for the most serious offenders? The bill would mandate a supervisory or probationary period after custody. That period would be half the custody period. Therefore, instead of serving a maximum sentence of three years in custody, as was done under the Young Offenders Act, the most serious offenders would only need to serve two years in custody and would be able to serve another year at home under some form of supervision.

The minister often relies on the fact that the Bloc criticizes the legislation as too harsh and the Canadian Alliance criticizes it as too soft. She says that she has a balanced approach that is between the two alternatives.

With all due respect, if the bill is hopelessly flawed—and I would use stronger terms but that might be unparliamentary—then it is expected that the opposition parties will disagree with it from different angles. The minister's response is a copout. She has failed in her duty to develop proper and effective legislation.

Mr. Speaker, I know you are aware that about eight and a half years ago my son Jesse was murdered as he walked home with two friends from a party on a Saturday night. He was murdered in what was determined to be a random, unprovoked attack on the street by six total strangers. He was knocked to the ground unconscious, beaten, pummelled with a shopping cart and stabbed once in the back as he lay on the road. A 16 year old was charged and eventually convicted. I can therefore say that I have experienced the youth justice system from an entirely different perspective than most members in this place.

My family and I spent 20 months in the courts. We experienced the youth justice process. We heard the excuses. We went through a transfer hearing. We heard counsellors come in and say that the offender did not need to be transferred to adult court because all he needed was to finish high school and receive alcohol counselling.

In the ensuing years I have come to know many families of victims of young offenders.

• (1050)

Less than a week after my son was murdered there was a case in Courtenay, British Columbia, where a young girl, six years old, was murdered by her neighbour. He was 15 at the time and was on probation for sexually assaulting three young children a year earlier. The reason that happened was that under his probation conditions no one was monitoring him and he was allowed to play with young children. The police did not even know about him and his neighbours certainly did not know about him.

That opened my eyes to the whole issue of anonymity for young offenders. I have been a firm believer ever since that people must

be aware when they have sex offenders in the community, even if they are young offenders.

There is also the case of Mr. Graham Niven, a 31 year old man murdered on the street by a 15 and an 18 year old. The last thing Mr. Niven did in his life was help out a 14 year old by giving him the last of the change in his pocket to take a taxi home. A few minutes later he was dead at the hands of a 15 year old.

I went to court with that family and had to sit through the snickering, laughing and high fives that went on continuously between the accused and his friends. That is the attitude some of these young people have with our court system.

As a sideline, that offence occurred in Coquitlam. The mayor at the time was Mr. Lou Sekora, a former member of this place. I recall like yesterday the hoopla that Mr. Sekora raised. He said he would come to Ottawa and change the Young Offenders Act. However after a photo op with the former justice minister and a bit of press for about a week we never again heard from Mr. Sekora on the issue, even when he came to this place as a member. It was more Liberal lip service.

Another case is that of Mrs. Jeanne Richter, a 79 year old widow beaten to death by a 15 and a 19 year old. Young girls in the courtroom who were friends of the accused were partying, winking, smiling and laughing as if it were something that happens every day. Again, that is the attitude.

I do not suggest for one minute that this is a reflection of all young people. It is a very small minority. Unfortunately the government, through this legislation and philosophy, chooses to treat these young people the same way it would treat a 12 year old shoplifter. That is wrong.

Yesterday during report stage debate I heard some of my colleagues in the Bloc speak of an actor who spent time in a youth facility studying for a part in a particular project and decrying the treatment of young offenders in prisons. Things could be done to improve the lot of young offenders who are incarcerated. I certainly do not argue with that. However I think the actor might like to spend time with me and my family, even eight and a half years later. Within the last month two of my son's best friends have seen the birth of their first children. He should see how we deal with that.

There is a family in Alberta mourning the loss of a 16 year old son just last week. Maybe the actor would like to spend a week with them and see it from their perspective.

After my son's murder I made a commitment to try to effect change. I have spoken at schools for the past eight years. I have spoken with young people, parent groups and legislators. I appeared before the justice committee a couple of times before I

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came to this place. I have done so to increase awareness and to make young people understand what they are doing, what they are getting into. I think it gets through to most of them.

As I said before, I work with a diversion program because I believe it is more important to prevent crime in the first place. However that does not mean that those who choose to persist in criminal behaviour or commit serious or multiple repeat offences should be treated with leniency. As long as the philosophy persists that killers and rapists should be treated in the same manner as shoplifters, Canadians will never accept the process.

I will close my comments by saying that this is definitely not the last we will hear of the youth criminal justice act. We will be back time and time again to debate its failures and propose changes. Instead of trying to get it right the first time the government seems more intent on getting it passed as is and leaving it to others to rectify. Unfortunately the bill is such a mess that it will not and cannot be remedied piecemeal after it passes this place. The bill is doomed to failure and as parliamentarians we are failing Canadians by allowing it to become law.

• (1055)

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I am going to try to address the hon. members of this House without a prepared speech, speaking from my heart rather than from my head, in a final attempt to convince the government that it is on the wrong track with this bill.

I am also going to try to convince the House that we in Quebec did not just decide overnight to set off on a crusade against the federal government on this young offenders bill.

I am sure that those who have studied the young offender issue, and I know certain members on the other side have looked at it very seriously, know deep down that they are off on the wrong track by wishing to pass this bill at any price, come what may, despite all that has been said in Quebec, and even in the other Canadian provinces, about its complexity, about the fact that the bill is going to be impossible to apply and above all will not give the anticipated results.

Well before passage of the Young Offenders Act in 1984, Quebec already had its approach to young offenders. It had the *Loi sur le bien-être social*, which addressed young offenders and took a very particular approach to them, before the federal government enacted its young offender legislation in 1984. The Quebec statute applied to young people aged 14, 15, 16 and 17, particularly the 16 and 17 year olds who had committed serious crimes. The Quebec system took charge of these young people and processed them through a system parallel to the one for adult offenders.

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At that time, we already had an infrastructure for handling young people in trouble with the law. In 1984, with the great wisdom of the House, prompted particularly by the paternalism of the federal MPs—

[*English*]

**Mr. Rob Anders:** Mr. Speaker, I rise on a point of order. I am wondering whether the House has a quorum.

And the count having been taken:

**The Acting Speaker (Mr. Bélair):** The House does not have a quorum. Let the bells ring for a maximum of 15 minutes.

*And the bells having rung:*

**The Acting Speaker (Mr. Bélair):** We now have a quorum and shall resume debate.

[*Translation*]

**Mr. Michel Bellehumeur:** Mr. Speaker, I understand the Alliance members are not happy to have me provide a background and make a speech that is as apolitical as possible, a speech without notes, as I was saying earlier. I want to speak to the members of the House from my heart in a final effort to try to convince the government members, especially those from Quebec, that they are making a mistake with this bill.

Before the call for quorum, I was trying to provide a brief backgrounder on the issue of young offenders in Quebec. Even before the federal government became involved in the matter with the passage in 1984 of the Young Offenders Act in Quebec, we already had an infrastructure for young people in difficulty with the law, especially those aged 16 and 17 involved in serious crime.

• (1100)

One fine day, with a view to having some sort of uniformity across Canada, the federal government passed the Young Offenders Act. There is good reason the law covers those aged up to 18 years. At the time, all the other provinces wanted the law to apply to young people aged 12 to 16 only.

Why was the age limit increased to 18? It was because the Prime Minister at the time was from Quebec and, regardless of what we think of him, he held up his end on social issues. The Prime Minister in question was Pierre Elliott Trudeau. Quite honestly, he was not my idol, not at all, in his view of Canada, and of Quebec in particular, but on social issues he was on the mark, unlike the present Prime Minister.

He stood up before English Canada and made the maximum age in the Young Offenders Act 18 years. From that point on, we applied the Young Offenders Act in Quebec.

Throughout the period between 1984 and today—

**Hon. Don Boudria:** Mr. Speaker, I rise on a point of order. I want to apologize for interrupting the member who was speaking.

Following discussions between the House leaders, I seek the unanimous consent of the House to return to Routine Proceedings in order to table a document.

**The Acting Speaker (Mr. Bélair):** Is there unanimous consent of the House?

**Some hon. members:** Agreed.

**Some hon. members:** No.

[*English*]

**Hon. Don Boudria:** Mr. Speaker, I wanted to table the Report of the Commission to Review Allowances of Parliamentarians. Nevertheless, I do not need the consent of the House to do it, so I am giving it to the clerk. It is tabled right now.

[*Translation*]

**Mr. Michel Bellehumeur:** Mr. Speaker, I was wondering whether the House really wanted to hear what I had to say. I will continue with my speech as though nothing had happened, although it is rather difficult to concentrate when one is constantly interrupted. I hope that you will deduct the time I lost because I do indeed intend to use the 40 minutes to which I am entitled.

Quebec has long looked after its young offenders and views the problem as a very important one. As I said, even before the federal government passed the Young Offenders Act in 1984, we were already addressing the problem of youths, particularly 16 and 17 year olds, who had committed serious offences through the agency of various departments in Quebec, including the social welfare department.

We also had young offenders legislation. This was a matter that concerned us. From the outset, we invested time and money putting together what we now call the Quebec approach. This was not something we did overnight.

In 1984 the federal government decided to intervene and introduce the Young Offenders Act for young people between the ages of 12 and 18 in conflict with the law. This was based on Quebec's approach at the time, because our young offenders legislation was aimed at adolescents up to the age of 18.

Since 1984, the federal government has amended its legislation a number of times, each time taking a harder line with respect to the approach, the sentences or the treatment of young people in conflict with the law, but never moving closer to what we were doing in Quebec.

• (1105)

The act has been amended several times since 1993 and on each occasion Quebec told the House of Commons and the committees "Be careful; you are going much too far to the right. You are

getting much too close to the adult justice system". Since 1993, this House and the Liberal government have always turned a deaf ear to Quebec's claims, particularly as regards this issue.

Quebec's representations were based on a very serious study. I am taking this opportunity to salute youth court justice Michel Jasmin, who is Quebec's co-ordinating judge and who does a remarkable job.

From 1990 to 1992, I am mentioning these dates from memory, because I have nothing in front of me regarding them, a number of other experts, including Normand Bastien, members of the Bar and Cécile Toutant, who also sat on that committee, reviewed the whole issue of young offenders in Quebec, from the time of their arrest until they left the youth centre or were done with their treatment.

These experts found that the Young Offenders Act, which was implemented properly at the time, could be applied even better by getting all the stakeholders involved, including the police officers making the arrest, before the court appearance, the experts and psychologists at trial and all the experts involved when the young offender was in custody, should this be the case.

The Jasmin report is now the authoritative reference with respect to youth justice. Already back then, it warned the federal government, which wanted to toughen its approach with young offenders.

The conclusion of that important report is very simple. The problem is not the Young Offenders Act, but its implementation. Although the results were good at the time, these people wondered about our own—

**The Acting Speaker (Mr. Bélair):** I am sorry to interrupt the hon. member but the member for Calgary West has the floor on a point of order.

\* \* \*

[English]

## POINTS OF ORDER

### TABLING OF DOCUMENTS

**Mr. Rob Anders (Calgary West, Canadian Alliance):** Mr. Speaker, I rise on a point of order. The government House leader recently tried to move a motion to table a document. He claimed that he did not need unanimous consent of the House of Commons to do that.

I am raising a question with regard to the actions taken by the government House leader and to what he claims. I am reading from *House of Commons Procedure and Practice* with regard to the daily program, chapter 10, page 371, where it reads:

A Minister or Parliamentary Secretary acting on behalf of the Minister may table documents in the House during Routine Proceedings when the rubric "Tabling of Documents" is called. This method of tabling is often referred to as "front door" tabling.

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In my understanding of the rules, since the government House leader did not present his motion and his document during routine proceedings he does not have the ability to go ahead and table the document without unanimous consent of the House.

I am calling the government House leader on this matter of procedure.

**The Acting Speaker (Mr. Bélair):** The Chair has heard the point of order. By experience it seems unusual, but I will take the point of order under advisement and report back to the House as soon as possible.

## GOVERNMENT ORDERS

[Translation]

### YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion that Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the third time and passed.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I must thank my colleague from the Canadian Alliance for all his respect toward his colleagues who are speaking today.

I want to assure the hon. member of the Canadian Alliance that when I am here and his party members are speaking, I shall make an effort to intervene as often as possible in order to disturb them.

We can see just how seriously the Canadian Alliance members take this matter. It is all very well to laugh, but the young offender issue is an extremely important one. The Canadian Alliance is treating it lightly, and I find that totally disgusting.

• (1110)

I was giving a historical overview and saying that, in the history of the application of the Young Offenders Act, we in Quebec have examined the legislation on a number of occasions in order to see whether it could be better enforced.

In the early 1990s we had the Jasmin report, which indicated that the fault was not with the law but with its application. That is the conclusion we in Quebec reached with respect to the system, Quebec's approach, although we were enforcing the law properly. This conclusion applies to 100% of the western provinces. If the Canadian Alliance can grasp this, it is not the law that is faulty, but its application.

The provinces calling for changes are those not properly applying the Young Offenders Act. Throughout the whole history of the Young Offenders Act, in Quebec, we were not inactive; if we reached these conclusions, it is because we were aware of what was

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going on elsewhere. We concluded that we had to be careful, because the young offenders system was not fail-safe since it was a statute, not to upset the balance we had struck in Quebec in the application of the Young Offenders Act.

At the start of my mandate in 1993-94 with the Standing Committee on Justice and Human Rights, we toured the main provinces to look at the issue of young offenders. It was very distressing to see how some provinces treated young offenders, especially those who had committed serious crimes. They were simply sent to a separate wing in an adult prison untreated. The young person lying in bed spent the day reading. When asked what he was doing, he told us he was doing time.

In Quebec young persons do not do time, they work on who they are. They do not spend the entire day reading. Young people incarcerated for a long time, even for a short time, are under the care of psychoeducators, specialists, academics and criminologists in an effort to discover why they do certain things. The aim is to find the right treatment for the individual young person.

Quebec's objective, which should be everyone's objective in properly applying the Young Offenders Act, is to try to find the appropriate measure to ensure that the young person becomes an ordinary citizen as quickly as possible.

I do not want pity for the young people who have committed a murder or done something else that is repulsive. In a civilized society like ours there should be no such crime. We should not even have 14 and 15 year olds thinking about killing someone.

Children aged 10 and 11 have committed suicide. Society is changing. We have become a consumer society. All sorts of actions result in some people needing help. The way the Young Offenders Act has been applied since the beginning shows that we can intervene adequately and that we can find the right measure at the right time. I sincerely believe the provinces, or rather the Minister of Justice, did not understand this approach.

From the outset, we can deal with the young person, whether he is guilty or not of the offence or crime with which he has been charged. Under the existing Young Offenders Act, we can take action, deal with that young person and follow him at every stage of the process, including his trial. This is something that be difficult to do under the proposed bill. I will get back to this when I talk about the major differences between the two pieces of legislation.

• (1115)

During those years, Quebec developed what is now known as the Quebec approach. I realize we cannot ask western Canada to adopt an approach similar to that of Quebec overnight. If these provinces do not have the infrastructures to look after these young people, if they do not have the experts and the financial means to suddenly apply Quebec's approach, which is based on 20 years of experience, I can understand that.

However what I do not understand is why they are asking for an act to prevent Quebec from continuing to use an approach that gives good results. I find it hard to understand that way of thinking, both on the part of western Canada and of this government.

Earlier, I listened carefully to the Canadian Alliance member, who has followed the bill's progress closely, and I would not wish what he has been through on anyone. However, should we build an entire system on one case? Should we rebuild an unproven system, whose results are cause for concern in the opinion of all the specialists, on the strength of the worst case scenario?

I listened to western Canadians, crown attorneys and provincial representatives, who told us that the end results were far from guaranteed, that the bill was much too complex and that implementing it would cost far too much.

We may therefore well wonder whether these provinces, which are calling for amendments, will implement the new legislation they have obtained back home in a manner consistent with what the Minister of Justice has in mind.

Quebec's entire system is being jeopardized for people who will not deal adequately with young people in conflict with the law anyway, because it is not part of their tradition or their longstanding treatment of young people in conflict with the law. That is a big concern.

From the outset, I noticed that Quebecers agreed with Quebec's approach and that there was consensus. Since 1996-97, the federal government has tried on more than one occasion to amend the Young Offenders Act. I am sure that Bloc Quebecois members who were here in 1993 remember the government's first attempt to amend the act with Bill C-68. Because of the Bloc Quebecois' opposition, the issues raised by this bill and the work we did, we pushed the government to the limit and, finally—

[*English*]

**Mr. Rob Anders:** Mr. Speaker, I rise on a point of order. I wonder whether or not there is quorum in the House.

*And the count having been taken:*

**The Acting Speaker (Mr. Bélair):** Obviously there is no quorum. Let the bells ring for 15 minutes maximum.

*And the bells having rung:*

[*Translation*]

**The Acting Speaker (Mr. Bélair):** Since we now have quorum, resuming debate.

**Mr. Michel Bellehumeur:** Mr. Speaker, seeing the behaviour of the Canadian Alliance members, I see they have a great future in this parliament. I am sure they are very pleased with themselves. I

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understand their attitude toward a bill that is terribly harmful to Quebec. I understand their desire to fool around as they are doing in this House.

**Mr. Odina Desrochers:** A cowboy approach.

**Mr. Michel Bellehumeur:** Yes, as my colleague says, a cowboy approach that is very typical of them.

• (1120)

To continue, this examination showed us that there was consensus in Quebec. Having toured Canada and certain parts of Quebec, the committee readily realized that there were two ways of applying the Young Offenders Act, one in Quebec and one in English Canada.

The good legislators and responsible people that we are, I believe we need to look at outcomes. The results indicate that the province which applies the Young Offenders Act properly that being Quebec, has a lower crime rate than the rest of Canada and a recidivism rate for serious crime that is virtually non-existent or at least the lowest in Canada.

Looking at the judiciarization of cases, Quebec is the province that puts the fewest young offenders through the court system. We have the lowest incarceration rate for this age group in Canada.

Looking at the other provinces, we see that, although the crime rate has also been decreasing in other provinces, youth crime has not followed suit. We see that these provinces make heavy use of the court system and of incarceration. We see that youth are not receiving treatment. Consequently, these provinces get the results they deserve.

According to me and all the Bloc Québécois, an opinion on which there is unanimity in Quebec, if a change needs to be made anywhere, it is not in Quebec but in western Canada, in the maritime provinces, in—

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

**The Acting Speaker (Mr. Bélair):** The hon. member for Berthier—Montcalm may resume the debate.

**Mr. Michel Bellehumeur:** Mr. Speaker, I was about to use a few choice words that are popular in Quebec. However, I will carry on. I will take a deep breath, because it is very difficult to concentrate when we are constantly being interrupted. I will now deal with the core of this issue.

We realized very quickly that there was a consensus in Quebec. Even though I had already toured Quebec, even though I had already met people from English Canada, following the refusal of the Minister of Justice to hear witnesses from Quebec on Bill C-7 which is a response to Quebec, I decided to do another tour of Quebec.

I was accompanied, as everyone knows, by Marc Beaupré, the actor who played Kevin in a televised series. His life and professional experiences differ from mine, but he delivered an excellent message and did a very good job. I am taking this opportunity today to thank him for depoliticizing the whole debate. He comes from Lanaudière and has not only depoliticised the whole debate, but has raised perceptions in Quebec. I think he has improved perceptions there of our treatment of young offenders.

On top of that, I went to hear these witnesses, people the minister refused to hear. I met them on site: at youth court, in centres for young people, in rehabilitation centres, in group homes for young people and in social groups. The minister would have done well to listen to them, because their message was clear.

They do not want, for all sorts of reasons, to have Bill C-7, which will be passed here in the House in a few hours perhaps, applied in Quebec. What they want is to continue to apply the Young Offenders Act as it stands and to try to apply it better, if that is possible.

• (1125)

I was surprised to learn that it could cost an additional \$200 million to \$250 million a year to implement Bill C-7, the bill no one in Canada wants, except perhaps the Alliance. Over five years, the federal government will invest and pour \$1 billion into this system of criminal justice for young persons.

If the Liberal government opposite has \$1 billion for young people it does not know what to do with, instead of paying for the luxury of new legislation, it should take the money and give it to the provinces, as they are asking it to do.

In committee, representatives from five Canadian provinces came to tell us that, if asked to choose between a complex, incomprehensible and unenforceable piece of legislation such as Bill C-7 and cash, to use their term, they would prefer the cash. Why? In order to pattern themselves as closely as possible on the Quebec approach, which is based on rehabilitation, stepping in at the right time and treating youth fairly, which produces concrete results, results we have all seen. Department of Justice statistics document these results. Given a choice between new legislation and cash, they want the cash.

I am certain that if we invested \$1 billion on improving enforcement of the Young Offenders Act, the results would point more in the direction of continuing with that legislation. Very good results would also be obtained in the other Canadian provinces, as they are in Quebec. What is needed for the legislation to be enforced properly is money, not new legislation. The problem lies in the perception of the Young Offenders Act, not in the act itself.

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The federal government puts out publicity on almost anything going: Canadian defence, Canada Post, the protection of small birds, fish, just name it. Why?

Why does the federal government not publicize the real costs of properly enforcing the Young Offenders Act? There has been success in some cases, and in many cases in Quebec. I have personally met people who, at the age of 15 or 16, committed a murder. Today, they are anonymous members of the public. For all sorts of reasons to do with families, gangs or drugs, they committed a reprehensible act, but at least we saved them and they are now anonymous citizens.

What good will the minister's wonderful legislation do, if a 14 or 15 year old youth gets a life sentence? As we know, under the current system, that youth would serve 25 years. In 25 years from now, that 15 year old youth will be 40. He will still be in the prime of life, but he will have spent half of his life in a school for crime, an adult prison. What will he do?

In adult prisons, there is no treatment such as the one provided to young people in youth centres. He will serve his time, as they say in the penitentiary jargon. What good will it do to society that that youth get out at 40? The protection of society might be ensured for 25 years, but that is pushing the problem forward.

Today, under the Young Offenders Act, that youth may be sentenced to six years of detention at worst, but those are six years of firm treatment, six years with specialists, because there are several working on any given case. Afterwards, he will be monitored over a 10 year period, until they are sure he has been rehabilitated or is on his way to be so. During 16 years, that youth will be monitored.

Eventually, he might end up paying taxes like us. He might have children. He might get integrated in the society in which he lives. He will not be branded as some would like him to be, with his name published, his picture in the papers and a life sentence for a 14 or 15 year old youth.

• (1130)

I can already hear people say "But this would make it possible for a province to prevent 14 and 15 year olds from getting an adult sentence". This is true, but do members realize that a young person will still have to stand trial in an adult court, with adult rules?

It is only after the trial, whether he is found guilty or not, that the order comes into play. Despite the order, the crown prosecutor might still ask, for all kinds of reasons, that this young person be given an adult sentence. There would be a trial, with a very complex series of judicial measures before that, such as the adult court.

Would this be a service to both the population and the 14 year old to have him tried as an adult, to treat him as an adult? Would we solve his situation or his case? Would society feel more secure if this young person were tried as an adult? There are all kinds of legal fictions in this bill. Government frontbenchers say, one by one, that a youth justice court judge will hear these cases, that they will no longer be referred to an adult court.

This is true verbally, but when we take a look at clause 3 of the bill, we realize this is not the case. The government thinks we have not read the bill. To say this demonstrates a lack of intellectual rigour, because this is not the case.

The bill does provide that a youth justice court judge will be responsible, but in fact it will be a superior court judge who, for such trial, will be deemed to be a youth justice court judge. I know very well that in several judicial divisions of Quebec and Canada, youth courts do not have the necessary facilities to hold trials by judge and jury.

Everything is provided for in the bill. Such cases will be tried before adult court, but for the purpose of the proceeding, this court will be "deemed to be a youth justice court", and the judge will be "deemed to be a youth justice court judge". This is going very far. It is tantamount to being tried before adult court. Furthermore, the age limit will be lowered from 16 to 14. A young person aged 14 could be tried as an adult.

People across the way tell us that the bill does not affect Quebec's approach. On what planet do they live? During my 12 to 14 day tour, among the many people I met, there was not one who supported the bill. Everybody wishes to keep the Young Offenders Act.

**An hon. member:** Not even the natives.

**Mr. Michel Bellehumeur:** As my colleague said, I even heard aboriginal people, the sons of the federal government, state in a press conference that Bill C-7 will never be applied on their territory. We will continue, even though the federal government passes its bill, to apply the Young Offenders Act on our territory. They even said that this act did not necessarily reflect their cultural values, but that it included everything they could use to get closer to these values and that they were getting good results. Even aboriginal people, and they can certainly not be accused of being separatists, are opposed to the government's bill. I challenge the members opposite: no one in Quebec supports Bill C-7.

Yesterday, the Minister of Justice misquoted the letter from the Quebec bar association. It is not true that the Quebec bar association supports Bill C-7. Just contact them through Carole Brosseau, to whom I spoke personally. This is misinformation.

To get a letter from the bar association, the government even said that the Bloc Quebecois had moved amendments to Bill C-7 in



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committee, but that is not true. The Bloc Québécois never moved an amendment in committee.

• (1135)

The Bloc Québécois will never seek to have an act that is so flawed, ill-conceived and dangerous for Quebec amended. We did not do so in committee and we did not do so at report stage. We simply did not. It is being intellectually dishonest to tell the Quebec bar association, in order to get a letter from them, that the Bloc Québécois moved an amendment on the speediness of the proceedings and that we were satisfied. This was not true. No member of the Bloc Québécois was satisfied with that. Contrary to what the minister said yesterday in the House, the Quebec bar association does not support the bill. No one in Quebec supports this bill.

I am convinced that some government members have friends in the national assembly. Jean Charest, the saviour of the Liberals opposite, does not support the federal approach. Liberal, PQ and ADQ members unanimously condemn Bill C-7. Does this not mean anything to government members? Do they not realize that they making a mistake?

They always think that they, the government, know best, that they are right and that everybody else is wrong: all the experts, youth court judges, reporters, lawyers, crown prosecutors and criminal lawyers whom I have met and who have expressed their views on this, all those who are working under the Young Offenders Act, and the unanimous position of Quebecers. Can they all be wrong?

It would be so easy to make things right, and it is still not too late. The government should wake up, realize that it is mistaken, that members are mistaken. It is still not too late, before third reading, to refer the bill to committee in order to include an amendment that would allow those provinces that so desire to take a more repressive approach and to let Quebec keep its approach, which has required a good deal of work and hundreds of thousands of dollars to develop over the years—

[*English*]

**Mr. Rob Anders:** Mr. Speaker, I rise on a point of order. Is there quorum in the House?

*And the count having been taken:*

**The Acting Speaker (Mr. Bélair):** There is no quorum. Let the bells ring for a maximum of 15 minutes.

*And the bells having rung:*

**The Acting Speaker (Mr. Bélair):** Quorum has been re-established.

[*Translation*]

**Mr. Michel Bellehumeur:** Mr. Speaker, I will use the four minutes I have left, despite the fact that I find deplorable what is happening here. Frankly, when I toured Quebec I always said that my tour was more of a social than political initiative. It was an information tour. I did not want to turn the matter into a political issue.

I understand that the member of the Canadian Alliance may feel some resentment or whatever. However, since we are dealing with an issue as important as youth, and an approach that has proven effective in Quebec, the hon. member could put aside the partisanship and arrogance he has shown all morning and deal more seriously with the bill.

I repeat what I have already said “It is not too late for the government. It is not too late”. Yesterday, I offered to go on another tour of Quebec with the minister, on a non-partisan basis and with all the necessary interpreters and personnel, and meet with the people I met and others also, because I am ready was anywhere. I am sure of what I am saying. Quebecers are unanimously saying that the federal government is on the wrong tack.

The minister refused to meet with these people. She refuses to listen to them, to go to meet them, as if she were living in a glass bubble in Ottawa, briefed only by her officials who have drafted legislation in their ivory tower, the kind of unenforceable and complex legislation that they alone can draft. The minister refuses to acknowledge that kind of reality. Maybe she cannot spare the time to go on a tour of Quebec.

• (1140)

That is why I am saying that it is not too late to send Bill C-7 back to the committee where it could be further reviewed, allowing Quebec and other provinces wishing to continue using an approach based on rehabilitation and reintegration rather than repression to do so.

I moved an amendment that was rejected yesterday. It was a legal and constitutional amendment examined by specialists. However the government is not listening.

It wants, at all costs, to pass legislation based on the seriousness of the offence and that consideration will influence the whole process while the existing Young Offenders Act is based on the needs of young offenders. By correctly enforcing the Young Offenders Act, we could individualize the treatment needed by each youth to become an honest citizen.

The Supreme Court of Canada took at least 15 years to interpret the act concerning the needs of young offenders and to say what it really means. How many years will it take it to interpret what the legislator meant when he said that the seriousness of the offence must take precedence over the sentence, the treatment and the process? How long will it take the Supreme Court of Canada to

*Speaker's Ruling*

determine the issue of the day to day application of the act? There is a series of automatic processes.

Today, with the bill the government wants to impose on Quebec, judges will use a grid to assess a case and simply put a checkmark depending on the severity of the offence, without being able to take the kind of action they would like to take. That is the difference between the two.

During my tour I met Quebecers who dealt with victims of crimes, including people from CAVAC. They shared the same opinion as everyone else. They were against the approach chosen by the Minister of Justice in Bill C-7. I would have like the minister to have heard that.

I also met fathers and mothers who told me that I was not making the point clearly enough that the Young Offenders Act gave them the tools they needed to help their children get back on the right track.

Youth crime does not affect only those families where children are neglected by the parents. If there is one thing that is true about youth crime, it is the fact that it affects families indiscriminately, whether the parents' wallets are full or empty. Youth crime can affect rich families as well as poor and needy families.

People asked me to stress the fact that the Young Offenders Act gave them the tools they needed, which they will no longer have once Bill C-7 has been passed. Everything will be based on mechanisms. Certain decisions that parents can make now will be left to the system. This bill will take all responsibility away from the parents. It will destroy the balance reached in Quebec over a period of more than 20 years between the needs of the young offender, his or her accountability, society's intervention and the measure.

Over the years, a balance has been reached, and everyone agrees that this bill will hurt that balance. I urge, and this will conclude my speech, both the Prime Minister, who is from Quebec, and the Minister of Justice, who is responsible for the bill, not to go ahead with this piece of legislation. I urge them to send this bill back to committee to allow us to work on it some more so we can find a compromise for all the provinces, but most of all so Quebec can continue to use its approach, which has been proven effective.

**Mr. Odina Desrochers:** Mr. Speaker, I rise on a point of order. Considering the many unjustified interruptions we had and the importance of the issue debated today, I seek unanimous consent of the House to extend by ten minutes the time allocated to my colleague, so he can address this issue more thoroughly.

**The Acting Speaker (Mr. Bélair):** Is there unanimous consent of the House?

**Some hon. members:** Agreed.

**Some hon. members:** No.

• (1145)

[English]

**POINTS OF ORDER**

## TABLING OF DOCUMENTS—SPEAKER'S RULING

**The Acting Speaker (Mr. Bélair):** A while ago the hon. member for Calgary West raised a point of order concerning the tabling of a document by the government House leader after consent had been refused to do so in the House.

Our rules provide two manners of tabling of documents by ministers. The first is called front door tabling and is done in the Chamber during routine proceedings. The second is called back door tabling, and a minister may table documents required by statute or by an order of the House with the clerk. I refer members to *House of Commons Procedure and Practice*, pages 371 and 372.

In this case the minister attempted to table the document by the front door by unanimous consent because the time provided for tabling had passed. He did not obtain consent. The minister still had the opportunity to table by the back door and used that method instead. In this case there was no need for the minister to rise in the House to table his document. He simply could give the document to the table officers by back door tabling.

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I rise on a point of order. I have a question, just for clarification. Could you tell me which section of our standing orders was applied?

**The Acting Speaker (Mr. Bélair):** It is Standing Order 32(1).

**Mr. Rob Anders (Calgary West, Canadian Alliance):** Mr. Speaker, I rise on a point of order. I believe that when the government House leader stood he was doing two things if I understand it correctly. My understanding is that he was, first, putting forward a motion and, second, tabling a document.

When he stood after I challenged him, saying that he did not have unanimous consent of the House, he then said that he did not need unanimous consent of the House.

The question with your ruling, Mr. Speaker, is whether or not you are saying that the government House leader does not need unanimous consent, hence my consent, to be able to go ahead and table documents. Does that also apply with regard to his motion? Where does it stand with regard to his motion?

Based on some discussions with the clerks and my general understanding of the rules, since the minister did not do this with a front door mechanism during routine proceedings he was to do it by the back door. My understanding is that when he does these types of things via the back door, like he did in the last session of parliament with regard to the MP pension plan, he requires unanimous consent of the House to do so. He asked for it and was deprived of it.

*Government Orders*

Therefore, my understanding of the rules and what I was led to believe half an hour ago was that he did not have the ability to do it via the back door without unanimous consent. Since he did not have unanimous consent, I have some serious questions about this.

I wonder whether or not there is a splitting of hairs with regard to the idea of tabling documents versus the motion that the minister was putting forward. I am somewhat at a loss because I think I am doing as much as I can possibly do to try to raise the issues with regard to procedure and House affairs here. I am very frustrated.

