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(HANSARD)

Monday, March 12, 2001

Speaker: The Honourable Peter Milliken

CONTENTS

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

HOUSE OF COMMONS

Monday, March 12, 2001

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

Mr. Chuck Cadman (Surrey North, Canadian Alliance) moved that Bill C-233, an act to amend the Corrections and Conditional Release Act (withdrawal of applications for full parole by offenders serving two or more years), be read the second time and referred to a committee.

He said: Mr. Speaker, once again it is an honour to have this opportunity to debate a private member's initiative in this place.

● (1105)

Bill C-233 is neither extensive nor is it complicated. It is another attempt to bring balance to our justice system. Having been intimately involved with various aspects of our justice system over the past number of years, I can fully appreciate its complexities, its size, its drain on resources and the necessity to balance the interests of the state, the offender and the victim. Bill C-233 is merely an attempt to readjust one aspect of what I perceive to be an injustice in the process.

Before I start to get into substantive issues about my proposed legislation, I would first like to advise listeners that the Standing Committee on Procedure and House Affairs has decided to make the bill not votable. I could question the rationale for that decision and I could criticize the government members who comprise the majority of that committee, but I will not. I was not privy to their contemplations toward deciding what bills will be deemed votable and what bills will be deemed not votable. I fully understand that as backbenchers we are competing against each other for a chance to bring our own interest to law. Perhaps the next time my issue will be more successful. Perhaps even some day I may have the opportunity to sit on that committee and be forced to decide among many competing interests and issues.

All I can say is that it is most unfortunate that Bill C-233 is not a votable bill. It would dramatically lessen some of the emotional damages inflicted on individuals who have already been victimized by crime. Our justice process should not further victimize these individuals. I will attempt to explain the problem presented by the current process and how I am suggesting that it be alleviated.

As we all know, the majority of incarcerated criminal offenders will at some time have served their sentences and be released back into the community. At some point during their sentences they are permitted to apply for parole. If successful, they are released back into the community under many forms of supervision. As a society we need to ensure this gradual reintroduction and reclamation to our streets is successfully accomplished without threat to law-abiding citizens.

My proposal only deals with one minor aspect of this process. Once the offender applies for consideration for parole, a number of other people are affected. Correctional personnel may be interviewed to provide impressions and reflections on the character of the offender and whether that offender has made steps towards rehabilitation and contrition. Parole personnel will prepare a file on the history of that offender in order to assist the hearing process to ensure adequate information is available to aid and determine the suitability for release. Victims may be interested in presenting their fears or opinions respecting the release of someone who may still present a danger of committing additional criminal activity.

The problem is that there is nothing to stop offenders from withdrawing their applications for parole at any time during that process. Some offenders make application only to withdraw at the last moment before the parole board hearing actually takes place. When this form of abuse occurs, time and money is expended to obtain and prepare the corrections aspect for these hearings. Some people might say the taxpayer is already paying the correctional employees so there is really not additional cost involved. In some

cases that may be so, but we are all probably aware that Canada does not have an overabundance of resources within the corrections department.

We can also understand that because our corrections personnel are stretched so thinly additional demands for their attention often necessitates the working of overtime. It may also require some travel as corrections personnel move from one location to another for many reasons.

Similarly, parole board members have to prepare themselves to learn the file for each specific offender applying for parole. They must be able to adequately question witnesses who provide information to form the basis of a decision on whether or not to release an offender back into the community. This costs time and money. More significant, we all know how important it is to have these parole boards do their job properly and completely. It does not help when time and effort is expended on a specific hearing, only to have it wasted when the offender subsequently withdraws that application. The time and effort wasted could have been better spent on other applications.

When we are dealing with scarce resources it does not help when the process permits waste to occur. We cannot afford the waste. The parole board must expend limited resources on the cases that are going to come to decision. We must ensure that the proper decision to release or detain is made on the basis of all available information, otherwise offenders may be released back into our communities when they should not and others may be held in custody when they should be released.

The victim is another important participant in the process. The victim has the right to provide input into the granting of parole. Victims often have to travel great distances to attend hearings which are nearly always held in the institution in which the offender is incarcerated. The institution may be miles from the home of the victim.

● (1110)

Frequently it may be in another province. I have a very personal example. Members of my family wishing to attend such a hearing for my son's killer would have had to travel from the west coast to Quebec. When victims expend the time, money and effort to attend a hearing, only to have it cancelled at the last minute by the offender, I would suggest that the offender is revictimizing those individuals once again, both financially and emotionally. The offender can reapply almost immediately and the roller coaster continues.

Hopefully I have sufficiently outlined the problem. It becomes a question of control and balance. It is the offender who has violated our laws but, as is so typical of our system, it is the same offender who possesses almost complete control over the parole process. That is not right.

As it has often been said, quite derogatorily, ''the inmates are running the asylum''. This is not a debate about the right to parole. I am speaking only about improving our present system. If we are to permit an offender to apply for parole there must be some controls and consequences to that offender so that everyone else is not disadvantaged. Offenders who play ''silly-bugger'' with the process affect the stress and workload of corrections and parole board personnel as well as the lives of their victims. The whole parole process is needlessly skewed by legislation as an attempt to make a minor adjustment to bring that process into balance. Reforming a process is not rocket science. All I am suggesting is that there be some form of a consequence to the offender who initiates the process and then stops it without an acceptable reason.

My amendment would permit withdrawal for ''illness, mental or physical capacity'' and that is for causes beyond the offender's control. All we are doing is holding the offender to account. Withdrawal without proper excuse would have a consequence. Reapplication would not be permitted for two years.

Some critics have looked at this legislation with a typical jaundiced view just because a member of the Canadian Alliance is proposing it. They have challenged the bill over who will decide whether there is a valid excuse for the withdrawal of the application. The legislation leaves that determination to the parole board. They are the experts on parole hearings. They can decide this simply aspect. The offender of course will have the power to appeal any decision of the board.

The legislation is not a partisan attack on the parole process. It is merely an attempt to bring some common sense to a problem. We have offenders who apply for parole, withdraw the application anywhere down the timeline up to the last moment without having to give a reason, and then reapply almost immediately without any consequence.

I will move to some real examples of what has been occurring under the current provisions of this process.

Donald Alexander Hay kidnapped, raped and tortured 12 year old Abby Drover and held her in an underground dungeon for six months. In November 1997 he withdrew his parole application after a public outcry over his possible release. In March 1998 he reapplied. It does not take much to appreciate how much he has been able to further emotionally traumatize Abby Drover and her family when this situation occurs every few months. There must be something to cause such a situation to be decided one way or the other or at least be put on hold for a set period of time. It cannot be left entirely in his hands to decide when and how often he can wreak emotional turmoil on others. It cannot remain completely in

his hands to cause needless work for the authorities when he unilaterally and without consequence withdraws from the process.

Ali Rasai, in Edmonton, sexually assaulted Holly Desimone. In 1998 she travelled to Winnipeg for his parole hearing with the help of a stranger who donated enough air miles for the trip. In August 1999 Holly once again had to travel for another scheduled hearing. He was denied parole each time. Another hearing was to take place in July 2000 and Holly was once again being forced to make plans to attend to say her peace.

I know the government is most anxious to get offenders back on the streets in order to reduce incarceration costs. However, not only was Holly horrendously damaged by Rasai, she was being forced to become inextricably intertwined with her abuser almost constantly over the past few years. She became a puppet on a string being held and controlled by someone as devious and unfit to be a part of society as Ali Rasai. I should tell listeners that Rasai is a former bodyguard for the shah of Iran and was convicted of raping three Alberta women, including Holly. He is a martial arts expert who entered Canada as a refugee and then has treated his adopted home in this manner.

By the way, the July 2000 hearing was postponed to August and then Rasai backed out once again. Surely there is something desperately wrong with the process.

Then there is a much more public case of Robert Thompson. He murdered Brenda Fitzgerald in 1983 while he was out of prison on a work pass. Brenda's mother, Helen Leadley, has become another puppet on a string. She has been forced to spend time and money to travel from Calgary to Dorchester Penitentiary in New Brunswick to attend the hearings that Thompson cancels at the last minute. Helen Leadley has stated:

> I've spent a lot of money going to these parole hearings, plus sometimes as soon as you get there, they're cancelled.

● (1115)

She estimates that she spent at least $3,000 attending Thompson's parole hearings in the maritimes. She further states:

> And it's not only the money, it's the emotional stress involved around this in trying to fight to keep him in prison.

I do not wish to leave the wrong impression that Helen Leadley voluntarily has taken on this grudge match against the interests of Robert Thompson. There is a much more societal interest in this case.

As I said, Thompson committed the murder while he was already serving time for other offences. He has continued to issue threats to the victim's family from the prison. He once took a nurse hostage and stabbed two corrections officers during his time behind bars. In short, he is not a nice guy but we still permit him to exercise almost total control over the parole process.

The Minister of Justice announced in August of last year that the government would allocate $25 million to help victims of crime. The vast majority of that money is targeted toward research, consultation and public awareness of victims' rights. Some will go to emergency and other programs to help victims over the next years.

As we have seen from many government financed programs, $25 million sounds great when it is first announced but when we consider $5 million per year will get divided among 10 provinces and three territories, we soon realize that the money is not all that significant. Then we have to fund the administration of the programs with that money. It is difficult to see any funding support being available to victims to travel to parole hearings. Besides, as Helen Leadley has said, it is not just the money, it is the emotional turmoil that is hard to overcome.

The bill is not votable. I would appreciate the support of all members to pressure the government into bringing forth this proposal as it is long overdue. The minister is often fond of talking about balance within justice. My suggestions will bring balance and accountability to the parole process. I am only trying to bring fairness to all participants, including the administration. These amendments to the Corrections and Conditional Release Act will improve the efficiency and the effectiveness of a tiny but significant portion of the parole process.

Mr. Lynn Myers (Parliamentary Secretary to Solicitor General, Lib.): Mr. Speaker, I am pleased to rise today to speak to the member's proposal contained in Bill C-233.

The bill is outlined and is put before us today to discourage an offender from cancelling or postponing his or her parole hearing within a certain period of time before it is scheduled to take place. I understand that this proposal is being put forward to stop the inconvenience that such a cancellation would cause.

I think it is fair to say that is a laudable goal. Last minute postponements can be an inconvenience, especially for those who have to travel great distances, as was pointed out by the speaker prior to me, and also for the victims, media representatives and other observers. Of most concern, obviously, is the situation where a victim has planned to attend a hearing only to have the offender then cancel the hearing after the travel arrangements have been made. This can only add to the upset the victims feel in that kind of situation and with the whole system.

Victims do not choose to be in the situation they are in. To the extent that it is possible to make the process work better for them of course we should do so.

However I fear that the hon. member has gone too far with this bill. If an offender cancels for any reason not found acceptable to

the National Parole Board, he or she would not be eligible for another hearing for two years. This is extreme punishment for an offender for what may turn out to be a minor inconvenience. If an offender cancels his or hearing a month or six weeks before it is scheduled to take place, the bill would deny the offender another chance for a parole hearing for two years.

I am afraid that this lengthy deprivation of access to conditional release in cases where only a very minor inconvenience was caused would not stand up to legal challenge.

The hon. member also referred to the need to protect the taxpayer in the first reading presentation of the bill. Any initiatives that would make our system of delivery of services to Canadians more effective would certainly be welcome. That being said, however, I am afraid that is not really an area where substantial or even minimal savings can be made.

When the National Parole Board schedules hearings, it normally schedules a number of hearings on the same day. If one such hearing is cancelled it can still proceed with the other hearings and no additional costs are incurred.

● (1120)

If the case management work has already been done then it is not lost if a hearing is not held. Case management is an ongoing process and reports are continually updated to reflect the current progress the offender is making. A report may need to be updated for a future hearing but again the costs are minimal.

What we need to do in these cases is to ensure that the victims and other observers are told as quickly as possible of the cancellation or postponement. We need to ensure that they find out when the hearing is rescheduled and we need to assist them in participating in a way that is most meaningful to them.

I have to point out that the government continues to work hard to understand the concerns of victims and supports the goal of helping them. We have a track record in that area and will continue it. That is why the government has taken a number of initiatives that will help victims.

We have established the policy centre for victims issues in the Department of Justice. The policy centre is mandated to develop and co-ordinate federal initiatives to strengthen the voice of victims in the criminal justice system.

Bill C-79 was brought into force December 1, 1999. It is legislation to enhance the safety, security and privacy of victims of crime in the criminal justice system. It is intended to ensure that victims are informed about opportunities to prepare victim impact statements and permits victims to read the statements out loud if they so choose. It requires police and judges to consider the safety of victims in all bail decisions. It makes it easier for victims and witnesses to participate in trials and permits a judge to ban the publication of the identity of victims and witnesses in the appropriate circumstances.

Finally, it requires all offenders to pay an automatic victim surcharge, an additional monetary penalty, which will increase revenue for provinces and territories to expand and improve victim services.