Basically my feeling is that the government minister is fast tracking the MP compensation package in a way that no other bill has been fast tracked in this place. I am trying to do my best so that he lives up to the rules that even he tried to somehow live up to last time with the MP pension changes in the last session. I am very frustrated by this.

**The Acting Speaker (Mr. Bélair):** As I said in my ruling, there are two ways to table documents, from what we have analyzed here today, the first one being during routine proceedings where anyone can table a document without unanimous consent.

In the case at hand routine proceedings were finished, as we know, and the minister stood to table his document again, asking for unanimous consent to revert to routine proceedings, which was denied. He could not go back to routine proceedings to table his document. That solves the first problem.

The second way of doing it is by back door tabling, as it is called in the rules of procedure. Any minister, and only a minister, can come to the table and deposit his or her document. That also settles the problem.

• (1150)

However, in this case the minister chose to stand in the House and say that he did not need unanimous consent to table the document and that he would do it just the same. If the Chair can express itself, it may not be the ideal way of doing it, but it was done and according to the rules that we have all adopted it is legal.

**Mr. Rob Anders:** Mr. Speaker, I still have questions with regard to the difference between the tabling of documents and the motion put by the minister.

Does the tabling of documents by the government House leader or the minister allow him also, therefore, with regard to this issue of MP compensation, to group the three readings of a said bill in that tabling of documents? Does it allow him to group votes?

Does it allow him to go ahead and allow something to pass on division without votes by members of the House of Commons? Does it fast track committee of the whole so that it happens here in the House rather than in various committees such as, for example, the committee on procedure and House affairs?

**The Acting Speaker (Mr. Bélair):** Again to the member for Calgary West, the minister stood and asked for unanimous consent,

which was denied. That is very simple. He then used the second method of tabling his document and that is in the rules of procedure.

I will put it a different way. He did not even have to stand in the House and ask for consent. He could have simply walked to the table and given the document to the clerks, who would in turn make sure that it was distributed. Does that help the hon. member understand the situation?

There are two ways of doing it: by the front door during routine proceedings and by the back door by simply tabling the document with the clerks. It is as simple as that.

**Mr. Rob Anders:** Mr. Speaker, I will try to simplify my question. In regard to the actions of the government House leader, if he does not require unanimous consent, and you have made that ruling, does the action that he took in the House this morning allow him to put forward the MP compensation package without needing to have a vote and a say by the members of the House of Commons?

**The Acting Speaker (Mr. Bélair):** As a matter of fact, any minister can deposit any document he or she wishes. We are not talking about substance here. We are talking about the technical aspect of the tabling of this specific document. Ministers can table any document they want. Basically that is what it is.

**Mr. Rob Anders:** Mr. Speaker, am I to take it by the actions of the government House leader that this almost in a sense served as an order in council and that basically the House has no say or discretion with regard to what he has done? He tried to get it done in the House but was deprived of unanimous consent. Is it deemed to have been adopted anyhow?

**The Acting Speaker (Mr. Bélair):** He could not table it during routine proceedings at the very beginning of the day. He tried to go back to routine proceedings by unanimous consent, which was denied, so he did it through the back door and simply tabled the document with the clerks. That is in the rules of procedure. What else can I say?

**Mr. Roy Cullen:** Mr. Speaker, I rise on a point of order. This is the House of Commons, not a seminar in procedure. The Speaker has made—

**The Acting Speaker (Mr. Bélair):** That is not a point of order.

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## GOVERNMENT ORDERS

[English]

### YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion that Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the third time and passed.

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**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, it is with some regret that I rise to take part in the debate on Bill C-7. It has a lengthy history. As the Chair and members of parliament know, it has been before the House in various incarnations since 1993. In effect, Bill C-7 is an aptly named bill because it is seven years old.

• (1155)

It has had numerous changes. It has been put through committee. It has been examined and it has been adjudicated upon, to a degree, in the sense that we have had numerous judges, lawyers and prosecutors and those who work in the justice system look at it intensely.

It saddens me to say we have a bill before us that is in a very flawed and very troubled state. It is a bill that may be arguably the most important piece of legislation we will see in a decade. It is a bill that has long term, broad implications, because it deals with what is, I would certainly say, perhaps our most valuable commodity. I do not mean to diminish our youth by calling them a commodity, but the bill deals directly with young people in Canada. The bill deals with their future. It deals with the way in which they are dealt with by the criminal justice system.

One of the supposed assets of this type of legislation is its flexibility. The legislation was supposed to allow provinces to be flexible in the way in which they approached youth justice. They were supposed to be able to hold conferences. They were supposed to be more inclusive of victims, of social workers and of accused persons in the way in which they interact, in the way in which the justice system was to envelop them and hopefully improve and thus produce a better life.

Yet when one delves into the details, and the devil is in the details in this type of legislation, one finds, sorrowfully, that this legislation will have the complete opposite effect of what it is intended to do.

The philosophy and the emphasis in this legislation is very much on rehabilitation, on reintegration and on early intervention and prevention. To that end I very much agree with those sentiments. I agree with the direction in which the legislation is attempting to take us in terms of our criminal justice system.

Yet again it falls far short. The legislation will not achieve these noble objectives. It will not allow our young people to avail themselves of all of these noble ambitions, because it is a bill in which the Minister of Justice and her department have very much tried to please everyone. They have gone so far afield in trying to bring everything together in this one massive, complex, convoluted bill that none of these objectives will be achieved.

Therefore I stand here with great consternation, because the bill is one which we very much want and need in the country. Yet, as the Progressive Conservative justice critic representing my party in this process, I do not feel that I can in good conscience support the bill. I do not feel that the bill will achieve all those things that need to be achieved in our justice system today.

For example, the bill would give unspecified regions power to customize sentences and trends according to area standards, whatever that means. The bill would allow judges, who complained that the first version of this bill was too complicated and upon seeing it a second time were even more confused as to what the bill actually intended, various sentencing alternatives, which might vary by province, by city and by individual judge or court. For example, paragraph 38(2)(b) states that sentences must be similar to the sentences imposed in other regions “on similar young persons found guilty of the same offence committed in similar circumstances”.

Again, is this effective? Is this the type of language that leads to any real sense of clarity in terms of what is intended? The bill has left judges with much experience, with years and years of work in the justice system, scratching their heads as to how they would implement this type of legislation.

One of the greatest assets of any justice system is the ability to be timely, the ability to have justice done swiftly and to have it be seen to be done swiftly, as the old legal maxim goes. The legislation would make that virtually impossible because of this complexity and the new and convoluted route that cases would have to navigate. In regard to timely hearings, timely trials, a person having access to justice will surely find that it will take months, if not years to reach the end, to reach the conclusion of that process.

• (1200)

I know, Madam Speaker, that you have a history with the justice committee and have taken a great interest in the process as well. We are left feeling very shortchanged by the bill. After having heard from so many with so much expertise, understanding and history as to how the system works, we are left with a virtual nightmare in terms of the legislation.

It does not get to the point. It does not accomplish the goals that we should be striving to achieve. Justice delayed will be justice denied. That phrase will encompass and be stamped indelibly on the bill when it comes to fruition, if the government does not pull back at the last moment, which is unlikely.

For example, if young people were to find themselves charged with first degree murder in my home town of New Glasgow, Nova Scotia, and were taken through the process, would they receive the same treatment, the same end result as they would in Vancouver?

That is a test that should be met. The purpose of our federal justice system is to have balance and parity. The very symbols of justice must be balanced. My genuine feeling is that it will not

happen. There is a great deal of reason to believe, in looking at the various clauses in the bill, that a parity of justice will not exist. There is nothing to mandate that a young person who commits a deadly crime pays with serious time, regardless of the province in which it is committed.

There is an amendment, for example, to subclause 42(2)(o) that three years or less in a penitentiary would be served. In the mind of the public, a three year sentence coupled with probation, if it is to follow, does not adequately or proportionately respond to the gravity of the offence.

However many attempts were made to amend the legislation and however many sources came forward with innovative and intelligent suggestions on how to improve the bill, most of those attempts were rebuffed. There was little time in this round of parliament to delve into the details of the bill. For all intents and purposes time allocation or closure was invoked in committee just as it was in the House.

Again, because of the importance of the bill, members of the opposition, some members of the government side and perhaps some members of the committee were left feeling very frustrated because they were not allowed to call witnesses to go over some of the very flawed legislation. Some would argue, and I would be one, that there is so much wrong with the legislation that it is impossible to improve. It is like trying to polish a rotten apple; it cannot happen.

Supposedly this process is open to change in order to result in the best possible bill. Yet that did not happen. It was not effective. It was not functional. It broke down, perhaps because of the personalities involved or perhaps because the government was not listening. That seems to be very much the case with not only the bill but with many pieces of legislation that we see in the House.

There is an attitude of superiority, that members of the opposition do not quite get it, that somehow they are out for purely partisan purposes and have a lesser understanding of the importance of the government's agenda. That is hogwash and simply not true. Many people in opposition approached the bill in a very professional, straightforward and common sense way. They were left feeling as if they got very short shrift. They were treated with very little respect.

Yesterday I attempted to move an amendment to the bill with respect to subclause 125(6). I did so at the request of the Canadian School Boards Association and other associated groups on behalf of teachers. It was meant to try to improve the information sharing regarding dangerous youth offenders who may be in our school system. The amendment would have provided for the sharing of information so that the provincial director, a youth worker, an attorney general, a peace officer or a person engaged in the justice system could share information mandatorily. They would have to

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do so, for the simple reason that information would be used for a very important purpose. It would protect other students and help in the rehabilitative efforts of the young person who is in the school system.

• (1205)

If the bill provides for that in some instances where it says may, my amendment would have made it mandatory so that it had to happen. There is a breakdown in the information sharing in the current system. It was very much in the interest of everyone to have this information mandatorily shared with our schools.

Others are trusted with the information. There are no privacy concerns when it comes to police officers, community workers or the staff involved in the court system. It is almost insulting to suggest somehow that if we were to give this information to teachers they would abuse it. One is left wondering why the government would vote against such a common sense amendment. Perhaps we will hear some response to that at some point, but I doubt it.

We have tried time and time again to improve upon the legislation. I worked with the old Young Offenders Act and there is no question in my mind that it was not a perfect system either. Although it was a great motivation in my decision to come to parliament, I am left with the inescapable conclusion that the old system will function better or was functioning better than the system we are about to embark on.

It troubles me greatly to think that simply by being here and participating in this system I will have to answer to some future generation as to how parliament could put in place such a convoluted and complex system, such a monster in terms of the delay it would wreak on the system. I will have to ponder as to how I would respond, but at least I will have some solace in knowing that I tried. I tried to make some changes. I tried to put forward some suggestions on how to improve the bill.

There is much talk again about the flexibility of holding these conferences in which the accused, victims and others will be able to participate in the system. Yet it seems to be left in a cloud of doubt and a shroud of complexity.

There is a question with respect to new responsibilities of the police in their actions. They are to engage in a new venture of counselling wherein they will be required to issue cautions. They will be required to delve into the young person's life in detail and to some extent be required to become like social workers. All the information when gathered, which is another very serious flaw in the bill, would not be admissible for the purposes of a bail hearing.

If a young person has been the beneficiary of several warnings and cautions, if the police are aware that he or she is likely to embark on more serious crimes such as break and enter, violence or drug use, and if the person is taken into custody, the police will not

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be required to refer to the information they had gathered through this new system for the purposes of holding or detaining the young person at a judicial interim release hearing or a bail hearing.

I brought this information to the attention of the justice minister and her officials, and yet there is no willingness to change. The Liberal government has also ignored numerous community concerns with respect to mandatory increased sentences for gang violence or swarming. There was no attempt to essentially up the ante for that type of violent behaviour. There was no attempt to have recognized in legislation a specific offence for home invasion when young people were aware or should have been aware that the person was at home when they entered the dwelling house.

That would have been the correct message to send if we were to make the legislation firmer and fairer in order to protect the public. Our justice system should be about protecting the public and keeping in mind rehabilitation and reintegration.

At the end of the day there has to be corrective action taken if young people or otherwise are wreaking havoc in a community. Sometimes it involves removing them from the community for lengthy periods of time given the offence that has been committed. The bill is not sending the signal that violent offenders and those who commit serious offences will be treated in a serious and firm but fair way.

● (1210)

I have already mentioned the delay involved in bringing forth the legislation, but another flaw that ties into my earlier comments is the lack of language referring to deterrence and denunciation, deterrence being either general or specific and denunciation for the crime itself. The bill is completely void of that type of language. It makes no mention of it, yet it is used in courtrooms across the country every day. The department and the minister in their wisdom are loath to use that type of language in the bill.

We have heard many complaints from numerous individuals across the country about the way in which the bill has been put together. I cannot stress enough the complexity of the bill. We had the Juvenile Delinquents Act which comprised 30 sections. From there we went to the Young Offenders Act which contained approximately 70 sections. Then we talked about the need to streamline and the need to make the legislation more user friendly so that parents and young people could understand it.

What did the department come up with? It came up with a bill that has 200 clauses. The legislation will be more than doubled. Yet the department and the minister have the audacity to say that it is streamlined legislation. It could not be more the antithesis of streamlined legislation. It is the complete opposite. The minister is being very economical with the truth when she uses that kind of language.

For example, subclause 45(2) is 86 words long in one sentence. That is the type of complexity we are talking about. It reads like Chinese arithmetic. It is something that will be extremely difficult for those working in the justice system to try to administer.

This leads me to another major flaw or chasm for the provinces. Due to the new complexity, new processes and new requirements for the administration of the bill, it will take massive resources to accomplish this task. The provinces are feeling extremely frustrated. Many who came before the justice committee stated in a very straightforward and polite way that they did not have the resources to accomplish the task given to them by the government.

In many ways that is exactly what is happening. The government is asking the provinces to administer the bill. Yet it is trying to micromanage the way in which they would do it. It is telling them they have these new responsibilities and new hearings to administer. The provinces will have all sorts of problems in trying to accomplish this task. Yet the government will not give them the additional resources they require.

Understandably the provinces are very upset but the government would not listen. It essentially says that is too bad and that it will go ahead with it any event. It thanked the provinces for voicing their concerns but informed them that they would have to do it. That is not exactly what I would call co-operative federalism. This is not the type of approach that should be taken, particularly on a bill as important as this one.

The minister has talked numerous times about a decrease in crime and how the statistics are plummeting. She should talk to the police, to case workers and to probation workers. They will tell her otherwise, particularly when it comes to violent crime. We know that violent crime is very much on the rise, particularly among young women. In the last 10 years it has risen over 77% as far as youth are concerned. Since 1988 it has risen 127% among young women. These are shocking statistics.

Public concern about lack of accountability for crimes, particularly those committed by young people, hinges on the fact that there does not appear to be much in the way of deterrents. We have new processes of statutory release, presumptive release, conditional release and conditional sentences. These are some of the same flawed practices that exist in the adult system. Now the government is downloading them on to the youth court system and telling the provinces to do their best. However it will not be there to help them when it comes to light that it will cost considerably more and result in more delay.

Frontline police officers are saying the same. They are very concerned about the new responsibilities. Victim groups are not satisfied that they will be given enough participation or recognition in the new system.

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• (1215)

The new bill, although it is not new and has been recycled several times, is one that is fraught with grave financial implications and grave implications in terms of delay, complexity and breakdown in the system. The only people perhaps who will be happy will be the lawyers, particularly the defence lawyers. This will be the best make work program that the government could possibly have come up with. What will be accomplished?

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I listened with great interest to the member for Pictou—Antigonish—Guysborough. I know he has a great deal of background on this issue, having been a crown prosecutor and having dealt with the very act that Bill C-7 seeks to amend.

I learned quite a bit from his speech. I would like him to elaborate a little further on one thing he raised. The old Juvenile Delinquents Act had some 30 odd sections. The Young Offenders Act had roughly 70 sections. This bill, which ostensibly seeks to clarify, streamline and make more accessible the Young Offenders Act, has 200 sections. What is even more worrisome is the omissions in the bill, which he pointed out.

How can we have a new act that deals with young offenders but fails to contemplate or mention things like gang activity or home invasions? The single most frightening thing for senior citizens today is the possibility that some thug will kick their doors in and invade their home while they are sitting watching television. This is a very genuine fear for Canadians. They want some specific mention of the seriousness of that crime.

Could the hon. member elaborate, not so much on what is worrisome in the act but on some of the glaring shortcomings or omissions, which he pointed out.

**Mr. Peter MacKay:** Madam Speaker, I know he has a real interest in this issue.

It is difficult for me to answer on behalf of the government as to why it failed to address these questions he put forward. Why would the government not take this opportunity to put in place a system that would leave people, in particular seniors, feeling that they would be protected in their home? There is no specific mention of home invasion or the creation of an offence that would react in a very deterrent and straightforward way on that type of offence. Nor do we see a genuine attempt to address the issues of violence or violence using firearms or weapons, which is sadly another type of offence that is on the rise.

Swarming is another offence that has become commonplace, not only in big cities, but in rural Canada as well. Groups of youth maraud, band together, turn upon individuals and beat them into

submission. We saw this happen outside Toronto to a young man by the name of Jonathan Wamback who was severely beaten within an inch of his life. His father undertook a very impassioned plea to the country to try to bring about some change in our justice system, particularly in this bill. It was completely ignored by the government.

I am not sure I can give any account as to why the government did not take the opportunity, which was the most obvious chance we had, to change the bill. Instead it came forward with this bill and all the shortcomings, a bill so complex and so convoluted. It has doubled in size the terms and conditions in which the legislation will operate.

The government has failed to attack some of the biggest problems which have existed in the system for the last 10 or 15 years, in the Young Offenders Act. It completely defies logic. It has left many, not only those in the legal community but many in the community who would be most affected, scratching their heads and wondering why they elected the government in the first place, if this is the type of legislation they will get as a result.

• (1220)

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Madam Speaker, I have just a few comments as the end of a long process winds down, not only in the context of time allocation but also in the context of a bill that has received a great deal of attention by this parliament and the previous parliament.

We regret to say that we cannot support Bill C-7 because we all started from the proposition, with perhaps the exception of the Bloc Quebecois because the Young Offender's Act seems to be working in Quebec in a way that it does not seem to be working in the rest of the country, that the Young Offender's Act did not live up to expectations. I say that as someone who was here in 1983-84 when we passed the Young Offender's Act. There was a great sense of progress in that we had finally shed the juvenile delinquent's act and that a new day in youth criminal justice was ahead of us. Some 15 years later we do not have that feeling at all.

We have the feeling that the Young Offender's Act does not work, that it has many unintended consequences and that it does not have enough discretion built into it. Too many young people are being forced into and clogging up the court system. We feel that that kind of discretion should be available to the system, which is not available in the Young Offender's Act. So we have before us the youth criminal justice act.

Unfortunately, we can also say today that, given the unwillingness of the government to consider many of the criticisms that have been levelled at the bill, to consider the need for more resources if this bill is to be implemented properly, a point that has been made

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over and over again by various provincial governments and to consider the complexity of the bill and the fact that it might actually extend rather than shorten the distance in time between the offence and consequences, one has the ominous feeling that 15 years from now, and some of us may still be here, we will be discussing the failure of the youth criminal justice act.

That might be something in the nature of this kind of legislation or it might be something peculiar to this legislation. It is probably a little bit of both. In the end no amount of youth criminal justice legislation, whether it is the Young Offender's Act or the juvenile delinquent's act or the youth criminal justice act, is going to be enough to solve our problems.

Our problems are fundamentally social, economic and moral. They have a lot to do with the kind of values young people are picking up in the media, on television, from the popular culture and even from our economic system. We have an economic culture that more than ever before holds up self-interest as the guiding light, that everything works well if we all pursue our own self-interest in an extremely competitive way. The language of co-operation that we might find in older notions of how we should relate to each other or that might be found on Sesame Street, soon evaporates for many youths when they see how the world unfortunately sometimes really works. We have a much larger task ahead of us than anything we could accomplish through the youth criminal justice system.

I want to re-emphasize some of the things we said at second reading and which have not really been addressed in committee. We find ourselves in much the same position as we were at second reading. I already mentioned the fact that the complexity in the bill was a problem in of itself. However it could also lengthen the time between the actions and the consequences.

One thing we know, at least it seems so to me, is that there is a great deal of agreement that for justice to be effective, particularly with young people, it should be swift. People should be able to make the connection between what they have done and what the punishment is or what the consequences are and not have it so delayed as to be remote in the connection in the young person's mind.

The question of the changing the reverse onus provisions, changing the existing situation whereby the state now has to argue for youth between the ages of 14 and 17 to be brought before adult court, will change. What is this going to mean? This will mean a bigger role for lawyers in the system. This in itself will delay things. Anything lawyers have something to do with is a source of delay, sometimes legitimate and sometimes not.

• (1225)

This will further complicate the system, given the fact that many young people who find themselves in trouble are not always from

families of means. This will mean an increased burden on legal aid. We are very concerned about the chain reaction involved. This is all part of a downloading of costs onto the provinces, legal aid et cetera without the corresponding resources being devolved to people who will have to deal with the complexities of this new system.

The province of Manitoba has a concern with this legislation. We do not want this new act to apply to children under 12. However, at the same time we need a strategy for dealing with children under 12. In the inner city of Winnipeg and many other places we know that children under 12 are being employed by gangs to effect their criminal intentions. We need a strategy to deal with that which is effective and at the same time respects the fact that we do not want children under 12 to be brought, strictly speaking, within the rubric of the youth criminal justice act.

There are a lot of things that need to be done. This bill does not do them in terms of resources. It does not do them in terms of its own stated objectives. For the record, for this reason and many others which I do not intend to go into at the moment, the NDP will be voting against the bill at third reading stage.

[*Translation*]

**Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Madam Speaker, I wish to inform you that I am sharing my time with the hon. member for Mississauga West.

We are about to pass an amendment as important as it is needed in the way Canada deals with youth crime. The rate of youth incarceration in Canada has now reached a totally unacceptable level. It is the highest in the western world, even higher than in the United States.

Some members from Quebec like to praise their province's justice system, which they say is based on rehabilitation of young offenders. According to a pamphlet prepared by the Bloc Québécois, the suggested approach calls for rehabilitation therapy in a youth centre before a young offender commits an even more serious crime.

The member for Berthier—Montcalm declared that Quebec tends to personalize the process based on three fundamental principles: punishing the young person; making him accountable for his actions; and addressing his psychological and social problems, all with a view to rehabilitation and reintegration into society

What the hon. member neglects to tell us, however, is that Quebec tends to make use of committal to custody for young people guilty of offences that are not particularly serious, I repeat, as it is very important: young people who have not done anything particularly serious, more often than any other jurisdiction except one. This tendency is not affected by whether the adolescent has no prior convictions or has only one or two.



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Numerous studies and experiments worldwide have shown that what works best is to get the young offender to assume responsibility outside the formal system. This type of intervention makes it possible to react promptly to the adolescent's misbehaviour by imposing a significant measure, that is one from which he or she learns something, thus bringing about rehabilitation and redressing the wrongs caused.

• (1230)

I would like to get back to the hon. member for Berthier—Montcalm. He engaged in a tour, to which he referred, during which he described certain scenarios in order to convince people that Bill C-7 is bad for Quebec.

I will pick up on one of the scenarios to demonstrate the incongruity of the arguments presented by the hon. member for Berthier—Montcalm. It is the case of Hugues, which hon. members may well have seen in the Bloc Québécois pamphlets so widely distributed throughout Quebec.

It starts by stating that, under the Young Offenders Act, Hugues' problem, which is connected to gang membership, would be revealed immediately upon his arrest and first court appearance. They go on to say that the crown and the defence attorney will probably agree on a training and social reintegration program where he would be kept away from his gang.

They conclude, that is the Bloc Québécois and the hon. member for Berthier—Montcalm, that with a six or eight month social intervention program Hugues seems to have a chance.

Then, in the second scenario, according to the Bloc Québécois, Hugues would receive totally different treatment under Bill C-7. The person who wrote the pamphlet indicates that Hugues would appear before a court after his offence and temporary detention would be accepted as a defence strategy. After a trial, Hugues would be sentenced to eight months detention. He would not have access to rehabilitation programs because time would be too short; he would be left to himself. The various intervenors, specialists, teachers and scholars would become prison guards.

**Mr. Benoît Sauvageau:** Madam Speaker, I think you will find that we do not have quorum for such an important debate. I would ask that you please call a quorum count.

*And the count having been taken:*

**The Acting Speaker (Ms. Bakopanos):** We now have quorum.

**Mrs. Marlene Jennings:** Madam Speaker, what is very clear in Hugues' case, as narrated by the member for Berthier—Montcalm, is that the comparison between the two pieces of legislation is

based on some unfounded premises which the author is presenting as absolute rules when in fact everything is hypothetical.

For example, it is hard to believe that the reasons why Hugues and his lawyer plead guilty and accept the sentence for an eight-month detention in a youth centre, as is proposed by the crown, according to the scenario involving the Young Offenders Act, would disappear simply because another act applies.

Also, it is hard to understand why Hugues would be confined to temporary detention under Bill C-7 when in fact this new act says that a young offender can be released from detention in the custody of someone and requires that the court check if someone trustworthy can and will take care of the young offender. This option applies perfectly to Hugues' case, especially if the purpose of the intervention is to keep him away from his gang.

Finally, it is unthinkable that a teenager could be left to himself instead of being enrolled in rehabilitation programs. A good social reintegration requires the implementation of programs which begin during the custody period and continue within the community with the support and under the supervision of a youth social worker.

This is exactly what Bill C-7 provides for by stipulating that rehabilitation programs assisting young persons to be reintegrated into the community must kick in as soon as the offenders are sentenced and held in custody.

It is also important to note that the effectiveness of any intervention cannot be measured only by the number of days in custody, but rather by the quality and the relevancy of the programs designed for young persons and the quick and fair treatment of young offenders. These are the principles underlying Bill C-7.

• (1235)

I would now like to deal with the right to opt out.

The Bloc Québécois is asking the federal government to give Quebec the right to opt out so it can continue to implement the current legislation. The federal government has enacted the current Young Offenders Act and has proposed this bill in respect of criminal justice for young persons under its powers pursuant to section 91 of the Constitution Act of 1867.

These two pieces of legislation are codes of procedure and sentencing for crimes committed by young persons. The fact that criminal law is nationwide in scope does not require, and former Justice Dickson said so in 1990 in the Supreme Court of Canada ruling in *R. v S. (S.)*, that it be implemented in a uniform way and in all its details in all the provinces.

The youth criminal justice act provides enough leeway to allow each provincial government to implement it in a way that meets its own challenges and particular needs. This leeway will allow

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Quebec not only to preserve but also to improve its youth criminal justice system.

I also wish to remind the opposition that Bill C-7 is the result of broad consultation of the provinces, territories and people interested by youth crime. Through this consultation, numerous flaws were identified in the present system.

The bill is to fix the flaws of the Young Offenders Act, while building upon its strengths. The main features of this reform have been approved by the Canadian population as a whole, including the population of Quebec, as shown by a CROP survey conducted in June 2000.

The last point I wish to raise is the implementation cost of this legislation.

I must say that federal support to Quebec, in particular in terms of preservation and improvement of its youth criminal justice system, also takes the shape of an increased financial contribution. As a matter of fact, by 2004-05, basic federal transfers for youth criminal justice will have increased by 39% compared to 1998-99.

I hope that these clarifications will allow members of this House and in particular those of the Bloc to better appreciate the scope of Bill C-7, and that they will support the bill at the third reading vote.

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Madam Speaker, on the invitation of the member who just spoke, who is from Quebec and claims that the bill is perfect, I would ask her if she has taken note of all the support coming from the members of the coalition.

I would like to know if she has indeed read all the documents of the coalition, which is against the bill.

I would also like to know if she has read the proposed unanimous resolution of the Quebec national assembly, which opposed this bill last week and which is asking that Quebec be allowed to maintain its rehabilitation program.

I would also like her to try to name organizations, not individuals, that would be in favour of her position, precisely to back up her position. I ask her to name a series of organizations that are in the justice area, the rehabilitation area or in the area of all those who are intervening with young offenders.

Moreover, I would like her to name those who agree with the position she is defending.

• (1240)

**Mrs. Marlene Jennings:** Madam Speaker, first, I thank the hon. member for his question. I would like to tell him that I was elected in the past to sit on the board of Batshaw, which is responsible for all the youth centres in the English speaking community of the

island of Montreal. I know very well the youth criminal justice system in Quebec and elsewhere in Canada.

Secondly, I have examined the first bill introduced by the minister. I did not support it, because it was too complicated and it penalized the young. I also thought that if it was not possible to make improvements through that bill, it was better to simply correct the shortcomings in the Young Offenders Act, which does have some shortcomings.

However the minister heeded the representations of the justice committee and more particularly the recommendations of the Quebec Bar Association. My colleague opposite will probably agree that the Quebec Bar Association knows what it is talking about.

In its presentation, this association made comprehensive recommendations to improve the bill. The minister listened, and she incorporated all or most of these recommendations. That is the first point.

Second, I have been asked if I had any knowledge of the position of the coalition, for example. Yes I do, and I find it rather unfortunate that that position is in fact a position on an earlier version of the bill. The coalition does not seem to be aware of the major changes the minister made to her bill. I would like to give an example.

Under the Young Offenders Act, 14 year-olds may be given adult sentences for certain criminal offences. However when we listen to some of the people who are opposed to Bill C-7, we hear them say how terrible it is that 14-year-olds may receive adult sentences under Bill C-7. The possibility already exists.

I wonder sometimes if people are trying to mislead Canadians when they do not give the facts, when they do not interpret correctly the present legislation that has been in effect in Canada for 16 years and when they do not give all the information.

Also, under the Young Offenders Act, teens can be transferred to adult court for certain criminal offences. That is terrible. Not one single expert working with young offenders is in favour of that. However, Bill C-7 corrects this flaw in the Young Offenders Act. Now, the youth court will have exclusive jurisdiction to hear cases involving young offenders prosecuted under the youth criminal justice bill, including—

[English]

**The Acting Speaker (Ms. Bakopanos):** Order, please. I will just remind hon. members that the hon. member split her time, so therefore she only had five minutes of questions and comments.

[Translation]

I would ask members on both sides of the House to show the same respect. When someone replies, we all want to hear what he

or she has to say. The question is good, but we must be able to hear the reply also.

[*English*]

**Mr. Steve Mahoney (Mississauga West, Lib.):** Madam Speaker, I know it has been a while. I am delighted to see that I have been missed. I have been busy on committee and dealing with other issues.

I do not know if there is an issue that is more of a watershed, that is more of a defining matter of philosophy versus pragmatism than the changes being made to deal with youth criminals in the youth criminal justice system.

We have heard the debates from friends opposite, and maybe not so friends opposite. They have talked about some of the solutions that are envisioned based on their philosophies and their experiences.

• (1245)

There are some very fundamental differences between the views of members on that side of the House and members here. Some members of the official opposition would simply say that three strikes and the person is out and we should throw away the key. Then we have other members of the official opposition who believe that punishment is the goal, which is what it thinks the bill should be rooted in. These are two of the extremes. We then have the other extreme—

**Mr. Rob Anders:** Madam Speaker, I rise on a point of order. I am wondering if there is quorum. I count 18 members.

*And the count having been taken:*

**The Acting Speaker (Ms. Bakopanos):** We have quorum.

**Mr. Steve Mahoney:** Madam Speaker, the member opposite says that I am right in the middle. Yes, the extreme middle is generally where members will find us. We in this party believe in a balance that strives to deal with the root problem of youth violence. Is it a serious problem? There is no doubt about it. As I have pointed out, the one position on the right of the political spectrum is to deal with it with a supposedly firm hand with boot camps.

**Mr. Rob Anders:** Madam Speaker, I rise on a point of order. I do not see quorum.

*And the count having been taken:*

**The Acting Speaker (Ms. Bakopanos):** I see quorum. Hopefully quorum will remain.

**Mr. Steve Mahoney:** Madam Speaker, when the opposition benches empty the moment after the bells stop there will be difficulty in keeping quorum. I suppose the attempt is to throw off

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anyone speaking on this side of the House. However, it will not work because, fundamentally, we believe in the principles that are in the bill. If members want to talk about the difference between punishment, revenge, deterrence, rehabilitation and long term prevention, then that is what the bill would achieve.

I will tell members about something I saw this morning on *Canada AM* that interested me. A man by the name of Jim Gollert, who is the CEO of the Centre for Education and Training in Mississauga, has been appointed by the provincial government. I am hopeful that what I saw is a positive sign from the province of Ontario that it wants to deal with long term prevention. Where do criminals come from? Jim has been asked to deal with young people expelled from our educational system.

We all know, at least in the province of Ontario, that if young people are expelled from classes it is a very serious matter. If they are expelled for violent activities it means they are not only expelled from their board or school but from the entire education system in the province. I cannot think of a better breeding ground for young criminals than having young people kicked out of school and sent home or out onto the streets with no opportunity to continue their education.

I want to give credit where I hope credit will be due. The provincial government has announced not a boot camp, which some members opposite might prefer, but rather an opportunity for kids who are in trouble at school or who have been expelled on a permanent basis from the education system and sent home or out onto the streets.

• (1250)

The province of Ontario has asked Jim Gollert to head up a project that would look into ways these young people can continue their education and be rehabilitated before they wind up before a judge or in jail. I am hopeful this is a sign from our provincial government that it will do something about these kids who are the precursors of the young people who wind up being charged under whatever act is put in place.

There has never been so much misconception foisted upon people both in this place and across the land about the purpose of the Young Offenders Act and its replacement, this new act. The intention here is to take a young person who has been charged and who, under the Young Offenders Act, can be put into adult court prior to any conviction. Does that make any sense? We do not know. One would think that all of us in this place would live by the premise that one is innocent until proven guilty.

If a 14 or 15 year old is charged under the current act there are mechanisms in place that would allow the young person to be tried in adult court. At that time the offender's name would be published and it would be open to the discretion of the judge to impose an

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adult sentence. Under the new act that would only occur if a conviction is registered in a youth court system. That seems makes a lot of sense to me. If young persons are acquitted or they turn out to be not guilty, why would we want to put them into the stressful situation of having their lives tarnished perhaps forever because of a charge that was not proven to be true? We would not want that.

Under the new bill there would be the ability for the court system to deal with it in a youth system. It then would have the ability to impose an adult sentence upon conviction. That seems very reasonable. I do not hear anyone on the other side telling people about that or speaking about it in committee or in this place.

One of the goals must be to rehabilitate. I hear members from the Bloc chirping and heckling and I would say that is the other extreme. The other extreme is people who are only concerned, frankly, about provincial jurisdiction. They do not want any kind of federal jurisdictional interference in the justice system.

I do not understand why the Bloc would object to this bill. If Quebec accepts the new five year youth justice funding agreement that has been offered, the federal government will contribute more than \$191 million over the period 2000-01 to 2004-05 to support youth justice services in the province. The increase in the base funding component of that agreement alone would represent an increase of 39% when compared to the level of federal support available to Quebec in the 1998-99 agreement. Quebec has the opportunity to receive stable funding from the federal government to support the youth justice system in the province of Quebec.

What is driving the Bloc members? Is it the overriding dogma they have about not buying into anything with any kind of federal direction, federal mandate or, what it would call, federal interference?

Members might find this hard to believe coming from me, but I think we should look at the benefit of the youth as opposed to the partisan interests being espoused opposite. It will not help young people if the bill is opposed because of partisan purposes on behalf of people from Quebec or western Canada.

I will tell a story about something that happened in Nova Scotia. I had an opportunity to work as the advocate for youth entrepreneurship. We had hearings. In those hearings young people appeared before us. One of them was a young woman. When we asked her how she had found out about the opportunity for youth entrepreneurship, she said that her parole officer had told her about it. It almost knocked us over.

• (1255)

The province of Nova Scotia has implemented a program called second chance. Is that not exactly what we should be trying to do: to provide a second chance when we see young people who have the opportunity to grow? It helped that young lady start her own business. She has a young child and she has turned her life around.

That is what the bill is about. That is what the government believes in. We will be tough where we need to be, but we must be fair; we must be balanced; we must focus on rehabilitating young people to build a better country.

[Translation]

**Mr. Odina Desrochers (Lotbinière—L'Érable, BQ):** Mr. Speaker, I have just heard the most partisan speech that I have ever heard since the beginning of this debate. It is a partisan and biased speech made by an Ontario MP who knows absolutely nothing about Quebec.

For that matter, everything he says in the House of Commons shows that this member knows nothing about Quebec, that he knows nothing about the act and that he is only trying to misinform the House.

When the only example he can find is a situation that occurred in Nova Scotia, referring to parole, that makes us wonder what he is taking about.

We in the Bloc Quebecois know what we are taking about. We know that Bill C-7 is unjust to Quebec's young offenders, and we do not want to have imposed on us the vision of the west, which, unfortunately, is also endorsed by Ontario MPs.

The member must know that it is different in Quebec. As the present parliament progresses, we are realizing more and more how different we are from them, and that they do not understand us.

I would like to know if the member would accept, once and for all, to go to Quebec to find out what is going on there, find out what Bill C-7 is about and what its consequences are, and to understand, once and for all, that we are different from them and that we want to be on our own.

[English]

**Mr. Steve Mahoney:** Madam Speaker, I am sorry to hear the personal attacks. I thought I was being fairly non-partisan in my debate compared to my normal approach to things. I was trying to notch it down a bit so that we could deal with some of the substantive issues.

The member hit it on the head. He said he wants us to admit that they want to stand alone. We know that is what drives them every working day, but that is not what the bill is about. The bill is about young people. Whether they are in the province of Quebec, Manitoba or British Columbia does not matter.

The effect of the youth justice system should have nothing whatsoever to do with the partisan desire of that party to separate

from the rest of the country. Its members stand and say they are different from us and that we must come to Quebec because we do not know anything about Quebec.

I will tell them what I do know about. I know about young people. I know about Canada. I know that our young people from sea to sea need a fair and balanced youth justice system. That is exactly what the bill will provide, and it will do so in la belle province.

[*Translation*]

**The Acting Speaker (Ms. Bakopanos):** Not to repeat myself, members asking questions and those giving answers are entitled to the same respect.

[*English*]

**Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance):** Madam Speaker, my hon. colleague from Mississauga West made a few comments in his original speech to which I take great exception. He said that the philosophy of the Canadian Alliance was “three strikes and you’re out”. He also made reference to things such as boot camp.

He could not be further from the truth. There is no such thing as “three strikes and you’re out” in our party. We want to see young people have the best opportunity possible. It is not negative when we bring to the discussion comments about notifying school boards and schools that they have a violent offender in their system. It is positive. By doing so we are protecting the most important resource Canada has, our youth, and we are also protecting the young offender. If we know what triggers the behaviour in a person then we can take the necessary steps to prevent it from happening again.

• (1300)

I spent my twenties and thirties as a school trustee. I have a very clear understanding of what happens in schools and of the need for education. In the latter part of my years I was the mayor of a community and helped to set up a camp for young offenders. Education was the most important component of that camp.

I and my party understand the need for education. We understand that if we can educate children and stop them from doing what they are doing before they get a criminal record for the rest of their lives, then we have made a contribution.

Where does the member get the idea that my party stands for three strikes and the offender is out? That is not true. I would be very interested in hearing how the member feels about that.

**Mr. Steve Mahoney:** Madam Speaker, the answer is fairly simple. It was in that party’s election platform in the past.

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**Mr. Ken Epp:** It was not. Liar.

**Mr. Darrel Stinson:** You lie.

**Mr. James Moore:** Stop lying.

**Mr. Steve Mahoney:** I have heard members opposite speak about it in this place. They can try to deny anything they want.

Maybe the member brings a softer, gentler approach to this whole issue than some of the former members who have been here a little longer. That would be delightful to see. However, no matter how the Alliance tries to soften or change its image, Canadians know what it stands for. Canadians have heard it in this place and they have read it in the Alliance election materials.

**Mr. Darrel Stinson:** Now I know for sure that you cannot read.

**Mr. Ken Epp:** Why do you not speak the truth?

**The Acting Speaker (Ms. Bakopanos):** I know this debate is a very emotional one. Three times I have stated, and I am sure all colleagues agree, that we must show the same respect for both the colleague who asks the question and the colleague who answers the question.

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Madam Speaker, it must be fate that I would be following the speaker from Mississauga West. It was not my plan because he usually follows me but today I will get to have the last word. I will also be sharing my time with the member for Kelowna.

I want to take a moment to congratulate the member for Surrey North who has put in unlimited hours regarding the problems we have with youth crime in Canada. Being a victim himself, having lost his son to young offenders many years ago, his work in an organization called Crime, Responsibility & Youth, known as CRY, and his work with other victims’ groups over the years indicate to me that there is a real dedication on the part of this man to bring very positive changes to the whole idea of youth crime.

Given all his efforts and the clear message that he has brought to the House from various victims’ groups throughout the land to do something about youth crime, today unfortunately we have to report to Canadians that the government has failed dismally to deal with the situation of youth crime, and it ought to be ashamed of itself.

In 1984 the Young Offenders Act came into existence. In 1994 the 10 year review began. The results of that review, which I carry in my briefcase, indicate quite loudly and quite clearly that under the Liberal government’s law regarding young offenders, violent youth crime has increased from 300% to nearly 400% over that

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period of time. Some success. I congratulate the government. This report came out of the government's own 1994 review.

● (1305)

When our party came here in 1993, we were assured by the present health minister, who was then the justice minister, that there would be a big review and a big resolution to the youth crime problem that we were facing and that he would require input from all the parties in the House.

I happened to be the head of the Reform Party justice committee at that time. I met with many of my colleagues and we diligently put together our proposals, which we felt would deal with the situation. They were mainly based on policies that were decided by grassroots people across the country who helped us develop them. We submitted our proposals. I looked at hundreds of submissions from organizations across the country who were calling for some serious and significant changes to the Young Offenders Act in 1994. After nearly a year and a half, the minister at that time brought forward a proposal that was totally insignificant with regard to what the people across the country were asking for.

We have continued to carry on. I believe this is at least the 15th time that I have spoken on the Young Offenders Act since I came here in 1993. This effort, called the youth justice bill, is just as my friend from Surrey North called it this morning, a very feeble and weak attempt to resolve the problems that victims across the land are facing day in and day out because of youth crime.

It is totally in the hands of the government across the way to start listening to Canadians and to start taking their views seriously with the intention of bringing about a safer society for our young people in particular who are the majority of the victims. However, the government refused to do it and it has failed once again.

Government members will proudly vote tonight, accept what has been delivered and it will be unacceptable across the land. I can assure members opposite that one year from now we will be standing here questioning the government on why it is not doing something about the youth crime across the land. That is an assurance that members can almost count on.

I heard comments this afternoon about boot camps and that it was a shame that anybody would even suggest a boot camp. I have news for the Liberals: probably millions of people in Canada have gone through boot camps called the military and it did not hurt them one bit. In fact most of them are quite proud that they went through a very disciplined training program that delivered them to a position where they could serve their country.

I do not know of one Liberal who has the guts to visit the boot camps and work camps across the country. They should come out to Alberta to see how our work camp is doing. The camp is having great success because the young people are learning some responsibility. They are learning how to work. They are getting an

education. They are learning physical fitness. They are learning how to treat other people. They are learning about life. They are not in a prison, they are in a work camp. Is that not scary? It must frighten that Mississauga West character right out of his boots that we would do such a thing to youth.

As far as what goes on in the schools, having been in the school system for 30 years and in administration for 15 of those years, I can assure the House that I would have loved to have known the backgrounds of the different students who were being transferred to my school. Not only could we have provided a service to them but we could have provided better protection for some of the youth who suffered at their hands because of our lack of knowledge.

Let us talk about victims. The last thing the Liberals ever talk about are the victims. What is happening in our society? The stories we hear from students when we visit schools are crazy. I believe all my colleagues in the House have visited a school and have heard the students say that the government should get tough with violent young offenders. Many students live in fear. When I visit schools the majority of students tell me that they are fearful of the situation they find themselves in today.

● (1310)

I really question the Bloc members. They say that Quebecers like the law the way it is. All the e-mails, letters and contacts I have had with people from Quebec over my years of work on justice issues have said quite the contrary. The grassroots and down to earth people do not like the Young Offenders Act. I would ask Quebecers to write to me and let me know if they are happy with the act. I would like to know because I do not believe it is true. Whenever I go to meetings or make any kind of speeches at town halls involving tax problems or other issues, at the top of the agenda is the subject of young offenders. They want to know what we are going to do about youth crime.

I would encourage the government to pay attention to grassroots people, but I know that is difficult for it to do. I have received a number of notes and have had a number of conversations with backbenchers on that side of the House who keep encouraging me to fight against the bill and to keep doing what I am doing because they do not like it either. Unfortunately, their hands are tied and they cannot do anything about it. It is a shame that when members sit in the government backbenches, they are not allowed to have a strong voice in what the frontbench brings forward.

That needs to change. The members' idea on the frontbench is to bring the bill forward and then put closure on the debate. They claim to know best and that their little boys and girls behind them will vote the way they are told whether they like it or not. Year after year we hear the same old story. Members do not like what they have but they have no choice because they are ordered to vote a certain way.

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These problems will never go away if we take the approach that everything we do must benefit the criminal. If we do not start focusing on the victims and what their safety means to them instead of the rights of the criminal, we will never get anywhere. No one believes in prevention more than I do. Our communities are offering good measures of prevention and I support and congratulate them for doing so. However the government has failed to do so for seven years. The reforms are no different than what we had in 1994.

**Mr. Dennis Mills (Toronto—Danforth, Lib.):** Madam Speaker, I have witnessed the member's passion and his constructive criticism in the House on justice issues for a number of years. I like many of his ideas, especially the idea of having camps or discipline centres. I do not like the word boot camp but I like the notion of having rehabilitation centres where people could be taught skills, where they could be given a sense of discipline, a sense of athleticism and all the things that would make them a whole person.

The member has given 30 years of his life to young people through the educational system. He talked about the notion of working on prevention. The area of prevention is an area that does not get enough discussion time in the House. Could the member tell us from his experience where he has seen the best results of preventative measures young people?

**Mr. Myron Thompson:** Madam Speaker, I could speak about a number of occasions but I must say to the member that it was very difficult after the Young Offenders Act came into force. I was a principal before it came in. We were notified of their life situations when they arrived at the school. After 1984 we were not allowed to have that knowledge, which made it a great deal more difficult. We were notified of their life situations when they arrived at the school. After 1984 we were not allowed to have that knowledge, which made it a great deal more difficult.

• (1315)

We were able to implement some programs. The one to which I like to refer the most is about little Eddy who was in grade one. We brought in a program in our school for students at risk. The grade one teacher brought Eddy to my office one day and told me there might be a problem. He had pulled a knife on the teacher and had been kicking the teacher in the shins.

I think the member would agree that there was a serious problem. We identified it early and worked with the young person over the years. We did not throw him out of school. Expelling kids was the very last resort although we sometimes had to do so for the safety of others. We worked hard with Eddy. We brought in his family and managed to get volunteers in the community to provide big uncle programs. It was something we had free rein to do. Regulations did not disallow it. We were able to bring in people

who had the ability to work with a young person like him. As we went through the year he began to excel a little. He left our community when he was in grade six.

I ran into Eddy in 1995. He was in prison, but he was a guard. He remembered me from grade six as being his principal. He ran up to me to tell me how much he appreciated what we did for him in those earlier years. He said he would have been on the other side of the bars had it not happened.

I remind the member that unfortunately, as time progressed, as the charter of rights came in, as human rights factored in and as the Young Offenders Act came in, we were less and less able to put hands on programs in place to work with these students because somebody had the right to deny it. We were not allowed the freedom we once had to work seriously in preventing these things from happening.

Why did it get away from us? Police and school administrators used to work very closely, hand in hand, because usually my problems during the day were their problems at night. There were very successful school resource programs. We are starting to get back to that a little today. Community involvement is starting. All of that is great.

I could go on for hours about the experiences we have had, some positive and some not so positive. The difference is that we were capable of doing something because our hands were not tied by some right, charter or Young Offenders Act. That really destroyed our efforts rather than help them.

**Mr. Werner Schmidt (Kelowna, Canadian Alliance):** Madam Speaker, it is an honour for me to participate in this debate. The first Young Offenders Act was brought forward in 1993, but it was my privilege and honour in 1993 to present a petition to the House signed by 6,000 young people. The petition came to me as the result of a visit by two young girls who were attending Mount Boucherie Secondary School. They came to me to ask if there was anything I could do about a problem they had in their school.

They were fearful because they were being harassed and challenged. They were afraid they would be attacked by a group of other girls. The problem was that the legislation did not work. Their teachers and principal could not protect them because the problem was happening in the community outside the school.

They asked what they could do. I told them one of the best things would be to get their friends and other young people to tell me about the problem. Some 6,000 young people could not come to see me, so I suggested they present a petition and that is what they did.

• (1320)

In 1994 the government presented a bill to the House which was completely unacceptable. My hon. colleague opposite on the

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Liberal benches asked what we could do to prevent it. One thing would be to have effective legislation. However there is more than that. We need to change attitudes. We need to change the attitudes of our parents, our legislators and our kids. We need to develop a set of values that will encourage people to respect one another and not accept violent behaviour.

I have a couple of values I will state. There are some virtues we need to have. The virtue of courage is an example. The virtue of character is another. We must live our lives according to what we know is right and wrong, where our word is our bond, where we keep our promises, and where truth is the watchword.

I take exception when hon. members opposite or even colleagues exaggerate or tell something that is close to not being true. Members sometimes deliberately state something that is false. We have a word to describe that. It is a three letter word and I cannot use it here. The important thing is that it happens and it should not.

If we all told the truth, wherever we were, our relationships would be different. If integrity became the watchword in our relationships with one another it would be a good idea.

I will respond directly to my Liberal colleague opposite. The greatest preventive measure, and it ties directly into what my colleague said a moment ago, is that we engender in our young people and in ourselves the recognition that we not only have rights under the charter of rights and freedoms but also concomitant responsibilities. The actions we undertake must have consequences and those consequences must be meaningful. They must entail more than a simple tap on the wrist for violent offenders or some silly little punishment that means nothing. We need to get serious.

Some people, like the hon. member for Mississauga West, will say I want to throw everyone in prison. That is not what I said at all. That is an example of telling something that is not the truth. The truth is that when there is a serious offence there must be serious consequences.

Do those consequences mean we stick people in jail? Not necessarily. Do they mean we teach people better ways of handling conflict? Yes, of course. Do they mean offenders should face their victims and recognize the pain they have caused those individuals and their families? Do they mean they should recognize that it is not only the victim who is the object of a violent attack but the victim's family and indeed the whole community?

Were the two young high school girls who came to see me concerned only about their own welfare? No, they were there to represent a whole other group of girls whom I met later. Then boys came along and said they were in the same situation. They were all victims of the threat that was out there. Let us recognize that we are responsible for our own actions. The hon. member for Mississauga West is also responsible for what he says in the House.

I will go one step further. What have we done in the act? I will refer to only one clause because it is central to the whole business we are talking about here. Paragraph 146(2)(b) of Bill C-7 states:

the person to whom the statement was made has, before the statement was made, clearly explained to the young person, in language appropriate to her age and understanding, that

(i) the young person is under no obligation to make a statement

What does this refer to? It refers to a police officer or a person trying to preserve the peace who has the responsibility to make a charge if someone has broken the law. The young person being charged does not have to make a statement.

Why is that significant? I will not use more arguments here. I will use observations made by the former attorney general of British Columbia. His name was Alex MacDonald. Lest anyone on that side of the House thinks he was a Liberal or a Conservative, he was neither of those. He was not a Canadian Alliance member either. He is retired now, but he was a member of the NDP. He later became a member of the legislative assembly and then the attorney general. Here is what he said:

In 1984, Canada's parliamentarians, perhaps inebriated by their exuberance for rights, replaced the Juvenile Delinquents Act of 1908 with the Young Offenders Act. It was as if they'd heard the word from on high: "Come to the charter waters! Drink and your souls shall live!"

• (1325)

I am quoting Alex MacDonald. He went on further:

The centrepiece of the Young Offenders Act is its Section 556, as it was renumbered in 1998.

It was renumbered to 145 in 1999, renumbered again in 2001 as 146, and I just read it.

The young person is under no obligation to give a statement to the police officer. Mr. MacDonald asked what kind of signal that gave to teens. It expresses one of the shibboleths of our law, one which the criminal defence bar is apparently prepared to defend to the death. Never mind that it contradicts the wisdom of the ages when it comes to raising youngsters to become responsible adults. Why? Because it allows teens two ways to escape responsibility for their mistakes.

First, as passed by parliament, the bill would allow young offenders to refuse to answer a police officer's questions about wrongdoing in which they may have been involved, even if the police officer saw them do it.

There is a case in Kamloops where a youngster was seen damaging some property. A police officer happened to be right there and asked the kid if he did it. The young kid looked at him and said he did not have to talk to him, so he did not. The law says he does not have to do so. That is the first escape.



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Second, the bill would place no onus on young offenders to explain to a court what they have been up to even after a fair, though not conclusive, case has been presented against them.

Many of us as parents know only too well that when our children behave in a manner that is not appropriate they will often behave in a peculiar way. We will know that something is not quite up to snuff and that there is something bothering them. Usually, although not necessarily, they will have done something wrong.

The simplest question is to ask what is the matter. If they do not tell us it often begins to gnaw inside and turn them inside out. If they have done something really bad we could perhaps handle it. However when they keep burying it there is a problem. There comes a time when confession is good not only for the soul but for society. It needs to be done.

I wanted to talk about ways to rehabilitate young offenders but we do not have time. I am sorry about that. I would have liked to draw the attention of members to ways of amending the act so that it would resolve the issue better than is the case now.

**Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance):** Madam Speaker, I listened to my colleague speaking about the Young Offenders Act and I cannot agree more.

The member probably has run into situations as many times as I have in going around to schools and talking to young people. The young people I have spoken to have pushed me to try to have something addressed in the Young Offenders Act. They have spoken time and again about the fear they have of their own peers in many cases. They absolutely point to the Young Offenders Act as one of the causes of their fear because they know young offenders will have no penalty handed to them by the courts. That is one thing I want to ask the member about.

• (1330)

I want to step out of the Youth Offenders Act for a moment. There are those of us who like to point our fingers at the Young Offenders Act, and I am one. As far as I am concerned the Young Offenders Act is a disgrace to our young people and to the judicial system.

One of the big problems with our young offenders has been the direct result of not only this government but the governments before it. I point this out because today parents are no longer able to stay at home to tend to their children. Parents have been forced out into the workplace over the heavy taxation and heavy costs of living in Canada. Therefore, I would like to point the finger that way too, if I could, and maybe ask the hon. member to comment on that.

Maybe another way for us to look at this is to hold the government accountable for forcing both parents out of the home leaving no parent to look after the children when they come home

from school. The children are now learning all kinds of things at the parks, everything that goes on in the Young Offenders Act.

**Mr. Werner Schmidt:** Madam Speaker, I am glad the hon. member mentioned that because it is certainly a part of this preventive thing. It is also a part of our responsibility as parents. He mentioned, in particular, the phenomenon of the latch-key kids who come home and there is no one there.

My wife and I have two boys. One day when they were in junior high they were exposed to some things they were not sure about. In fact, it had something to do with drugs. They came running into the house and, the younger fellow especially, wanted to talk to their mom, but she was not there. They both needed to find her because they had an important question to ask. They ran to the back of the house and found her working on her flower beds. She loves gardening. They ran up to her and told her what they had been offered in the school washroom. They then asked her what they should do. She was able to deal with them. I will never forget that because she was there when they needed her.

I know many of my friends' children come home to an empty house. A note is left on the fridge telling them that there are sandwiches and that they should help themselves, or a note is left telling them which button to push on the microwave if they want hot chocolate. It is a different phenomenon. Does that mean it is bad for both parents to work? No. It just means that kids should not be home without some kind of adult influence in their life. Someone should be there to help them.

I agree with the hon. member. Not only do parents have a responsibility for their children but the teachers and the community also have a responsibility for these children. How many of us simply ignore and walk away from the problems our neighbour's kids may have believing it is not our problem? When I was child and I did something bad, I can remember a neighbour putting his hand on my shoulder and saying "Werner, do you know what is happening over here? Is this what your dad would want you to do", and I would behave myself. It made a difference.

I believe we all have a responsibility. It is part of the prevention and it is part of the cure.

[Translation]

**Ms. Carole-Marie Allard (Laval East, Lib.):** Madam Speaker, I would be glad to share my time with anyone who wishes to speak to this bill.

There is one thing that strikes me in today's debate. Why is it that members on the other side are not pointing out to Quebecers that this bill serves, in fact, two purposes—

**The Acting Speaker (Ms. Bakopanos):** I am sorry to interrupt the member, but she must indicate with which member she is sharing her time. With whom will the hon. member be sharing her time?

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**Ms. Carole-Marie Allard:** Madam Speaker, I wish I could tell you, but I do not know who it would be. So, I guess I will not be sharing my time, if that is possible.

• (1335)

There is something that is puzzling me today. How is it that the Bloc Québécois on the other side is not telling Quebecers what this bill is really about? This bill serves two purposes. Where minor offences are concerned, the emphasis is put on community services instead of custody. That is easy to understand. Why send to prison first time offenders? In the case of more serious offences, three changes are being made. First, there is a change of courts. Young persons will remain in the youth court system. They will no longer be transferred to adult courts.

It is important to mention that Quebec, where supposedly all is well for youth, presently has the highest rate of transfers to adult courts. This is a sad record. We and Manitoba have the same number of cases referred to adult courts. Why so many transfers? We must make sure that young people are protected and stay within a system adapted to their needs.

This is the reason why I welcome with great enthusiasm the amendment contained in the bill on the youth criminal justice system, which will allow to keep young people before youth courts.

The other proposed change is to lower from 16 to 14 the age at which a young offender could be sentenced as an adult.

At present, we know that if a youth commits a serious offence, the onus is on him to show that he should be allowed to remain before the youth court. With the new bill, this situation changes. The age limit will be lowered to 14 years, although under clause 61, a province which wishes to maintain the age limit at 16 will be allowed to do so. Again, the Quebec system remains unchanged, since the age limit remains at 16 in Quebec. It will be up to the government of Quebec to keep the age limit at 16.

Another major change in the bill has to do with the location where young people would serve their sentence. It will necessarily be a correctional facility for youth. This rule applies in all cases, the only exception being when the judge passes the sentence on the basis of the evidence submitted. He or she could decide, depending on the seriousness of the offence, that putting this young offender in a youth facility could indeed be detrimental to the other offenders held in that facility. It is the only instance, and it will be up to the judge to decide.

This is what this bill is all about, which is why I fail to understand why there is such strong opposition to this bill. A rather surprising misinformation campaign is going on right now in Quebec. Unfortunately, certain statements made by members of the Bloc Québécois are a great disservice to the people of Quebec. I think the position of our opponents on the other side of the House,

of our friends should I say, is simply unacceptable. They believe that putting a young teenager who has committed a first minor offence in a youth detention centre is better than any kind of action by the parents, the community or a crime prevention organization, and it is simply unacceptable.

I do not understand that position and it worries me. For example, does the member for Berthier—Montcalm, the Bloc Québécois' critic with regard to the youth criminal justice system, want to increase the youth incarceration rate, which is already at an unacceptable level? Right now, Canada's youth incarceration rate is the highest in the western world. It is higher than that of the United States.

For example, in 1997 the United States put 775 young offenders between the ages of 12 and 17 behind bars, compared to 1,046 for Canada. These numbers are based on proportional calculations, of course.

• (1340)

It is disturbing, and all the more so because recently in Quebec four reliable people mandated to investigate issues of access to residential services and administrative and financial problems of youth centres in Montreal found that these centres were poorly managed. When there is bad management, mistakes and negligence are a risk.

What if some young people are forgotten in these rehabilitation centres where they should get rehabilitation programs? This could happen if the management is deficient. It is not right to give the priority to structure.

As a government, our responsibility is to make sure young people in trouble grow to be responsible citizens in our society. I do not think sending them to youth court is the best way, when alternative measures are available.

I am a lawyer. A few years ago, I worked in a youth court. I saw parents who were desperate and had to appear as witnesses in the case of their child. Too many young people have paid dearly for small offences and will have a criminal record for the rest of their life.

I have to admit I am a bit ashamed of being a Quebecer when I hear another Quebecer opposite try to confuse the issues on a bill as important as this one for the future of young people.

I believe that this bill on the criminal justice system, and let us say this once and for all, offers a flexibility that will enable Quebec to continue its good work if it so wishes. It contains precise principles which will guide the youth court judges. Access to extraordinary measures was mentioned in the Young Offenders Act when it was passed in 1986, but now these are specified, and the judge has the opportunity to use new measures. This is important.

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There is the possibility of reprimands, orders for support and intensive supervision. There is the possibility of orders to submit to approved programs and of custody and supervision orders. There is the provision of programs, when the youth is in detention, to monitor him once he has returned to the community.

These new sentences will be to the young offender's advantage, since they will provide the courts with alternative measures proportional with each adolescent's offence and situation. The new bill sets out clear restrictions on custody.

It must also be pointed out that the bill limits the use of custody to crimes involving violence, repeat offenders who have not complied with previous sentences, who have already reoffended and who have been sentenced for a serious offence. It also limits custody to exceptional circumstances. It troubles me greatly to learn that this bill has been so misunderstood in Quebec.

In closing, I also find it regrettable that a young actor has been used to promote a misinformation campaign. I believe that confusion is still being spread throughout the public. Unfortunately, I cannot accept such a situation.

I take this opportunity to invite all hon. members who require information on this bill to contact us on this side of the House, and we will be pleased to explain that this bill is not what they are trying to make them believe it is. It proposes some innovative solutions to help our young people become the responsible citizens and adults of tomorrow.

• (1345)

**Mr. Odina Desrochers (Lotbinière—L'Érable, BQ):** Madam Speaker, at the outset, I want to point out that I will be sharing my time with my hon. colleague from Argenteuil—Papineau—Mirabel.

I want to focus on some aspects of the bill that I find particularly worrisome. First, we see once again that if members of the Bloc Québécois were not here to stand up for Quebec, we certainly could not rely on federal Liberal members to do so.

Everyone in Quebec agrees on one thing. We do not want Bill C-7. We do not think it reflects the reality in Quebec. Despite what members on the other side might say today, Bill C-7 deals with Canada, with the problems faced by Canada, and we believe that the situation in Quebec is quite different. Unlike the other provinces, we have been successful.

Earlier, when the member for Laval East gave us what she called alarming statistics, she said that over 1,000 young persons were sent to prison in Canada. I would have liked to know how many Quebecers were among these offenders.

I was here, during last parliament, when Bill C-3 was introduced but could not unfortunately be passed. It was both fortunate and

unfortunate that this bill could not be passed. When the House of Commons reconvened, we thought we would see some changes to the bill. We detected a certain amount of electoral opportunism with the tabling of Bill C-3. We noted that the efforts of the Minister of Justice were directed at charming the electors. We all know the results.

We would have thought, when she again submitted her bill to the House that she would have provided for a little more realism and openness in the case of Quebec and the rest of Canada. That was not the case.

I was a journalist for 16 years, and worked at the Quebec City court house for two and a half years. In Bill C-7, what I really object to is the talk of releasing the names of young offenders. It permits publication of the name of an adolescent serving an adult sentence. Reference is made as well to an adolescent serving an adolescent sentence for violent crimes.

There is no point saying that the worst punishment a young person could be given is to have his or her name, picture and background published in the papers. Even today, we see in the case of repeat young offenders who have reached adulthood, 18 or 19 years of age, that the effect is incredible. The harshest punishment a criminal can be given is to have his or her background exposed in the media.

Let us imagine a young adolescent, male or female, aged between 14 and 18, who for all sorts of reasons has committed an offence, and we know our society is undergoing profound change, these are turbulent times, and that we publish his or her photo and background in the papers while this young person is in high school or college. The effect is extremely negative and may harm the individual. He or she will carry this image and have a really hard time, despite the best of efforts, in rehabilitation. The media trial will be with him or her a long time.

As politicians, we are always on parade, facing the media and we often make a statement and then retract it the next day. The retraction may appear in a corner somewhere, while the day before we made the headlines.

• (1350)

The same goes for young offenders who find themselves in a similar situation. Indeed, even after a fair trial, a trial that has taken into account all the circumstances, the young offender will be haunted by the media coverage of his trial.

People often only remember the original story. When there is a retraction, or when a sentence or a verdict is handed down later on, people have completely forgotten.

What they remember is the front page news with the original story, a story that is often taken directly out of the police investigation, but whose impact is not fully known.

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I cannot believe that Bill C-7 will now allow the media to get hold of this information. If we let the media get hold of such stories, the young offender will be judged by the media and will not be able to make it, regardless of the rehabilitation efforts.

I also want to point out the fact that, once again, we see that the situation in Quebec and the one in Canada are very different. Some are trying to claim that the hon. member for Berthier—Montcalm and the members of the Bloc Québécois have been conducting a misinformation campaign, but it is the other side of the House that is leading such a campaign.

When Liberal federal members talk, we hear the word Canada constantly, and from time to time the word Quebec, but they seem to forget about the consensus that exists and the coalitions that were formed against Bill C-7. They always follow the party line. They always hide behind the objectives of Bill C-7 and forget what really matters, the Quebec reality.

Today, just a few hours away from an important vote that will certainly have an impact on our young people, I am asking, on behalf of my colleagues, on behalf of young offenders and on behalf of Quebec youth, that the present government show some openness and allow the government of Quebec to continue the good work it has been doing with the current infrastructures.

This situation could allow us, Quebecers, to continue to function with a system that has already been proven effective, while respecting the other vision people from western Canada and maybe also people from Ontario have with regard to young offenders.

What we are saying today is that we would like to opt out of Bill C-7 so that Quebec may continue the good work it has been doing for many years.

**Ms. Carole-Marie Allard (Laval East, Lib.):** Madam Speaker, I heard my hon. colleague say that he had been a journalist, like me. Therefore I salute a former fellow journalist.

Would my hon. colleague agree to say that the current situation is unacceptable in the sense that, as the hon. member is surely aware, the names of young people are currently published even before they are found guilty?