The victims policy centre will administer a $10 million victims' fund which will help to ensure that the perspective of victims of crime is considered in the development of all policies and legislation that may affect them. These funds will support innovative programs and services, public education initiatives, conferences and research by non-governmental experts. It will also be used to involve victim advocates and service providers, in partnership with provincial and territorial authorities, to identify key concerns and to develop options and strategies to meet the needs of victims in their communities.

The funds will also assist provinces and territories to implement the new criminal code provisions benefiting victims of crime and the principles enunciated in the Canadian statement of basic principles of justice for victims of crime agreed to by provinces and territories.

In May 2000 the Standing Committee on Justice and Human Rights tabled its report on the five year review of the Corrections and Conditional Release Act known as the CCRA. In that review it made a number of additional recommendations that will assist victims. In its response, the government has committed to take action on those recommendations.

What victims have told us is that they want more information and they want access to information earlier in the process. They want more opportunities to be heard and more opportunities to provide information. To that end, the government is committed to build on those identified needs.

The government, for example, has agreed to expand the information that will be provided to victims in the CCRA.

Currently, victims can attend National Parole Board hearings as observers. They can submit an impact statement to the board for consideration. New policies will allow victims to personally read a victim impact statement during the conditional release hearing.

For those victims who cannot attend the hearing, we will be exploring how they can have an opportunity to listen to the tapes of parole board hearings at local offices of the National Parole Board or the Correctional Service Canada. This is an attempt to bring the hearings closer to the victim, recognizing that not all victims can or want to be at a hearing in person.

[*Translation*]

The government also made a commitment to setting up a national office for the victims of crime to improve the links between the federal correctional system and victims.

[*English*]

The office will work with the policy centre at the Department of Justice. It will develop information for victims. It will assist in preparing training materials to ensure that all victim liaison staff are well trained to meet the needs of the victims. That is important and Canadians will recognize that.

● (1125)

The office will work with the Correctional Service Canada and the National Parole Board to ensure that policies are sensitive to victims' issues and needs.

Finally, it will be focused on solving problems that are identified by victims who find themselves in the system.

To be sure that whatever measures are put in place meet the needs of victims, consultations are taking place right now across Canada to meet with victims and seek their input on what they want from the system and how best to meet their needs. These are the types of meaningful actions that will work to support victims once they find themselves in our criminal justice system.

I respectfully suggest that the approaches taken by the government and that are in the process of being taken by the government go a long way to improving the lot of victims.

However, I cannot support the hon. member's bill. While the inconvenience caused to other observers is regrettable, I think we need to ensure that whatever approach we take balances the rights of all participants, including the offender's right to have a hearing.

The vast majority of offenders do not cancel their hearings to cause inconvenience to either the National Parole Board members, their case management staff or the people who attend. In a small number of cases, unfortunately, this does happen. When it does, it reflects an attitude on the part of the offender that I am sure is taken into account by the parole board.

Having said that, I think it is important that we not support this non-votable item.

[*Translation*]

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, chastise, punish, stigmatize: this would summarize the Alliance philosophy, one from which the hon. member for Surrey North has not deviated with his introduction of this bill. It is intended as an extension of the repressive and punitive approach that is characteristic of the Canadian Alliance. The same approach has been used in connection with the newest young offenders bill, Bill C-7, which that party does not feel is harsh enough.

Outside of its propensity for the rod, the Canadian Alliance has nothing particularly tangible to propose. Its concept of justice is way out of date, hearkening back to the days when the law was enforced by threats and terror.

Studies have proven that extreme measures have never constituted a remedy, so why does the Alliance persist in promoting this outmoded model of justice? That party is limited by its short term vision, which offers no concrete solutions.

The bill of the hon. member for Surrey North represents an excessively punitive addition to the parole application process for inmates eligible for this program.

The bill proposes the addition of two paragraphs to section 123 of the Corrections and Conditional Release Act—

An hon. member: Oh, oh.

Ms. Pierrette Venne: Mr. Speaker, pardon me, but there is someone talking behind me, and I find it very distracting. Would it be possible to ask that person to keep quiet?

The Acting Speaker (Mr. Bélair): The hon. member has just indicated to me she is being bothered by the talking going on behind her. If hon. members are having private conversations, would they hold them behind the curtain or in the lobby, please.

Ms. Pierrette Venne: Thank you, Mr. Speaker.

This bill, which proposes to add two paragraphs to section 123 of the Corrections and Conditional Release Act, creates disproportionate penalties inappropriate to the logic of the legislation.

According to the bill of the member for Surrey North, an offender serving a sentence of two years or more, who withdraws a application for parole at a late stage in the review, without good reason, will not have a new application considered for two years. By contrast, in the case of an ordinary application for full parole the board turns down, the period before a new application may be submitted is only six months.

The excessive severity of the penalty proposed by the member for Surrey North is apparent. Withdrawal results in the imposition of a two year waiting period, while denial results in a six month period. The difference between the two situations is unjustifiable.

This bill, intended to limit a multiplicity of unwarranted withdrawals once the review process has begun, would be more relevant with an amendment to the penalty imposed for withdrawal.

● (1130)

Reference to subsection 123(6) of the Corrections and Conditional Release Act, which states that when the board decides ''not to grant full parole following a review pursuant to this section, no further application for full parole may be made until six months after the decision'', reveals that the bill introduced by my Canadian Alliance colleague would only introduce a degree of discord in the system.

How can the member for Surrey North want to impose a harsher penalty in the case of a late stage withdrawal than in the case of a full parole request made at the end and rejected? Inmates would be unduly penalized by such a measure. They might as well not bother to withdraw an application for a review of their case, at the risk of having that application denied and start the process all over again six months later. Given this situation, why not shorten the suggested period from two years to six months?

Since this bill does not seem, on the face of it, to be a bad piece of legislation, the only thing that should be changed is the penalty, to make it more equitable.

By setting a period similar to the one prescribed in the case of a new application for parole after a denial, namely six months, we would not lose sight of the objective pursued, while also establishing a fairer system. Inmates would not benefit from withdrawing their application for futile motives. They would have to take responsibility and face an appropriate penalty.

With its proposed two year period, the bill could create a problem in that it could deter inmates from withdrawing their application even though they no longer quite feel ready for parole, this in spite of the motives that they might invoke.

In addition to the adjustment of the penalty, however, another factor needs to be considered in connection with this bill. The statistics in a document dated April 2000 produced by the Correctional Service of Canada raise even more questions about the wisdom of Bill C-233.

These statistics concern applications for parole from female inmates. They reveal that none, 0%, of the 436 applications submitted between April 1998 and March 1999 were withdrawn. These results are very interesting and show how pointless it is to regulate a practice that, among women anyway, is exceptional, being quite simply non-existent. In these conditions, what purpose is served by introducing a measure such as this?

In conclusion, we therefore see the addition proposed by the member for Surrey North as a completely superfluous manoeuvre that has unfortunately done nothing but take up an hour of the House's time. It is superfluous because, on the one hand, it would include in the bill a measure that is not absolutely essential, as the figures tend to show and, on the other, it would propose a penalty completely disproportionate to the action it is intended to discourage. These are two reasons why such a bill is not votable.

It would seem that the member has been carried away by the vindictive approach typical of his party, which tends to favour a heavy-handed approach to justice. Imposing overly repressive measures is not the appropriate response to a situation that does not really require any particular action. Nothing is served by creating a threat-based justice system. In fact, laying down the law is the only vision some political systems have come up with.

Of course, there must be respect for the law, but prevention and rehabilitation must also be considered. Above all, experience has shown us that there must be a thoughtful, fair and equitable approach, as this is the only way of ensuring that justice becomes a tool for the evolution of society and not a mere reflection of its instincts.

● (1135)

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it is a pleasure to rise in the Chamber to participate in the debate today.

The bill as it has already been laid out is meant to address an anomaly in the current Corrections and Conditional Release Act. Bill C-233 puts forward a specific change or amendment which would bring about more accountability, it is suggested, in the current method in which applications for full parole are put forward and then drawn back on occasion for strategic reasons.

The hon. member for Surrey North has put forward this proposed change to the Corrections and Conditional Release Act in very good faith. Knowing this individual and his work within the system, one can only commend his efforts to bring this matter forward. This particular member for Surrey North is all too familiar with the current criminal justice system given the tragic circumstances that befell him and his family when his son Jesse was murdered. I have no doubt whatsoever that the member is completely sincere in his efforts to have this anomaly addressed.

Having said that, I will say that the purpose of this enactment is quite clearly to restrict the ability of an individual applying for parole to withdraw the parole request at the last moment, at the 11th hour, thus causing the system, but more important the victims and the victims' families, undue suffering, frustration and often significant financial loss.

This amendment, as already discussed in the Chamber, does propose that a penalty be imposed, that is, there would be a two-year minimum before an individual could apply for parole once again. My colleague from the Bloc suggests that this particular time period might be amended. I would very much associate myself with that remark as well. I think the hon. member for Surrey North would also be amenable to looking at this possible amendment to Bill C-233, because it is a discretionary act on the part of the parole board in any event. Its ability to restrict the time in which an individual could apply once again for parole should also perhaps be discretionary. This is a useful amendment and once again demonstrates the usefulness of this discussion.

At the very least, the response would be to caution or to send a message of deterrence and denunciation when there is evidence that a system is being abused or flouted. Clearly there may not be a rampant number of instances where this has happened, but I would humbly suggest to the House that if it happens at all it is an abuse. If the system allows it to happen it is an anomaly that should be addressed, which is the purpose of the proposed bill.

The legislation in its current form has no recourse. Even in instances where it has been demonstrated that there has been a frivolous reason given for withdrawing application for parole, there is no actual recourse available for the parole board. The bill will prevent an application from being withdrawn without good reason, after substantial preparation has been made, and then renewed again shortly. There is a very common sense approach in this legislation. There is a reason behind it that one can quite clearly embrace.

The Conservative Party will support the bill for the simple reason that the current practice allows offenders to waste resources of the parole board but more important because it allows mental anguish for the victims of the offender. Upon examination of the facts, a determination of the reason for the cancellation can be made quite easily. This would be weighed to determine the validity, and if it is not valid then surely some consequences should follow. This is consistent with all principles of justice.

This is not to say that further punishment should be unfairly meted out to individuals in addition to their sentences. It is simply a response when it becomes clear that a potential parolee has made a tactical decision to withdraw his or her application for whatever reason. One can only imagine the demented mind of a person who would do this for the simple joy of causing anguish to victims, but sadly there are those in the system who do just that.

● (1140)

Similarly, it may be done for a tactical reason. It may be done to throw off the efforts of the victims to attend the parole board hearing, for example, where their comments might have some impact on whether parole is granted.

The simple principle that there have to be consequences, as I have stated, is very consistent with principles of justice and deterrence. This would put in place some deterrents for the parole board if it was proven on fact and on evidence that a parolee had abused the system to his or her advantage.

The bill surely aims at subduing the antics of anyone who would behave in this fashion. Without mentioning the names of some of our more high profile heinous criminals in the country, we know that there are those who have engaged in this type of activity. The hon. member for Surrey North has recited some concrete examples of what has happened in the past.

The financial implications are also a consideration when examining the facts of the legislation. Costs for travel and accommodation are most often borne by the victims. We have a vast country and clearly we have institutions from coast to coast. Through no fault of their own, victims very often feel it incumbent upon themselves, as abhorrent as it seems to the offender, to see that justice is being done, to attend parole hearings and to have their say. They feel a personal attachment to the file.

I hasten to add that there have been improvements in our justice system. There have been efforts made to be more inclusive and to ensure that victims are heard within our system. There have been recent changes which I and our party applaud, but we are also familiar with the fact that there remain a lot of areas for improvement.

Often there is a lack of information. Lack of information plays into the situation that is the subject of the bill. Often this occurs when a victim is not given ample warning or advance notice of when a parole hearing is going to be cancelled; the victim therefore suffers all of the consequences of not having that information in advance. Having a national victims ombudsman office would address some of this lack of information which is sometimes inherent in the justice system.

The bill is one that I feel is laudable. It is a concrete effort by the member to close a loophole, which would very much be to the advantage, not an unfair advantage but a fair advantage, of victims who are striving to participate in our justice system at whatever level they choose. That is often key when dealing with victims. The key is to ensure that they have the discretionary power to participate to whatever level they choose within the current law and to ensure that they feel they have a voice, that their opinions and their input matter.

I would suggest that the individual who put the bill forward has personal knowledge and understanding from a victim's perspective of how the system is currently working and, in some cases, currently failing. He has identified quite clearly with Bill C-233 a substantive change that could be made which would address the current problem.

The Conservative Party has been a consistent supporter of victims of crime and will continue to support efforts such as this when they are brought forward with the best of intentions and with great honesty and integrity, as is the case before us. The Canadian Resource Centre for Victims of Crime is also very supportive, as are other victims who have faced this situation in the past.

This is not in any way to undermine the laudable goals of rehabilitation and reintegration within our current system. However, support for victims is needed and enacting this legislation would inject fairness and greater access.

I suggest as well that it is a bill which should be made votable. We certainly would support the hon. member's motion to make this matter votable. I would hope all members would do the same.