Is he aware that the new legislation proposes to prohibit the publication of names before the end of a trial, which means that a young person will have to be found guilty and sentenced as an adult before his name gets published?

Does he not find that is a benefit provided by the new Bill C-7?

• (1355)

**Mr. Odina Desrochers:** Madam Speaker, unless my memory does not serve me well, as far as I know, under the Youth Protection

Act, when a youth appears before a court, his name remains confidential. When a 17 year old youth gets arrested, we notice that photographers always hide his face. I have never seen the names of youths under 18 identified.

However, the name of a youth can be identified if the case is transferred to an adult court. However as far as I know, currently the Youth Court Act fully protects young offenders and their names are not published. On the contrary, if their names are published, that can be considered a contempt of court. The legislation is rather severe on that account.

**Ms. Carole-Marie Allard:** Madam Speaker, does my colleague know that Quebec and Manitoba have the highest rate of transfers to adult court?

This means, for those young offenders transferred to adult court, and curiously there is a high proportion of them in Quebec, and I was very surprised to learn that we hold the record on this score, as soon as their file is transferred, their names can be published. We should recognize this is one improvement brought about by this new bill since there will no longer be any transfers to adult court and all cases will be heard by the youth court.

Will the member admit that the ban on the disclosure of young offenders' names is an improvement?

**Mr. Odina Desrochers:** Madam Speaker, the point here is not to find out what we will admit or not. The point is that the situation is different in Quebec and that we do not want Bill C-7. We find nothing positive in this bill.

We want Quebec to continue to stand alone and to keep a system that is working well, has proven effective and, most importantly, is adapted to the social reality of Quebec.

**Ms. Carole-Marie Allard:** Madam Speaker, does the hon. member realize that if Quebec opts out from the application of a federal act, there are risks involved? Quebecers will be free to invoke the charter of rights and freedoms if they feel prejudiced.

Young Quebecers not allowed to be tried in youth court, but in adult court, will be able to claim they were prejudiced. Consequently, the hon. member's excuse for exempting Quebec from the new legislation simply does not make sense.

I would like him to explain how he will justify this to Quebecers.

**Mr. Odina Desrochers:** Mr. Speaker, I can see that once again Quebec federal Liberals look at Bill C-7 from a Canadian, as opposed to a Quebec point of view.

Fortunately, we in the Bloc Québécois are here to call them to order, to remind them that in Quebec we have a system that works, a system that matches Quebec's reality, and that we do not want Bill C-7.

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[Translation]

**FIVE PIN BOWLING CHAMPIONSHIP**

**Mr. Mark Assad (Gatineau, Lib.):** Mr. Speaker, I am pleased to congratulate the Quebec women's five pin bowling team, which came away from the Canadian championships in Hamilton this past May 26 with the gold medal.

The team members are Isabelle Plante, Sylvie Carrière, Lucie St-Gelais, Christine Danis, Natalie Trudel and Joanne Trudel. All are from the Outaouais region and we are very proud of them.

This is the first year that Quebec has sent a team to this championship and the organizers commented on the sportsmanship and team spirit of these bowlers, which they said had not been seen on the national level for a very long time.

Once again, congratulations.

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[English]

**IMMIGRATION**

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, this past Saturday a family was torn apart and said its tearful goodbyes as the department of immigration deported Pawel Sklarzyk's family back to Poland.

It has caused me to wonder why, if the family was so undesirable in the first place, the immigration department extended a visitor visa three times before deciding the family had been here long enough. That took 11 years.

• (1400)

I do not understand the Minister of Immigration's reasoning for deporting Pawel and Beata Sklarzyk and their two Polish born sons. Their two Canadian born children stayed behind with their grandparents.

I hope now that the minister has split up this family she feels better knowing that her department works so well that it sent away a good, hardworking family, yet keeps hardened criminals, such as Gaetano Amodeo, wanted for murder in Europe; Lai Chanxing, wanted for a multibillion dollar smuggling scam in China; and accused Philippine assassin, Rodolfo Pacificador, within our borders.

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**CAMERA D'OR**

**Ms. Nancy Karetak-Lindell (Nunavut, Lib.):** Mr. Speaker, congratulations again to Zacharias Kunuk, whom I congratulated

two months ago for receiving the National Aboriginal Achievement Foundation 2001 award.

Today I congratulate Zacharias Kunuk, director of *Atanarjuat: The Fast Runner*, for winning the prestigious Camera d'Or prize for the best first time feature film at this year's Cannes International Film Festival.

*Atanarjuat: The Fast Runner* has achieved groundbreaking firsts for Canada. It is Canada's first Inuktitut language feature film and the first Canadian feature film to win the Camera d'Or.

The film is an exciting action thriller set in ancient Igloolik and produced in Nunavut by an Inuit owner company using local cast and crew. The film's producers are Mr. Kunuk, Norman Cohn and the late Paul Apak Angilirq. The film is a co-production with the National Film Board of Canada.

We should be proud of this latest achievement which truly testifies to the vitality and diversity of Canada's feature film industry.

\* \* \*

[Translation]

**GREAT CANADIAN GEOGRAPHY CHALLENGE**

**Mr. Jeannot Castonguay (Madawaska—Restigouche, Lib.):** Mr. Speaker, I would like to congratulate Pierre-Olivier D'Amours, a young man of 13 who won the national finals of the Great Canadian Geography Challenge, held at the Museum of Nature on May 20.

Pierre-Olivier, a student at École Cormier, in Edmundston, N.B., was one of 167,000 participants in the competition. His determination and passion earned him first place, a \$3,000 scholarship and a chance to take part in the International Geographic Olympiad in Vancouver this August.

We are all proud of Pierre-Olivier and wish him the best of luck at the Olympiad. Bravo.

\* \* \*

**SPAIN**

**Ms. Carole-Marie Allard (Laval East, Lib.):** Mr. Speaker, the Government of Canada has the honour and pleasure to welcome the Prime Minister of Spain, Jose María Aznar, and his wife, Madam Ana Aznar. *Bienvenido Señor y Señora.*

Today and tomorrow, Prime Minister Aznar will be making his first official visit to Ottawa in order to study the possibilities of increasing trade and investment relations between Spain and Canada.

Our Prime Minister has already expressed his pleasure at the ever expanding links between our two countries. Spain has in fact been an excellent partner for Canada for 25 years now, not only

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bilaterally, but internationally as well. The 1999 figures for trade between our two countries were impressive.

On behalf of all Canadians, I welcome Prime Minister Aznar and his wife.

\* \* \*

[*English*]

### HUMAN RIGHTS

**Mr. Deepak Obhrai (Calgary East, Canadian Alliance):** Mr. Speaker, the Taliban edict to force the labelling of religious minorities in Afghanistan is unacceptable in this day and age.

While the statement issued by our foreign affairs minister condemning the Taliban is a necessary first step, Canada can and must do more in conjunction with like-minded states to put maximum international pressure on Afghanistan.

I have asked the Standing Committee on Foreign Affairs and International Trade to examine the situation in Afghanistan and recommend that the government sponsor a resolution in the United Nations condemning the Taliban for this latest violation of the human rights of its people.

With the committee's help we can begin to take the necessary steps to hold the Taliban accountable for its oppression of the citizens of Afghanistan.

\* \* \*

### COMMUNITY SAFETY AND CRIME PREVENTION

**Ms. Judy Sgro (York West, Lib.):** Mr. Speaker, I rise in the House today to congratulate two community organizations that have been awarded funding by the National Strategy on Community Safety and Crime Prevention for their efforts to deal with local crime prevention issues in York West.

● (1405)

The two groups, Conflict Mediation Services of Downsview and Doorsteps Neighbourhood Services have each been recognized for developing innovative, community based programs to respond to crime with an emphasis on children and youth.

The national strategy invests in local projects that address crime at the root causes through a social development approach because crime prevention and the safety of our communities are priorities of this government.

On behalf of the constituents of York West, I commend both of these community organizations for their hard work in fighting crime and keeping Canada's communities safe.

[*Translation*]

### ANDRÉE RUEST

**Mr. Ghislain Fournier (Manicouagan, BQ):** Mr. Speaker, the Women of Distinction Benefit Gala was held in Quebec City on May 9. I am proud indeed to have as one of my constituents Andrée Ruest, who was awarded first prize in the field of sports and well-being.

A former accomplished judo athlete, Ms. Ruest became highly involved in this sport and has an impressive list of accomplishments to her credit on the board of Judo Québec, where she has sat for the past 19 years, including six as its chair. She was Judo Canada's first female vice president, and is a pioneer.

Trainer of the Sept-Îles judo team from 1977 to 1984, Ms. Ruest, through her enthusiasm, increased judo's popularity among women in my region, in Quebec and in Canada as well.

Everyone in Manicouagan joins me in congratulating her.

\* \* \*

[*English*]

### W.W. BOYCE FARMERS MARKET

**Hon. Andy Scott (Fredericton, Lib.):** Mr. Speaker, I congratulate Fredericton's W.W. Boyce Farmers Market on its 50th anniversary being celebrated this year.

The market occupies a unique place in Fredericton. From Richard Hatfield to Frank McKenna, Alden Nowlan to Norm Foster, university presidents to socialists international, many have viewed the market as a centre of their universe each Saturday morning.

It is more than a place of commerce. It is where we gather to become a community. I spend most Saturday mornings at the market with thousands who love the bustle, the colour, the commotion and the very good products.

The 50th anniversary celebration is to pay tribute to all the farmers, the craft persons and other vendors who have made the market the special place that it is.

I thank Heritage Canada for its contribution to the celebration. I congratulate the W.W. Boyce Farmers Market and wish us many more years to come.

\* \* \*

### PARKS CANADA

**Ms. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Mr. Speaker, the crisis in our national parks is deepening.

The decision by park wardens at Forillon and La Mauricie National Parks and at the Saguenay—St. Lawrence Marine Park in

Quebec to refuse to work in unsafe working conditions is further indication that the Parks Canada agency is out of control.

Park wardens were ordered out of uniform while the agency spent tens of thousands of dollars buying shotguns it has now been told it cannot use. It continues to pay for firearms training in Regina today. Parks Canada continues to waste millions of dollars that would be better spent on wildlife protection. The decision to order park wardens back in uniform is wrong.

As a result of the May 15th interim health and safety ruling by HRDC, nothing is resolved over who is protecting wildlife in our national parks. Once again it puts wardens at risk and is forcing wardens to refuse to work. Morale is at an all time low as park wardens are being ordered to teach the RCMP—

**The Speaker:** The hon. member for Pontiac—Gatineau—Labelle.

\* \* \*

[Translation]

### THE ECONOMY

**Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.):** Mr. Speaker, the Liberal government's last economic statement was one of prudence.

The Liberal government can generate surpluses, pay down the debt, lower taxes and deliver on its promises with respect to health, children and innovation despite the economic downturn.

This was the message delivered by the Minister of Finance on May 17. Our government is on target and implementing its plan. Thanks to our foresight, Canada's economy is better equipped to weather global economic ups and downs.

Yes, we are on target. We are introducing the \$100 billion in tax cuts announced in October and, thanks to unprecedented tax relief, taxpayers will have more money in their wallets.

• (1410)

[English]

### MOTOR VEHICLE SAFETY

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, an editorial published today in the Canadian Medical Association's journal calls for the regulation of cellphones as driver distracting devices that studies repeatedly show as a cause of traffic accidents. Something needs to be done.

I call on the Minister of Justice or the Minister of Transport to convene a meeting of their provincial counterparts to consider all the possible ways of dealing with the issue.

*S. O. 31*

I have a private member's motion calling on the federal government to make driving while talking on a cellphone a criminal offence, but the same effect may well be achievable by means of provincial highway traffic acts. What matters is that action be taken. It is time for the federal government to show some leadership in making sure that one way or another this growing menace to public safety is dealt with.

\* \* \*

[Translation]

### BLOC QUEBECOIS YOUTH FORUM

**Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ):** Mr. Speaker, last Saturday, the Bloc Québécois youth forum held its general council at the Cégep du Vieux-Montréal. Some 100 young Bloc Québécois supporters got together to talk, exchange views and think about the blueprint for a sovereign Quebec.

Globalization, monetary integration, the fight against poverty and a host of other topics, all equally interesting, were among the items on the agenda. There were some very interesting debates, a new departure for the Forum Jeunesse, which is an essential component of our party.

Under the chairmanship of François Limoges, a rejuvenated, dynamic, intelligent and determined team will carry the voice of young sovereignists to the four corners of Quebec.

The parliamentary wing of the Bloc Québécois salutes the new executive council of the Forum Jeunesse, wishes it good luck and assures it of its support.

\* \* \*

### MICHENER-DEACON FELLOWSHIP

**Ms. Raymonde Folco (Laval West, Lib.):** Mr. Speaker, allow me to congratulate Martine Turenne, who won the Michener-Deacon Fellowship. The fellowship was presented to her by Her Excellency the Right Honourable Adrienne Clarkson, Governor General of Canada.

The Michener-Deacon Fellowship was established in 1987 to promote journalism and the public interest through the promotion of useful values to the community.

The \$20,000 award will allow Ms. Turenne, a Quebec journalist, to report on the significance of NAFTA on an underdeveloped region of Mexico.

I am also taking this opportunity to congratulate the producers of the public affairs program *The Fifth Estate*, on CBC's English language network. This program won the prestigious Michener award for meritorious public service journalism in a report or a series of reports.

*Oral Questions*

[English]

**PUBLIC SERVICE WHISTLEBLOWING**

**Mr. Greg Thompson (New Brunswick Southwest, PC):** Mr. Speaker, today I introduced a bill entitled the public service whistleblowing act, Bill C-351.

The bill serves three purposes: To educate public service employees on ethical practices in the workplace; to provide a means for public service employees to come forward to disclose wrongful acts or omissions in the workplace; and to protect public service employees from retaliation for acting in good faith by working to create a new level of transparency in government.

I urge all members to support the bill and force the government to honour a promise made in 1993 to pass whistleblowing legislation.

\* \* \*

**THE ENVIRONMENT**

**Mr. Tony Tirabassi (Niagara Centre, Lib.):** Mr. Speaker, our government's sound economic planning is based on careful consideration of economic indicators, such as gross domestic product and unemployment rates.

However, these indicators alone are limited in their ability to assess our progress toward the larger goals of environmental sustainability and health. That is why we are strongly supporting a national round table on the environment and the economy and Statistics Canada in its development of environmental indicators.

These indicators will provide us with hard, quantitative data to ensure a sound basis for economic and environmental decisions. They will show us if we are using our natural resources in a sustainable manner and if our activities are causing irreparable environmental damage.

Most important, environmental indicators will help us ensure that our children will grow up in communities that offer clean air and water, are free of toxic chemicals and are full of open, natural spaces.

**AGRICULTURE**

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, how can we expect the people who provide us with top quality food to live on less than \$7,000? That is what the average Saskatchewan farmer earned last year.

Today's headlines show how dismal the government's efforts are in addressing the farm income prices. The *Free Press* headline blared "Farm income falls for third year".

• (1415)

Input costs like the costs of fuel and fertilizer are rising every day, making the picture even darker. Keystone Agricultural Producers predicted that eventually farmers would quit. They need to get a return or they cannot stay in business.

These numbers hide the real hardships farm families are going through. Last week a government minister told prairie farmers to start growing potatoes. Two weeks earlier another government minister told P.E.I. farmers to quit growing potatoes.

My question is for the Prime Minister. When can farmers expect the government to take some real action on the farm income crisis and not give out conflicting advice from confused ministers? Does he think \$7,000 per year is enough to live on?

**ORAL QUESTION PERIOD**

[English]

**NATIONAL DEFENCE**

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, most Canadians know that our nation's military is in dire need of more resources and more attention. An example of this is our maritime helicopter fleet which plays a vital role not just in defence but also in search and rescue.

The Prime Minister casually cancelled the EH-101 contract which the federal Tories negotiated back in 1993. Since then we are learning that his officials have been rewriting the requirements in such a way that some have suggested it is an attempt to exclude EH Industries bid from the process altogether.

Will the Prime Minister assure the House today that all contenders will be dealt with fairly, openly and free from political experience so that we can send the message that—

**The Speaker:** The right hon. Prime Minister.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Yes, Mr. Speaker, but we want a helicopter that can do the job that is needed at the lowest cost possible.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, apparently no decision has yet been made in terms of the current fleet. However we learned this week that the government is now facing criticism for appearing to politicize the requirements of replacing the new helicopter and actually suggesting that these replacement helicopters will be less capable than the very ones they are replacing which are 40 years old.



*Oral Questions*

We would like to know from the Prime Minister if the decision has actually been made already and will the new helicopters be actually less capable than the 40 year old replacements.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we want a helicopter that will be able to do the job. We are not politicizing this problem. It looks like it is the Leader of the Opposition who is doing that.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, seven years ago in the Prime Minister's own white paper he said that this was an urgent need. Is that his definition of urgency? We believe this is an urgent need.

Will the government send a message to members of Canada's military personnel that we support them in their desire to be all they can be and to be the best they can be? Will he personally take this on and get an immediate resolution of this issue?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, so far we have replaced some helicopters because search and rescues have been contracted at this moment. We are waiting for the helicopters to be delivered. The other part of it is being done at this moment. The bid requests will go out soon.

Of course in 1993 we had a Conservative government which had a \$42 billion deficit and we could not afford at that time to proceed. We waited for the government to be in a position to buy the helicopters and we are in the process of buying them right now.

**Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance):** Mr. Speaker, national defence documents describe our Sea King helicopters as materially obsolete and operationally irrelevant when they do fly. The emergency landing on an Australian warship last week again showed how unreliable they are.

Recently a Sea King kept in touch with the *Katie* mission by Bell Mobility. The government has now delayed replacements until at least 2006. For the safety of our crews will the government consider looking for interim options including leasing new helicopters before a disaster occurs?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, it has been said time and time again that we will not fly these helicopters unless they are safe to fly.

In fact, the hon. member continually uses outdated information. The up to date information is that we are investing an additional \$50 million in the Sea King helicopter to make sure that it will remain safe to fly and can complete its duties until the new helicopters arrive.

• (1420)

**Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance):** Mr. Speaker, Canada's government has the dubious distinction of continuing the worst procurement circus in history.

After 25 years of studying, haggling and indecision the government is prepared to replace the 40 year old Sea Kings with craft whose range in a straight line is 20 nautical miles short of Canada's 200 mile maritime boundary and 50 nautical miles short of the Sea King's range.

Why does the government want replacements that fall 50 critical life saving miles short of the 40 year old Sea Kings?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, let me make it very clear that the requirements for this helicopter were written by the military. They were changed in no way by the government. We are seeking a helicopter that in fact meets the very requirements of today.

What the hon. member is talking about is old, cold war requirements. What we are talking about is what we need for today and the future. It is military requirements and no political changes were made to the statement of requirements.

\* \* \*

[*Translation*]

**YOUNG OFFENDERS**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the Prime Minister claims that the criminal youth justice system proposed by his government will allow Quebec to continue to promote the rehabilitation of young offenders.

If the Prime Minister is telling the truth and if the new federal criminal system does not jeopardize Quebec's success with rehabilitation, why does the government not put in black and white in the legislation that Quebec will be able to continue to apply the existing act?

[*English*]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as I have said many times in the House, one of the principles on which our new youth justice legislation is based is flexibility.

I have said over and over again that they will be able to continue, enhance and build upon those policies and programs in Quebec. On top of that we will provide them with more resources to do it.

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, this is not true. All the experts in Quebec, all the stakeholders say so.

Right now, as soon as a young person commits a first minor offence, we determine the most appropriate measure for rehabilitation purposes. From now on, this will no longer be possible. The new legislation includes automatic sentences and it ignores the specific needs of young offenders. The flexibility will no longer be there.

*Oral Questions*

Can the minister understand this? All the stakeholders say that the proposed legislation is too strict. Why does she not specify in the act that Quebec will be allowed to maintain the current act? Just that. Then things would be clear.

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, let me say again that I think some of that which the leader of the Bloc has said is a misrepresentation of that which appears in the youth criminal justice legislation.

One of the guiding principles of our new legislation is the particular circumstances in which the young person finds himself or herself.

[Translation]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, with this bill, the minister is introducing into the youth justice system the calculation of provisional detention and the whole matter of conditional supervision, principles that are already in the adult system but are not currently part of the young offender system.

Does the minister realize that this new method of calculating provisional detention, and the fact that a young offender serves only two thirds of his sentence as an adult, is going to have a direct impact and to prevent the specialists from intervening properly and from providing young offenders with the rehabilitation they so greatly need?

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, let me reassure the House that there is no provision for parole in the new youth justice legislation.

However, if that which the hon. member is complaining about is the fact that young people after serving all or some part of their sentence receive supervision in the community, I can only say that I profoundly disagree with the hon. member. I think that is a positive thing and will help with the quick reintegration of young offenders back into society.

[Translation]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** There is another example, Mr. Speaker. With the minister's bill, a 14 year old, regardless of any provincial order in council, will be tried as an adult for certain designated crimes, under adult rules and before a judge who usually tries adults.

Does the minister realize that the new rules will prevent the Quebec system from delivering the right measures at the right time to this young offender, and thus will bring about the failure of the rehabilitative approach used in Quebec?

• (1425)

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I presume the hon. member knows that under the existing Young Offenders Act, of which they speak so much, it is possible to seek transfer of a 14 year old to adult court. In the province of Quebec they transfer more young people to adult court than almost any other province.

[Translation]

**Mr. Michel Bellehumeur:** Not at age 14.

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

**The Speaker:** Order, please, otherwise it will be impossible to hear the hon. member for Halifax ask her question.

[English]

The hon. member for Halifax has the floor and we will hear her question. I urge hon. members to show some restraint.

\* \* \*

#### NUCLEAR INDUSTRY

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the G-8 has resolved to help Russia get rid of 34 tonnes of weapons grade plutonium. That can be a good thing, but the current proposal for accomplishing it involves transporting this hazardous plutonium 4,000 kilometres across Russia and burning it in fast breeder reactors which create more plutonium.

The German government is so concerned about these hazards that it has said no to exporting the technology. I would like to ask the Prime Minister what is Canada's position on this controversial matter.

[Translation]

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, the Government of Canada has made no decision on the program to dispose of Russian plutonium.

Senior officials have met representatives of Greenpeace on several occasions. They are aware of their concerns and share many of them, naturally.

At some point, if the government decides to go ahead with this program, it will certainly be on condition that safety and environmental standards are set and that this does not contribute to the proliferation of nuclear weapons.

[English]

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, it is getting awfully close to decision time. I think it is fair to say that every responsible citizen and every responsible nation agree that we need to rid the planet of weapons grade plutonium.

The G-8 proposal under active consideration is simply too high risk: too high risk in environmental insecurity and in health terms. Why is the government not now using its diplomacy, its influence and its resources to promote the immobilization of plutonium as the safer solution?

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, as I was saying, the Canadian government has not yet taken a decision.

We received representations from Greenpeace and some other groups. We share some of those recommendations. There is nothing in front of us on the table right now. We will assess the situation and if we go ahead we will be sure it is in conditions that are safe, sound environmentally and do not contribute to the proliferation of nuclear weapons.

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### ACCESS TO INFORMATION

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, the government has set its attack dog, Liberal lawyer David Scott, on the access to information law. Mr. Scott has filed 15 separate legal proceedings designed to keep the Prime Minister's records secret. He wants to hide information that may shed more light on the Prime Minister's inference in Shawinigate.

Did the regular lawyers of the Department of Justice refuse to launch these actions which are designed to subvert the law of parliament? Why is the Prime Minister trying to shut down the information commissioner?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the law is a law that was passed by the Conservative government. It is being implemented. We want to respect the law.

There is a debate among lawyers on how to interpret that. There is nothing to hide, but there is some confidentiality in government that has been authorized by parliament. The lawyer is arguing with the other lawyers about exactly what we have to make public or not make public. I will do whatever the court decides.

[Translation]

**Right Hon. Joe Clark (Calgary-Centre, PC):** Mr. Speaker, the government's task force asked the Public Policy Forum to consider the Access to Information Act.

• (1430)

Could the Minister of Justice confirm that the first round of discussions was held in camera, in the absence of the media? Why are meetings on the subject of openness held behind closed doors?

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, far from being secret, my

### Oral Questions

colleague the President of Treasury Board and I have put in place a process by which all Canadians can participate in our review of access to information legislation.

It is true that we are consulting with those who use the act and have studied the act, but we are also encouraging all Canadians through our website and by other means to participate in an open and public dialogue about the future of access to information.

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### FOREIGN AFFAIRS

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, Bill Sampson has been in a Saudi prison for six months now. He has never been charged with any crime and yet may potentially face the death penalty. Canadians are deeply concerned about his fate.

He was visited yesterday by our ambassador and by a doctor. Would the government bring us up to speed on the condition of Mr. Sampson?

[Translation]

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, Canada has regularly raised the case of Mr. Sampson with Saudi authorities and has, on a number of occasions to the various authorities, expressed its concerns over his treatment, his right to have a lawyer and his right to a fair and impartial trial.

[English]

Canada reacted swiftly and firmly to recent reports that Mr. Sampson had been mistreated. We called in the Saudi ambassador. We had meetings. Our ambassador in Riyadh had meetings with the deputy minister of the interior, and we will continue to put on pressure.

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, we recognize that this is a very delicate situation. There have been fairly recent newspaper reports speculating on his condition.

We know that the ambassador visited him yesterday with a doctor. Canadians are very concerned. I wonder if the parliamentary secretary could tell us about Mr. Sampson's medical condition.

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, as the member knows because he was briefed this morning, we do not have the doctor's report yet.

Like I said yesterday, as soon as we have the report we will analyze the situation. We will continue to put pressure on Saudi authorities for good treatment for Mr. Sampson. I can assure Mr. Sampson and his family that we are doing all things possible to have a good situation for him.

*Oral Questions*

[Translation]

**YOUNG OFFENDERS**

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the existing Young Offenders Act is flexible enough to allow Quebec to deal successfully with its young offenders. The new act is much stricter when it comes to standardizing the approach with young offenders from coast to coast.

Will the Minister of Justice admit that there is still time to refer the bill back to the committee before it is passed at third reading and to amend it so that Quebec can continue to apply the act as it is currently doing so successfully? There is still time, Madam Minister.

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as I have said before, we have gone out of our way to ensure that the legislation is flexible and will permit local jurisdictions to pursue policies, programs and approaches that they feel are fitting for their young people, their communities and their provinces.

[Translation]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, there is a problem. According to the minister, the judges, lawyers, the national assembly, stakeholders and police officers in Quebec are all mistaken. Everyone is mistaken except the minister, who is in Ottawa but who knows what is going on in Quebec.

Is the minister not making young Quebecers pay the price for Canadian unity? This is the truth.

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, indeed, nothing could be further from the truth. Let me underscore again that the legislation is flexible and permits local approaches.

Therefore I encourage the province of Quebec to continue those policies and programs that work for Quebec. As I have said before, we will even give it more money to do it.

\* \* \*

● (1435)

**TAXATION**

**Mr. David Chatters (Athabasca, Canadian Alliance):** Mr. Speaker, last year in Canada gasoline averaged 41 cents a litre before tax. At the same time in the U.S. the average price of a litre of gasoline was 47 cents before tax. Yet after taxes a Canadian litre

costs 71.2 cents whereas an American litre would cost 62 cents, a difference of 9 cents a litre because of the different tax rates.

The current energy crisis is an American crisis, but Canadian consumers are paying more than U.S. consumers for gas. Given that Canadians are now paying all time record prices for gasoline, when will the government provide tax relief for gasoline prices?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, as the hon. member knows, gasoline taxes are imposed at both the federal and provincial levels. In many instances the taxes at the provincial levels are higher than they are at the federal level.

The Canadian government has offered to sit down with the provinces. It has recognized that if action is to be taken on this basis it would have to be taken by both levels of government. So far the provinces have not indicated a desire to do so.

**Mr. David Chatters (Athabasca, Canadian Alliance):** Mr. Speaker, it seems to me that the government did not have to consult with the provinces before it raised gas taxes, so as the senior level of government why will it not show some leadership, cut gas taxes and provide relief to Canadian motorists?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, as a number of provinces have already indicated, unless there were a very large decrease it would not make any difference given the volatility of the price. That would require action by both levels of government and the majority of provinces have said exactly that.

\* \* \*

[Translation]

**DEPARTMENT OF CANADIAN HERITAGE**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, through its official propaganda office, the Canada Information Office, the government has decided to further step up its propaganda activities and is now meddling in the content of educational material intended for schools in Quebec.

Will the minister tell us the principles which guided cabinet in changing the content of educational material intended for Quebec?

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, the program under which funding was provided is one which was begun when Lucien Bouchard was secretary of state.

**An hon. member:** That was ten years ago.

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, what we want is for the minister to stop interfering in matters that concern Quebec's department of education.

Why is the minister butting in?

*Oral Questions*

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, once again, the Bloc Québécois sees problems where none exist.

The program was introduced by the former secretary of state, who wanted all students throughout Canada to have access to educational materials in both official languages. This is only normal in a bilingual country.

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[English]

**ENERGY**

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, this week the premier of Alberta announced that he plans on meeting with American vice-president Dick Cheney in an effort to discuss energy exports. The Prime Minister's reaction is to claim federal jurisdiction in the matter, undermining the premier's credibility or at least attempting to do so.

My question is for the Prime Minister. Why does the Prime Minister insist on turning provincial initiatives into power struggles?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I have had a few occasions to discuss this problem with the premier of Alberta. He has even praised my position in the press. I have a letter from him in which he says:

Mr. Chrétien, Alberta appreciates the work of you and your government in promoting Canada's energy industry—and notably Alberta's—abroad.

I think I am in agreement with the premier. It is the member who does not read the proper documents.

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, not since the national energy program have Liberals understood provincial jurisdiction over energy resources in the country. Provinces clearly have exclusive constitutional jurisdiction over their natural resources.

The North American Free Trade Agreement allows Albertans to sell their energy resources without bowing to the Prime Minister of the country. Will the Prime Minister promise Albertans and all Canadians that he will respect the rights of provinces under the constitution and under NAFTA to market their own energy resources?

• (1440)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we always respect the constitution. We have power and obliga-

tions in international trade. We have an obligation to make sure that security of supply is protected for all Canadians.

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**HUMAN RIGHTS**

**Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, Canadians were shocked to learn last week that an edict issued by the Taliban in Afghanistan would force religious minorities in that country to wear special identification on their clothing.

Could the Secretary of State for Asia-Pacific tell us what the reaction of the Government of Canada is to this edict that religious minorities must wear identification?

**Hon. Rey Pagtakhan (Secretary of State (Asia-Pacific), Lib.):** Mr. Speaker, I thank the member for Etobicoke—Lakeshore for her question. Indeed Canada condemns this unconscionable Taliban policy that requires religious minorities to wear special identification labels.

We believe that this edict violates the fundamental principle of freedom from discrimination. Hence Canadian officials in Islamabad have brought Canada's concern to Taliban diplomats situated in Pakistan and to senior officials in the Pakistan foreign ministry who have regular contact with Taliban authorities in Afghanistan.

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**TAXATION**

**Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP):** Mr. Speaker, my question is for the Minister of Finance. Last year Canada's leading CEOs received a raise of some 43%, putting their median pay package at \$3.7 million. Meanwhile Revenue Canada has said now that 41 major corporations with annual revenues of more than \$250 million paid no corporate income tax at all between 1995 and 1998.

How could the minister justify giving his rich friends and the big corporations they direct tax breaks that amount to nothing less than corporate welfare for the rich? How could he justify that in today's modern society?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the hon. member knows that numbers such as the ones he has just cited have always existed. There is a running number because it really depends upon how much investment individual corporations made over what period of time. Oftentimes the reason that taxes are not being paid is that they have made very large investments for the future.

The fact is that corporate income taxes are the fastest growing section of our income tax take.

*Oral Questions*

[Translation]

**FISHERIES**

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, northeastern New Brunswick is experiencing a fisheries crisis that gets worse with every season.

Lobster catches are smaller and smaller, crab quotas are cut every year and plant workers are laid off after three weeks work. This crisis is aggravating the gap effect, to which thousands of families fall victim every year.

How does the Minister of Fisheries and Oceans plan to resolve this situation and provide some relief to these people, who are being increasingly affected by a crisis that is getting worse with every passing year?

[English]

**Mr. Lawrence O'Brien (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, the issue raised by the hon. member is one that has to be resolved primarily between crab fishers and fish plant workers.

When the licences of an enterprise are sold, it is the responsibility of the enterprise owner to deal with the crew members.

\* \* \*

[Translation]

**THE ENVIRONMENT**

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, my question is for the Minister of Health and deals with the situation in Shannon, Quebec, where the drinking water supply has been contaminated by federal government actions.

The Minister of National Defence has announced a program that will not solve the problem. Federal responsibility is clear, and the contamination continues.

When is the Minister of Health going to require his government to assume its responsibility and announce a proper long term solution to the serious problem from which the people of Shannon are suffering?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, we are working on a solution to this matter with the mayor and the townspeople of Shannon. I met with them very recently.

We have invested over \$2 million to get to the bottom of this matter so that we can make sure the water, both for the people who

are on our base at Valcartier and in the nearby communities, will be safe. We are working toward a solution now.

• (1445)

[Translation]

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, we have a drinking water problem, and the government is dragging its feet on this.

Some weeks ago, the House passed a motion calling for national standards. Yesterday, the Canadian Federation of Municipalities called upon the government to take action.

When is the Minister of Health going to act? What progress has been made in the consultations with the provinces? What is the government waiting for before it acts?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, at this time we are working in conjunction with our provincial partners in developing drinking water guidelines.

A few days ago in this House, we passed a resolution to work more closely with the provinces and even to enact federal legislation if that is an objective shared by the various governments of Canada.

\* \* \*

[English]

**DAIRY INDUSTRY**

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, the Liberals are telling dairy farmers one thing and doing the opposite behind their backs.

The trade minister continues to give supplemental import licences that allow more milk products into Canada than agreed upon during the trade negotiations. This is a deliberate effort by the government to undermine the integrity of Canada's supply management system.

Will the minister commit to ending this practice and guarantee that future milk imports will not exceed the agreed upon quota?

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, no, our government of course respects its international trade obligations. It respects the quotas it has agreed to.

It might happen from time to time that a consumer locally needs a particular product and some exceptions are made around it. Obviously it is not our intention to make a habit or a rule to go beyond the quotas we have actually agreed upon.

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, the minister cannot blame it on the consumer. He and his department are giving the permits to do it.

*Oral Questions*

It is typical Liberal action to say one thing in public and do the opposite in private, to blame the consumer and to blame the farmer. How about taking action and living up to our trade agreement which says that we should only import as much as what we agreed to? Otherwise we are hurting our dairy farmers on farms across the country.

**Hon. Pierre Pettigrew (Minister for International Trade, Lib.):** Mr. Speaker, I am very glad to hear the Canadian Alliance Party supporting supply side economy and our politics on dairy products. It is good news for all Canadian farmers.

As a matter of fact I think the House is now unanimously behind the supply side economy in agriculture that we want to have. We will continue to promote it to the rest of our dairy workers. We will protect their rights in international trade negotiations. We will continue to do that job in every international trade negotiation we embark upon.

\* \* \*

[Translation]

**HEALTH RESEARCH INSTITUTES**

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, when the bill to create health research institutes in Canada was being considered, the federal government indicated that no provincial health institution would be funded directly, without the approval of the provinces.

How does the minister reconcile this commitment with his announcement of May 23 that four health facilities in Quebec, namely a CLSC, two regional boards and a hospital, would receive \$10.8 million for telehealth projects, when Quebec was never consulted?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, Quebec was consulted by the Government of Canada.

In fact the Quebec department of health and social services wrote me a few months ago to express its support for these projects. They requested our funding and we gave them a favourable response.

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, the Quebec minister of health has stated that his government was not consulted.

I ask the Minister of Health to promise right now to put an end to the unacceptable practice of providing funding over the head of the government of Quebec for medical research projects in Quebec facilities such as CLSCs, the regional boards and hospitals.

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the hon. member must communicate more often with the mother house. I am very happy to have here today and to table in the House

the letter, dated July 28 of last year, in which the Quebec department of health sought funding for these projects.

We are very happy to invest this money to serve Quebecers as well as people throughout Canada.

\* \* \*

• (1450)

[English]

**IMMIGRATION**

**Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance):** Mr. Speaker, my question is for the Minister of Citizenship and Immigration. Ivy Tauber of Lac La Hache, B.C., an English war bride, landed in Canada on May 21, 1946. On October 18, 1951, she was issued a Canadian passport by Canadian external affairs. Last year, after applying for a new passport, Tauber was advised that her first Canadian passport was no longer proof of Canadian citizenship and that she had to apply again to become a Canadian citizen.

Could the minister explain why this is so? Incidentally, I wrote to the minister last August but have had no response.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, if the member had given me notice of his question I would have had an answer for him today. I am not familiar with the case. I will be pleased to look into it.

**Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance):** Mr. Speaker, after working, contributing to our community, raising her family, paying taxes and voting for 55 years, I am appalled that Ivy Tauber can summarily be disenfranchised. She was a Canadian citizen and has proof of that.

Why and when was that citizenship revoked? Who has the authority to summarily revoke it? Will the minister reinstate Tauber's citizenship? Would it help if Tauber had voted Liberal?

**Some hon. members:** Hear, hear.

**The Speaker:** Order, please. The Chair has to be able to hear the questions and the answers. Even the minister might say something out of order.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the suggestion that the member makes is clearly ludicrous. It does not matter how a person votes in this country as to what his or her citizenship is.

What I know is that there is often more to the story than what the member opposite has to suggest. I would be pleased to look into this case. If in any way something inadvertent has been done it can be corrected, but often there is a situation. If the member would give me the information, I would be pleased to look into it.

*Oral Questions***TRADE**

**Mr. Sarkis Assadourian (Brampton Centre, Lib.):** Mr. Speaker, my question is for the Minister of Industry. Presently there are more restrictions on interprovincial trade than there are on international trade. Interprovincial trade barriers impede the free flow of goods and services between Canadians and stifle the economic development of Canada.

Could the minister tell the House what efforts have been made by the Canadian government to promote the removal of impediments to interprovincial trade in these changing economic times?

**Mr. John Cannis (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, let me thank the member for Brampton Centre for his question and acknowledge his interest in the issue.

Over the years the government has been a strong advocate of reducing interprovincial trade barriers. Let me point out the agreement that was signed on international trade with the provinces, the territories and Yukon in 1994.

Let me also point out that there was a meeting in April of all ministers. They put forth an agenda which will culminate in a meeting of all ministers on May 31 to June 1, basically to work on reducing trade barriers within our country.

\* \* \*

**MULTICULTURALISM**

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Mr. Speaker, everyone in Canada knows that the multicultural minister has slurred communities. Today at the heritage committee she insisted that she did not need cultural sensitivity training, even though she promoted this training for everyone else.

Will the Prime Minister demand that his junior minister receive her own training?

**Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.):** Mr. Speaker, while we are on the question of cultural sensitivity training, I would like to quote the hon. member across the way when he said:

The focus of the federal government's multicultural activity should be on enhancing the citizenship of all Canadians based on equality and not on race, language, culture and ethnicity.

We cannot enhance the equality unless we understand the barriers that people face to achieve it. I invited the hon. member to come with me to listen to Canadians across the country when I went on eight regional consultations. He told me that—

**The Speaker:** The hon. member for Surrey Central.

• (1455)

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Mr. Speaker, that person needs help anyway. This morning the minister told the heritage committee that her department policy is to not share daily press clippings with the opposition critics.

Canadian taxpayers are paying for this service. This is the only department that has an official policy not to provide press clippings. Why is it denying the opposition critics this information? Why the secrecy?

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker—

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

**The Speaker:** Order, please. We cannot waste time. There are a lot of other people who want to ask questions. The government House leader has the floor.

**Hon. Don Boudria:** Mr. Speaker, the hon. member will know, or at least his House leader knows, that this kind of subject is discussed frequently at House leaders' meetings and is always solved in a positive manner.

\* \* \*

[Translation]

**NAV CANADA**

**Mr. Benoît Sauvageau (Repentigny, BQ):** Mr. Speaker, rather than meddling in the content of educational materials, the government would be better advised to see that Nav Canada respects the rights of francophones.

Apparently, Nav Canada will not hire unilingual francophone candidates because they have to be taught English.

Does the minister responsible for official languages intend to require that Nav Canada respect the law so that francophones receive the same treatment as anglophones?

**Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, Nav Canada is required to meet its obligations under the Official Languages Act.

Nav Canada is subject to the provisions of the act and a complaint has been filed with the Office of the Commissioner of Official Languages. The process will go forward and we will follow it very closely.

\* \* \*

**WOMEN'S HEALTH**

**Ms. Diane St-Jacques (Shefford, Lib.):** Mr. Speaker, my question is for the Minister of Health.



*Routine Proceedings*

The Centres of Excellence for Women's Health are a vital link in the government's efforts to improve the quality of care being provided by the health care system, the protection of health, and the health of aboriginal women and of women living in rural areas.

Will the Minister of Health tell the House what steps he has taken to ensure the continuation of the vital work being done by the centres of excellence?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, last week, I was very pleased to announce our intention to invest an additional \$1.7 million next year in the Centres of Excellence for Women's Health.

The centres have contributed greatly to knowledge and have truly established Canada as a world leader in all women's health issues. I am particularly grateful to the women in the Liberal caucus for their strong support of these centres.

\* \* \*

[English]

**AGRICULTURE**

**Ms. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance):** Mr. Speaker, the average Saskatchewan farmer earned under \$7,000 last year. That does not include any wages or return in equity.

The wheat board minister claims that his government has provided \$30 billion of passive farm subsidies. Saskatchewan farmers could not have received much of this passive money. They would like to know how much of this passive phantom money was used for advertising and administration.

**Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.):** Mr. Speaker, the statistics show that since 1985, through various initiatives of the Government of Canada, there has been something over \$30 billion invested in a variety of farm support programs across the country of which about one-third or so would have flowed into the province of Saskatchewan. Those are the historic statistics.

This year, through a variety of safety net measures, more than \$2.6 billion is being provided to Canadian farmers through a variety of programs in co-operation with the provinces, and the amount flowing into Saskatchewan is over \$700 million.

\* \* \*

**MOTOR VEHICLE SAFETY**

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, my question is for the Minister of Justice in her capacity as the minister in charge of dangerous driving legislation, et cetera.

The minister will be aware of the controversy surrounding the use of cellphones while driving. The *Canadian Medical Associa-*

*tion Journal* had an editorial on it today. Could the minister tell us whether she would be willing to convene a meeting of her provincial counterparts to discuss the merits of various ways of regulating the use of cellphones while driving?

• (1500)

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, obviously the hon. member raises an issue of some growing concern for many Canadians. I would certainly be happy to have a discussion with my provincial and territorial counterparts in relation to this issue.

Since the hon. member is a member of the justice and human rights committee, he might want to suggest the committee take up the subject. If he has recommendations I would be happy to consider them.

\* \* \*

**PRESENCE IN GALLERY**

**The Speaker:** I draw the attention of hon. members to the presence in the gallery of a delegation of members from the State Duma of the Federal Assembly of the Russian Federation, led by His Excellency Mr. Gennady Seleznev, Chairman of the State Duma.

**Some hon. members:** Hear, hear.

**Mr. Derek Lee:** Mr. Speaker, I rise on a point of order. I think you would find unanimous consent to revert to routine proceedings for the purpose of presenting the 21st report of the Standing Committee on Procedure and House Affairs regarding the selection of votable items in accordance with Standing Order 92. Under the rules this report is deemed upon presentation.

**The Speaker:** Is there unanimous consent to revert to the presentation of reports by committees?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Joe Fontana:** Mr. Speaker, I rise on a point of order. On Monday the first report of the Standing Committee on Citizenship and Immigration was tabled. A couple of amendments will be required to make sure the report actually reflects what the committee did. Could I move the amendments to that report with the consent of the House.

**The Speaker:** Is the hon. member for London—North Centre asking for consent of the House to move amendments to a report of a committee tabled on Monday? Is the hon. member moving for leave of the House to amend a report that was tabled on Monday?

**Mr. Joe Fontana:** Yes, Mr. Speaker.

• (1505)

**The Speaker:** Does the hon. member for London North Centre have unanimous consent of the House to move these amendments?

**Some hon. members:** Agreed.

*Government Orders***ROUTINE PROCEEDINGS**

[English]

**COMMITTEES OF THE HOUSE**

## CITIZENSHIP AND IMMIGRATION

**Mr. Joe Fontana (London North Centre, Lib.)** moved:

That the first report of the Standing Committee on Citizenship and Immigration tabled on Monday, May 28, 2001, be amended by adding the following amendment to clause 94:

- (a) by adding after the line 10 on page 39 the following: (b)(1) in respect of Canada the linguistic profile of foreign nationals who became permanent residents; and
- (b) by replacing lines 22 to 24 on page 39 with the following:  
any
- (c) the number of persons granted permanent resident status under subsection 25(1)
- (d) a gender based analysis on the impact of this act.

**The Speaker:** Is there unanimous consent of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**GOVERNMENT ORDERS**

[Translation]

**YOUTH CRIMINAL JUSTICE ACT**

The House resumed consideration of the motion that Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the third time and passed.

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I am pleased to speak to Bill C-7, an act in respect of criminal justice for young persons and to amend and repeal other acts.

This will be my last opportunity to speak to this bill. It is difficult to see how arrogantly the Liberal government in power is treating the citizens, youth, and adolescents of the province of Quebec.

For more than 16 years now, Quebec has been enforcing the Young Offenders Act, and the system has worked very well. It has worked so well that the Liberal government commissioned a study called "Canada's Youth Justice Renewal Strategy", conducted by

the officials responsible for drafting Bill C-7, which involved a province by province analysis. It was noted that Quebec's charge rate was the lowest in Canada.

Quebec's youth incarceration rate was also the lowest in Canada, at fewer than 500 per 100,000. Quebec is the only province under this threshold.

It was therefore not for nothing that last week, on May 23, all parties in the national assembly of Quebec, the Parti Québécois, the Liberal Party and the Action Démocratique party passed a unanimous motion rejecting Bill C-7, which the House of Commons is getting ready to pass.

- (1510)

In this House, we are supposed to represent the elite, but in some areas, we are not the elite. When dealing with young offenders, the rehabilitation and reintegration of young persons in Quebec and in Canada, we are not the elite.

In Quebec, the elite is made up, among others, of members of the Quebec coalition for youth justice, representatives of the Association des policiers et pompiers du Québec, youth organizations and defence attorneys, all those who deal day in and day out with young persons. They are the experts in rehabilitation who, for sixteen years now, have made the Young Offenders Act successful in the interest both of the people in Quebec and in Canada who are watching us and of young offenders in need of rehabilitation. Their task is enormous but so useful to society.

It is always sad to realize that a young man or a young woman has committed a crime. Thanks to the comprehensive strategy concerning the reintegration of young offenders in the community developed by Quebec, the number of charges laid and offenders sentenced to custody is lower in Quebec than in the rest of Canada. So, the system in Quebec is working fine.

With Bill C-7, the federal government is again interfering with a system that works well in one province in Canada. Members of the House must understand that, if Ontario, Manitoba, Saskatchewan or Atlantic Canada had a system that was working well, everyone would be inclined to defend the interests of that province.

Well, that is what is happening in Quebec. As a member of the Bloc Québécois, it is hard for me to see that Liberal members from Quebec, who were elected in that province, do not understand that the approach used by Quebec over the last 16 years with regard to the Young Offenders Act is the best in Canada.

It is hard for me to understand that some of my colleagues in the House speak out against Quebec's interests, against an approach that has been recognized as being effective by all experts who deal with the rehabilitation of young offenders.

There are several reasons for committing a criminal offence. In the case of young teenagers, rehabilitation is the key to getting back on the right track. That is how Quebec treats young offenders, by going to the root of the problem and by trying to rehabilitate the young teenager, in his or her interest, before imposing a sentence.

That is why we have the best success rate in Canada. So it hard for me to see members and the Prime Minister, who is also a member from Quebec, take a stand yesterday, in this House, and say: "If the Quebec act is so good". As far as I know, the Prime Minister of Canada is still a member from Quebec. He should know and he should have noticed.

Numbers were used in the Canadian renewal strategy by those who drafted Bill C-7. Those persons noticed, when they drafted tables that the situation in Quebec was the best in all Canada. I have copies of them that I could table in this House.

We can see that young people, young men and women who have committed criminal acts have a better chance of getting back on the right track in Quebec. Ideally we should never have to use such a bill. Young people should never have to appear before youth courts, but this is still a reality.

• (1515)

It happens not only in Quebec, but in every province in Canada. Too often, young men and young women commit crimes for any number of reasons. When we can understand young persons and their problems, it is not too late to set them back on the right track, which is what the Young Offenders Act is doing in Quebec. Once again, the justice minister told us that all provinces could adapt the bill to their own situation. We still have time before the end of the session to include an amendment that would allow any province to opt out of Bill C-7 and continue to enforce the legislation currently in force in its jurisdiction.

It would be so simple and much easier for community stakeholders. However no, look at how dumbfounded the members opposite seem to be. Even if they do not want to believe the Bloc Québécois, the members from Quebec should at least take note of the motion unanimously passed last week, on May 23, by the national assembly of Quebec.

At the national assembly, members of the Parti Québécois, the Liberal Party and the Action démocratique du Québec unanimously agreed to urge the federal government not to pass Bill C-7 or at least not to implement it in Quebec. Once again, in Quebec we have our own way of doing things, our own approach. It is a societal choice.

Each province has the right to have its own vision for the future. It has the right to make societal choices. Quebec made a choice for its teenagers. It chose to take charge of them, to trust the profes-

### *Government Orders*

sionals, who tried to bring the young offenders back on the right track, whatever their sentences were.

It is never too late to understand. That is exactly what I hope my Liberal colleagues from Quebec, the Prime Minister, who is from Quebec, and many of his ministers will do. Once again, they are trying to make Quebecers believe they are wrong. I repeat that all of us here do not form the elite who can best judge what is good for our youth.

Let the specialists in the field decide. Leave it up to those who deal with the difficult cases of teenagers and treat them individually depending on their crimes. Quebec has a success rate that all other provinces envy. When we get to the vote, let us try to make the intelligent choice. Let us vote in the interest of Quebecers. I hope my colleagues opposite will understand that.

**Ms. Carole-Marie Allard (Laval East, Lib.):** Mr. Speaker, this concerns me as a Quebecer. The provisions of this bill do not dismay me. On the contrary, this bill will improve the lot of young people who commit minor offences.

When the member opposite presents his statistics, does he realize that Statistics Canada figures show that Quebec incarcerates the most young people with no criminal record?

I would like to know whether the member is aware of the 1996, 1997 and 1998 Statistics Canada figures showing that 319 young people with no criminal record were incarcerated in Quebec.

Can this be called an ideal situation? The member opposite comes from a small community. Does he not trust the community organizations in his area to help young people who do not have a criminal record? He knows very well that his municipality does not have youth centres, which means that young people must go elsewhere for the help they provide.

**Mr. Mario Laframboise:** Mr. Speaker, I simply wish to point out to the hon. member that, according to Statistics Canada figures, community centres, as she says, which should look after young people, are represented by the Youth Justice Coalition.

• (1520)

This coalition opposed Bill C-7: the Conseil permanent de la jeunesse, the Centre communautaire juridique de Montréal, the Fondation québécoise pour les jeunes contrevenants, the Quebec Association of Police and Fire Chiefs, the Conférence des régies régionales de la santé et des services sociaux, the Crown Prosecutors' Office, the Child Welfare League of Canada, and the Association des avocats de la défense du Québec.

I will stop listing the organizations opposed to Bill C-7 who have said they support the Young Offenders Act as enforced in Quebec. I hope that this will satisfy the hon. member.

*Government Orders*

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I just want to make a comment. When I heard the member for Laval East compare the youth centres to prisons, I thought to myself that she must not have set foot in a youth centre in a long time, because these centers really focus on rehabilitation in the community.

I have met several of the 319 young persons she mentioned when I toured Quebec, and especially on the North Shore. I spent a whole morning talking to the parents of these young persons and to the people who implement the Quebec legislation on a daily basis. The youth centres are not prisons. That is the kind of misinformation we can expect from the member for Laval East. She should go over the bill more carefully.

I would like the member to comment on what the member for Notre-Dame-de-Grâce—Lachine said this morning about the Quebec coalition for youth justice making its position about Bill C-3 and Bill C-68 known, but not about Bill C-7.

No later than today, Pierre Lamarche sent out a press release where he said:

We have to realize that the federal government is going ahead with a backward bill that is totally inconsistent with what is going on in youth crime in Quebec as in the rest of Canada.

My question concerns the comments made by Mr. Lamarche, who is the president of the coalition of the various organizations that were mentioned earlier, saying that, according to the coalition:

—Instead of wasting public money to implement a new system that is not needed, the government should spend wisely and use the money to strengthen the current Young Offenders Act, instead of drafting a new legislation.

What has the member to say to Mr. Lamarche on this issue?

**Mr. Mario Laframboise:** Mr. Speaker, once again, when a taxpayer, an affluent member of society and a member of the elite who knows and understands young people, both male and female, and young offenders in Quebec, is asking us to do that, we must listen to his comments.

Like him, we believe the federal government has an obligation to invest in youth rehabilitation instead of spending time and energy trying to change a law that is working very well in Quebec.

Of course, I cannot but agree with Mr. Lamarche and ask the federal government and the Liberal members from Quebec why we should not take this opportunity to make a little amendment in committee before the end of the session to allow Quebec to opt out of the application of this legislation and invest the moneys requested by the elite, those representing the people who work with young people in Quebec.

[English]

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Speaker, I wish to advise you as I begin that I will be splitting my time with the hon. member for Waterloo—Wellington.

I am very pleased to engage in the debate on Bill C-7 today. I want to do so by taking an historical look at what has happened in the treatment of young people in Canada. The reason I want to do this is that I believe we can learn from history and that we can predict from history. If we examine history, we can get a general feel for where we are going and for what is likely to happen in the future.

I want to remind the members of the Bloc Québécois in the 10 minutes I have that ever since the first day of Confederation criminal law has been the exclusive jurisdiction of the federal government. It is up to the federal government of the country to pass criminal law. That makes us distinct from the United States where, for example, there are 50 states and 50 different types of criminal law. Here in Canada we have one criminal law for the entire country and it has been so since the creation of our country. The various laws governing the treatment of young offenders have all been federal laws and have pertained to all youth across Canada from coast to coast.

• (1525)

In approximately 1911 we passed the Juvenile Delinquents Act. It existed in one form or another for over 70 years. I doubt very much there are too many people in Canada who would seriously argue that the frame of mind in place in the early 1900s insofar as it related to youth remained in place in the late seventies and eighties. Over the course of those 70 years, the ideas about youth and about treatment of young people changed. As a result, there was a movement to modernize, shall we say, the treatment of young offenders.

That movement to modernize culminated in 1984 in the Young Offenders Act, which was developed during the Liberal years in power. It was, however, implemented during the Progressive Conservative government of Brian Mulroney.

It became evident rather quickly that there were some problems in the legislation. As time went on, it became more evident. A lot of people started to complain about the Young Offenders Act. Indeed, it became such a problem that during the second Mulroney government mandate between 1988 and 1993, the government amended the Young Offenders Act. Then justice minister Kim Campbell brought in what I would call cosmetic amendments to try to placate voters who complained about what were seen as defects in the act.

One example of the kind of cosmetic amendment I am talking about is, on the one hand, the Conservative government saying it had increased the sentence for violent crimes to five years when the

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reality was that the sentence remained at three years of incarceration with an additional two years tacked on by way of mandatory supervision in the community. On the one hand the Conservative government pretended that it had increased the maximum sentence to five years in jail, when on the other hand in reality it was three years with two years of mandatory supervision.

In any event, along came the 1993 election. In the 1993 red book we said the following:

The Young Offenders Act will be reformed to increase sentence lengths for certain violent crimes, allowing for full treatment and rehabilitation of young offenders. We will ensure that treatment and rehabilitation services are available to all convicted young offenders. A Liberal government will restrict the charges for which a young offender could be transferred to adult court, but at the same time will develop the category of "dangerous young offender," designating a youth who could be transferred to adult court, receive an adult sentence, and be kept in an adult facility.

Obviously there is a question that has to be asked. If that is what we promised, what did we deliver? Indeed, it is a fair question. What we delivered was this: Bill C-37 provided for amendments to the Young Offenders Act which came into force in December 1995. The amendments focused on harsher remedies for violent young offenders while encouraging alternative sentences for non-violent offenders. That, however, was only phase one of a two phase process. The second phase implemented by the justice minister of the day was to ask the justice committee of the House of Commons to fully review the youth justice system.

That second phase began during the first mandate of the Liberal government and indeed was completed by the justice committee. That was between 1993 and 1997. Once the justice committee completed that study, it then had to be studied by the justice department. The department considered the study and began the drafting of legislation.

• (1530)

Along came the 1997 election campaign. This was one of the issues that was dealt with in the 1997 election campaign and we on this side promised to improve the Young Offenders Act. The result of that promise was the youth criminal justice act.

It turned out that it was apparently too tough for the Bloc Quebecois. There were some arguments about what was going on in the province of Quebec, which we heard many times. On the other hand, it was too lenient for the then Reform Party. I would say that is probably not a bad thing. It is therefore a middle of the road approach: too tough for some and not tough enough for others. It is probably a fairly good middle of the road approach.

In any event, we asked the justice committee to consider the legislation. During a period of time between 1997 and 2000, the justice committee did that. It reported, there was a filibuster by the Bloc Quebecois and the bill was stalled. The bill continued to be

stalled until along came the election of the year 2000. We won again, thankfully, and as a result we reintroduced the act in February 2001.

Let us remember, then, that there was a two-pronged promise in 1993 to toughen up the existing act and to study the Young Offenders Act. In 1997 we had the results of the study by the justice committee and then we introduced this legislation. It got stalled, then we had the election, and we have reintroduced it again. The subject matter has been studied for many years. It is now time to pass it. We will not be able to please the Bloc Quebecois. We will not be able to please the critics. Our role in government is not to dither but to get on with the job, so we are going to pass the legislation, or at least that is the hope.

What will we be able to learn from history? I think we will be able to learn that the treatment of young offenders changes with time and with societal values. That means it is not static. That means that after we pass the bill, in future years society may decide to treat young offenders in a different way and this bill may become anachronistic.

Second, we can learn from history that anything drafted by human beings is not perfect. That is not a startling statement, but we should remember it. This bill is not perfect. The bill before this one was not perfect. Nothing we do can be perfect. All we can say is that we have done the best we can given the circumstances and given our knowledge.

Third, we can learn from history that it takes time and experience to expose the faults of any legislation.

Fourth, we can learn that it has taken 17 years for the problems in the Young Offenders Act to be exposed, studied and hopefully dealt with in the youth criminal justice act.

Fifth, we can learn that the problems with this new act, and I am sure there will be some, will be exposed, studied and corrected over time, but probably not in less than a decade. In the meantime, we can only do our best to try to enact corrections to the problems we have found in the Young Offenders Act. I believe this act does just that and I believe, therefore, that it deserves the support of the House.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, my question is very simple.

How does the member explain the fact that, despite all that he said, nobody in Quebec supports this bill? It does not have the support of any youth worker, any judge, any crown prosecutor, any defence attorney or even any crime victims' assistance centre. Senior citizens are also against it. Several branches of the Quebec

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Federation of Senior Citizens in certain administrative regions have expressed their opposition to the bill.

I toured Quebec and I did not meet even one person who supports this bill.

• (1535)

I know the member was very active in the justice committee, perhaps not as much recently, when we started looking at this whole issue in 1994-1995. He has a good knowledge of the Quebec approach with regard to the Young Offenders Act.

Here is my question: Why is his government refusing to allow Quebec to continue applying the Young Offenders Act? Why is it refusing to indicate clearly in Bill C-7 that a province could, by order in council, continue to apply the Young Offenders Act, knowing that constitutional experts, lawyers and legal experts have already assessed the legality of such measure, considering the fact that the Young Offenders Act deals with social law as well as criminal law and affects various departments within the province?

Why is the government, his government, ignoring Quebec's unanimous request to continue to apply the Young Offenders Act?

[English]

**Mr. Tom Wappel:** Mr. Speaker, I listened attentively to the questions of the member, who I know takes a passionate interest in the subject matter and has for many years.

It may very well be, although I am not going to concede the point, that there is not a great deal of support for the bill in Quebec, according to the member, but I heard the justice minister say yesterday that the Barreau du Québec supported the bill. Certainly the lack of support would not be unanimous if that is the case.

In any event, first of all this is a very contentious bill. It is not surprising that there are very polarized views about it. Just because there are polarized views does not mean that we should not act. We are a government. We must act. We made promises to the electorate. We indicated that we would change the bill to make it better, to deal fairly and more effectively with youth.

For the hon. member to suggest that the current system remain in Quebec is the reverse of saying that Quebec should opt out of the new bill. We cannot have that. We cannot have one criminal law for one part of the country and another for another part of the country.

Our system for the entire time we have been a country has been one criminal law for all citizens. All citizens should be treated equally before the law, under the same law, regardless of where they live in the country. That includes youth.

[Translation]

**Mr. Michel Bellehumeur:** Mr. Speaker, there is something I need to clarify.

The member should read today's newspapers. He would see that, contrary to the claim made by the Minister of Justice yesterday, the Barreau du Québec does not support Bill C-7. There was a correction by the president of the Barreau du Québec in the newspapers today. The member should contact the Barreau du Québec directly, particularly Mrs. Carole Brosseau, to know exactly where those people stand on the issue.

The Barreau du Québec does not support the minister's bill and it is part of the Quebec consensus unanimously asking the government not to go ahead with Bill C-7.

[English]

**Mr. Tom Wappel:** Mr. Speaker, I will not argue with the member as to the information he has given. I have not seen the newspapers and, believe me, I do not believe what is in the newspapers. I can assure the member of that.

It is my understanding that certain misinformation has been provided to people in the province of Quebec. I believe that if the information was put fairly to them, they would not be as opposed as the member appears to say they are.

**Mr. Lynn Myers (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Mr. Speaker, I want to point out first of all that criminal law is the responsibility of the federal government, and for good reason. The previous exchange points that out. As a federal government we need to bring to view the balance and flexibility that is required. I believe we have done a very good job with Bill C-7, the youth criminal justice act. We have done it in a balanced and fair way.

On the one hand we hear people in Ontario saying to wait a minute, that we are being very weak-kneed and not tough enough, yet we just heard the member for Berthier—Montcalm say we are too tough and it is too much.

• (1540)

That is the beauty of being a federal government that has compassion, ability and the political smarts to get the job done. That is exactly what we are doing. We are ensuring that we bring about the kind of balance and flexibility that is required.

I marvel at the Bloc member arguing about whether or not Quebec would benefit. In reality, \$191 million more would flow to Quebec between 2000-01 and 2004-05 if it signs the agreement, which represents a 39% increase over what Quebec received previously in other agreements.

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Fair minded Canadians wherever they live in this great country, including Quebec, the maritimes, the west and central Canada, recognize that the government has to act in this very important area in a way that underscores the values and the generosity of the people of this country especially as they relate to our youth.

It is important to underscore that this is a pillar of the youth justice renewal strategy our government has undertaken. Yes, it has taken a little longer than we would have liked, but at the end of the day I think we have a workable piece of legislation, a piece of legislation that I believe people across Canada will see as fair minded and important given their day to day lives, the lives of their children, their neighbours and the children in the community.

I believe it brings about accountability. I believe it brings about responsibility. I believe it notes rehabilitation in a way that is in keeping with the way Canadians operate, not too tough and not too weak, but balanced in the way the Liberal government has always tried to do it. We do it effectively. I think it is worth trumpeting to Canadians the fact that we are able to bring forward the kind of legislation that brings about the broad interests of all Canadians across this vast country of ours in a meaningful way.

We talk about respect in the bill. We talk about fairness. We talk about the kind of built in flexibility sought by the provinces to ensure that accountability is there at the end of the day. Having listened to many witnesses, having been in committee, having gone through the ways of this parliament in terms of coming out with a good piece of legislation, that is the kind of measured response we have done.

It has been a meaningful exercise. Despite some of the protests of the opposition, I think that at the end of the day people will see this as a very meaningful approach to youth justice. They will see it as having the very key elements that are required.

I would like to take a few minutes to review them, if I may. First is prevention. Fair minded Canadians understand that the key to preventing people from getting into the system is to ensure that prevention is there. We will be spending additional money, \$206 million over the course of the next little while, to ensure that prevention is part of this.

In my own community I think of the Waterloo Regional Crime Prevention Council that we were able to implement and put in place. These are important grassroots initiatives. They are important things that we have done community by community to ensure that we have built in prevention for our young people. I can tell the House that if we spend one dollar now, we will not have to spend seven dollars later.

I think fair minded Canadians, who are what this legislation is all about, will say "Wait a minute, an investment of one dollar now is

far better than seven dollars later", especially in the process of ensuring that young people with promising futures in this country are then able to advance what they believe is right, in keeping with their family values and the values of this great country.

Second, we talk about meaningful consequences. We have to ensure that people, especially young people, understand that there are consequences of actions. As a former high school teacher, I can tell the House that this is part and parcel of what is required for any young person. Knowing that there are meaningful consequences in place as a result of one's actions is part of growing up.

Finally, rehabilitation and reintegration make up the third key element in terms of what is required. We do not want young people to get into that system and learn to become even better criminals. We want them to know that there are consequences. We want to rehabilitate them, get them back out with their community, their school, their family and others in the area to ensure that they go down a path that makes sense for them, their families and the community at large. That is precisely what this bill does, and I think in a very effective way. We have gone on to ensure that the youth criminal justice act better distinguishes between violent and non-violent crimes. For example, punishments are proportionate to the seriousness of offences.

• (1545)

That is part of listening to people through the committee process, listening to Canadians through consultation and focus groups and listening to parliamentarians and others with vested interests in these very important areas. We have done that and I am encouraged by the net result. It is a very good piece of legislation, in keeping with what the great family of Canadians think is required.

I also want to highlight a few things in the bill. Canadians need to understand that the bill encourages community based sentences, for example, which will be more appropriate. They will note that the compensation for victims will be part of that, as well as community services, supervision in the community and other things.