● (1145)

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, when I came here today I thought this subject would be something we could discuss calmly and rationally. There would be some differences of opinion, but I did not think it would evoke a tremendous amount of emotion. It would be based on some facts.

Then I saw the Parliamentary Secretary to the Minister of Justice rise to respond to my colleague. He is known to go off like a Roman candle with very little requirement or cause whatsoever. I was pleased he was relatively calm today. In fact he was quite calm. I do not think his reasoning was very good, but he was uncharacteristically calm.

Then we heard from the Bloc Quebecois member. I have never in my life heard such garbage spewed forth in the House. The attack made by that member, and I certainly will not expand on it—

The Acting Speaker (Mr. Bélair): I am sorry to interrupt the hon. member, but I would ask him to address his comments through the Chair.

Mr. Jim Gouk: I believe I was, Mr. Speaker. I was referring to a member. I certainly did not intend to speak directly to her. In light of the comments she made, I really do not want to speak to her. If I made that mistake, I apologize.

The member from the Bloc Quebecois rose in the House to question the motives and the whole concept of how the hon. member for Surrey North approaches this problem. If there is a member in the House that has a right to be bitter and enraged about the way the system works, it is he. I have never found a more reasoned person trying to make honest changes. I am absolutely disgusted that any member of the House would rise to put forth the unmentionable types of statements she made.

I will look at some of them. She talked about how this would be so unfair to these poor prisoners because it would give them additional time in prison. May I remind her that when people are sentenced to eight years in prison it is intended that they be in prison for eight years. Parole is a privilege, not a right. They should have to show they have earned parole. Manipulating the system is certainly not a good way to earn parole.

I am absolutely shocked that someone from Quebec of all places that has such a huge problem with organized crime would stand in this place to start defending the rights of people in prisons who further twist the system once they have been caught and convicted. It is no wonder there are so many problems with criminals in the province of Quebec when people like that represent the criminals themselves. I think it is disgusting. As far as the fact that she was bothered by other conversations, I think it is pretty obvious I was bothered by hers.

I would also like to address a couple of comments that were made by the parliamentary secretary. He talked about the wonderful things the government was doing for victims. It has developed a policy centre for victims of crime. What is the good of having a policy centre if it does not listen to what those very people are saying and does not provide the help that they plead for when they come before the parliamentary committee of the House?

I heard these people and they did not ask for a lot. I was a member of the committee that reviewed the CCRA. They did not come in pounding on the table, frothing at the mouth and making demands. They came in with quiet reasoning, with a great amount of sadness and heaviness in their hearts. They said there were problems in the system which they hoped the government would try to address.

I had the privilege of sitting with the hon. member for Pictou—Antigonish—Guysborough. I was happy to have his support because there was scant support on that committee. The hon. member from the Bloc Quebecois joined the committee later as a replacement member. I do not know if her attitude would have changed if she had seen the whole thing and had an opportunity to see what we did while we studied the issue. I would like to think it would have, that she had some misplaced ideas rather than a strange point of view overall.

The parliamentary secretary said that they were striving for more opportunities for victims to be heard. That is what this is all about. We want more opportunities for these people to be heard. The problem occurs when they come in, in keeping what the government has said, to avail themselves of greater opportunities to be heard, only to have someone who wants to manipulate the system cancel the hearing at the last moment. That is not in keeping with what the parliamentary secretary says the government wishes to do. Ironically all we are doing with the bill is trying to help him keep his own word. We work very hard to try to keep them honest over there.

● (1150)

I think we need a much better look at the issue. One of the points made today was that sometimes when good ideas come forth in this place from the Canadian Alliance there is an automatic, and I do mean automatic, rejection of those ideas.

We would be more than happy to have the government steal the idea and bring it out as its own. We would be happy to applaud it for doing so. We do not care how it gets out. We do not care who gets the credit for it. We just want the system to work better and to be fair.

As I mentioned earlier, these victims did not come forward with great demands. They came forward very humbly and did not ask for

a lot. They came forward knowing that they would not be able to make great changes but hoping the government was listening and would address the serious problems.

The parliamentary secretary said that there would be minor inconvenience for the parole board and really no cost. What about the victims? Maybe it is not a great cost to him if he has to travel across the country, only to have the plan cancelled at the last minute, because he has more time for something else.

Victims do not look at it in that way. They plan leave from their business, place of work or employment. They may use their vacation time, not for a vacation or to do something that relieves their lives and helps them to rejuvenate themselves but to immerse themselves back in the horrors of the original crimes.

During that time they make a commitment and prepare themselves mentally to undergo the ordeal. They commit time from their employer. They may buy a ticket, a non-refundable ticket, to travel. To have offenders cancel a hearing without good cause, sometimes as victims are literally walking into the room, is not a small hardship for victims. It is a massive one.

The government believes what it says. If the parliamentary secretary believes in the things he said a few moments ago, that he would like more opportunities for victims to be heard and the system to be fairer, the bill must go ahead.

It should be amended to give more flexibility to the parole board in terms of how much time or when exactly it should be impacted, but government members should not turn their back on it. They must do something with it. It is not a partisan issue. The parliamentary secretary knows that if anyone is non-partisan in trying to fix the problems of the parole system and the justice system, it is the hon. member for Surrey North. I ask those members to consider the matter, not as members of government, not as members who are whipped into a particular position by their party, but by their own conscience. I urge them to try to place themselves in the shoes of victims and try to imagine, even just for a moment, how they would feel if they were in these circumstances.

There are few over there, if they honestly did this, who would not support the bill or at least something very close to it. Victims have rights. Those rights should far outweigh the rights of the people who made them victims in the first place. It should not even be a major consideration on the part of government.

This is a good bill. It is a bill that has been brought forward with honourable intentions by someone who has worked very hard to see that the system is balanced and balanced fairly. I urge members to consider allowing the bill to go ahead.

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, I thank all those who spoke to the bill. Even though the bill is not votable, at least we have been provided with an opportunity for debate.

In bringing the issue forward in this manner I hope it may cause the government to think about the proposal. I respectfully ask government members to use their influence to attempt to sway the powers that be to consider this suggestion for change. I also respectfully ask the parole authorities to think about this and attempt to influence the government to act. It would lessen their workload and enable them to more effectively administer their program.

● (1155)

I do not ask for this change for myself. I ask it on behalf of victims of crime. I ask it on behalf of the Canadian taxpayer. Yes, I even ask it on behalf of those offenders who are most affected by the parole process.

Members may well ask where I am coming from when I suggest that even the offenders could be helped by this proposal. As I stated earlier, criminal offenders are classified as such because they have been unable to follow the rules set out by society. We have laws and they have offended those laws. They are being punished and rehabilitated to convince them and others of the necessity for all of us to follow the norm set out to enable all of us to peacefully co-exist.

However, even after they are incarcerated and placed on the so-called road to rehabilitation, it accomplishes nothing to just forget about them. We have rules and laws to ensure that they are properly considered and treated. One of the rights we provide is the right to be heard and considered for parole at some point during their sentence. The problem the bill attempts to address is the abuse of that right. Because there is no consequence for the abuse of that right, we are doing a rather poor job of rehabilitation.

Part of rehabilitation is showing offenders the error of their ways and assisting them to correct their behaviour and desist from future criminal activity. If we set up a right to apply for parole and then permit an offender to abuse that right, what are we teaching that individual? Are we not permitting deviant behaviour to continue? Would it not make more sense to provide the right and include a consequence for abuse of that right? This is what I am suggesting. It only makes sense. It may not be that big a deal in the overall scheme of things but I really fail to understand why something so elemental has been ignored and allowed to continue.

Please do not get me wrong. I would be the last to ever suggest that this issue is insignificant to victims of crime. I know how important it is to them. I know how they have been messed around because of the shenanigans perpetrated by some offenders. It is time to stop this abuse.

I have been asked how prevalent this abuse may be. I do not think I could come up with a better answer than that provided by

the chair of the subcommittee of the Standing Committee on Procedure and House Affairs. She stated ''One case is one case too many. We do not play number games here''.

To provide more information is difficult because we often do not learn of abuses unless the victims go public with their complaints. The parole authorities have been good soldiers for the government and they merely carry on to administer the laws they are presented.

The three cases I mentioned were easily found when I went looking for examples. The Canadian resource centre for victims of crime supports this initiative and considers the issue of extreme importance. In fact, I have a letter from the centre's president, Mr. Steve Sullivan, expressing his disappointment with the fact that the bill was deemed to be non-votable. He has personally attended a number of parole hearings with victims who have been re-victimized in this way.

I appreciate the opportunity to debate this matter and, rest assured, I do not intend to let it go. I will continue to do my part to attempt to bring about the necessary change. I respectfully request the unanimous consent of the House to make the bill votable.

The Acting Speaker (Mr. Bélair): Does the House give its consent to make Bill C-233 votable?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired. As the motion was not selected as a votable item, this item is dropped from the order paper.

GOVERNMENT ORDERS

[*English*]

CANADA SHIPPING ACT, 2001

Hon. Alfonso Gagliano (for the Minister of Transport) moved that Bill C-14, an act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other acts, be read the second time and referred to a committee.

Mr. Brent St. Denis (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I wish to inform the House that I will be splitting my time with the member for Malpeque who will speak on behalf of the Parliamentary Secretary to the Minister of Fisheries and Oceans.

I am pleased to speak to Bill C-14, the Canada Shipping Act, 2001.

● (1200)

Transportation has always played a vital role in our history and it continues to do so today. The means of travel have changed from the days of the canoe, wagon and steam engine. Canoes are still important today but much has changed in terms of modes of transportation.

The facts of Canadian geography and economics remain much the same. We are a country of distances and space, a comparatively small population spread across a vast land mass, relying on trade with other nations for our prosperity. Those are the facts of Canadian life and they are the reasons transportation continues to be so important.

Transportation remains essential to our lives and to our economy. Transport Canada has examined every aspect of our transportation system in recent years to determine what tools the economy needs to thrive. In turn, the government has worked to improve the legislative framework governing air transportation, railways and ports. It is time to bring Canadian shipping into the 21st century.

The Canada Shipping Act is the principal piece of legislation governing personal safety and environmental protection in the marine sector. No one can deny the pressing need to review and overhaul the legislation. I say pressing need because the legislation is sorely outdated and a successful marine industry, essential to our prosperity, needs modern legislation.

We are a maritime nation with three coasts and vast interior waterways. We are a trading nation and we depend on shipping to move much of our trade. Transport Canada data indicates that in 1999 the civil marine industry directly employed approximately 31,000 people and shipped a total of 334 million tonnes of cargo.

The shipping industry moved imports and exports worth $83 billion in 1999. Over 90% of marine tonnage derives from bulk commodities such as coal, ores, petroleum, grain and forest products. International shipments comprise about 84% of total traffic, a number expected to grow in the future.

Despite that impressive record, Canada's shipping industry will find it increasingly difficult to compete internationally unless we implement transportation policies that are based on sound, modern legislation and consistent with those of our trading partners. We can readily see that transportation is vital to Canada, that the

marine industry is important to our economy and that the Canada Shipping Act is outdated and needs revision.

What about the proposed legislation before the House? How will it answer the needs I have outlined?

The objectives of Bill C-14 are stated clearly in part 1 of the bill. The objectives are threefold: First, to protect the health, safety and well-being of individuals; second, to protect the marine environment; and third, to encourage viable, effective and economical marine transportation and commerce.

To support those objectives a complete reform of the Canada Shipping Act was undertaken. The reform had three goals: First, to simplify the legislation by replacing outdated terminology with plainer language, harmonizing it with other regimes and taking out excessively prescriptive details.

Second, to make it consistent with federal regulatory policies, reducing reliance on regulations and permitting alternative approaches, such as compliance agreements, performance standards and voluntary industry codes which are much more consistent with today's regulatory practices.

Third, to contribute to the economic performance of the marine industry by reducing prescriptive elements and the administrative burden imposed by the current legislation, and by giving the industry the increased flexibility it needs to maintain safety and to increase business.

The current act is, without exaggeration, antiquated. The act came into law in 1936 and was based on the 1896 British merchant shipping law. Many parts of the existing act are so out of date they would be amusing if the act were not a crucial piece of legislation.

The act is also supported by an extensive regulatory regime composed of at least 90 separate regulations. The sheer size, difficult language and vast coverage of the legislation make it as difficult to enforce as to follow. Canada needs modern legislation that will benefit, not hinder, the marine sector in Canada.

Bill C-14 is the result of several years' work by the Department of Transport in conjunction with the Department of Fisheries and Oceans, Industry and other affected parties and stakeholders. It is not a mere retrofitting of the old act. It has been built, much like a vessel, from the keel up. We call Bill C-14 the Canada Shipping Act, 2001 because it reflects a complete break with the past.

● (1205)

The bill is a crucial step toward ensuring that the Canadian shipping industry has legislation that reflects modern industry practices and keeps up with technological advancements.