I also want to note that it would allow courts to impose adult sentences on conviction when certain criteria apply. It presumes that adult sentences will be given to young people, 14 and older, who are found guilty of murder or attempted murder. In other words, it may be the answer to more serious offences. That is important. That is what I was talking about earlier when I mentioned meaningful consequences.

It would create an intensive rehabilitative custody and supervisory sentence. That is in keeping with the underlying philosophy of this bill and the intent of the justice minister, who worked very hard, along with the parliamentary secretary to my left, to make

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sure the bill had the kind of details in it that would make sense to Canadians wherever they lived.

It would require in general that youth be held separate from adults. We do not want them mixing in a way that would end up putting them into a different kind of situation that is far more criminal. That is a real problem.

It would require all periods of custody to be followed by a period of supervision and support in custody as well. We have that kind of support mechanism built in that enables our young people to be taken care of and hopefully mentored in a positive and not a negative way.

While publications of names would be permitted, there would be limitations with respect to that. It would only be permitted when the crime was very serious.

I want to note that it underscores the ability of the government to listen to Canadians, to deal as required and act as required in a very positive and meaningful way in this very important area. It underscores the ability of our government, the justice minister, the cabinet and the caucus, to ensure that at the end of this process, which has been a while, we come up with a very workable piece of legislation which is in keeping with the benefits that should go to our young people and with the requirements that I believe society demands of us.

It saddens me a little when I think that the Ontario government believes that punishment alone serves to protect society. It saddens me a little when I understand that it wants to take, as a philosophical base, that very harsh kind of approach. I do not see that as working. I did not see that in high school. I did not see that when I served with the Waterloo Regional Police.

What it requires is a concerted effort by all of us parliamentarians.

I see the members opposite are clapping the Waterloo Regional Police. They should because that is a police service it is second to none in this great country of ours.

At the end of the day, this is a balanced approach, a flexible approach and is an approach in keeping with the values of this great country; tolerance and compassion. We are very grateful that people on this side of the House had the wherewithal to bring in this kind of excellent legislation.

**Mr. Randy White (Langley—Abbotsford, Canadian Alliance):** Mr. Speaker, I was watching this with great intent. I appreciate having the time to discuss Bill C-7, the youth criminal justice bill, and the implications of that bill in communities such as mine.

• (1550)

There are several things I want to address. One is the age upon which the current Young Offenders Act is applicable to and where I think it should go.

One of the biggest questions I get when I talk to young people in colleges and schools is when do we decide they are adults. The age of sexual consent in Canada, thanks to the government, has been reduced from 16 to 14.

People can drive cars I believe at 16. In some provinces people who are younger than 16 can get a learner's permit. Drinking is allowed at the age 18 or 19. People can be sent to adult court maybe at the age of 18, or 17 or 16, but certainly at the age of 18. In fact, we are not sure when a young person is an adult. We give the widest of messages to our young people.

The age of a young offender in this act remains at 12 to 18. We suggested that ages 16 and 17 up to age 18 be applicable to adult court. For instance, a young person can drive a car, and I cannot think of a bigger weapon in the hands of anybody in this society. If young people are old enough to drive a car, they are old enough to think right from wrong and know that their actions are right or wrong. Therefore, I believe the age of an adult is above the age of 16. I will come back to this in a moment.

One of the frustrations I have personally had with the bill is that the government has been messing with it, quite frankly, since 1993 when it came into office. I was not elected yet, but back in 1989 and 1990 many of us said the Young Offenders Act had to change because it did not work. This is now the third act that has been tabled in the House after three parliaments, and we are still debating this. Even today I do not have the confidence that this is going to become legislation at the end of the day. I do not feel the government has the commitment to it nor understands all the implications of the bill.

A part of the legislation particularly disturbs me. It is the list of presumptive offences for which an adult sentence may be imposed. The list includes murder, attempted murder, manslaughter and aggravated assault. It does not include sexual assault with a weapon, hostage taking, aggravated assault, kidnapping and a host of other serious violent offences. Where I come from issues like sexual assault with a weapon, hostage taking, aggravated assault, kidnapping are all serious offences. Yet they are not acknowledged by the government as being so.

I went through this with some British officials last week. Two individuals in England, named Thompson and Venebles, are young offenders. These individuals murdered a very young person who was about two and a half years old. A price is on their heads. The courts said that because of that they will allow them to change their name and change their identity. In fact, they are looking at shipping them to another country.



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• (1555)

I believe these two young people have turned 18. The British government is looking for somewhere to send them. My information is that it has one of two choices: Canada or Australia.

I bring this up because the government side is so sympathetic to issues like this. I am concerned that individuals like them cannot only come to our country, hide their identities and live next door to anyone, but under the Young Offenders Act we still refuse to make full identification of young offenders who commit serious offences. Not only do we not disclose that, but we are now in consideration of bringing two young offenders into Canada under other names, and we will never know who they are until they commit another crime.

I asked the solicitor general in committee a couple of weeks ago whether these two would be coming to Canada. Of course he denied knowing anything about it. What I did not ask him was whether or not the justice minister or the immigration minister knew anything about it. I believe that someone in the government across the way has made a deal, and it is most inappropriate that it happened.

In Canada there are individuals who commit serious offences like murder or kidnapping. These are crimes for which a 16 or 17 year old should be treated like an adult. There should be no deals or appeals to a judge. They are adults. In my opinion if they are old enough to drive a car, they certainly are old enough to know right from wrong.

Although complex, the bill does not address two significant things which I am concerned about. It does not address the age factor nor the seriousness of crimes. If it were just these two issues in and of themselves, I would say we probably could sit here and negotiate something more worthwhile with the government. However the fact is we have heard a whole litany of problems with this piece of legislation.

What we will end up with is another convoluted, ineffective young offenders act. I will call it that because that is really what it is. We will end up with the same mess we had before, except with a few more lawyers trying to simplify it and make sense out of it, busier judges and a lot more police scratching their heads, still not understanding it.

As much as the government would like to say it has everything figured out on this, it has not. It has not addressed the two issues that I and the people of Langley—Abbotsford, British Columbia are concerned about, yet because we have a majority government of course this perhaps will go through. It has only been eight or nine years in coming.

I will be voting against this. It is high time the government got off its keester and started listening to the Canadian people, as well as the people in opposition who know full well that this has become

another convoluted piece of legislation that the police will give up on, judges will not understand and lawyers will make money.

• (1600)

**Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance):** Mr. Speaker, we are here today to talk about the youth criminal justice act. The question I have this afternoon is: Why do we even need the act? The answer is obvious. Youth crime has increased in the country. It is something that touches everyone including the government, and it has finally realized that there is a problem.

We have a Young Offenders Act that has been demonstrated to be clearly inadequate. Since 1993 the government has promised change. The committee on justice and legal affairs held extensive cross country hearings in 1996 and 1997. It presented its report to parliament called "Renewing Youth Justice".

There was a change of ministers in 1997 and at that time the reform of the act was to be a priority. In 1999 the government finally introduced Bill C-68. It was reintroduced in October 1999 as Bill C-3 and it hung around until the last election. It was revived again this spring. The bill has had a longer life than some of the young people it was supposed to protect.

We expected that when it did come forward it would deal with the issues but it clearly did not. It not only demonstrates a lack of ability to deal with children's issues but it demonstrates the government's inability to address the real issues in the country. It shows the government is out of touch with its people.

The definition of arrogant is having an exaggerated sense of one's own importance or abilities. I would add a second half to that definition. It shows a refusal to accept one's responsibility. Arrogance is shown in how the bill has been handled. It has been reintroduced for the third time with a new name. Simply calling something by a different name does not change it.

The Liberal government has refused to apply responsible amendments. It has applied some of its own technical housekeeping amendments, but it would not accept responsible amendments from other parties. They have not even been considered so Bill C-7, which was Bill C-3, which was Bill C-68, is the bill we are discussing today.

First, there is a general refusal in the bill to deal with the issues. There is a refusal to take responsibility for young offenders. The bill does not deal seriously with the youngest offenders. It still leaves children of 10 and 11 years of age to child welfare and social services. We are not suggesting that children of this age should be locked up, but it is essential that they are involved with the justice system to get the help they need.

Some of these kids need a structured solution. In the newspaper in the last few weeks there was a case involving a young person

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who was so out of control in his community that the community was asking someone to come in and do something.

I have worked with young people for many years and one thing I know is that they need structure. The younger they are, the more important it is to give them a direction which they do not necessarily have. The bill deprives them of that.

Second, there is a refusal in the bill to take responsibility for older offenders. In our previous Young Offenders Act, offenders aged 14 and up could be transferred to adult court for a very limited number of offences. That provision was used very rarely. Bill C-7 would allow for even more latitude in this area. Provinces could essentially opt out of this provision in whole or in part. They could change the provision so that it only applies to 15 or 16 year olds. Some kids need to be in adult court to get access to the services they require.

There is also a refusal in the bill to take responsibility for the communities. In terms of identifying young offenders, Bill C-7 would prevent a limited number of instances where young people could be named to protect their community. The list is restrictive. It does not include all violent or dangerous offenders. It would provide courts with discretion to override the identification of the offender.

We saw last night, in the government's defeat of a good amendment that was presented to it, its lack of commitment to these kids, the communities and the school systems that need to deal with young people. We saw it vote en masse to restrict the provision regarding the naming of young offenders.

I have been involved somewhat with education and with young people. Educators and other people in our schools need to know who these young people are in order to deal fairly and squarely with them.

In Bill C-7 the protection of the public is second to understanding the circumstances and the perpetrator. There is an extensive emphasis on rehabilitation and reintegration. We have already seen the results of that approach in my area.

Regina has been attacked by car thieves for years. Some of these kids have been arrested dozens of times, with little or no consequences for their actions. Where is the deterrence when people can keep going back again and again to the same offences and grow into adults who have little regard for the law?

• (1605)

The protection of the public is not an overriding principle in the legislation. Why should the protection of our communities take second place?

The bill also refuses to take responsibility for crime seriously. People have always been concerned about the three year maximum

sentence in the Young Offenders Act. We heard about that often. We heard about extreme circumstances and an extreme crime that took place, and young people were not held accountable for more than the three years maximum sentence.

Bill C-7 would actually reduce the maximum custody period from three years to two years. The maximum is three years but a supervisory period must be included. For most offences we are looking at two years of custody and one year of supervision being the maximum sentence young people can face. One of the main concerns of Canadians about young offenders is being ignored in the bill.

There is also refusal to take responsibility for provincial governments. The government would download the bill on to underfunded provincial governments. At present the cost sharing program is at about 75%, with the provinces paying 75% and the federal government paying 25%. Our position is that the federal government should be paying 50% of that cost.

It is a strange situation when the federal government has responsibility for criminal law but absolutely no obligation to fund the implementation of it. There have been long term shortfalls in financing and there has been a shortage of consultation with the provinces.

There is also a refusal to keep things simple. The bill is extremely complicated. As one member mentioned this morning, the Young Offenders Act has gone from 30 sections to 70 sections, to over 200 clauses in the current bill.

The bill sets up rules. It sets up procedures. It sets up exceptions to the same rules. The court may or may not name offenders and adult sentencing may or may not be imposed. Many of these things are left to the court's discretion. It is so complicated that there were problems in trying to define a violent act or a serious violent offence.

I have worked with kids, as I mentioned before, but the real problem is not with youth crime. It is policy that destroys families. Every one of us would recognize that the family is the foundation of society. We need strong families if we are to have stable young children.

We have many government policies that cause community and family breakdowns and family stress. We have parents who want to be at home when their kids get home from school. They want to be at home when their kids leave in the morning. However they are not able to be because of their financial situation brought about by government policies. There are families that cannot keep up in the world unless both parents work.

There are some things that need to be done to address the problem of family stress. The government needs to take a fair look at its taxation policies. At every turn people are being taxed to

death. Taxes continue to increase. We hear daily about the government's huge supposed tax cuts that took place, but they just do not register with people and they do not register on their paycheques. We have property tax. We have income tax. We have fuel tax. We have sales tax. The list goes on and on. The government needs to take a look at its taxation policies and how they affect families.

Our monetary policies have a great deal to do with family stress. We see our dollar falling. We see Canada falling behind in production. We see that people must work harder and harder to break even, which continues to put pressure on the people who least need that pressure on their families. People are forced into the workplace. Some of them do want to be there. Families are under stress.

Earlier I talked about arrogance and defined it as an exaggerated sense of one's importance or abilities. The whole bill smacks of that. It seems to be a congratulatory and ineffective piece of legislation. It is unfortunate that it does not deal realistically with the problems of youth justice in a concrete way.

The problem has existed. It continues to exist and it will continue to exist. Our kids are being left at risk. The government should not be wasting our time and taxpayer money, but I am afraid that is exactly what the bill would do.

• (1610)

**Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I find it interesting that in consideration of the new youth criminal justice act opposition members are getting into tax policy. It shows the depth of their opposition to the bill by grasping at straws.

I also find it interesting that members opposite and their party keep insisting that crime, as well as youth crime, is going up when in fact statistics show the contrary.

When the member says that nothing is new and nothing has changed, why does he ignore the emphasis of the act on accountability, proportionality, meaningful consequences, rehabilitation and reintegration? Why does he ignore this targeting of custodial sentences for repeat serious violent offenders? Why does he ignore community supervision to help integrate a young person after release from custody? Why does he ignore adult sentences for youths 14 years of age and over for very serious crimes and the presumptive offences? Why does he ignore the publication of names for serious violent offences when there is an adult sentence? Could the member explain this to me?

**Mr. David Anderson:** Mr. Speaker, I do not know how the government members could possibly justify the taxation method

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that they have in the country. People are overwhelmed by taxes. We talked this afternoon in question period about fuel taxes that are stressing people out.

If we ask the kids in our high schools today if they feel safer than they did a few years ago they would clearly say that they do not. They do not feel that those people who are threatening them are being dealt with in a way that would remove them from the system and keep them safe.

The bill offers discretion in every area. That is just an excuse for people not to put in effective legislation. If we offer discretion in every possible area, then we could say that we have set it up that way, but everyone would know that we do not intend to use it that way. It has just become a bureaucratic mess and it may get worse.

**Mr. Dennis Mills (Toronto—Danforth, Lib.):** Mr. Speaker, I feel privileged to have an opportunity to speak on the legislation. I would like to come at the legislation from a different point of view.

I have been listening to most of the speakers here today and I have heard some good ideas coming from all sides of the House. I especially want to acknowledge some of the thoughts put forward by the member for Wild Rose who spoke earlier today.

I personally do not support the notion of a boot camp but I am very much in sympathy with the notion of creating environments for young people where they can achieve an atmosphere of discipline and athleticism because all those things affect the development of the whole person.

The preamble of the bill states:

Whereas members of society share a responsibility to address the developmental challenges and the needs of young persons and to guide them into adulthood.

With that preamble in mind, I want to share with the House an experience I had last summer in Tor Vergata, Italy, which is a university campus just outside of Rome. Last August, on behalf of the members of the House of Commons, I attended the World Youth Day event led by the Holy Father. This was the eighth or ninth World Youth Day event. It is an event where young men and women come from all over the world to celebrate the values of sharing and caring for each other.

• (1615)

What I experienced at the event, which was attended by close to two million young people from all over the world, was an attitude and a spirit I have never witnessed in my entire life. I was in attendance with the premier of Ontario, Mr. Harris; his minister responsible for the World Youth Day celebrations coming to Toronto, Mr. Chris Hodgson; and our mayor.

I raise this event today in the House because it can serve as an example to members of parliament. They can draw on it in working

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together to mobilize and motivate all the machinery of government around the whole area of youth crime prevention. It can help build the confidence, vision and hope of young people and teach them that the values of caring and sharing are central to building the fabric of the country.

For members of the House who may not be up to date on the project, in July 2002 Canada is hosting the next World Youth Day celebration in Toronto. We as a nation, along with the Catholic church and the Conference of Bishops of Canada, will be inviting probably close to a million people from all over the world to come to Toronto for five days from July 18 to 28.

When these young people come together they will be demonstrating to us as parents and legislators that they are interested in working in their own communities and countries on issues related to personal development, human development and whole person development.

This is one thing I wish we could talk about more today when debating the legislation before us. I sense that members of the Bloc Quebecois are much more sensitive about the notion of personal development and growth than many of us, quite frankly. They have done a magnificent job in the debate today in talking about the personal growth of young people.

I wanted to speak to the bill today and remind the House of World Youth Day because it is a concrete example of where all members of the House have come together with over 13 departments of the Government of Canada to touch a million young people from all over the world.

Our former ambassador to Russia, Ann Leahy, and her assistants in Toronto are busy organizing the event. I wanted to put it on the record today because as the year unfolds I do not think we as members of parliament can do enough in the whole area of prevention, of touching young people before they are put at risk.

I believe that has been the mission of the member for Wild Rose for most of his life as an educator. It was the primary point he was trying to get across today in the House when he talked about his experience as a principal and an educator. He said we need the tools that will allow us to assist in the personal development of young people.

• (1620)

I go back to the preamble of this piece of legislation which reads:

Whereas communities, families, parents and others concerned with the development of young persons should, through multidisciplinary approaches, . . . respond to the needs of young persons, and, . . . provide guidance and support—

That is where I want to come from. We do not do enough in Canada to build dreams and hope and give proper instruments of

support to young people. Quite frankly that is why I am pleased that we as the House of Commons have been so united in promoting this event which is coming to Toronto in July 2002.

Some people have not connected with the profound impact the project will have. I will give an example. If we hosted the Olympic games we would touch, at most, 300,000 people per day. With this project we will be touching one million people or five times that number. I will be splitting my time with the member for Chatham—Kent Essex.

On behalf of the House of Commons and the entire federal team under the direction of former Ambassador Leahy, Cardinal Am-brozic, Bishop Meagher and Father Thomas Rosica, I want to convey that we believe in working with young people to develop the whole person. We will be with them in Toronto in July 2002.

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Mr. Speaker, I believe prevention is the key to success with young offenders. There is no doubt about that.

The member and I could debate all day about the effectiveness of so-called boot camp. The ones I have seen are very effective. I encourage him to visit one some time just to take a look and make up his own mind from what he sees.

I think he would agree that good parenting is a good thing to have. A good solid home makes a big difference in the lives of young people. In the province of Alberta a poll was taken of working mothers. Seventy-four per cent said they would prefer to stay home with their children if they could afford to do so, but they could not. We have been after the government for some time to give tax relief to families who choose to keep a parent at home. That has never occurred. Could the hon. member tell me why?

**Mr. Dennis Mills:** Mr. Speaker, I could not agree more with the member. A mother should be given the option to stay at home or to work. If a mother chooses to work, obviously that is not a debatable point. However if she wishes to stay at home and raise her children, there is no way tax policy should punish her for doing so.

It is no secret that I have been a passionate supporter of that idea for many years. Those of us who believe in the idea will keep promoting it so that one day a majority of us in the House will realize that it is a very special experience and a very special gift for young people to have a mother who chooses and can afford to stay at home and give that added amount of time to her children.

• (1625)

**The Deputy Speaker:** It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for New Brunswick Southwest, National Defence; the hon. member for St. John's West, Unemployment.

**Mr. Jerry Pickard (Chatham—Kent Essex, Lib.):** Mr. Speaker, I am pleased to participate in debate at third reading of Bill C-7. The introduction of Bill C-7 followed a lengthy period of consultation and review.

I remind members not only of the breadth and depth of the study that preceded the introduction of the bill but of the very strong arguments that were put forward to make sure the Young Offenders Act and the youth justice system would be changed. I further point out the extent to which the youth criminal justice act responds to the recommendations of task force and standing committee reports tabled over a number of years.

When the current Young Offenders Act was last amended in 1995 the government reiterated its commitment to conduct a comprehensive review of the legislation and the operation of the youth justice system. After a decade of experience with the Young Offenders Act it was time to step back and assess how the legislation and the youth justice system were working, and how they could be improved in ways that took into account the concerns and values of Canadians.

The standing committee on justice and legal affairs was asked to undertake an extensive review of the youth justice system. In carrying out its review the committee convened round table discussions, held a national forum, canvassed various parts of the country, heard from witnesses representing more than 100 different organizations and received more than 100 written briefs. The standing committee on justice and legal affairs released its report entitled "Renewing Youth Justice" in April 1997. It included significant findings about the youth justice system and made 14 recommendations for change.

Contributing to this comprehensive review by the standing committee was the report of a federal-provincial-territorial task force on youth justice. The task force, established in 1994 by the federal-provincial-territorial ministers responsible for youth justice, was given a mandate to review the Young Offenders Act and its application. The task force was composed of provincial, territorial and federal officials with expertise in youth justice. Its members worked in prosecution services, correctional services, statistics and research, youth law policy and law enforcement.

In proposing its response to the standing committee report entitled "Renewing Youth Justice" the federal government took into account not only the findings and recommendations of the report but also the findings of the task force and calls from Canadians across the country for a strategy to change the Young Offenders Act.

As a result, a strategy for the renewal of youth justice was released in May 1998. The strategy sets out the basic themes and

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policy directions contained in Bill C-7 and, perhaps more important, the rationale. The strategy identifies three key weaknesses in Canada's youth justice system.

First, not enough money is being put into the system to prevent young people from falling into a life of crime. Prevention has been mentioned by almost everyone in the House. My colleague who preceded me was very much of that mind and many members of the House have said very clearly that prevention is important. This is the direction in which we need to go.

Second, the system must improve the way it deals with the most serious violent youths, not just in terms of sentencing but in terms of ensuring they are provided with extensive, intensive, long term rehabilitation that considers their interests and those of society.

Third, the system relies too heavily on custody for the vast majority of non-violent young offenders when alternative, community based approaches could do better. The system must instill social values, help right wrongs and ensure that valuable resources are targeted where they are most needed.

● (1630)

In response to these weaknesses, the new strategy proposes to renew Canada's youth justice system with a focus on three key areas: crime prevention and effective alternatives to the formal youth justice system; meaningful consequences for youth crime; and rehabilitation and reintegration of young people. All of these, working together, will help society have a better system.

It commits us to target custody as a response to the more serious offenders and to provide more meaningful community based sanctions for the vast majority of youth crime, thereby contributing to a reduction in Canada's youth incarceration rates, which are among the highest in the western world.

For provincial and territorial governments, the federal financial commitment takes the form of a five year financial arrangement worth a total of \$950 million to support the implementation of the youth criminal justice act and the overall policy objectives of the youth justice renewal initiative. The new agreements promote and support a wide range of services and programs considered most likely to assist in the rehabilitation and reintegration of young persons in conflict with the law and in reducing reliance on the youth court system and incarceration.

Additional federal funding would also be available to support the development of programs required for the implementation of the new intensive rehabilitation custody and supervision sentencing option. These financial arrangements are an important component of the flexible implementation phase undertaken in close co-operation with the jurisdictions.

Through the youth justice renewal fund, provincial and territorial ministries responsible for youth justice may apply for grants

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and contributions to assist in the preparation for and implementation of the youth justice renewal initiative. Funds are available for activities related to training, community partnership development or expansion, reintegration planning and support and implementation contingencies. Examples of such activities include: assessment of staff training needs in light of new legislation; development of policies that will govern youth justice committee work; review of policy and procedural materials; and development and delivery of orientation sessions on the new legislation for frontline workers, managers, administrators and youth justice committee members.

With respect to the legislative process, let me note that prior to the third reading of Bill C-7's predecessor, Bill C-3, the election call came. However, the government's commitment to move forward with new justice legislation remained strong. The Speech from the Throne to open the first session of the 37th parliament of Canada stated that the government would reintroduce legislation to change how the justice system deals with young offenders. New legislation would encourage alternatives to custody for non-violent offenders, emphasizing rehabilitation and reintegration into society while toughening consequences for more violent youth.

This commitment to reintroduce youth justice legislation has been kept. Bill C-7 was introduced in the House of Commons on February 5. Bill C-7 is basically the same bill previously introduced as Bill C-3, except that Bill C-7 incorporates government amendments that were made public before the election call. The inclusion of these amendments demonstrates once again the ongoing consultation that is accompanying this bill as it moves through the parliamentary system.

The government has consulted and listened. Many views have been expressed, some diametrically opposed to others. The overriding goal is to put in place a youth justice system that is fair and effective, and that is what Bill C-7 would do.

• (1635)

The substance of Bill C-7 has been open to public scrutiny for a long time. Its introduction was preceded by lengthy studies and consultation. Now is the time to move forward and replace the Young Offenders Act with the youth criminal justice act, an act that would instil values such as accountability, responsibility and respect, which are long overdue in all of our systems. This is an act that would result in the kind of youth justice system all Canadians want.

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Mr. Speaker, again I hear a speech that follows the rhetoric that the justice minister has put forward for the last seven or eight years. No matter who the justice minister is, it is the same kind of carrying on in terms of rhetoric.

I would like the member to understand first of all that I do not believe that young people who commit non-violent crimes should even be in jail. I believe there are some good answers as to how to deal with young people who decide they are going to break the law in a non-violent act. I do not think jail accomplishes a thing for them. Maybe after they commit many non-violent acts we may have to jail them, but for at least the first one or two times it is not necessary.

I constantly hear from that side of the House that it would be a shame, for example, if the principal of a school expelled a violent student from the school system. I constantly hear that the person needs to stay there and learn and get educated and be rehabilitated within that society. When will the government recognize that in regard to any student who is a well known violent individual maybe the 400 other students would be better off and safer without that individual there?

When will the government start considering the safety of neighbourhoods by saying that we need to open up the information banks? What about someone who was once in jail for murdering a senior and then is living next door to a senior couple, which has happened many times? Why is the government so adamant that violent people have to be treated with kid gloves?

Violence is something that has to be taken out of our society. People should not be subjected to individuals who have constantly proven to be violent. We all know it happens all the time. This system allows it to happen. When will it stop? When will let young people learn that they cannot violently hurt people and get away with it, that it is a very serious crime and that very serious consequences will follow? When will we stop treating violence with kid gloves?

I do not see anything in the bill or hear anything that comes out of the mouths of those people that indicates the government is really serious about protecting the innocent victims. We never even hear those people use those words any more. Instead it is "rehabilitate the poor guy".

This violence has to stop. What does this member suggest we do?

**Mr. Jerry Pickard:** Mr. Speaker, I want to thank the member for Wild Rose for giving me an opportunity to clarify that position. I, like he, spent 25 years in education and I certainly am very aware of what can happen when young people disrupt the classroom. It is very unfair to all the other people in the classroom. When children are disruptive, do not allow the classrooms to operate and do not allow things to work, I do not think there is a colleague in the House, either on this side or that side, who would think that those children have to be in that classroom and continue to disrupt it daily. That is not the case. I do not believe it to be the case. I

certainly would never support it and I know that most of my colleagues would not support it either. It is an accusation that is not supported by my colleagues or myself.

The hon. member was very clear about separating the non-violent people and not incarcerating them but instead giving them some guidance, support and help. That is very important. The non-violent people should have guidance and support where it is required. However, as far as the violent offender is concerned, with this bill we would have a lot more latitude in dealing with the violent people the member referred to. It is not just about putting them behind bars, but we can do that and we will do that. It is not just about sending them to adult court as adults, but we will do that under the bill. That is very clear.

• (1640)

This is not about just dealing with them on one basis, putting them in jail, locking them up and saying that is the end. Per 100,000, Canada has more young people locked up than any country that I am aware of. We have in jail 1,000 per 100,000 young people who commit crimes. In comparison, the United States has 700 per 100,000. The U.S. numbers are much lower. The Americans do not incarcerate as many young people.

The fact is that those young people need more help, a tremendous amount of it. They need guidance. They need counselling. I believe the members of the—

**The Deputy Speaker:** Order, please. I regret to interrupt debate, but I am particularly sensitive to the large number of colleagues who wish to speak in the time remaining.

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Mr. Speaker, I am splitting my time. I have been given only 10 minutes to speak on third and final reading of Bill C-7.

Third reading is the time to talk about the general thrust of a bill as a whole. There has been a lot of talk and deliberation about this type of legislation since the nationwide consultation conducted by the Conservative government during 1992-93. It was attempting at the time to address the anger in the land that had developed over the operation of the Liberal legislation of the day.

At this point we as a country are still not much further ahead, because the Liberals are still in charge. Since they have caused the present problem with the law, they are not now in any position to repair the basics of their errors. The Liberals have had reviews and some small amendments, but this time they are to be judged by the public on what they are finally bringing to the communities of Canada.

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The bill is an example that goes to the heart of the competence to govern. In the broadest estimation the bill is an utter failure. It is a failure in many technical ways, but on the general level it is another example of why the Liberals are not worthy to govern. The bill is an example of a bureaucracy entangling itself with objectives that are at cross purposes, combined with insufficient political leadership to provide guidance out of the forest.

Although many political analysts admit that the Liberals are without principle, the bill is certainly the technical evidence that the Liberals have no canopy of values to find the moral compass of direction when they become lost in the tall forest of competing interests and opposing concepts.

The nation is in this mess because of a previous Liberal government that in its usual high purpose, we know best manner, with all the great arrogance of the day, gave us the Young Offenders Act over the clear objections of millions of Canadians. In many respects the very objections and warnings given years ago about the folly of the underlying assumptions about social psychology and of the criminal justice theory assumptions have all come true.

Here we are now, years later, still trying to fix the flaws. True to form, the arrogance of the government over the bill, which would be an administrative labyrinth, brings us convoluted fixes to the problems that the Liberals created. They can never fix their dilemmas as they do not possess the vision or the principled perspectives to address what the community needs in order to respond to the most fundamental Canadian social problems.

The minister claims with self-satisfaction that the enactment would repeal and replace the Young Offenders Act and provide principles, procedures and protections for the prosecution of young persons under criminal and other federal laws. The bill sets out a range of extrajudicial measures. It would establish judicial procedure and protection for young persons alleged to have committed an offence. It would encourage participation of parents, victims, communities, youth justice committees and others in the youth justice system. It sets out the range of sentences that would be available to the youth justice court. It would establish custody and supervision provisions. It sets out the rules for the keeping of records and protection of privacy. It provides transitional provisions and makes consequential amendments to other acts. In summary terms, those are the claims of the government.

However, it is obvious that the government has failed, particularly at the operational community level and at the levels of broad themes and societal objectives. The Minister of Justice has tabled legislation three times and three times she has struck out.

Like most Liberal bills this is well intentioned, but it is barely an improvement over the old YOA. It does not address the concerns of Canadians, including provisions for realistic sentences for

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violent crimes, focusing the law to deal truly with young offenders rather than youthful adults or comprehensively accommodating victims' rights needs.

• (1645)

British Columbia has had a legislative basis for diversion since 1968, some 33 years ago. Street diversion and community programs for offending youth, especially through Christian churches, were working in the urban settings of Canadian cities for years before matters became of such national concern that parliament began to deal with it in about 1908.

When Liberals talk of their bill, one would think that the alternative measures and diversions were invented by them. Parliament has been struggling with a criminal set of rules at cross-purposes to address the specialness of young offenders seemingly forever.

Since we have had mostly Liberal governments, we as a society have never been able to put to rest these issues. Now we have a bill that is so complex that it caves in upon itself trying to accomplish broad and competing objectives.

We need to clarify the basics. We are striving for a set of rules that would outline how criminal law would apply to a child or a young person. It is assumed that there is a diminished capacity for a young person to appreciate criminal acts and therefore they should not be subject to the full weight of the law. As the bill shows, the Liberals have fallen all over themselves. They have tied themselves in knots because they do not have a guiding vision.

In each province we have social welfare legislation with large systems of care, including social workers who have the legal capacity to take into care with the full authority of a legal parent any child who is deemed to be in need of care and protection. If we had a wise but simple and more circumscribed youth criminal justice act, it could complement and support the social welfare mandates of the provinces.

We could have a supportive law that would help break the cycle of offending and more fully support the huge amounts of money that is spent in community responses. However the latest managerial disaster of the government is off target in this respect because philosophically the Liberals do not stand for anything.

A dichotomy is revealed in the bill. Through many convoluted provisions it tries to deal with the principle of diminished capacity for young people, but in a most complex way it tries to accommodate violent offenders and criminal code precepts such as protection of society and denunciation. Gradually victims are being allowed back into the scene. The bill is most inadequate in that regard also.

Community expectations of a government providing peace, order and good government are not met in the bill. The anger in the land over public observance of how young offenders are dealt with generally in the courts would not be diminished by this prime example of Liberal ideological confusion.

It is clear that the government wants a bill, any bill that is in the topic area, just so that it can say it has one. However when the fundamentals of secrecy, age of application and a confusion of focus is the substance, we can understand why the Liberals have refused all the contrary evidence provided by so many that they should be going in a different direction.

It goes to the heart of how we as a society value family and children, how we care for those who do not seem to be able to care for themselves and help those who are out of step with community norms. It is about the knowledge to care. If a social welfare agency, a social worker and a school authority are to be part of the community response for children in conflict with the law, they must be knowledgeable and fully informed. That must not be discretionary.

People in my community are aware of young offender cases. They observe what happens and they follow a case through the community. They are not part of the process and anger begins to increase. They watch time and time again as the case slowly winds through the system and then they react. They call their local MP and they sign petitions of protest.