A joint effort by Transport Canada and Fisheries and Oceans Canada, Bill C-14 was developed through unprecedented consultations with stakeholders. This consultative process is an excellent example of co-operation between the government and the marine communities to achieve the shared objective of improving our marine system.

On behalf of the government, I take the opportunity to thank the interested parties that brought forward their views on the many issues addressed in the legislation. The Department of Fisheries and Oceans and Transport Canada crossed the country five different times holding discussion groups and listening to the ideas of individuals and industry. In June 1999 a draft bill was shared with the industry.

The two departments listened carefully to stakeholders and, wherever possible, accommodated their concerns. They drew the line only where accepting a proposal would have undermined their ability to protect the marine environment or the health and well-being of those who work in the marine industry.

The legislation before the House is appropriate. It incorporates most of the concerns presented to the government by diverse groups with differing views from across the country. The aim of the bill is to make Canada's marine legislation a tool that benefits all Canadians, to enable industries to be more competitive and to protect the marine environment.

Bill C-14 was drafted to be accessible and comprehensible to all Canadians. In keeping with this goal, the language of the new act is simpler. The legislation is more concise and logically organized. The number of sections has been greatly reduced and, as requested by the marine community, Bill C-14 contains a preamble that states the overall objectives of the act and makes it simpler and easier to understand.

The legislation also clearly delineates the areas of responsibility between the Department of Fisheries and Oceans and Transport Canada. For instance, the Department of Fisheries and Oceans has responsibility for pleasure craft and Transport Canada has responsibility for all non-pleasure craft.

Both industry and Transport Canada require a mechanism to address rapid technological change. Unlike aircraft or locomotives, ships are most often built one at a time. This requires flexibility in how we administer regulations, a flexibility that must be tempered within the bounds set by parliament.

Bill C-14 clearly outlines the powers of a proposed marine technical review panel which would replace the existing board of steamship inspection. The panel would be empowered to grant an exemption only if it were in the public interest and would not jeopardize marine safety or the environment. Any exemption would need to result in an equivalent or greater level of safety before the panel could approve an application or an exemption.

Bill C-14 clarifies the shipmaster's responsibility to ensure the vessel is adequately staffed with properly qualified and trained personnel. Also clarified is the master's authority to maintain good order and discipline on board a vessel. In response to stakeholder

concerns, the right of seafarers to place a lien against a vessel for unpaid wages remains in the bill.

Labour provisions in the existing act, the Canada Labour Code and provincial statutes, often overlap. To avoid this, the department's ability to regulate in the area of occupational health and safety is restricted to matters not identified in the labour code.

Part 4 of the bill is primarily concerned with the safe design, construction, inspection and operation of vessels. Detailed provisions in the existing legislation have been moved to other regulations or standards. Antiquated provisions were eliminated.

In consultation with stakeholders, industry supported Transport Canada's retaining responsibility for setting minimum ship safety standards. It was also agreed that the responsibility for safety and compliance should be shared among those working on a vessel and that these responsibilities, particularly those of the master, should be defined in the act.

Bill C-14 allows Canada to fulfil its international obligations respecting various international conventions, such as safety of life at sea and the international safety management code, by allowing the department to implement these instruments via regulation.

● (1210)

The legislation before us focuses on safety and covers all Canadian waters and fishing zones. Provisions related to marine liability have been transferred to the Marine Liability Act, introduced as Bill S-2, which will hopefully soon be before committee.

Commitment to marine safety and protection of the environment has been reinforced by Canada's commitment to port state control. As a port state, Canada is permitted to board foreign vessels to inspect them regardless of the currency of their safety certificates. That means that whoever comes into our ports will be inspected, no matter what flag they fly. More than 25% of all vessels that dock in Canadian ports are inspected, with the focus being on ships with potential safety concerns.

In 1999 Canada inspected 1,076 vessels from 86 registered countries. Of those, about half had deficiencies in such major areas as lifesaving, navigation equipment and safety in general. The greatest number of deficiencies was in the area of fire safety measures. In 1999, 125 vessels were detained until deficiencies were rectified. To ensure the safety of ports and of vessels using Canadian waters, we must maintain vigilance.

One of the main objectives of the proposed legislation is to protect the marine environment. Bill C-14 contains regulation making authority regarding preventing and responding to pollution of the marine environment. Transport Canada and Fisheries and Oceans officials have worked closely with all interested parties to ensure that the legislation's pollution preventing provisions are modern and consistent with other domestic and international standards. The departments have also worked together to ensure that the penalties for non-compliance are competitive and effective.

Transport Canada takes all pollution matters seriously. The proposed legislation enhances the ability to protect the marine environment. Measures to prevent marine pollution and improve maritime safety are addressed by the International Maritime Organization. The measures are implemented in Canada through the Canada Shipping Act.

Most of the department's efforts focus on preventing pollution by setting regulatory requirements for ship based equipment such as oil-water separators, inspection and certification of Canadian vessels, and inspection of foreign vessels calling at Canadian ports.

When ship sourced pollution is detected in the marine environment Transport Canada investigates in close co-operation with Environment Canada and the Canadian Coast Guard. When sufficient evidence is collected charges are laid using regulations under the Canada Shipping Act or other Canadian statutes depending on the source of the pollution incident.

The proposed legislation provides appropriate deterrents and an effective enforcement scheme which includes penalties for minor and serious offences relating to the environment. For major pollution offences the penalty provisions contained in the proposed act are modelled on the current Canadian Environmental Protection Act, 1999.

Reducing greenhouse gas emissions is also a high priority for the Canadian government. Marine transportation contributes only about 3% of all transportation related emissions. That makes marine transportation an important part of a sustainable transportation system. We as members of parliament must encourage its use wherever possible.

At the same time even those emissions can be further reduced. Transport Canada will continue to have authority to regulate emissions from large vessels and will continue to make that a priority.

There is also a need to protect the marine environment from harmful aquatic organisms and pathogens that enter our waters in ship ballast water. Transport Canada continues to lead national and regional working groups on ballast water. A commitment has been made to have Canadian regulations on ballast water in place by 2002. Having a Great Lakes riding, I can appreciate the importance of regulating ballast water that comes from our oceans through ships.

I now turn to an aspect of the economic regulations of shipping and navigation, namely the Shipping Conferences Exemption Act. For the purposes of this discussion I will say SCEA from here on in. Amendments to SCEA are found in part 15 of Bill C-14.

Part 15 addresses an important aspect of transportation supporting the Canadian economy: the movement by ship of Canada's

overseas containerized trade, as well as some general cargo. This is specifically known in the industry as the liner trade. International shipping lines offer regularly scheduled liner services between ports around the globe. A shipping line has the choice to join a shipping conference or to remain as an independent operator.

● (1215)

A shipping conference is a group of ocean shipping lines acting collectively to set rates and offer services on specific trade routes. Shipping conferences are recognized throughout the world and they contribute to reliable service and stable rates.

Many of Canada's trading partners, such as the United States, Europe, Australia and Japan, accommodate conferences through special legislation. Recently they have reviewed their conference legislation and concluded that, while it should be retained, more competitive provisions can be accommodated.

The Shipping Conferences Exemption Act exempts shipping conferences from certain provisions of the Competition Act and sets the rules for their operations. Amendments to SCEA are now required to keep Canada's shipping conferences legislation and rules in balance with Canada's major trading partners. The amendments encourage a more competitive climate within conferences and also streamlines the administration of the act.

Canada enacted its first Shipping Conferences Exemption Act in 1971. SCEA was updated and replaced on two occasions, in 1979 and again in 1987. Both revisions added new competitive provisions in the act. SCEA was last reviewed by the National Transportation Act Review Commission and the Standing Committee on Transport during the years 1992 and 1993. It was concluded that, while conferences run counter to the general government policy of encouraging competition, the act should be retained on grounds that the economic uncertainty created by its elimination would not be in Canada's best interests.

While liner shipping represents only 15% of Canada's international marine tonnage, this figure does not adequately reflect the importance of liner shipping to Canada as lower value bulk commodities, like grain and coal, dominate the tonnage statistics.

In general, commodities in the liner trades consist of higher value products, such as electronic and telecommunications equipment and automobile components.

The container business is also a major contributor to the prosperity of ports, such as Vancouver, Montreal and Halifax, Canada's three main container ports. It is therefore in Canada's interest to continue to attract the shipping lines while at the same time encouraging affordable ocean transportation and an adequate and reliable level of service for Canadian industries.

It should be understood that even though a shipping conference may be entitled to an exemption under SCEA, the act does not suspend the application of the Competition Act for any conference agreement if any party to the agreement conspires, agrees or arranges to engage in predatory pricing or other anti-competitive behaviour.

While anxious to protect the interests of Canadian industry, the government must be mindful of the need for a balanced approach to conference legislation. Radical anti-conference measures or a departure from compatible international rules could result in unfavourable repercussions for Canadian industry and Canadian ports.

I mentioned that the amendments to SCEA, as contained in part 15, will encourage a more competitive operating climate within shipping conferences and will provide added flexibility for shippers in dealing with conferences. Shippers will have the ability to more quickly access rates and services offered by individual conference lines. Meanwhile each conference member will be able to negotiate service contracts with shippers without adhering to terms and conditions set by the conference.

The amendments are also designed to streamline the administration of the act. Hence, tariff filing by conferences with the Canadian Transportation Agency will be replaced with public electronic access to conference tariffs and other conference information.

By adopting these changes to SCEA, Canadian legislation pertaining to shipping conferences will remain in balance with our major trading partners. Shippers will benefit from the injection of greater competition into the practices of conferences while conferencing will continue to have a limited exemption from the Competition Act.

In conclusion, the bill will help make Canada's waterways a safer place for both seafarers and the public and will ensure a competitive industry. It is a product of unprecedented consultations with industry and other stakeholders, a process that has helped us to craft legislation that will protect safety and the environment through a graduated series of fair and appropriate penalties retaining always prosecution for serious offences.

Politics is the art of the possible. We have practised that art balancing the needs and concerns of Canadians with different interests and protecting the environment and those who work at sea. The results are an effective piece of legislation that will replace an act long overdue for renewal and give Canadians the modern, efficient framework we need for the 21st century.

I urge the House to support the bill and speedily send it off to committee.

● (1220)

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to speak to Bill C-14, the Canada Shipping Act, 2001. This is a major piece of legislation early in this new parliament. We do not know if it will last a full millennium but the contents of the bill will stand for decades. I say that based partly on past experience.

The old act has been on the books and has received only minor changes since 1936 and has served us reasonably well. However it became apparent within Transport Canada and Fisheries and Oceans Canada, as well as to our marine industry and stakeholders, that a newer, more comprehensive and modern version of the act was needed to keep Canada's marine activities globally competitive and environmentally sustainable.

As members have been hearing, the bill is a major overhaul of the old legislation, almost from top to bottom. It clearly sets out the roles of both the Minister of Transport and the Minister of Fisheries and Oceans. The thrust is to simplify the legislation and clarify regulatory authorities which will contribute to economic viability and environmental sustainability in our marine industries.

From the standpoint of fisheries and oceans, the legislation clarifies and strengthens important areas of responsibility, in particular, ensuring the safety of navigation, including pleasure boating, and the protection of the marine environment.

Arriving at this point took many years of work both within government and with stakeholders across the country. Those industries and individuals who must live under the law every day had an unprecedented opportunity to improve the legislation before this final version of the bill was written. From commercial shipping and supertankers to the recreational boating community, everyone had a chance to participate in the review of this important legislation.

What we have before the House today is the government's tangible proof of leadership and of commitment to the marine sector.

Today I want to urge all hon. members to assist us in proceeding quickly with the final track of this much needed reform. When passed by parliament, the Canada Shipping Act, 2001 will be a modernized act, one that will satisfy the regulatory needs of the marine community and marine stakeholders for years to come. It will enable government and stakeholders to work better together to ensure a clean marine environment.

Three of the department's long term priorities and goals are directly related to the bill. The legislation goes a long way toward strengthening our ability to make these goals a reality.

First, there is the priority of maintaining marine safety. This means safe practices on the water which is essential for saving lives and preventing accidents. We are proud of what we have accomplished in the past but we know that the tools in this bill are essential for us to go even further toward ensuring safe, clean waters to which we can all have access.

As the Parliamentary Secretary to the Minister of Transport said in his speech, marine activity is on the rise very dramatically. We have to be able to respond so that we not only maintain but also improve on past performance. The bill will contribute to enhanced marine safety through new provisions covering vessel traffic services, aids to navigation and clear definition of the department's responsibilities for pleasure craft. It also sets out the department's responsibilities for pollution prevention and response and search and rescue.

● (1225)

The second long term goal of the department relating to the bill is to facilitate marine transportation, commerce and ocean development. The bill is in large part a response to demands for much needed clarification and modernization.

The government demonstrated leadership in undertaking this massive task in consultation with many stakeholders. The result before the House today is a document which, I am confident to say, satisfies the regulatory needs of the marine community within an environmentally sound framework.

Marine traffic is increasing at a tremendous rate, from huge ocean going commercial vessels to the vast increase in the number of recreational vessels on our waters. We need to be in a position to handle these movements safely and efficiently. The bill before the House provides us with the authority to do just that.

Finally, there is the third priority of pollution prevention and response. This means working closely and effectively with industry in fulfilling our commitment to manage and protect the marine and freshwater environment.

The bill will be an invaluable tool in helping us prevent oil spills. It will also help us respond quickly and effectively in case the unthinkable occurs despite all our best efforts. The Department of Fisheries and Oceans will take the lead in this part of the act. DFO is responsible for ensuring that oil handling facilities have oil spill prevention plans in place in an arrangement for response with a coast guard certified response organization to control the consequences just in case. As sometimes happens, the best laid plans go awry.

The bill maintains the legislative basis for an innovative government industry partnership, which now enhances Canada's national oil spill preparedness and response capacity. It also allows Canada

to fulfill its international commitments in co-operating with other countries on measures to strengthen our national oil spill preparedness and response system. It allows for greater public scrutiny of the actions that government and industry undertake to protect the environment.

I want to emphasize that when I talk about provisions concerning response to pollution incidents, I do not mean to imply that accidents are the norm in the marine environment. They are not. Rather, my point is to show that this is a balanced and realistic piece of legislation that focuses on safety by emphasizing prevention first and foremost, while at the same time prudently recognizing that one must always be prepared for accidents.

Marine safety relies upon wisdom which dictates that a combined approach is best, an approach that focuses on both prevention and response to save lives and protect the environment.

In closing, let me add a few more general observations on the importance of the bill. The minister and the Department of Fisheries and Oceans are guided by three key objectives: safety, efficiency and environmental protection.

The Canadian coast guard plays a key role in ensuring that the department meets these objectives in regard to activities in the marine environment. The coast guard will be instrumental in assisting the department to make sure the new act is implemented smoothly and effectively.

What the bill really provides is an important piece of regulatory framework that allows DFO to get on with doing its job of providing key services that benefit Canadians. The Canadian coast guard is guided by the motto ''Safety first, service always''. That is precisely what the bill is all about.

In 1999 the coast guard carried out nearly 6,500 search and rescue operations and saved 3,500 lives at risk. That is an impressive record but of course we want to improve by reducing the need for this kind of performance.

● (1230)

The aim of the bill before us today is to enhance our preventive capacity so fewer lives are endangered in the future. In short, the administrative efficiencies and increased safety aspects of the Canada Shipping Act, 2001 will be a benefit for all who work or play on the water.

I call on all members to do their part to make this proposed legislation a reality. Those who come from maritime communities know firsthand the importance of clear rules, safe waters and shared responsibility. The Canada Shipping Act, 2001 covers all of these aspects, strengthening the government's regulatory role where needed while placing increased responsibility on industry and on those who enjoy our waterways to plan for good practices and safer environments.

As I said, the studying and planning that went into the bill have taken many months. Now is the time for the House to take on its responsibility, show leadership and pass the bill as quickly as possible.

Mr. Andy Burton (Skeena, Canadian Alliance): Madam Speaker, I am pleased to have the opportunity to rise this afternoon to address Bill C-14, an act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other acts on behalf of the official opposition.

It is indeed an honour to be standing before the House today giving my maiden speech. Before I express my opinion on Bill C-14, please allow me a moment to say a few words about my riding of Skeena, my constituents and the people who have helped to get me elected.

Let me say thanks to my wife Ann, who is in the gallery today to support me. Without her love and understanding I would not be here today. I want to thank our children, Bart, Joann, Lynne, Joy and Gail and their families also.

My sincere thanks go out to the residents of Skeena in northwestern British Columbia, the beautiful and vast area encompassing almost 250,000 square kilometres stretching from Bella Bella to Atlin, the Queen Charlotte Islands to Telkwa, bordered by Alaska and the Yukon in the northern half. Skeena is also the largest riding in British Columbia and one of the largest in Canada.

I am indeed proud and honoured that the constituents of Skeena chose me to be their representative in parliament. I pledge to do my very best to represent them and their interests in Ottawa.

With regard to Bill C-14, the government's summary of the bill states:

> This enactment overhauls and replaces the Canada Shipping Act, other than the portions that concern liability, with modernized legislation that will promote the safety and economic performance of the commercial marine industry as well as ensure the safety of those who use pleasure craft. Key changes to the existing legislation include improvements to provisions to protect and support efficient crews, ensure passenger and vessel safety and protect the environment. A new administrative penalties scheme provides an alternative means for dealing with certain contraventions.
>
> The enactment clarifies the marine responsibilities between the Department of Transport and the Department of Fisheries and Oceans.
>
> The enactment organizes the contents, updates the terminology and streamlines substantive requirements to make the law much clearer and easier to understand.
>
> The enactment amends the Shipping Conferences Exemption Act, 1987 to inject greater competition within shipping conferences, to streamline the administration of the Act and to ensure that Canadian legislation covering international liner shipping conferences remains in harmony with that of Canada's major trading partners.

I wonder if it would be possible for the government to be any more vague when contemplating the title of such an important piece of legislation. Who thought of the title, an act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other acts?

Bill C-14 is significant in that it represents a complete overhaul of the updating of Bill C-35, which was first introduced in the 36th parliament and died on the order paper when the election was called. Bill C-35 was rightly entitled the Canada Shipping Act, a bill that has served as a cornerstone for shipping activity in Canadian waters.

● (1235)

The Canada Shipping Act has been in dire need of review for many years. I commend the government for undertaking such a monumental task. Bill C-14 contains some 334 articles and is just under 200 pages in length.

I imagine the introduction of this bill must have been a gratifying moment for its authors. I can appreciate their enthusiasm for getting the bill through the House and to committee, with the hope of finally seeing the bill passed into law. This is evident in that the bill was only introduced on March 1, one day prior to the House rising for the break week and here we are our first day back and Bill C-14 is already at second reading. Enthusiasm I can appreciate. Attempting to railroad the parliamentary process I do not.

The speed with which the government has moved from first to second reading suggests to me one of two things. Either the government does not have complete faith in the legislation that it has introduced and is concerned about it getting a proper review, or the government is so devoid of new legislation that this is the only activity on the horizon so it had better run with it.

I realize the government opposite has become so used to rushing bills through the House that it has become second nature to it, but I fail to see the national crisis that will be averted by the lightning speed passage of this particular bill.

Being a maritime nation, I am confident that there are numerous stakeholders that have been waiting patiently for the introduction and passage of this bill. I say that they have been waiting patiently because they already know what the bill contains as a result of an uncharacteristic move by the Department of Transport.

As a result of the bill's complex nature and the apparent inability of Transport Canada officials to adequately prepare new legislation, the bill was released in draft form to a limited group of stakeholders for review and input, and before the final version was prepared for introduction in the House. I support and appreciate the need for public consultation when it comes to revising and updating our nation's legislation but, as a member of parliament, I take exception when the government deliberately circumvents the parliamentary process by handing out copies of the bill prior to members of parliament even being made aware of its existence.

I am concerned that this has set an extremely dangerous precedent. The continued disregard for parliamentary procedure and attempts to reduce the power of the elected members of the House should not be tolerated.

In yet another fine display of parliamentary disregard, the government has chosen to incorporate changes to the Shipping Conferences Exemption Act, 1987 or SCEA into a bill that when introduced last session only dealt with shipping regulations. By only the broadest stretch of the imagination do these two bills have anything in common. It is very convenient for the government however to attach such a contentious amendment to the SCEA bill to Bill C-14, since Bill C-14 is a bill that shipping interests have been calling for.

SCEA is contentious in that it allows ocean shipping lines to collude and form cartels that determine the scheduling and pricing for freight movements into and out of Canadian ports. By its provisions, the shipping lines are exempt from the provisions of the Competition Act, a move that was originally intended to ensure that Canada was well serviced by the shipping lines.

Some groups have come forward and questioned the necessity for the continuation of SCEA. I am confident we will be hearing from those groups as the debate on the bill progresses.

Despite the concerns I have raised regarding the manner in which the bill has been introduced, we will be supporting the referral of the bill to committee where I am confident it will undergo a very detailed paragraph by paragraph review to ensure that the members of the House are satisfied with its contents.

With regard to shipping, I would like to make some comments relating to my riding of Skeena. Skeena has a long history of shipping, principally the ports of Prince Rupert, Kitimat and Stewart. However, I will begin by painting a picture of my riding for the benefit of those members who have not had the pleasure to visit this vast and beautiful area of Canada.

The riding of Skeena is a wonderful area in which to live, rich with fish and wildlife, rich in potential for new mineral resource extraction and new opportunity in value added forestry operations and oil and gas development. One of the best kept Canadian trade secrets is a transportation corridor through northwestern B.C. en route to Alberta, Saskatchewan, Manitoba and the eastern U.S.A. This port-road-rail link, which is underused and is frankly not well known, has the potential to provide tremendous opportunity to large areas of Canada.

The potential is there for shipping much more grain and coal through the Ridley Island terminals of Prince Rupert, as these facilities are vastly underutilized, as is the bulk loading facility at the port of Stewart, Canada's most northerly ice free port. Kitimat also has major dock and shipping facilities.

● (1240)

Transportation is critical to the social and economic fabric of the country, whether it be a seaport, an airport, a rail line or a highway. Transportation infrastructure is an economic engine that not only sustains growth but actually generates economic prosperity.

My riding of Skeena is also home to many aboriginal communities which face intense challenge, as do most other small resource based communities such as Stewart, my home for many years. Although Skeena riding offers a great lifestyle, the economy of today is creating hardship for families. For many it is a difficult place in which to earn a living.

The results from the recent election show very clearly that the west and the north feel alienated and are not satisfied with the treatment being received. Tough love does not cut it. We must be recognized as a contributor to Canada's growth and economy, which we truly are and can be in the future.

An issue of major concern to all northerners, and I suspect most non-urban dwellers right across Canada, is the badly flawed Bill C-68. Hunting is a way of life for most of rural Canada's population. Putting people who have been around firearms all their lives, responsible people, in the position of being criminals is neither acceptable nor right. Changes to this legislation are needed if Canadians are to respect and abide by this law.

My riding of Skeena, in northwestern British Columbia, is currently in the throes of a horrendous economic downturn due in part to circumstances beyond anyone's control. However, the recognition of the difficulties and possible steps toward some solution is a federal government necessity and responsibility.

In today's world market economy, recognition of the impact of pulp and paper prices, lumber prices, gas, oil and metal prices on resource based economies is essential. There are opportunities that must be recognized by government and the federal government should not ignore them.

For instance, in co-operation with the province of B.C., the current moratorium on offshore oil and gas exploration in B.C. must be lifted. The potential oil reserves of that area alone are 10 times Hibernia, at 9.8 billion barrels. Gas reserves could exceed 25.9 trillion cubic feet. There is added potential in both the Bowser and the Nechako basins. These options must be pursued and the moratorium on exploration status quo position taken by the government is not acceptable. Development on the east coast was acceptable, why not on the west.

Steps must be taken to revive the mining industry in B.C. The temporary exploration investment tax credit in October's teeny budget provides some incentive for B.C. mining interests to invest in the ailing mineral exploration sector. However aboriginal land claims and permitting processes such as the Canadian Environmental Assessment Act and Department of Fisheries and Oceans concerns have huge ramifications for the mining industry. The government has a role in dealing with such issues. Cutting red tape and turn around time lines for permit approval would assist greatly.

The uncertainty of security of mineral tenure because of the land claims issue creates a major detriment to investment in the mining industry. Investor perceptions are that elected governments, both federal and provincial, have lost control over allocation and management of resources. The implied concept of aboriginal veto power over development must be rejected. Let us keep mining in Canada, not chase it away.

The March 31, 2001 expiry of the Canada-United States softwood lumber agreement requires a strong position from the government. The recent formation of the Canadian Lumber Trade Alliance is a significant move in dealing with a united approach to Canada's position on free trade in softwood lumber with the U.S.A.

B.C. accounts for over 50% of Canada's softwood lumber exports to the U.S. to a value of over $5 billion annually. Some of the producers in my area had no U.S. quota due to Asia being their principal market. That Asian market has collapsed, creating layoffs and shutdowns. In the current agreement, access to a U.S. market is based on historic shipping levels: no history, no quota.

It must be recognized that policy changes are necessary to reach free trade in softwood lumber between the U.S. and Canada. I ask that the government work with the Canadian Lumber Trade Alliance to achieve that goal.

Last year, on the north coast of B.C., the federal Department of Fisheries and Oceans weak stock management strategies of upper Skeena coho, which represent only one-quarter of 1% of the total Skeena River fishery, shut down a $30 million sockeye fishery, a tremendous blow to the economy of Prince Rupert and area.

● (1245)

DFO and the minister must be more cognizant of local situations and of the difficulties being caused by allowing the Alaska coho catch to affect access to Skeena River sockeye runs. An agreement needs to be reached on a mutually acceptable reduction of interceptions, that is, a reduction of Canadian interception of Pacific northwest salmon stocks in return for reduced interception of

Canadian stocks in Alaska. Life is not easy on the north coast these days and a more realistic implementation of the Pacific Salmon Treaty would allow our people the opportunity to earn a decent living.