Parliament has received millions of signatures in objection to the philosophical underpinning of the bill that we have before us today. People almost have a fatalistic approach. With a law that is so out of touch with community values they have just given up protesting at this point.

In view of what I have heard over the years, I can say that my community does not support the bill and the underpinnings within it. I cannot justify it either. Consequently I will be voting against the bill at third reading.

**Mr. Rick Casson (Lethbridge, Canadian Alliance):** Mr. Speaker, it is a pleasure to rise to speak to the bill today. It takes me back to the first year I campaigned for this job in 1997. When I went door to door, one of the topics at the time was the Young Offenders Act and the changes that people wanted to see.

• (1650)

I remember one business that I went into. The gentleman was completely distraught over the fact that he could not get any justice for the problems he had been having with young offenders. It is interesting to note that many years later Bill C-7 still does not address the issues that so many Canadians are concerned about.



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I compliment my colleague from Surrey North who has made it his life's work to bring in proper youth justice in Canada. Some of the amendments he put forward would have made great additions to the bill. Every amendment we put forward would have strengthened the bill, made it more receptive to the needs of Canadians and would have made our streets safer. These were the underlying factors for putting forward our amendments to the new youth justice act. We wanted our streets to be safer so people could feel more comfortable in their homes and in their daily lives. The member for Surrey North put a lot of effort into those issue. He knows from personal experience what can happen when young offenders go wrong.

One of the things our party proposed and probably one of the most contentious was the lowering of the age range from 12 to 18 to 10 to 16. People said that we would be locking up 10 year olds but that was not what we were talking about. We were talking about helping young people in trouble, and heading in the wrong direction, to get back on track and become better citizens in order to contribute to society in a way that all Canadians should.

Our party wanted a clear definition of a violent offence. We wanted a schedule of offences so there would be no necessity to play legal word games in the courts and no need for millions of dollars to be spent in legal costs for arguments and appeals. We should have a list of what a violent offence means. We should include the offence of murder plus all the listed offences in schedule I and II of the Corrections and Conditional Release Act. These are the offences Canadians want to see listed as violent offences. Those were in the amendments we brought forward.

We proposed the deletion of the term presumptive offence within the legislation. We preferred the term violent offence to determine when a young person ought to receive adult punishment. We proposed the deletion of the term serious violent offence because we felt that all violent offences were serious and that it should be left up to the courts to decide the punishment in those circumstances. However violent offences must be handled in a specific manner to protect our citizens and our communities.

We proposed an overriding principle making the legislation the protection of the public. We heard time and again that the government placed more emphasis on the interests of the offender than on the protection of citizens. The protection of our communities should not take second place to anything.

We proposed the limitation of extrajudicial measures to first time non-violent offenders and only if those extrajudicial measures were adequate to hold a young person accountable. Accountability is a part of the act that really needs to be highlighted. Young people and their parents have to be held accountable. If we did that it would put some real meaning into the legislation.

We proposed a requirement for the attorney general to inform victims of their specific rights. We felt that was important. We proposed that the principles of denunciation and deterrence be included within the legislation. A big aspect of any youth justice act should be methods of deterrence.

We proposed that an adult sentence be imposed on young persons who commit violent offences after their 14th birthday. The range of adult sentencing would still be left up to the courts, and that would include youth style punishments, but 14 and 15 year olds who commit violent offences would be held accountable for potential adult sentencing. Some people felt that proposal was fairly harsh but we were talking about serious, violent and repeat offenders. We must deal with those people in such a way that our communities will be safe and our public will be protected.

We proposed that young persons who commit violent offences be identified for the protection of the public. People wanted to know who those young offenders were and what they had done. They felt they had the right to know if somebody who was capable of a violent offence was living in their community.

● (1655)

We proposed that a young person who received a life sentence through adult court should receive parole eligibility between 10 and 15 years at the discretion of a judge. This was an increase from the present range of 5 to 10 years, to put a little more bite into the legislation.

We also proposed an increased maximum sentence for violent offences other than murder. Bill C-7 would bring a custody period followed by a supervisory period with supervisory time to be one-half of the custody time.

We put forward all these proposals as amendments to the legislation. They were researched and had the benefit of the firsthand knowledge of the member for Surrey North. Not one of them was accepted.

We ended up with a bill that appears to be the same as Bill C-68 and then its subsequent Bill C-3 and now Bill C-7. There is no change. There is no more bite in the bill and no more protection for Canadians than there was in the bill introduced as Bill C-68. After months of review and hearing experts from all aspects of youth justice, the only changes made include many of the technical amendments proposed by the government to correct errors in Bill C-3.

The government has not been open to change on any aspect of the legislation. There were hearings where witnesses came forward with many good ideas and with firsthand experience. People involved in the youth justice system brought forward excellent

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ideas that were not accepted. All the opposition parties, except the Bloc, presented substantive amendments to Bill C-3. None of them received debate in parliament. None of them appear to have been considered by the government.

The provinces will be tasked to administer this legal nightmare but the federal government does not seem to care. The government has not been open to serious discussion over the proposals in its youth justice law. There needed to be more willingness on behalf of the government to listen to Canadians, the experts and the other parties in the House of Commons to improve the law.

The government has promised \$206 million over the first three years for the implementation of the bill, but it would not even come close to meeting the responsibility of providing 50% of the funding for youth justice. The government has allowed federal funding to slip to about 20%.

This does not only apply to the bill. We have seen that in other areas of government responsibility where it has historically committed funding to a certain level to help the provinces administer the laws that are created here. The funding has decreased from 50% to 20%.

The provinces have to carry that financial burden and to take that extra cost into their own budgets to administer a law that many of them are not happy with because it does not go far enough.

An initial review of Bill C-7 indicates that the government has made it even weaker likely to appease the Quebec government and the Bloc Quebecois. That was one thing we saw. It said that if the Canadian Alliance thought it was too soft and the Bloc thought it was too severe it had to go right down the middle of the road. We do not agree with that at all.

The age range of application will remain at 12 to 18. Many people thought 10 to 12 year olds that were starting to get into trouble needed some help. They needed someone there to pull them back, to help them out and to put them back on the right road. That has not happened and these young people are still out there without direction.

The restrictions on naming violent offenders have not been put into the legislation. It is up to the courts to do that. That was something of critical importance to Canadians.

After the entire process of bringing the bill forward three times this will be its last debate before it is voted on this evening. We still do not have what Canadians have asked for. A lot more could have been done with the overall philosophy that the protection of Canadians as a whole should be the meat of the bill. If the government had kept that in mind, it would have had a bill that Canadians would have appreciated and supported.

• (1700)

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I commend my hon. friend for his comments. They were very precise comments that delved into ways in which the legislation could have been improved. I would also attach myself with his complimentary remarks to the member for Surrey North who found out in a firsthand way the tragedy that can be invoked for families and victims in the criminal justice system.

My question, specifically, is about a reference that he made to lowering the age of accountability to 10. I have a slightly different take on this. I would like to get his reaction. It deals with the element of transfers.

Currently in our justice system we have the ability to transfer a person who fits the definition of a young offender, that is a person between the ages of 12 and 18, into the adult court system, whereby there is judicial discretion based on evidence to take the person and try them as an adult.

I would like to suggest to him that a system that would apply similarly where a young person aged 10 or 11, who had committed a serious offence and had escalating behaviour as identified by police or counsellors, could be transferred through a courtroom based on evidence and submissions made by interested parties and stakeholders before a court of competent jurisdiction, by using the same principles of transfer. A child could be brought into a court system where the circumstances permitted, for the good of the child and the community.

This would be of great benefit and would enhance our current system. It would enhance public protection, deterrents and rehabilitation, all those elements of our criminal justice system that we want to encompass in this and future legislation. I would like to get his remarks on that suggestion.

**Mr. Rick Casson:** Mr. Speaker, my hon. friend's input into the youth criminal justice act has been noted and appreciated. His expertise in justice issues is appreciated by all members in the House.

Any method we could use, whether it is a transfer through courts or whatever, to bring these young people some much needed help is important. That is the problem. We are not seeking to lock 10 to 12 year olds up. We are trying to do is to help these young people. A lot of our young people are not in a family situation that most of us would recognize. They do not have a mother and father in a responsible relationship and the right instruction to go out and be good citizens. They need that, and a lot them are crying out for it.

As a nation, we should be able to take these young people and get them on the right track before they go too far wrong. To not do that is a crime. We are turning our backs on some large numbers of young people. If we had the ability and the legal right to reach out,

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help them and bring them back, we could make a lot of difference to a lot of young people. Unfortunately, this legislation does not allow us to do that.

**Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I am a little confused. Is the hon. member suggesting that we should have a further separate system for those between the ages of 10 and 11 or 11 and under? He referred to large numbers of individuals in this category.

The statistics I have show that roughly 1.5% of the incidents reported to police involve children under 12. Of that, 81% are property offences and 19% are violent offences. Two-thirds of the violent offences are minor assaults. How does the hon. member justify those statistics with the approach that my hon. friend is suggesting, even though public opinion indicates that the preference is that these children be dealt with in the mental health system and mental health intervention?

**Mr. Rick Casson:** Mr. Speaker, in my opinion one young person lost is one too many if with a little help he or she could have turned the corner and become a productive member of society. We need to do whatever we can to ensure we reach out to as many as we possibly can.

• (1705)

The statistics the parliamentary secretary offered probably are factual, but the fact is that whatever fraction of a per cent it is, one young person is too many.

[*Translation*]

**Mrs. Suzanne Tremblay (Rimouski-Neigette-et-la Mitis, BQ):** Mr. Speaker, I am glad to share my time, because the more views expressed in this House the better.

The clock is ticking. Usually, I am pleased to take part in the House's debates. Today, however, I am quite sad to have to repeat once more what I said before: this bill will leave Quebec unable to extend a helping hand to young offenders who are themselves victims more than anything else when they turn to crime.

They need help, not coercion. It is unfortunate that we have before us a bill that does not please anyone. Alberta is obviously not pleased at all with this bill. Ontario and Quebec are not either. If we were to consult the residents of all of the provinces, we would probably find out that a majority of Canadians are against this bill.

There is only one flicker of hope left. It may sound strange, but let us hope that the Liberal senators will be more intelligent and more understanding than the Liberal members from Quebec and will come up with the necessary amendments to make this bill more palatable to Quebec.

When I hear people say that they would like this bill to be even harsher, when I hear them talk about 10, 11 and 12 year olds and in some cases 8 year olds, I cannot help but wonder what planet this

is. In what kind of country do we live in if we think, even for 30 seconds, that we should take 8 to 12 year olds and hand them over to the justice system because they did something we see as reprehensible, when the first question we should be asking ourselves is what kind of education they have received? What kind of school do they attend?

What kind of primary care has society been providing to them since birth for these children not to be able to behave as we would like them to behave even though they were born with the full potential of becoming perfectly balanced citizens?

It makes me very sad, and I hope all Canadians will know it tonight through television, to think that in a few minutes members will vote in favour of this bill. Those who vote against it will do it for two reasons. For some, the bill does not go far enough, it should be even harsher. For us, Quebecers, it goes too far.

• (1710)

The legislation is so rigid, contrary to everything the minister said, that it will be impossible for any province to apply its provincial system of justice and the approach it wants to use with young people.

It is astounding to see that the minister is totally deaf to all our pleas for justice for children. Finally, when we think about it seriously, two things are wrong: there are two officials sitting at the justice department who see this as a personal victory. The bureaucrats are in the process of defeating the parliamentarians. Since 1993, they have been trying to impose upon us a legislation that makes no sense whatsoever. These two officials, along with the minister, are challenging us. They keep telling her not to back down.

This is what is so sad here: the bureaucrats are working against the parliamentarians.

[*English*]

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Mr. Speaker, I rise on behalf of the people of Surrey Central to make our final statement in opposition to the youth criminal justice system, which the Liberals are about to force upon our nation. This is third reading of the bill and the last opportunity we have to try to force the government to change it.

I want to take a moment to appreciate the hard work done by all my colleagues, first in the Reform Party then in the Canadian Alliance, particularly my neighbour and my friend, the hon. member for Surrey North, who has worked quite hard on the legislation.

The debate provides this side of the House with the chance to summarize the great failing of the justice minister in her attempt to change the Young Offenders Act. Speech after speech in the House, witness after witness in the committee, bill after bill in the House,

*Government Orders*

the government has not listened to what Canadians want in terms of addressing youth crime. In all regions of the country there is opposition to many aspects of the bill. However the justice minister will not listen nor address these concerns, despite the fact she stated in the House that her top priority was to deal with the bill.

Experts with a wide range of specialties were generous with the government in terms of providing testimony, recommendations and amendments, but still the weak, arrogant Liberal government did not listen to them. The government continues to reintroduce the bill, but it has failed to address the important issues facing this nation.

We are now facing closure on debate on the bill. The government wants to hastily pass a bill which will not work. Even the senators are upset because they will not get enough time to deal with the bill.

When the arrogant, weak Liberal government passes the legislation, the complexity and loopholes will cause horrendous delays and costs to our youth criminal justice process. Legal bills will be phenomenal.

The government has not been open to change on any aspect of the legislation and has refused to accept amendments. Opposition parties, except the Bloc, have presented meaningful and significant amendments to this bill, but the government failed to address them.

I can say so many things about what the government missed in the bill, but my time is limited. However I will say that the federal government did not consult Canadians about it. It refused to listen to Canadians. It refused to have extensive consultations with various provinces prior to bringing forth these new procedures. The provinces will be tasked to administer the legal nightmare, but the federal government does not seem to care.

In conclusion, using closure to stop debate to move the bill through, clearly shows that this arrogant, weak Liberal government does not care about the youth criminal justice system in the country. Protection of the public and victims take second fiddle in the government's regime.

• (1715)

As I have said, if this legislation passes, its complexity and its loopholes will cause serious and horrendous problems with extremely high costs to the Canadian society.

As a parliamentarian I am ashamed to stand in the House and tell the government, which does not listen, that the bill will fail because it does not address the real issues.

[*Translation*]

**The Deputy Speaker:** It being 5.15 p.m., pursuant to order made Monday, May 28, it is my duty to interrupt the proceedings and to put all questions necessary to dispose of the third reading stage of the bill now before the House.

[*English*]

Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

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

• (1740)

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

(*Division No. 105*)

**YEAS**

Members

Adams  
Anderson (Victoria)  
Assadourian  
Bagnell  
Bakopanos  
Beaumier  
Belanger  
Bennett  
Bevilacqua  
Blondin-Andrew  
Bonwick  
Bradshaw  
Bryden  
Caccia  
Cannis  
Carignan  
Castonguay  
Cauchon  
Charbonneau  
Copp  
Cuzner  
Dion  
Drouin  
Duplain  
Eggleton  
Farrah  
Folco  
Fry  
Godfrey  
Graham  
Guarnieri  
Harvard  
Hubbard  
Jackson  
Jordan  
Keys  
Kraft Sloan  
Lastewka  
LeBlanc  
Leung  
Longfield

Allard  
Assad  
Augustine  
Baker  
Barnes  
Belair  
Bellemare  
Bertrand  
Binet  
Bonin  
Boudria  
Brown  
Bulte  
Calder  
Caplan  
Carroll  
Catterall  
Chamberlain  
Comuzzi  
Cullen  
DeVillers  
Dromisky  
Duhamel  
Easter  
Eyking  
Finlay  
Fontana  
Gagliano  
Goodale  
Grose  
Harb  
Harvey  
Ianno  
Jennings  
Karetak-Lindell  
Knutson  
Laliberte  
Lavigne  
Lee  
Lincoln  
MacAulay

Macklin  
Malhi  
Marcil  
Martin (LaSalle—Émard)  
McCallum  
McGuire  
McLellan  
Mills (Toronto—Danforth)  
Myers  
Neville  
O'Brien (Labrador)  
O'Reilly  
Pagtakhan  
Patry  
Peterson  
Pillitteri  
Reed (Halton)  
Richardson  
Rock  
Scherrer  
Sgro  
Speller  
St-Jacques  
Stewart  
Telegdi  
Thibeault (Saint-Lambert)  
Tonks  
Ur  
Volpe  
Whelan  
Wood—143

Mahoney  
Maloney  
Marleau  
Matthews  
McCormick  
McKay (Scarborough East)  
McTeague  
Murphy  
Nault  
Normand  
O'Brien (London—Fanshawe)  
Owen  
Paradis  
Peric  
Pickard (Chatham—Kent Essex)  
Provenzano  
Regan  
Robillard  
Saada  
Scott  
Shepherd  
St. Denis  
Steckle  
Szabo  
Thibault (West Nova)  
Tirabassi  
Torsney  
Vanclief  
Wappel  
Wilfert

## NAYS

### Members

Abbott  
Anderson (Cypress Hills—Grasslands)  
Bailey  
Bergeron  
Blaikie  
Bourgeois  
Brien  
Cadman  
Casson  
Clark  
Crête  
Dalphond-Guiral  
Desjarlais  
Doyle  
Duceppe  
Elley  
Fitzpatrick  
Fournier  
Gagnon (Québec)  
Gauthier  
Godin  
Grewal  
Guay  
Harris  
Herron  
Hinton  
Johnston  
Laframboise  
Lebel  
Loubier  
MacKay (Pictou—Antigonish—Guysborough)  
Marceau  
Martin (Winnipeg Centre)  
McDonough  
Ménard  
Merrifield  
Nystrom  
Pallister  
Penson  
Peschisolido  
Proctor  
Reynolds  
Rocheleau  
Sauvageau  
Skelton  
Sorenson  
St-Hilaire  
Stoffer  
Thompson (New Brunswick Southwest)  
Toews  
Tremblay (Rimouski-Neigette-et-la Mitis)  
Wasylcia-Leis  
White (North Vancouver)

Anders  
Bachand (Richmond—Arthabaska)  
Bellehumeur  
Bigras  
Borotsik  
Breitkreuz  
Brisson  
Cardin  
Chatters  
Comartin  
Cummins  
Day  
Desrochers  
Dubé  
Duncan  
Epp  
Forseth  
Gagnon (Champlain)  
Gallant  
Girard-Bujold  
Goldring  
Grey (Edmonton North)  
Guimond  
Hearn  
Hilstrom  
Jaffer  
Kenney (Calgary Southeast)  
Lalonde  
Lill  
Lunn (Saanich—Gulf Islands)  
Manning  
Mark  
Mayfield  
McNally  
Meredith  
Moore  
Obhrai  
Paquette  
Perron  
Plamondon  
Reid (Lanark—Carleton)  
Ritz  
Roy  
Schmidt  
Solberg  
Spencer  
Stinson  
Strahl  
Thompson (Wild Rose)  
Tremblay (Lac-Saint-Jean—Saguenay)  
Vellacott  
White (Langley—Abbotsford)  
Yelich—106

## Private Members' Business

### PAIRED MEMBERS

Asselin  
Coderre  
Lancôt  
Parrish  
Picard (Drummond)

Bachand (Saint-Jean)  
Kilgour (Edmonton Southeast)  
Manley  
Pettigrew  
Venne

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

(Bill read the third time and passed)

## PRIVATE MEMBERS' BUSINESS

[English]

### INCOME TAX ACT

The House resumed from May 28 consideration of the motion that Bill C-222, an act to amend the Income Tax Act (deduction of expenses incurred by a mechanic for tools required in employment), be read the second time and referred to a committee.

**The Speaker:** Pursuant to order made on Monday, May 28, 2001, the House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-222 under private members' business.

• (1750)

[Translation]

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

(Division No. 106)

### YEAS

#### Members

Abbott  
Anderson (Cypress Hills—Grasslands)  
Bailey  
Bélanger  
Bergeron  
Blaikie  
Bourgeois  
Brien  
Cadman  
Casson  
Clark  
Crête  
Dalphond-Guiral  
Desjarlais  
Doyle  
Duceppe  
Elley  
Fitzpatrick  
Fournier  
Gagnon (Québec)  
Gauthier  
Godin  
Grewal  
Guay

Anders  
Bachand (Richmond—Arthabaska)  
Beauchamp  
Bellehumeur  
Bigras  
Borotsik  
Breitkreuz  
Brisson  
Cardin  
Chatters  
Comartin  
Cummins  
Day  
Desrochers  
Dubé  
Duncan  
Epp  
Forseth  
Gagnon (Champlain)  
Gallant  
Girard-Bujold  
Goldring  
Grey (Edmonton North)  
Guimond

*Private Members' Business*

Harris	Hearn
Herron	Hilstrom
Hinton	Jaffer
Johnston	Kenney (Calgary Southeast)
Laframboise	Laliberte
Lalonde	Lavigne
Lebel	Lill
Loubier	Lunn (Saanic—Gulf Islands)
MacKay (Pictou—Antigonish—Guysborough)	Manning
Marceau	Mark
Martin (Winnipeg Centre)	Matthews
Mayfield	McDonough
McNally	McTeague
Ménard	Meredith
Merrifield	Moore
Nystrom	Obhrai
Pallister	Paquette
Penson	Perron
Peschisolido	Plamondon
Proctor	Reid (Lanark—Carleton)
Reynolds	Ritz
Rocheleau	Roy
Sauvageau	Schmidt
Skelton	Solberg
Sorenson	Spencer
St-Hilaire	Stinson
Stoffer	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Toews	Tremblay (Lac-Saint-Jean—Saguenay)
Tremblay (Rimouski-Neigette-et-la Mitis)	Vellacott
Wasylcia-Leis	Whelan
White (Langley—Abbotsford)	White (North Vancouver)
Yelich—113	

O'Brien (London—Fanshawe)	O'Reilly
Owen	Pagtakhan
Paradis	Patry
Peric	Peterson
Pickard (Chatham—Kent Essex)	Pillitteri
Reed (Halton)	Regan
Richardson	Robillard
Rock	Saada
Scherrer	Scott
Sgro	Shepherd
Speller	St. Denis
St-Jacques	Steckle
Stewart	Szabo
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Tirabassi
Tonks	Torsney
Ur	Vanclief
Volpe	Wappel
Wood—131	

## PAIRED MEMBERS

Asselin	Bachand (Saint-Jean)
Coderre	Kilgour (Edmonton Southeast)
Lancôt	Manley
Parrish	Pettigrew
Picard (Drummond)	Venne

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

[English]

It being 5.55 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

\* \* \*

● (1755)

## PROPORTIONAL REPRESENTATION

**Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP)** moved:

That, in the opinion of this House, the government should work towards incorporating a measure of proportional representation in the federal electoral system, making use of a framework which includes: (a) a report on proportional representation prepared by an all-party committee after extensive public hearings; (b) a referendum to be held on this issue where the question shall be whether electors favour replacing the present system with a system proposed by the committee as concurred in by the House; and (c) the referendum may be held either before or at the same time as the next general election.

He said: Mr. Speaker, I am pleased to move a motion that would take a look at changing the voting system in our country.

If we looked at the turnout in the last federal election campaign, we would see that only 61% of the Canadian people voted. It was an historic low. I was also surprised to see that only 67% of the people voted in 1997. I think that was also lower than we had ever seen before. During most previous elections we have had 75% to 80% of the people participating at the polls. I think the declining turnout reflects the growing alienation people have toward politics in general and the voting system in particular.

## NAYS

## Members

Adams	Allard
Anderson (Victoria)	Assad
Assadourian	Augustine
Bagnell	Baker
Bakopanos	Barnes
Bélair	Bellemare
Bennett	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonin
Boudria	Bradshaw
Brown	Bryden
Bulte	Caccia
Calder	Cannis
Caplan	Carignan
Carroll	Castonguay
Catterall	Cauchon
Chamberlain	Charbonneau
Comuzzi	Copps
Cullen	Cuzner
DeVillers	Dion
Dromiskiy	Drouin
Duhamel	Duplain
Easter	Eggleton
Eyking	Farah
Finlay	Folco
Fontana	Fry
Gagliano	Godfrey
Goodale	Graham
Grose	Guarnieri
Harb	Harvard
Harvey	Jackson
Jennings	Jordan
Karetak-Lindell	Keys
Knutson	Kraft Sloan
Lastewka	LeBlanc
Lee	Leung
Lincoln	Longfield
MacAulay	Macklin
Mahoney	Malhi
Maloney	Marcil
Marleau	Martin (LaSalle—Émard)
McCallum	McCormick
McGuire	McKay (Scarborough East)
McLellan	Mills (Toronto—Danforth)
Murphy	Myers
Nault	Neville
Normand	O'Brien (Labrador)

I put a motion before the House that asks the House of Commons to consider the possibility of striking an all party committee that would look at the various models of proportional representation that could be mixed into our constituency member system and have a measure of PR in the system itself. Unfortunately the motion is not votable.

Last fall I had the same motion before the House. We had two hours of debate at that time. Just before the third hour of debate was to take place and a vote was to follow, the Prime Minister called an election. That vote would have been the first time the House of Commons had voted on proportional representation since 1923.

The idea of PR in our system is one that is not very popular for incumbent politicians. All of us were elected through the first past the post electoral system. We were elected through a system where members who get the most votes in their riding get to become members of parliament. Some of us get here with well over 50% of the votes. Roughly half of the people get here with fewer than 50% of the votes. In most parliaments we have members elected with about a third of the votes, anywhere from 32% to 35%. At least half of us do not represent the majority of our constituents.

• (1800)

Most other countries in the world have a different kind of electoral system whereby the number of seats in the assembly, the house of commons or the parliament reflects the number of votes in the country, state or province. In fact we are one of only three countries in the democratic world with a population of more than eight million people that use the pure, first past the post system. The other countries are the United States and India.

Even in Britain, the mother of parliaments, under the Blair government there has been a change where there is a blend of PR, in the election of the Scottish members of parliament in the Scottish parliament, in the Welsh parliament, and in Northern Ireland. In fact, all members elected to the European community parliament in Strasbourg from Great Britain are elected by proportional representation.

According to the Jenkins commission, in the election after next—there is a campaign going on in Britain right now—there will probably be a mix of PR in the Westminster parliament itself. The Blair government has committed to a referendum on whether it should bring some PR into the British parliament.

Most of the countries that have left the first past the post system and have gone to a system of proportional representation have brought in a measure of proportional representation. Some of them, like France, use what I call the majoritarian system. In France, a member must have 50% of the vote to be elected.

### *Private Members' Business*

[*Translation*]

In France, a candidate must have 50% of the vote or more to be elected to the National Assembly. The French president must have 50% of the vote to be elected.

[*English*]

They have the two tours, the two different votes, one on a Sunday and a second on the next Sunday. If a candidate does not have 50% of the vote in the first selection, the two top candidates run off. Most countries that do not have the first past the post system do have a measure of PR.

Under our present system we have tremendous distortions. Today we have a majority government elected with 41% of the votes and holding roughly 60% of the seats. It has a constitutional right to govern for some five years with all the powers that a government has under our constitution today. In the last parliament the government had a majority with only 38% of the people supporting it, one of the lowest support levels of any majority government in the history of the country. Sixty-two per cent of the people voted for the opposition parties.

If we look at the history of our country in terms of the parliaments, we find that since about 1921 or 1923 we have had only three majority governments elected by the majority of the people: Diefenbaker in 1958 and Mackenzie King twice during his long tenure as prime minister. Brian Mulroney in 1988 came very close with 49.9% of the vote or thereabouts.

We are electing in this country what are called fake majorities, whereby a majority is elected by a minority of the people. When we also factor in the turnout at elections, the last one being 61%, we find that only about 25% of the electorate actually voted for the governing party. That was with a voters' list which was not an enumerated list. Roughly one million people were left off the electoral rolls.

As we can see, we elect a parliament that does not reflect how the Canadian people actually vote or how the Canadian people actually feel. This also happens among the opposition parties. When I came back here in 1997 after being away for four years, I found that not only did the government get 38% of the votes, the Reform Party had 19% and the Conservative Party had 19%. Reform had 60 seats and the Conservative Party had 20. The Bloc Quebecois had 11% of the vote and our party had 11% of the vote. There are 21 New Democrat MPs and 44 members of the Bloc Quebecois. We have these distortions right across the board.

Looking across the way, one would think that every single person in Ontario voted Liberal. The Liberals had 99 of 101 seats, I believe, in the last parliament. In this parliament the Liberals again have all but two seats in Ontario, with 101 or 103, despite the fact that in 1997 the majority of Ontarians actually voted for the NDP,

*Private Members' Business*

the Conservatives and Reform, and despite the fact that last November once again almost half of Ontarians voted for the opposition parties. There are great distortions. It is the same thing in the west. Historically in the vote in the west the Liberal party is under-represented. We have all these distortions right across the piece.

• (1805)

There is a growing sense of alienation that our country is not as democratic as it should be. If we were to bring in a measure of proportional representation it would be a way of making sure that nobody's vote is wasted. Every single vote would count in the composition of the House of Commons. It would empower people to make sure that their votes would count not just on election night but during the whole four year period that the House of Commons is in session. That is why I put the motion before the House today that we look at the various methods of PR that might be brought into fact in this country.

There are different methods of PR. In Israel there is basically one constituency for the whole country. People vote for a list and it is divided up on a proportional basis after the vote. I do not think that is appropriate for our country.

In Germany there is what is called mixed member proportional, where half the German members are elected riding by riding like we do it in this country and the other half in accordance with proportional representation. There are two ballots. Germans first vote for their local member of parliament and then for their party of preference to govern the state of Germany. It is the proportion of the list votes, of the proportional votes, that determines the number of members of parliament in their house of commons. If one party receives 30% of the vote and less than that percentage in terms of the elections for their own local members of parliament, they are compensated for that from the members elected by the PR system.

I think that is probably the more appropriate system to look at if we are to have a measure of PR in Canada. In our country I believe it should be done on a province by province basis. It is important that Quebecers elect Quebecers in terms of proportional representation and that Ontarians elect Ontarians. It can be done in Saskatchewan, Manitoba, British Columbia and across the piece. I think we could devise a unique Canadian system that would be reflective of the country and good for the country as a whole.

In Germany, half the members of parliament are elected by ridings and half by the proportional or list system. In our country we can look at what is best for us. We could have a 50:50 system. We could have any number from 15% to 40% elected by the list and others elected riding by riding. We could look at any kind of combination that might be good for and relevant to our country.

The main thing to note is that Canadians are feeling so alienated by our political system. They feel that their votes do not count, that their votes are wasted.

If we did have a measure of PR in this country we would have radically different voting patterns as well. I have now been in 10 election campaigns of my own. As we have campaigned throughout Canada, how often have we heard stories of people voting strategically? They say they would vote for our party if it could win. They say they would vote for our party in a particular riding but we could not win the particular riding. Or they say they do not like such and such a party so they are voting for another party to stop party A. In fact, I know someone who is a member of a certain party who has not voted for that party for 25 years because he is always voting for another party he does not like. If we had a system of proportional representation, he would be voting for his first choice.

Many Canadians now vote for what they call the lesser of two evils. In terms of the way we try to strategize the impact of our votes on the electoral system, when we vote for the lesser of two evils we are still getting evil.

With PR we vote our preference. With PR our votes are reflected in the House of Commons. As I said, every country in the world with more than 8 million people, except for three, has abandoned the first past the post system as being unfair and unjust.

People feel their votes are wasted. Most people vote for losing candidates. People feel their votes do not count.

**An hon. member:** They're not voting.

**Hon. Lorne Nystrom:** They are not voting. They are turned off in droves. That is very worrisome in terms of a dynamic political and parliamentary system.

I think this is just one of the democratic reforms we will need if we are to make this place more relevant for the Canadian people. Parliament itself has to be reformed. The Prime Minister's Office has far too much power.

• (1810)

The Prime Minister's Office can appoint not only all the cabinet members and all the senators but the head of every important public agency in the country, including the judges in the supreme court, the head of the military, the head of the police, the head of state in our country and the head of state's representatives in each of the provinces, the lieutenant-governors.

When there is a majority government here, almost dictatorial powers rest in the hands of the Prime Minister of Canada. Surely the time has come to reform the system, to make it more open, accountable and democratic.



*Private Members' Business*

We just had a vote in the House a few minutes ago. We have votes in the House every week. Government bills are never defeated. Members cannot tell me that in the last 40 or 50 years every government bill has been the right one or the proper one for the country. We have a system of confidence votes whereby members of parliament cannot vote their conscience or for the wishes of their constituents or for what they think is best for the country without voting non-confidence in the government of the day.

We have to change those rules. The only votes that should be confidence votes in the House of Commons are budget bills, the throne speech or anything else that might be designated confidence by the government itself. Everything else should be a vote in which members have the freedom to vote how their constituents feel. In other words, the confidence vote should not be there.

We have the most handcuffed political and parliamentary system in the world. In Britain even popular governments such as the Blair government have lost several bills in the house of commons. Margaret Thatcher, a very strong and popular prime minister at one time, lost several votes in the house of commons when she was the leader of a majority government. In this country it does not happen.

Those are the kinds of changes we have to make. We need stronger parliamentary committees and more independence. The Speaker of the House of Commons is elected through a secret, independent vote where the whips are not applied, but the chairs of committees are not elected secretly. They are technically elected but are appointed by the government itself.

These are the kinds of reforms we need to make this place more relevant. We need parliamentary reform, but we also need electoral and voting reform so that when people go to the polls they can vote for their first preference and when the votes are counted on election night the composition of the parliament would reflect how the Canadian people voted.