Areas of western Canada have been sadly ignored by the government, especially the northwest. Airports in Smithers, Terrace and Prince Rupert are concerned over the proposed reintroduction of an increased level of emergency response services, whereas levels were reduced only a few years ago. This highlights the concern that the federal government did not bargain in good faith when downloading airports. Safety is paramount, but a realistic approach to the operation of these smaller, low traffic operations is needed to keep them economically viable.

The airport at Terrace has been for some time attempting to have an instrument landing system installed. Such a system would allow 75% of the flights missed due to bad weather conditions to actually be completed. The failure numbers exceed over 200 on an annual basis, at huge cost to the carrier and excessive inconvenience to the travelling public. For example, on my last trip home, last week, after the long journey from Ottawa the flight I was on from Vancouver to Terrace could not land. After actually seeing the runway at Terrace we flew the 500 miles back to Vancouver to stay overnight. Thankfully I was able to get home the next morning but, as I explained, I actually had to fly 1,500 miles to make a 500 mile flight. It was very frustrating for me and for the many other passengers and business people trying to make their way to northwestern B.C.

On another topic, the number of business closures in northwestern B.C. is another indicator of just how troubled the economy is. Over 50 businesses have closed in the city of Prince Rupert in the last few years. Regional rental vacancy rates range from 20% to 75%. The cost to our employment insurance and other social benefits is staggering, and a serious review of programs and policies is badly needed in order to determine a better way to meet the economic development needs and potential of our northern communities.

Having spent most of my life in the north, I am fully aware of the boom and bust cycles that have been so prevalent. Lately we have seen much more of the latter, creating devastation in the communities of the north. Recognition of the west, and especially the northwest, must be a priority for parliament. We want to be a part of Canada and recognized and rewarded as such, not through handouts but through good sound decisions based on common sense and sound economic principles.

The wealth of Canada has traditionally been generated in the north. Government imposed restraints to developing opportunities and creating economic well-being must end.

In closing I will get back to the legislation at hand, Bill C-14, an act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987, and other acts. I will quickly summarize my comments on the bill. I recognize that the Canada Shipping Act was in desperate need of updating and that stakeholders as well as industry have been calling for such amendments. However, I do not see the need to rush the legislation through parliament. It is a large and detailed piece of legislation needing much review and analysis, both in committee and in the House.

I would expect that government backbench members would also want sufficient time to review the bill's contents and consult industry for its opinions. One sitting day between first and second readings is absolutely insufficient time for review and analysis of such an intricate piece of legislation.

In that regard, I lodge this complaint and send the following message to the government: when it rushes legislation through the House, as it has begun to do with Bill C-14, it sends the wrong message to Canadians and to industry, a message of arrogance and complete disregard for democratic parliamentary procedure. It also makes one wonder what the government has to hide and, frankly, what is wrong with the legislation that the government needs to rush it through without proper analysis and debate. As well, to tack on amendments to the Shipping Conferences Exemption Act in this bill is completely irresponsible, since the government well knows its amendments spark much debate and controversy.

The official opposition looks forward to reviewing every detail of this bill in committee. The government can certainly count on that.

● (1250)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, on behalf of the Bloc Quebecois, I am pleased to comment on Bill C-14, the Canada Shipping Act, 2001.

This bill modernizes the legislation that will improve the safety and economic performance of the commercial marine industry as well as ensure the safety of those who use pleasure craft. Key changes to the existing legislation include improvements to provisions to protect and support efficient crews, ensure passenger and vessel safety and protect the environment. A new administrative penalties scheme provides an alternative means for dealing with certain contraventions.

The enactment clarifies the marine responsibilities of the Department of Transport and the Department of Fisheries and Oceans. The enactment organizes the contents, updates the terminology and streamlines substantive requirements to make the law much clearer and easier to understand.

The enactment amends the Shipping Conferences Act, 1987 to inject greater competition within shipping conferences, to stream-

line the administration of the act and to ensure that Canadian legislation covering international liner shipping conferences remains in harmony with that of Canada's major trading partners.

There are 14 parts to this bill. The first defines certain terms and provides details on its application.

Part 2 includes provisions with respect to the registration, listing and recording of vessels. This part comes under the responsibility of the Minister of Transport.

Part 3 includes provisions with respect to the qualifications and conditions of employment of crew members. This part also comes under the responsibility of the Department of Transport.

Part 4 includes provisions with respect to the safety of passengers and crew members. This part also comes under the responsibility of the Minister of Transport.

Part 5 includes provisions with respect to navigation services, the creation of VTS zones and the obligations of vessels in search and rescue operations. This part comes under the responsibility of the Minister of Fisheries and Oceans.

Part 6 deals with incidents, accidents and casualties. It determines the right to claim for salvage services, the obligations of vessels in case of collisions and the authority to inquire into causes of death. This part comes under the responsibility of the Department of Transport.

Part 7 has to do with wrecks, specifically their ownership and disposition. This part comes under the responsibility of the Department of Fisheries and Oceans.

Part 8 determines the responsibilities of the Department of Fisheries and Oceans with respect to pollution and establishes rules for prevention and intervention.

Part 9 determines the responsibilities of the Department of Fisheries and Oceans with respect to pollution prevention.

Part 10, which has to do with pleasure craft, comes under the responsibility of the Department of Fisheries and Oceans.

Part 11 concerns the application of the act and the various powers given the Minister of Transport.

Part 12 includes a variety of provisions, including provisions on proceedings initiated under the act.

Parts 13 and 14 contain transitional provisions and amendments in co-ordination with other laws.

All that to say that the bill, which died on the order paper at the last session, remains, in our opinion, a fine example of the pointlessness of the latest federal elections. Good bills were being studied, of course. This bill on shipping was one, as was Bill S-2 on maritime liability.

Members have obviously understood that the government is reintroducing, with great show, a bill that gathered dust on the shelves of the last parliament and died on the order paper because the federal government decided to call an election that was too early, according to some, and unnecessary, according to others.

I hope that the government is not waving the flags over these bills that are bursting out in great pomp at the start of this parliament. The work was already done. I know that my Bloc Quebecois colleagues worked on the bill, which appears as C-14, identical to what was introduced in the last parliament and debated then.

● (1255)

I must also point out the Minister of Transport said in a press release on March 1, when this bill was introduced, that its intent was to promote growth in the shipping industry.

Obviously, the Bloc Quebecois mentioned on a number of occasions and reiterated its position that the only way to achieve this objective of promoting economic growth in the shipping industry was to establish a real federal shipbuilding policy and to act in support of the shipbuilding industry.

There is nothing in this bill, which is a carbon copy of the legislation introduced in the last parliament, to support the shipbuilding industry. We, the members of the Bloc Quebecois, have made numerous representations to indicate that the industry is experiencing serious difficulties all across Canada.

Shipbuilding used to be a thriving industry. Today, it is only operating at 25% of its capacity. This means that millions of dollars are not being invested in the regions, and that has significant impact, particularly where there is a shipyard, such as in Lévis, on Île-aux-Coudres and in Les Méchins.

Shipbuilding has become a high tech sector that creates thousands of well paid jobs. However, the number of these jobs keeps decreasing. There are currently 2,750 people working in the sector, compared to over 12,000 at one time. Canada's shipbuilding industry urgently requires new support measures. Canada must be able to face international competition and better position itself in this respect.

The frequent media reports on the problems at the Lévis shipyard may give the impression that this shipyard is the only one experiencing difficulties. We can see, both in Vancouver and in Halifax, the lack of federal involvement. The Lévis shipyard is but one example of the federal government's laissez-faire approach in

the industry. The fact that all Canadian shipyards are experiencing problems and are already operating below capacity confirms the need for a true federal shipbuilding policy.

Here are the elements that are to the advantage of Canada's shipbuilding industry and that justify federal assistance to that industry.

First, Canada's manpower is qualified and less costly than that of most competing countries.

Second, the majority of Canadian shipyards use very modern equipment and advanced technology: two of them meet the ISO-9001 standard, while four meet the ISO-9002 standard.

Third, shipyard managers and other stakeholders in the industry have felt for at least ten years that the federal government has abandoned them and they claim that they are penalized compared to other sectors, including the aerospace industry.

Fourth, with direct access to three oceans and to the world's longest inland waterway, shipbuilders and shipowners wonder why Canada chose to let the industry down.

Fifth, marine transportation is the most economical and environmentally friendly means of transportation.

Sixth, a number of shipyards are surviving at the present time because of provincial government intervention, although this is an area of federal jurisdiction. Quebec has tax measures, including a tax credit; Nova Scotia has a specific program of financial guarantees; and British Columbia has encouraged the acceleration of its aluminum ferry program.

Seventh, Canada's shipbuilding industry is at a disadvantage compared to its Asian competitors who receive government subsidies of up to 30% of the amount of their contracts, the Europeans who receive about 9%, and the Americans who benefit from protectionist measures. Yet Canada has neither subsidies nor protectionist measures; we have missed the boat.

On October 14, 1999, the hon. member for Lévis-et-Chutes-de-la-Chaudière introduced a private member's bill, Bill C-213, on shipbuilding. His bill provided a clear illustration of the framework required to assist the shipbuilding industry, as indeed it must be assisted. It drew upon the consensual demands from the various stakeholders in the industry, from the unions to the Shipbuilding Association of Canada.

● (1300)

Believe it or not, the Liberal government succeeded in declaring Bill C-213 non-votable. This bill, intended as it was to promote shipbuilding in Canada and to enhance the competitive capacity of Canadian shipyards, was deferred and struck from the order paper by the government of the Liberal party.

Today, I would like to list the advantages that were offered by Bill C-213 and continue to be concerns for the industry and the major stakeholders.

First, Bill C-213 called for a loan and loan guarantee program, something for which the Bloc Quebecois is still calling. Canada's shipbuilding industry everywhere ought to be able to benefit from loan guarantees.

More specifically, the bill called for the establishment of a program whereby a maximum of 87.5% of the money borrowed by a company from financial institutions to purchase a commercial ship that would be built in a shipyard located in Canada would be guaranteed by the federal government in the event of default in the repayment of the loan, bear a rate of interest comparable to that available for loans from financial institutions to large and financially strong corporations, and be repayable on terms comparable to those usually granted by financial institutions to large and financially strong corporations for the repayment of their loan. Therefore, nothing beyond what other major industries in Canada could claim was asked.

Second, Bill C-213 sought to have new vessels excluded from the lend-lease regulations. Revenue Canada's lend-lease regulations eliminate lend-lease purchase of ships in Canada. Revenue Canada significantly reduces the amounts that may be deducted annually from taxable revenue as depreciation in the case of lend-lease financing. Under the terms of lend-lease, only the notional principal of the loan may enter into the calculation of the depreciation.

As interest primarily is repaid in the first years of the lease, the depreciation permitted is minimal. It is therefore carried over from the first years to the final years of the useful life of the ship, something that runs contrary to the economic realities of the owner operator, whose major expenses come primarily in the first years, with things improving in the final years.

By increasing from the outset the tax burden of shipowners who use the lend-lease option, Revenue Canada's lend-lease regulations make it rather unappealing if not squarely uneconomic to use a lend-lease option to buy and finance a ship built in Canada. More specifically, the bill proposed to amend the provisions of the Income Tax Act and of its regulations to make tax provisions on lend-lease more beneficial when buying a ship built by a shipyard located in Canada.

The third major component of Bill C-213 was the creation of a refundable tax credit as asked, again, by stakeholders and the industry.

In 1997, the government of Quebec announced tax incentives to stimulate the shipping industry. These incentives are based on a tax

credit that the federal government should use as a model. The Quebec government raised the refundable tax credit for shipbuilding, around since 1996, from 40% to 50%. It also introduced a tax credit for the conversion or major refitting of ships, and it extended this measure to oil rigs, in addition to making some adjustments to the measure to reduce capital taxes.

The Quebec tax policy is essentially based on a tax credit. Eligible expenses include primarily salaries relating to the building of a ship, drawings and specifications, and also half of the costs of contracts relating to construction. This tax credit amounts to 50% of eligible expenses, but it cannot exceed by more than 20% the costs at the end of a taxation year that have been incurred to build the ship. A tax credit for similar eligible expenses is also provided for the conversion or major refitting of ships.

The Liberal government refuses to harmonize federal tax measures with those of Quebec, as it agreed to do, among others, for the motion picture and television production industry. By taxing provincial tax benefits granted to the shipbuilding industry, Ottawa eliminates the positive effect of the deductions granted by Quebec to stimulate the industry. Not only does Ottawa not bother to come up with more beneficial measures, it also adversely affects the policy put forward by the Quebec government.

People often say ''If you are not able to help, quit always making matters worse''. That is what the federal government is doing right now: it is not helping the industry and it is making matters worse for this industry where Quebec's tax credit is concerned.

● (1305)

Bill C-213 specifically suggested amending the provisions of the Income Tax Act and the Income Tax Regulations in order to allow owners of vessels and shipyards a refundable tax credit for a portion of the costs relating to the construction or refit of a commercial ship in a shipyard located in Canada, or the conversion of a ship in such a shipyard. Under Bill C-213, these people could have obtained tax credits.

Once again, I repeat, the Liberal government decided to reject this bill. It will not debate it and there will not be a vote. This wonderful initiative by the brilliant Bloc Quebecois member for Lévis-et-Chutes-de-la-Chaudière has therefore been put off indefinitely. It will not be used by the government. Once again, the Government of Canada is passing up a wonderful opportunity to breathe new life into the shipbuilding industry, which was the pride of Canada and which is now operating at only 25% of its capacity.

Although the Bloc Quebecois agrees with the reference of Bill C-14 to committee for discussion, we regret that the government did not take the opportunity to re-examine this text which had already been considered in the last parliament and which involved no work on the government's part. It could at least have used the opportunity to add a complete chapter on assistance for shipbuilding, which would have eased the plight of this industry in Canada.

[*English*]

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, it gives me a great deal of pleasure to say a few words today about Bill C-14, the Canada Shipping Act.

The minister's press release when he introduced the bill stated that the bill would update, modernize and streamline Canada's marine law, and that it would clarify the roles of the Department of Transport and the Department of Fisheries and Oceans.

The minister indicated that the bill would allow the entire marine community to operate in a manner that is safer, more efficient, environmentally sound and responsive to the needs of Canadians in a global community and in a global economy. Those are aims that we in this party can support.

The Canada Shipping Act also promotes the safety and economic performance of the marine industry and ensures the safety of those who use pleasure craft. Key changes include improvements to provisions that protect and support crews, ensure passenger and vessel safety, and protect the marine environment from damage due to navigation and shipping activities. We support all those aims and objectives as well. We hope the bill will be able to fulfil what it maintains it will.

The government claims it has consulted widely with all the stakeholders in the development of the Canada Shipping Act. Generally speaking that is very good since often we see legislation come before the House and pass without consultation with the people most directly affected by it.

The bill amends the Shipping Conferences Exemption Act, 1987. Shipping conferences, as we are all aware, are composed of groups of shipping lines operating collectively under an agreement to provide scheduled service on specific trade routes based on agreed rates and services.

Conferences play an important role in Canada's foreign trade by providing stability and reliability in shipping services for Canadian shippers, importers and exporters.

● (1310)

The proposed amendments to the Shipping Conferences Exemption Act, 1987 are designed to encourage greater competition and generally streamline the administration of the act. The amendments are to be supported because they bring the legislation more in line with that of our major shipping partners.

As I stated earlier, the Canada Shipping Act clarifies the roles of Transport Canada and the Department of Fisheries and Oceans.

That is very important and should not be lost on the maritime community. From now on the Department of Transport will be responsible for all commercial vessels regardless of size. Previously, the Department of Fisheries and Oceans handled matters with regard to small commercial vessels.

The Department of Transport will now create an automated small vessel registry tailored to the needs of small commercial vessels, that is vessels under 12 metres in length which will not require a tonnage measurement certificate.

That will be a change for many fishermen in Newfoundland and Labrador because many of our commercial fishing vessels are under 35 feet in length. While most people consider vessels of that size to be inshore fishing vessels, the reality in Newfoundland waters is that many of these vessels fish, especially for crab, in waters that are more than 100 miles offshore.

The current rules of the Department of Fisheries and Oceans will not allow fishermen with certain types of fishing licences to lengthen or build larger boats. Given the fierce competition for very limited fish and crab resources, that has meant that many small inshore vessels operate in waters far offshore at considerable risk to life and limb.

I would be curious to know if the transport department is aware of these facts and if it intends to make any changes. I realize that vessel size restrictions have to do with the control of fishing licences and the conservation of fish stocks, but reality has outstripped theory in that area. Simply put, we have too many vessels under 35 feet in length fishing in waters too far offshore. I would contend that safety, in addition to fisheries conservation, must be a major consideration here.

I also hope the new vessel registry will not become a bureaucratic nightmare for fishermen and small tour boat operators who must comply with the requirements of the act. We are all too familiar with the long gun registry system which was supposed to be simple and efficient in its operation. We all know what can occur on the journey between theory and reality.

Bill C-14 introduces new enforcement tools of an administrative nature, monetary penalties and assurances of compliance with Transport Canada retaining the right to prosecute if necessary. The theory is that enforcement practice will eliminate the need to go to court in all but the most critical of cases. Central to the enforcement approach will be the appointment of an adjudicator who will have the power to review administrative decisions by the minister that impose penalties or affect the status of documents issued by the minister.

In this case I hope the appointment of an adjudicator will not be done in any sort of partisan way. It is essential that people holding these offices be seen as experts in the field. To date, the record of the government in making appointments has been very partisan. I hope that will not be the case here.

● (1315)

Under Bill C-14, the department of fisheries, through the Canadian Coast Guard, will continue its responsibility for marine communication and tracking services, marine navigational aids, search and rescue, shipwreck, and pollution prevention and response. DFO will derive powers from the act to protect shipwrecks of historical significance in Canadian waters. The department of fisheries will also maintain its current responsibility for all aspects of pleasure craft, including construction standards, safety equipment, licensing and the discharge of sewage.

I assume that the splitting of jurisdictions between the transport department and DFO meets with the approval of all stakeholders involved. If not, I am sure I will be informed by the fishermen's union and other representatives of the Newfoundland fishing industry. If they have major concerns there will be further opportunity in committee to seek clarification or amendments to the bill.

The bottom line on Bill C-14 is that it is to modernize Canada's shipping legislation and make its shipping conference legislation more compatible with that of our major trading partners. I have no problem with that and I generally support the thrust of the legislation.

Earlier when I referenced Transport Canada's new small vessel registry, I pointed out my concern about the size and safety of Newfoundland's small fishing vessels which operate long distances offshore. I have another couple of concerns.

As I mentioned earlier, the Canadian Coast Guard will have jurisdiction over marine traffic and pollution. To help with that, the armed forces maritime patrol aircraft have been used extensively to patrol waters inside our 200 mile limit. The recent news from the defence department that the number of flights will be reduced was not well received in Atlantic Canada. I would ask the parliamentary assistant to take that concern to the Minister of Transport. Having jurisdiction over pollution is one thing; being informed of high seas polluters in a timely manner is another. There are rules in the bill about the discharge of waste at sea, but all the rules in the world will not help if we lose the ability to keep track of polluters.

The federal government's recent cutting back of the number of Aurora aircraft doing patrolled surveillance, especially around the Atlantic Canada area, did nothing to help what the Minister of Transport is trying to do in the bill. As I said earlier, we can have all the fancy rules and regulations we want contained in a bill, but if we do not have enforcement backup and enforcement potential then everything we say in a bill like this is all for naught.

We have to keep track of these high seas polluters. Every year thousands if not tens of thousands of seabirds wash ashore.

Invariably they are covered in oil. However, most of the casualties among our fish and waterfowl populations do not come from the dramatic breakup of an oil tanker at sea, although we see that reported a lot in the news. An oil tanker breaks up at sea and then for days and days the media will cover how waterfowl, seals and birds of all kinds are being washed ashore covered in oil.

● (1320)

However, most of the casualties among our fish and waterfowl do not occur because oil tankers happen to break up at sea. Most of the damage is done quietly at sea by these unscrupulous sea captains, these bandits, these pirates, flushing their bilges at sea in contravention of the act. We need more surveillance flights around the Grand Banks area, not less. The Grand Banks happens to be the most environmentally sensitive area in the world for fish spawning.

However, here we have the federal government coming in with a bill that talks about polluters and pollution at sea when two weeks ago we had an announcement by the minister of defence in which he said the government was cutting back on patrols in these very areas, that it was cutting back on Aurora aircraft. What kind of scam and sham is that? We can have all kinds of fancy bills coming into the House, but if we have one department working against the other department they serve no purpose whatsoever.

These unscrupulous sea captains have to be caught and dealt with in regard to all the damage they have done. They have to be brought into the courts and fines have to be doubled and tripled. The penalties have to be doubled and tripled for people who do that kind of thing. We are needing more surveillance, not less, as the minister of defence is cutting back on the number of aircraft patrolling the waters.

The Canada Shipping Act can contain all the best intentions in the world and can promote modern enforcement methods, but if we cannot in a timely manner catch these people in the act, it has no effect at all. After all, these people are out there in ships, not rockets. We should be able to catch a big oil tanker that is plying the waters around the Grand Banks in Newfoundland and blowing its bilges at sea. We should be able to catch these people in a timely manner by using aircraft, but how can we do it when the minister of defence has cut back on the number of patrols?

As I said a moment ago, we can have all kinds of well meaning legislation but if it is ineffective then there is not much point in bringing it in here.

Another concern I have is that although we are busy updating and modernizing our shipping legislation, most of the ships doing the shipping are built elsewhere in the world. After World War II, I believe Canada had the third largest navy in the world after the United States and Great Britain. During those years we were heavily involved in supplying Britain and Europe with war supplies by sea. We had a lot of ships and we built a lot of ships, but not any more. Canada's shipbuilding policy is virtually non-existent.

I am saddened that as a trading nation we are not maximizing our shipbuilding potential. That is too bad because we have a lot of potential in the country with which to develop a great shipbuilding nation. The current Minister of Industry has undertaken to do a review of this. I sincerely hope he comes up with something practical, something quick, and something soon as many of our shipyards are pretty well on their last legs. It is a disgrace that a trading nation like Canada, with all of its ports and its endless coastlines, does not have a modern, competitive shipbuilding industry.

● (1325)

I support this legislation the minister has brought in today. I hope the minister will pay some attention to some of the concerns I have raised, especially as they pertain to the enforcement of the act, to polluters at sea and to the unscrupulous seagoing captains who blow their bilges at sea. I sincerely hope that the Minister of Transport, with the Minister of National Defence, can develop some kind of enforcement policy to make sure that these people are held accountable for the deeds they become involved in.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I was very impressed with the detailed knowledge the hon. member demonstrated in his remarks with respect to the bill before the House, Bill C-14. The demonstration of his knowledge of the shipping industry, shipbuilding and marine life on the east coast was beneficial for all of us, particularly his advice for the Minister of Transport. I congratulate him for that.

I would like to ask him about a particular part of the bill which apparently now includes an amendment that was not there when the bill was presented sometime last year, I believe. I am referring to the Shipping Conferences Exemption Act. I notice that this particular addition to the bill is really an add-on. It looks almost as if it is sort of tacked on, as if somebody had a bright idea and thought that maybe the government had better put this in there because it wanted to get this thing done.

I would like to ask him if he could address some remarks to that particular part of the bill, which really suggests that some of the amendments do not in fact meet the concerns and wishes of the stakeholders involved in the shipping industry. In fact, some of them are suggesting that many of those controls now being suggested in that particular part of the bill should in fact be reviewed so that they could have greater freedom to enter into contracts directly with shipping companies and also with shipping.

Could the hon. member refer to that part of the bill and give us some advice?

Mr. Norman Doyle: Mr. Speaker, I thank the hon. member for his question and sincerely wish I could give him some advice in that area. I myself have been waiting to get the bill before committee in order to delve into a number of these areas. A number of people in the shipbuilding industry have contacted me recently with respect to some of these exemptions the hon. member is talking about.

Shipping conferences, as we are all aware, are composed of groups of shipping lines which operate collectively under an agreement to provide scheduled services on these trade routes based on agreed rates. I understand that some of the people involved in the shipping industry are very concerned about that and want to talk about it. I would have been a little more detailed in my remarks in that area if I knew anything more that I could impart to the hon. gentleman. However, I do not and I am waiting to get before committee myself to have a go at this with the minister and to satisfy the concerns of the people who have contacted me in regard to this.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, I would like to get the hon. member to expand a little on one of the things he alluded to, which was the environment and how this bill would help protect our marine environment. This bill was designed to come into line with what the Americans are doing.

● (1330)

Would the member comment on whether he thinks it brings us up to par or is better than what they are doing and indeed deals with the issue of protecting our marine environment?

Mr. Norman Doyle: Mr. Speaker, I have been reading over the bill and I think the minister has good intentions in trying to protect the environment. I sincerely hope the parliamentary secretary will bring the minister up to speed on some of the things I have said here today.

We can have all the good intentions we want with respect to the bill, but if we do not have the enforcement capability to protect the environment in the way it should be protected the bill is simply of no use whatsoever.

I am glad the hon. member has given me the opportunity to hammer home the point. Prior to the minister introducing the bill in the House of Commons, the Minister of National Defence, only a few weeks ago, cut back on Aurora aircraft surveillance in Atlantic Canada.

We have many instances where ocean going tankers are blowing their bilges at sea. We do not have the ability to catch them in the act. Therefore it is very difficult to convict them in a court of law.

We should have that ability. It should be a fairly easy thing for us to do. I know we have hundreds of thousands of miles of coastline. If we cut back on our ability to catch polluters that are blowing their bilges at sea and are causing all kinds of difficulties for seabirds and water fowl of every kind, we would essentially have an act that does not have the necessary teeth to enforce these laws.