I will conclude by saying that my motion today asks for an all party committee to study the various kinds of proportional representation that might be incorporated into our electoral system. It also calls on that committee to report to parliament. If parliament adopts the motion, it calls on parliament to put the preferred model of PR to a referendum, whereby people can choose between the model of PR recommended by parliament and the status quo, the first past the post system. If the people decide to change the voting system, we would have a system that I think the people of this country would feel is more inclusive and equal for each and every Canadian.

**Mr. Scott Reid (Lanark—Carleton, Canadian Alliance):** Mr. Speaker, for all the failings of the first past the post electoral system, and they are considerable, there is nevertheless a very powerful interest group that has a strong incentive to keep that system in place. That interest group is us.

All 301 members of parliament are here because the first past the post system put us here. It may be that we will be able, through the efforts of high-minded members such as the hon. member for Regina—Qu'Appelle and others like him, to temporarily build a majority within the House that is brave enough or self-sacrificing enough to abandon the status quo for a future that would return only some of us to this place, but it will be an uphill battle. If we engage in uphill battles, we have to make sure that as many factors as possible are on our side.

Today I want to make a specific proposal, not a proposal for a specific electoral system to replace first past the post. I do not want to endorse the multi-member proportional system or the alternative ballot or multiple member districts or any of the other versions of proportional representation that have been put forward in the past. Each of these has its own unique merits. Each has some demerits as well. Most significantly, each system has a reasonably predictable impact on how each of the existing parties would perform in a future election if the vote distribution were to be the same as it was in last November's general election.

If we try as a group to select a system in advance I can guarantee that the system will be reviewed and analyzed by each person and each party with one question foremost in mind: how will this help me or how will this hurt me? If any part of the tenuous coalition that we are today beginning to build decides that partisan or personal considerations outweigh the merits of the specific system being proposed, that in itself will likely prove sufficient to kill the proposal.

• (1815)

Today I am proposing that we engage as parliamentarians in a three stage process to bring about the successful implementation of genuine electoral reform.

First, we need to build a coalition of parliamentarians, intellectuals and journalists behind the idea that first past the post is not acceptable in a mature democracy and that some kind of electoral reform is needed. This process is already partly under way. Electoral reform has a prominent place in the Canadian Alliance statement of policies and principles, which reads:

To improve the representative nature of our electoral system, we will consider electoral reforms, including proportional representation, the single transferable ballot, electronic voting, and fixed election dates, and will submit such options to voters in a nationwide referendum.

Second, and here I am merely repeating my party's proposal on the matter, we need to establish a process by which Canadians can vote directly on the question of electoral reform. However I do not favour a single referendum. That would involve putting a single

*Private Members' Business*

model of electoral reform on the ballot and letting voters choose between it and the status quo.

Instead I recommend a referendum to authorize the striking of a commission and the holding of a second referendum on the findings of the commission. The commission could contain members of all parties or it could contain experts and individuals of undoubted integrity and impartiality. Its mandate would be to select three or perhaps four alternative models which could be presented to the Canadian electorate in a second referendum.

The third stage of the process would be the holding of the second referendum that had been mandated by the first. In the second referendum the electorate would be presented with a preferential ballot on which each voter would rank the proposed models in order of preference. If one model had the support of a majority of voters on the first count of the ballots, it would become the new electoral system of Canada.

If no model were chosen on the first count, the least preferred model would be removed from the table and all ballots in which it had been the preferred model would be recounted and redistributed according to the second preferences on those ballots. This process would continue until one model had obtained at least half the total votes cast.

Such a process would ensure a consensus result. The system finally chosen might not be the ideal preference of most voters, but it would at least be a system which very few people had found to be their least favourite choice or totally unsuitable.

To be on the safe side, the existing first past the post system should be one of the alternatives that voters could select on their preferential ballots. This would ensure that even if the commission had done its job poorly and selected a range of entirely unacceptable options, the worst that could happen would be a return to the status quo.

Such a process would produce a majority in favour of change. What would the new electoral process look like in the end? Frankly I do not know. That is the whole point. I can support the process. The member for Regina—Qu'Appelle can support it, as can members on all sides of the House as long as each of us is confident in the wisdom of the people and hopeful that the system we prefer will at some future date get a fair hearing.

One of the great philosophers of the past century, John Rawls, wrote in his book, *A Theory of Justice*, of the impossibility of achieving consensus on moving forward to a just society as long as participants in the process know who the winners and losers will be. He proposed a thought experiment in which each person's existing position within society was hidden from view behind what Rawls referred to as a veil of ignorance. In such a situation all would endorse a new and more just state in an improved society

because everybody would have a greater possibility of being a net winner than of being a net loser.

If we hope to succeed at changing our system of electing representatives to this place, we need to emulate Rawls' model. We need to place the final outcome behind the Rawlsian veil and move forward, certain only of the fact that what will be produced in the end will be better and more beneficial for the country than what we have today.

\* \* \*

● (1820)

**PRESENCE IN GALLERY**

**The Deputy Speaker:** I ask hon. members to take note that in the gallery we have a very special group of visitors who communicate by way of sign language. On your behalf, I say welcome to the House of Commons and thank them for coming to visit us. We wish them all very well.

**Some hon. members:** Hear, hear.

\* \* \*

**PROPORTIONAL REPRESENTATION**

The House resumed consideration of the motion.

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, Canadians are justly proud that their country has one of the most stable and democratic political systems in the world. It is a model for many countries.

This has not happened on its own. Rather, it is the result of the commitment of Canadians from every region to ensuring that all citizens can express opinions on important issues and cast votes for the candidate of their choice. To translate this commitment into reality we have developed an electoral system which provides the flexibility needed to keep up with changes in our very dynamic country.

Of course, even the best system has its critics. It is natural that from time to time people and groups will come forward with suggestions for improving our system. Today's private member's motion, with its call for the introduction of a new electoral system based on proportional representation, is a good example of this. The Green Party of Canada has also brought a challenge before the courts to look into the same issue.

If I may, I will take a few minutes to discuss some aspects of the motion. I will discuss how it might impact on Canadians and why it arguably represents a risky gamble which might not be warranted under present circumstances.

*Private Members' Business*

To begin with, it is important to note that proportional representation is not a new idea. It has been tried in various forms in a number of countries over the years with varying degrees of success. It is currently used in one form or another in a number of countries, most notably France, Germany, Israel, Ireland and New Zealand.

While all these systems fall under the heading of proportional representation, they vary enormously and use very different approaches. Some use a two ballot runoff system where marginal candidates are eliminated in the first round of voting. Others have true proportional representation systems where the entire country is treated as one constituency and members are selected from party lists based on the percentage of the popular vote received by the parties. Others have mixed systems where some members are chosen on the basis of first past the post contests while others are chosen from party lists.

This is a complex situation involving many different alternatives, each with its own advantages and disadvantages. While proponents of the system claim it leads to better representation, particularly of minorities and regions, and that it encourages higher voter turnout, the experience of those using proportional representation suggests there can be negative impacts as well.

For example, proportional representation can lead to more minority governments. It can make governing more difficult, increase political instability and force parties to engage in lengthy political deal making to cobble together coalitions with very different interests.

As well, small one issue parties can sometimes find itself in the position of king maker which may allow it to force its own agenda on the nation as a whole. Proportional representation also sometimes gives a voice to extremist groups which would have been shut out in the normal course under a first past the post system.

Some countries have found that proportional representation can exacerbate regional differences and cleavages within a society and make it more difficult to reach national consensus on important issues. That could be particularly true of Canada where there exist and have always existed huge differences regionally, culturally, linguistically and religiously.

Finally, some countries have found that the use of party lists in selecting members of legislatures can strengthen the power of the unelected party insiders responsible for deciding who will be on the lists and in what order of precedence.

In Canada a proportional representation system could involve a change to the provisions in our constitution which require that provinces be proportionally represented in the House of Commons.

One of the strengths of our current electoral system is that Canadians are represented at the constituency level by a specific member of parliament. This provides a specific point of contact for

Canadians at the constituency level. In other words, our current system ensures that members of parliament must be in ongoing contact with specific groups of Canadians.

● (1825)

Clearly, this is a difficult and complex issue where caution might be urged. Because of this and the fact that the issue is currently before Canadian courts in a constitutional challenge, it is my view that it would be unwise to go forward with the proposal shown in the private member's motion.

In the meantime however, this is not to say that no action should be taken. There are always many things that can be done now and in the future to improve the functioning of our existing electoral system. This was demonstrated recently by the passage in the House of a new elections act. As well, the chief elections officer will lay his report on suggested amendments to the Canada Elections Act before parliament this fall, and a committee will study and discuss these recommendations.

In conclusion, I commend the very experienced member moving the motion for his demonstrated and continuing commitment to improving Canada's electoral system. It is a commitment I hope that is shared by all members in the House and by the government. I urge him and other members to work within the House as we all seek new ways of ensuring that our electoral system can continue to do the best possible job of serving Canadians.

[*Translation*]

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, it is my pleasure to take part in the debate on Motion No. 21, presented by the member for Regina—Qu'Appelle, which reads as follows:

That, in the opinion of this House, the government should work towards incorporating a measure of proportional representation in the federal electoral system, making use of a framework which includes: (a) a report on proportional representation prepared by an all-party committee after extensive public hearings; (b) a referendum to be held on this issue where the question shall be whether electors favour replacing the present system with a system proposed by the committee as concurred in by the House; and (c) the referendum may be held either before or at the same time as the next general election.

I will have occasion a little later to come back to each of the points of this motion, but first, we must, as the parliamentary secretary to the government House leader has said, acknowledge the dedicated continuing commitment and consistency of the ideas of our colleague from Regina—Qu'Appelle. For a number of years, he has regularly raised in the House the need to reform the Canadian electoral system.

Why should we reform it? For a number of reasons. First, intrinsically speaking, our first past the post system has a number of advantages to it. The advantage for voters is they can identify directly with the person they elect, to get any jurisdictional problem that may arise dealt with by the elected member.

*Private Members' Business*

The system has a number of minor anomalies as well. It can lead to certain distortions, to certain problems that may be due to the fact that the candidate elected is the one receiving the most votes. This is not, however, an absolute majority. Very often an MP can get elected with, who knows, 38%, 40% or 42% of the votes. Thus the majority of the people in the riding will have voted for a candidate other than the person who will be representing them in parliament for four years.

Beyond the intrinsic nature of our political system, our electoral system, there are certain things that have to be acknowledged. On many occasions during the various debates in this House, particularly those involving the hon. member for Regina—Qu'Appelle and the hon. member for Halifax, when I have had the opportunity to speak to this matter, I have stressed the point that, despite the efforts of the election officials and by the chief electoral officer to make voting more accessible, we are forced to conclude to our great surprise, and I must add that this is cause for concern, that voting is on a downward spiral. There is a downward trend. Fewer and fewer people seem interested in public affairs and the electoral process.

• (1830)

This must be of concern to us, because in a democracy, regardless of our efforts to make voting more accessible, fewer and fewer people are exercising their right to vote. This has to be a cause of concern.

Obviously, there are most certainly grounds for a parliamentary committee to address the matter. In the coming months, following the tabling of the chief electoral officer's report dealing with the last election and containing his recommendations, we will have the opportunity to consider the advisability of reforming our electoral system to better meet the expectations of the public.

This time, I hope the government will be more willing to make in depth changes to our electoral system.

Let us now go back to the motion put forward by the hon. member for Regina—Qu'Appelle. The motion specifically refers to a system of proportional representation.

At first glance, the motion seems to be somewhat restrictive. The member for Regina—Qu'Appelle himself talked earlier about implementing a two vote electoral system, which would ensure that any candidate who is elected in a riding got the majority of the vote. However that does not seem to be one of his major concerns, at least from what we see in the motion now before the House.

That might somewhat limit the scope of any debate we could have on the reform of the Canadian electoral system.

Of course, I find the suggestion to set up an all party committee to consider the issue quite attractive. However we already have the

Standing Committee on Procedure and House Affairs that would normally deal with such an issue. Perhaps we could then go through the Standing Committee on Procedure and House Affairs or a special committee struck for the occasion.

We now wish to pass reforms following a referendum, during which electors, citizens of Canada and of Quebec would be asked to vote on the model defined by the committee charged with examining the matter.

I think that the Canadian Alliance member made it clear that we would also have to reflect on the referendum process used to approve the model proposed by the Standing Committee on Procedure and House Affairs.

Here again, I find that the framework given us here is, in essence, relatively limiting because the desire seems to be to propose only the model which would be defined by the committee charged with examining this matter. We presume right off the bat that the model proposed would be proportional representation.

In closing, I wish to address one final point. The referendum in question should take place before or at the same time as the next general election. We obviously have no objection whatsoever to this last recommendation.

Let us return briefly to the issue of the referendum. One of the concerns we should have as members of this federal parliament is to recognize the federal nature of this country, a federation composed of very different provinces. Therefore, in the event that we go ahead with a system of proportional representation, we must ensure that we take this federal nature of Canada into account, both in the results of the referendum and in the implementation of a proportional system.

This motion, which refers to a proportional system, has already been debated in the House, at which time the member for Laval Centre laid out the position of our party most eloquently.

• (1835)

We said at the time that, because of the current system's limits and despite its benefits, the introduction of a proportional component could ensure better representation for minority groups, as I always say when we debate this issue, which would be an improvement over the present situation.

I am thinking about groups such as cultural communities, the disabled, women and also young people, who are underrepresented in parliament.

Such a system would also better reflect the various ideologies found in our society, which are not well represented here. Indeed, people who vote for small parties often have the impression that their vote is lost because it is very unlikely that a candidate for a small party will be elected to parliament.

The introduction of a proportional component would give small parties the opportunity to be represented in parliament, so democracy in general could benefit from their input.

Incidentally, this may prevent the distortions inevitably brought about by the current system where, for example, with only 38% or 40% of the votes, a government, and specifically a Prime Minister holds in his hands 100% of the power over a certain period.

This could also further greater co-operation between the various political parties represented in parliament and prevent that system enhancing confrontation and antagonism.

Or course, we have to recognize that, despite all that, a pure proportional representation system or one with a proportional representation component has some drawbacks, notably the political instability associated with pure proportional representation systems and also the creation of two classes of members in a system with a proportional representation component.

For all these reasons, I would say that the motion before us is very interesting. It has some limits, and it is unfortunate that we do not have the opportunity to vote on the motion to follow up on the very commendable intentions that we have heard today in the House.

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## ROUTINE PROCEEDINGS

[English]

### COMMITTEES OF THE HOUSE

#### CITIZENSHIP AND IMMIGRATION

**Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, after full and comprehensive consultations with all parties in the House, I think you would find consent for the following motion which would propose an amendment to the first report of the Standing Committee on Citizenship and Immigration tabled yesterday. I move:

That the first report of the Standing Committee on Citizenship and Immigration, tabled on Monday, May 28, 2001, be amended by adding the following amendment to clause 94:

(a) by adding after line 10 on page 39 the following: “(b.1) in respect of Canada, the linguistic profile of foreign nationals who became permanent residents;”

(b) by replacing lines 22 to 24 on page 39 with the following: “any; (e) the number of persons granted permanent resident status under subsection 25(1), and (f) a gender-based analysis of the impact of this act”.

**The Deputy Speaker:** Does the House give its consent for the parliamentary secretary to table the motion?

#### *Private Members' Business*

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

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## PRIVATE MEMBERS' BUSINESS

[English]

### PROPORTIONAL REPRESENTATION

The House resumed consideration of the motion.

**Mr. Greg Thompson (New Brunswick Southwest, PC):** Mr. Speaker, I look forward to taking part in this debate. I want to congratulate the member from Regina—Qu'Appelle, who is almost my seat mate now with the close proximity, on this issue. I know he has spent a lot of time on this.

For the viewing public to understand what the motion is, it states:

That, in the opinion of this House, the government should work toward incorporating a measure of proportional representation in the federal electoral system, making use of a framework which includes: (a) a report on proportional representation prepared by an all-party committee after extensive public hearings; (b) a referendum to be held on this issue where the question shall be whether electors favour replacing the present system with a system proposed by the committee as concurred in by the House; and (c) the referendum may be held either before or at the same time as the next general election.

• (1840)

Again, I commend the member for this. It is very insightful. I know the member spent a lot of time on this.

By the way, the other day we were stranded together at the Ottawa airport heading east to Atlantic Canada. With the way the air service was to that part of the country, we were both delayed by six or eight hours. However the member for Regina—Qu'Appelle was on his way to Prince Edward Island to speak to students at the University of P.E.I. on this very subject. Although he was late and did not arrive until something like 10 o'clock at night, they waited for him. He gave his speech and had a number of interviews with the P.E.I. press on this very topic.

The reason I mention that is I was able to pull something off the Internet today regarding P.E.I., what it is doing and how it is responding to some of these new ideas floating around on proportional representation.

*Private Members' Business*

The headline reads that P.E.I. is now investigating proportional representation. It states that Prince Edward Island's chief electoral officer says he hopes to have some options on proportional representation ready later this year. It speaks of a legislative committee on the elections act which has tabled a report in the legislature. Therefore P.E.I. is looking at the situation and how it can be improved.

One of the things I point out is that in P.E.I. the ruling party is the PC Party. I guess I should not be the one arguing with the success of the Conservative Party in P.E.I. However the fact is it has 96% of the seats, and received about 58% of the vote in the last election. The Liberal Party and the NDP received about 42% of the vote between them, but only one opposition seat in the P.E.I. legislature. I think that points out quite effectively the problem with our system as it now exists.

I only have to look at my home province of New Brunswick. In 1987 Premier McKenna won every single seat in New Brunswick. He won 57 out of 57 seats, yet received less than 60% of the vote. The Conservative Party at the time received somewhere in the area of 40% of the vote, but did not elect one single member to the New Brunswick legislature. If we asked Frank McKenna what one of his biggest handicaps was as a premier, it was the fact that he held all the seats. How does one practise democracy in a forum where one holds all the cards?

I will point out how our party has suffered under that system. Let us go back to the election of 1993. Of course, Mr. Speaker, as you well know, I was part of the class of '88 as were you. The only difference was, you won your election and I did not. The Conservative Party went from the party of power to having two seats on the opposition side.

**Hon. Lorne Nystrom:** At least you had gender parity.

**Mr. Greg Thompson:** Incidentally, the member has so much information that he wants to throw out that he can hardly resist. However I hope I touch on some of the things that we spoke about privately.

In 1993 the Conservative Party had approximately the same number of votes as the Bloc. The Bloc sent 54 members to the House of Commons with the same number of votes that sent only two Conservative members in all Canada to the House.

The 1997 election is another example of how the system has to be fixed, changed or modified in some fashion. The then Reform Party had within 100,000 votes, the same number of votes the Conservative Party had.

•(1845)

Yet in 1997, if memory serves me correctly, the Reform Party sent approximately 60 members to the House of Commons and the

Conservative Party sent only 20. Although we received approximately the same number of votes within 100,000 or so, the Reform Party had 40 more seats in the House of Commons. So on the story goes.

Let us take a look at British Columbia. In its recent election of a week or so ago the NDP sent three members to the legislature. The governing Liberals who won the election had approximately 56% of the vote but again some 90% of the seats. The system in some ways is patently unfair.

Not to be unkind to the Liberal Party and the government of the day, the truth is there are many members on that side of the House and on this side of the House, to be fair, who are sitting here with far less than 50% of the vote. In the last parliament nationally the Liberal Party received about 39% of the vote and formed the government. Clearly over 60% of Canadians voted against the very party that formed the government. It simply means that the system has to be examined and changed.

We can look at many examples around the world where the system has been changed and is working quite well. The problem in Canada is that once a party forms the government there is reluctance on the part of that prime minister and the government to change the system. Why would they change a system that is working in their favour? Hence the problem.

We cited the case in P.E.I., of which the hon. member for Regina-Qu'Appelle is quite aware. It has gone through successive elections where this has happened and now the Conservatives are the beneficiaries of a system which hurt them in two previous elections. This flip-flopping back and forth in some sense hurts all of us because it basically destroys what democracy is all about.

We support the member's initiative. It is thought provoking. This is a place where new ideas have to be brought in, where new ideas have to be encouraged. We have to examine better ways of doing things.

I cannot speak for the Prime Minister, but the downside of the motion is that I do not expect the Prime Minister will want his caucus to support it or his party to support it. The truth is that they are in power and I guess the intent of the game politics is to ensure that they continue to keep power.

In conclusion we support the member. We support the initiative. I look forward to debating the issue and fleshing out the details as we go along.

**Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.):** Mr. Speaker, in a sense the debate points to the weaknesses of our system in regard to private members' bills and motions. It underlines very clearly that the system needs a basic reform because of the anomaly of finding today that we are debating a motion which is not votable and will die in a few minutes when before the election the same

motion was deemed votable by another committee and was debated fully until acceptance or rejection. Perhaps we should reflect upon why the same motion is votable one day and non-votable today.

• (1850)

I have a lot of reservations about strict proportional representation because of the instability it has caused in so many countries where it has been tried as a pure system. I also have reservations about a referendum that would decide on a question with either a ye or nay without a huge amount of study as to what is the best system.

I congratulate the member for Regina—Qu'Appelle for bringing the motion before us. I wish it was votable because I believe these fundamental questions should be debated and studied by us. I believe that for us to say our present system is the best of them all without looking at all the others and finding out what improvements can be made is short term. We should not close our eyes to possible improvements that could make our democratic process far more effective and far better for Canadians at large.

The members before me have quoted obvious examples. In the last B.C. election three New Democrats were elected but no Green Party members were elected in spite of having gathered 12% of the vote. B.C. now has a government with all the seats except three. This obviously will create problems because a government cannot govern without an effective opposition to put pressure on it to perform over the years.

We also have the example of New Brunswick and of our own party. Although I rejoice in that, when I look at it objectively and fairly I have to admit that it was a quirk of history which gave us most of the seats in the province even though we did not get a majority percentage of the votes.

I look at what the Australians have done and admire them for their grit, daring and courage in having looked at different systems. They have realized that first past the post is not the perfect system. They have devised a system where the person who wins truly wins an overall majority.

I look at various European nations that have tried different systems and have decided that pure proportional representation does not quite work but have adopted a mixed system of runoffs and different types of proportional representation systems. Today certain countries in Europe, such as Germany, Finland and France are showing very stable democracies and all have various segments of their populations duly represented by elected representatives.

I wish the motion had been made votable because I would have voted for it. I believe we must study these questions. During this quiet debate I felt there was a consensus or a feeling among us that nobody had the perfect answer but that everybody wanted to seek out a way to make democracy fairer and more workable.

### *Private Members' Business*

I congratulate the member for Regina—Qu'Appelle. I invite him to bring his motion back to the House but to perhaps leave out the referendum and strict proportional representation. Perhaps he could look at fixed term elections every four years. I wish he would bring it back because I for one would love to vote on it and have the matter studied further.

**Hon. Lorne Nystrom:** Mr. Speaker, I want to follow two themes in conclusion. First, I thank the member for Lac-Saint-Louis for his remarks. I had exactly the same motion before the House last fall and it had been deemed votable. We had two hours of debate and were about to have a third hour when the Prime Minister called the election.

Since the election there has been growing popularity in looking at the idea of PR. A court case has been launched by the Green Party and it is now before the courts. However, all of a sudden the private members' committee decided not to make the motion votable even though it is exactly the same motion as the one I introduced last fall. This motion too will die in about four minutes time.

• (1855)

I appeal to the House to look at the idea behind this. All the motion is asking is that we strike an all party committee to look at the various models of proportional representation or various measures that could be mixed into our system. It does not call for a pure system of PR but leaves it very wide open. This all party committee could hold public hearings to look at improving our electoral system.

At the end of the process, if we agree in parliament, we would go to the Canadian people in a referendum with our recommendations and the status quo so that they could choose between the two. The people would be sovereign and would choose what they want to do, as they did in New Zealand a few years ago. That is all the motion calls for.

I hope we could look at new ideas. It is a radical new idea in the country but we as parliamentarians should be looking at new ideas and new ways to do things.

There is a national organization called Fair Vote Canada which is trying to organize across the country a push on voting reform and proportional representation. It is not trying to push a particular model but a principle of having a system where the people's votes are accurately reflected in the House of Commons so that we do not get the great distortions we have had over the years.

The last thing I want to say is that we may have some initiative on the provincial level. I was in Prince Edward Island three weeks ago, as the member for Fredericton said, and I met with Premier Binns. I wish to commend him publicly. They are looking now at

*Adjournment Debate*

bringing in a blend of PR in Prince Edward Island. A legislative committee there recommended some options. The chief electoral officer of Prince Edward Island is saying that he hopes to have some options for proportional representation ready later this year.

The last four election campaigns in Prince Edward Island resulted in very lopsided parliaments. In three of those four elections there were only one or two members of the opposition. Today there is only one member despite the fact that 42% of the people voted for the opposition parties. I was there for their question period. There was one Liberal member in opposition to the leader asking question after question for over half an hour. That kind of system does not function properly.

Premier Binns has made Canadian history by being the first premier in the first province, just like it was a cradle of Confederation, to bring in a blend of PR. My conversation with the premier has led me to believe that he is very sincere about putting the question to the people of Prince Edward Island in a referendum as to whether they want to try a blend of proportional representation.

We have so many distortions. In the last provincial election in Quebec, Jean Charest and the Liberals got more votes than Lucien Bouchard and the Parti Quebecois, yet Bouchard formed a majority government. In my own province of Saskatchewan, Roy Romanow of my party got 38% of the vote and the opposition Saskatchewan Party got 39% of the vote, yet Mr. Romanow formed a majority government. In British Columbia five years ago, to show I am not partisan because it is not a partisan issue, the provincial NDP led by Glen Clark got fewer votes than the opposition Liberals, yet Glen Clark formed a majority government.

I could go on and on about these great distortions but the time has arrived for us to do something about them. I will keep on pursuing this matter. All I am saying is that we should set up an all party committee to look at the various models that might be relevant to our country and to design in the end a unique Canadian model that would be good for Canada, that would be more inclusive, empowering, democratic and accountable. Part of that model, I say to my friend across the way, is a fixed election date. I believe in that and I always have. We need parliamentary reform to make our country more democratic, more inclusive and more accountable.

The debate has now died. I appeal to all members on all sides of the House, because of the alienation people toward the political process, to consider in the future an all party committee to look at the important area of voting reform. I thank members for their participation.

**The Deputy Speaker:** The time provided for the consideration of private members' business has now expired. As the motion has not been designated a votable item, the order is dropped from the order paper.

**ADJOURNMENT PROCEEDINGS**

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

## NATIONAL DEFENCE

**Mr. Greg Thompson (New Brunswick Southwest, PC):** Mr. Speaker, again I am back on the topic of Lancaster Aviation and a contract awarded to it by the Government of Canada. I have some concerns which I have put to the Minister of Public Works and Government Services and the Minister of National Defence on many occasions in the House.

• (1900)

There are many unanswered questions on this file. For the benefit of the interested Canadians who are watching tonight, I am referring to the selling of surplus military equipment, spare parts, under a contract awarded to Lancaster Aviation. It won that contract under competition. It was a tendered contract. It went from selling spare parts to selling Challenger aircraft. In addition it sold 40 Huey helicopters.

How could it go from selling spare parts to selling helicopters and Challenger jets? We are not talking about nickel and dime items. We are talking about assets worth hundreds of millions of dollars. When we examine the sale of the Challenger aircraft, by all accounts they were sold for less than 50% of their value. How could that be allowed to happen?

It is the same situation with the helicopters. There have been allegations of kickbacks within the department in terms of how the contract was let and how Lancaster Aviation was allowed without tender to sell these aircraft. Where did the aircraft end up? To whom do they now belong?

We know that the Government of Canada at last count had about \$100 million in surplus inventory that left the plant owned by Lancaster Aviation in Milton, Ontario, only to wind up in Florida. Those parts are now in a warehouse owned by a convicted felon who owns a company by the name of Airspares Incorporated.

I am not making this up as I go along. I can quote from a story in the Ottawa *Citizen* of May 4 of this year talking about Mr. McFliker, the man who owns Airspares. He is now awaiting sentencing on drug trafficking, international transportation of women for prostitution and money laundering.

What recourse do we have to that military equipment now sitting in a warehouse in Florida owned by a convicted felon? That is the bottom line. Why was that equipment allowed to leave Canada? Once the individual is sentenced, will we be able to get the equipment back?



*Adjournment Debate*

Who is watching this man? Why would something like this be allowed to happen in Canada? Where is due process? How was a convicted felon allowed to get into a contractual agreement with a Canadian company, putting Canadian assets at risk? With that I rest my case.

**Mr. Paul Szabo (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I am pleased to respond. Lancaster Aviation won competitive contracts in 1997 and again in 2000 for the disposal of surplus aerospace assets, not simply spare parts as the member alleges. Allegations that the contract to dispose of the Twin Huey helicopters and Challenger aircraft were sole sourced are also false. They were competitively bid.

The 1997 RPF also contemplated special project sales such as planes. When such a need arises the process calls for an amendment to the contract to legally bind the parties. That is exactly what we did with the sale of the helicopters and the Challenger aircraft.

Through Lancaster Aviation the government sold eight Challenger aircraft to DDH Aviation of Fort Worth, Texas, for approximately \$30 million. The sale was a result of a competitive tender issued by Lancaster Aviation. These aircraft did not have civil certification. Nor were they outfitted for executive use. As such they were in need of extensive modifications.

• (1905)

As for the assets being warehoused in Florida, I reiterate once again that Lancaster Aviation is using and renting that facility in Florida strictly for warehousing purposes. Lancaster Aviation is solely responsible for marketing the sale of assets. The assets are in Florida because that is where the market is and that is where the sales are taking place.

The DND assets are not in danger as the member alleges. The assets are the property of the Department of National Defence and are only in the custody of a contractor. Lancaster Aviation is responsible for the safekeeping of the assets and is liable for any losses. No parties other than the crown have any rights to those assets.

I think that shows the assets are not at risk. Even though there may be allegations against somebody out there, our assets are not in danger.

## EMPLOYMENT

**Mr. Loyola Hearn (St. John's West, PC):** Mr. Speaker, my issue is with the Minister of Human Resources Development. We were discussing the summer career placement program. This year the minister changed the rules of hiring under the program as it relates to municipalities.

Until this year all non-profit sector groups could take on students for the summer and it would not cost them anything. The private sector would pay 50% of the wages. Municipalities would pay the

benefits, which would be a very small amount, but generally they received practically full funding to hire students.

This year for some reason the minister decided that municipalities would be lumped in the same category as the private sector. They in turn would pay half the wages of the students who would be hired during the summer by the municipality or any agency directly connected with the municipality.

When I asked the minister why she did it, she basically said that it made sense because she could spread the money a lot further. Instead of a municipality getting full funding for one student, it could hire two students because it was contributing half their wages.

That sounds very laudable. It would give more students the opportunity to receive employment for the summer. However the minister is forgetting that many municipalities throughout the country are in no position at all to pay the cost of hiring anybody.

The smaller municipalities in particular have been subjected to downloading from the federal government to the provincial governments and eventually to the municipal governments, to the degree that many of them cannot afford to pay for the basic services they provide right now and are in deficit positions.

Many small communities in rural Canada are trying to balance their budgets by cutting back on services such as picking up garbage and providing street lights. Consequently they have no extra funding to hire students or anybody else, as I mentioned, during the summer or at any time.

This means that many municipalities are taken off the hiring list entirely. It did not solve any problem. It created a big one. In many smaller communities the most responsible body, the best organized body, is the municipality. Supervision and organization of programs are usually done better by municipalities than some of the other agencies.

This year in smaller communities in particular, and even in larger ones, other non-profit groups have to pick up the slack and hire the students. Nobody wins. The municipalities lose. That is why we ask the minister to change her mind, to allow the municipalities to hire students and to pay the full funding to them to do that.

**Ms. Raymonde Folco (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Mr. Speaker, I take great pleasure in answering the question asked by the member for St. John's West.

The summer career placement program is a program that provides wage subsidies to employers in the private, public and not for profit sectors to create career related summer jobs for students.

*Adjournment Debate*

• (1910)

Employers gain by hiring high school, college or university students from 6 weeks to 16 weeks. Students benefit by gaining career related summer work experience and by earning income to further their education and thereby prepare for future entry into the labour market.

The minister understands that some municipalities have raised concerns about changes to wage subsidy levels under this year's summer career placement program. The SCP program is very popular and each year the total demand exceeds the total amount of funds available.

[*Translation*]

Besides, in the riding of Laval West, which I represent in the House of Commons, this program will have helped over 300 students find gainful employment this summer.

[*English*]

Because the SCP program is so popular, the Government of Canada looked at new ways of allocating SCP funds to help even more students get summer jobs. That is why the public sector SCP

wage subsidy was changed to match the private sector SCP subsidy, which is up to 50% of the provincial minimum wage.

To be fair to all applicants, we are treating public sector employers the same as private sector employers. The difference in wage subsidy to employers in the public sector could potentially result in up to 1,400 additional students gaining work experience through SCP this year.

Overall funding for the program will be at least the same as last year, that is \$90 million, which is expected to help over 50,000 young Canadians acquire work experience through the program.

We encourage employers to hire summer students with or without subsidies. All summer programs help to ensure that students gain valuable, much needed workplace experience.

[*Translation*]

**The Deputy Speaker:** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24.

(The House adjourned at 7.12 p.m.)

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