I sincerely hope the Minister of Transport and the Minister of National Defence will be able to come together and get some kind of co-operation going between the two departments to allow us to catch these people. What is a good act if it cannot be enforced?

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I was very impressed with the detail and passion with which the hon. member spoke. Coming from Atlantic Canada, he is very concerned about marine environment, and rightly so.

The member continually referred to the Grand Banks. Could he tell us if he feels this is a concern of equal weight in all parts of the country? He mentioned the overblowing of problems with the breakup of oil tankers at sea as compared to other problems he outlined in some detail.

On the west coast we have shipping lines that take tankers fairly close to our shore. I am not sure they have the same problem on the east coast. Does he think the bill gives equal consideration to both shores? Should there be some differential to deal with differing problems on the east coast versus the west coast?

Mr. Norman Doyle: Mr. Speaker, I think the member makes a very good point. Canadians from all parts of the country are very concerned when it comes to pollution and to protecting our environment. There is no less concern in the west than there would be in the east for this kind of thing.

I mentioned the Grand Banks in particular because it is a world fishing resource. That area off the coast of Newfoundland has some of the most sensitive spawning areas in the world. Tankers are passing that way almost on a daily basis and are doing damage. They have very little concern for the environment when they blow their bilges at sea, to which I have referred on a couple of occasions in debate.

● (1335)

All Canadians are concerned about that kind of activity. They want the minister to put teeth in the bill to ensure that the people who are responsible are brought to justice.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-14, the Canada Shipping Act.

I would have liked to have been able to put some questions to the hon. member from the Bloc Quebecois who spoke earlier on the bill. I thank him for restoring my faith a little in the Bloc Quebecois

after that diatribe from his colleague this morning on Bill C-233. I was shocked and I thought surely those members do not do this on everything. I felt that perhaps they were slipping away. He has partially restored my faith by sticking to the subject and speaking with great passion and interest on something that has certainly a big impact on his province.

The bill is really two bills in one. It sounds like one of those old Doublemint chewing gum TV commercials. We get two for our money. First, there is the Canada Shipping Act which is an old bill. Like many things the government has done in the past, it brings forward legislation and tells us when it is introduced that it is so important that the House must get going. It is so concerned about its legislation and feels it is so urgent to get it through that it has brought in closure 70 times since I have been in the House.

In the past the government brought forward a lot of legislation like the Canada Shipping Act. It has come forward with legislation and then diddle around with it until the clock ran out. It would either prorogue the House to get rid of legislation it knew was bad and was embarrassed by or, as it has done twice since I have been here, prematurely call an election which also torpedoed its own bills.

I cannot say I blame the government. Some of its bills are pretty bad and should be torpedoed. If I may use an analogy, it is interesting to use torpedo when we are talking about a shipping act. I have to be careful because we have enough problems with our shipping act right now without starting to talk about things of that nature.

As I have mentioned, the bill has two parts. One is the Canada Shipping Act which is regulatory in nature. The other one is the Shipping Conferences Exemption Act which is primarily a financial consideration. This was what the hon. member spoke to at some length. Coming from Quebec he mentioned his concern about shipbuilding, about trying to get more ships built in Canada or at least in his province, and having better tax flows in Quebec and from the federal government toward the shipbuilding industry. Certainly we want to see it preserved in British Columbia. He did make one particular reference to shipbuilding in British Columbia that I will come back to in a couple of minutes.

The Shipping Conferences Exemption Act is primarily financial in nature. It is something we should look at, particularly with regard to Quebec and funding for shipbuilding there. Part of the problem of getting funding is the collection of taxes and since this is the shipping act we should be looking at the shipping industry.

In Quebec there is a company known as Canada Steamship Lines which ironically is owned by our own Minister of Finance. He is one of the principals in this company. It is a very big company, a huge company with tremendous assets.

● (1340)

I would imagine that taxation on those assets would provide tremendous revenues for the federal government. Hopefully in its compassion it would provide some to Quebec and other regions to help with the shipbuilding industry. Canadians should be very proud of our shipbuilding industry, which is slowly slipping away from us.

As the hon. member stated, Quebec is putting quite a bit of money into this area already. There are many demands on tax dollars as we all know. Whenever Quebec does that, it is draining it from other areas where it perhaps would like to use it. Is it not ironic that the man in charge of raising taxes, who has such a wonderful asset located in the province of Quebec, has all those ships registered in other countries so that no taxes are paid on them in Quebec and in Canada? I was hoping to have the opportunity to ask the hon. member if he felt that was fair.

Before we start talking about the Shipping Conferences Exemption Act, we should examine some of the exemptions that we already have. We have a Canadian based company that has all its ships registered in foreign ports to specifically avoid paying fair taxes in Canada toward the very industry that spawned those ships that are hidden away in foreign ports. I would love to hear the hon. member's comments on that. Perhaps under questions and comments he may be able to shed some light on his feelings in that regard.

The hon. member also mentioned British Columbia when talking about shipbuilding which has a great shipbuilding industry as well. We are very proud of it. Some tremendous ships have been built and there is the capacity to continue doing so long into the future. Certainly we like to be diversified in British Columbia. We have some problems out there right now, aside from government, in terms of employment, our industry and our economy.

If one flies over the province of British Columbia one may wonder if there are any towns, particularly in the interior. All one sees are forests. We are a province covered in great stands of timber. My region particularly has a very forestry dependent economy. We have had a great deal of trouble in our province because of the softwood lumber quota system. It has been absolutely devastating.

As we come to the end of the five year term we are now looking at the possibility of trade wars. The Americans have basically put us on notice that they intend to put countervailing duties in place, tariffs, to devastate an industry upon which British Columbia depends.

It would be excellent to get our shipbuilding industry and many other things going to diversify the economy in British Columbia

and to soften at least some of the impact we will likely look at because of future problems with softwood lumber.

Notwithstanding that we have gone through the World Trade Organization's dispute settlement mechanisms three times to deal with the fact that Americans are making false claims against our product in British Columbia, they still end up threatening to do it yet again. It is very expensive for both the government and the industry to deal with these charges. I would like to see the shipbuilding industry flourish in British Columbia.

When the hon. member mentioned shipbuilding in British Columbia he made specific reference to ongoing aluminum shipbuilding, which is a bit of a sore point to British Columbians right now. The notorious aluminum shipbuilding involved the provincial government building three aluminum fast ferries to serve as a link between the mainland and Vancouver Island. Notwithstanding the incredible abilities and dedication of the shipbuilding industry in British Columbia, they were a tremendous anomaly. These things were an unmitigated disaster.

I spoke earlier about the Shipping Conferences Exemption Act being financial in nature. We will probably never know the final figure, but the aluminum ferries the government saw fit to build have blown somewhere between half a billion and a billion dollars.

● (1345)

Do we know where the ferries are? They are tied up. The government is trying to sell them. The last I heard, it was trying to get $35 million for them. There are a lot of people in British Columbia who feel so incensed about this that they came to me with an idea as to how we can deal with it. They suggested that rather than trying to sell the ferries, even for $35 million, we should donate them to the government of British Columbia because it is about to be outgoing. As it has its final caucus meeting it might consider getting on board one of the ferries and heading west at a high rate of speed. We will see how sound they are once they get out on the open ocean.

I apologize to the hon. member from the Conservative Party. I realize it is a different type of pollution that we would be sending into the marine environment, but I hope he would agree that it might be a worthy exemption for this and perhaps we can let it go. Maybe it would not be quite as bilious as an oil slick. If it is we will need to boom it up, chain it up, take it away and hope that it never comes back again.

Another thing I am concerned about is that the bill is being rammed through in such a hurry. The government, as I mentioned earlier, has used closure so many times to rush forward bills and here is yet another one it is rushing forward. As the hon. member from the Conservative Party said, there are so many other things that need to be done, both in conjunction with this and with other issues entirely.

In terms of defence, at a time when we are talking about marine safety and the environment and doing a better job of looking after our oceans and our coastlines, the government is cutting down on patrols by the military off our coasts to ensure there is enforcement of our regulations and that the coastline is properly protected.

It is a little hard to do some of the things that are necessary in the marine environment with some of the equipment we have provided to our military. Sea King helicopters are a prime example. It would be appropriate if perhaps the Liberal caucus one day arranged for a little tour over the ocean, in rough weather, ideally, so it could get a sense of what it is really like in a Sea King helicopter. I think that would be good for a variety of reasons. I will let your imagination decide what the possible advantages might be.

There are so many other things that are such a priority to Canadians that one must wonder why the government is rushing forth with a bill like this. The bill failed before because the government let it sit there. It had the opportunity to bring it forward but obviously it was not a priority for it. It did the same thing with the Young Offenders Act.

From 1997 right up until the election call the Minister of Justice said that the Young Offenders Act was her highest priority. My God, if that is her highest priority I would hate to think what her low priorities are. Somehow this bill is a priority for the Liberal government when there are still things like the Young Offenders Act to be dealt with.

There are things like the Corrections and Conditional Release Act. This morning we talked about a simple amendment that could make it much better but the government has absolutely no patience for a good amendment that was put forward by my colleague from Surrey North. It just wants to rush forward with something like this, which it obviously thinks has a much higher priority than the basic rights of victims. I think that is rather shameful.

We have organized crime in the country, particularly in Quebec. We talked about it this morning. The hon. member from Quebec, who talked about the Canada Shipping Act, is, I am sure, also concerned about organized crime. It is a problem in the province of Quebec and all across the country. Why is the government not bringing forward legislation that deals with organized crime as a priority instead of Bill C-14? It is sometimes very confusing as to what the government is really concerned about.

When we start talking about the marine system, the ports themselves are very much affected by federal legislation dealing with labour. We have had ports shut down on both our coasts. We have had them in labour strikes in Quebec. What does the

government do about labour strikes? It waits until the whole thing shuts down. As if our poor farmers on the prairies do not have enough problems, if a port on either the east coast or west coast is closed down they are devastated. As bad off as they are now, they are 100 times worse off after a port gets shut down.

● (1350)

The government has done absolutely nothing to introduce legislation that would put into place some form of dispute settlement mechanism to ensure a fair settlement for workers in the ports and other places without having a labour disruption that is devastating to people all across the country. It is absolutely shameful. It is puzzling why the government is in such a rush with this bill when it is passing up on many other areas as well.

This bill is a transport issue put out by the Minister of Transport. What about the other things in transport that need to be dealt with? We are talking about regulations to make the marine environment a lot safer.

The hon. member from the Conservative Party talked about environmental issues. He specifically mentioned the freighters that flush their tanks out in the ocean and what a despicable thing that is. However VIA Rail, the government owned passenger rail system, has no holding tanks in any of its passenger rail cars. As they travel down the track, everything goes straight out onto the tracks.

There have been a lot of complaints already from workers from both CN and CP who work on the rails. They are very concerned about their safety because of what they must in some cases work in on the rails, which is quite disgusting, and the environmental problems that it brings forth. Never mind the poor fishermen on the river underneath a train trestle as a VIA Rail passenger train happens to go over it. That makes quite a statement. It is almost applicable coming from the Liberal government. I hear them firing up now. It is a kind of statement on that poor fisherman, ''You-know-what on you''. There are so many things the minister could be working on instead of this bill.

Air Canada is an irony for both the east and west coast. We have regulatory agencies right now telling Air Canada it cannot cut its fares as much as it has done to certain parts of Atlantic Canada because it is anti-competitive. Ironically, at the same time they are telling Air Canada it must stop gouging British Columbians so much and that it must cut fares on some of its routes because it is overpricing and gouging Canadians.

Where is the regulation to deal with that? That is much more harmful to Canadians right across the country at this time. We need a general overhaul of the air regulatory system. Much of this bill is regulatory in nature. When there are so many things of a regulatory nature that need to done, why are we focusing so much time on this one while disregarding all the other things that need to be done?

The bill certainly deals with some issues that have worth. We think there could be a lot of improvements. As we have pointed out to many people, we do not write the legislation. Any legislation we ever get, good or bad, must come from the government. There is no other way. Sure, we can try a private member's bill, but we saw what happened this morning on that. The hon. member for Surrey North came out with a very good piece of potential legislation that was slapped down and made non-votable. Therefore, it automatically dies no matter how good the arguments that are brought forward.

We must live with legislation brought forward by the government any time something needs to be changed. If we need a change to the Young Offenders Act we need a piece of legislation from the government, even if it is bad. We need that to be the impetus to get us to start. We can then try two things, as we will do with this bill. We can first bring the attention of the public to the shortcomings of the bill. We can consult with the public, find out their concerns and listen to the changes they think are necessary. Once the bill gets to committee we can ensure that a consultative process goes on and that, ideally, the government listens to what comes in.

I have always found this an irony in the past. I remember one transport bill where over 100 witnesses appeared before the committee. There was a clause dealing with the dispute settlement mechanism that most witnesses found offensive. It happened on the Canada Transportation Act. I do not know the exact number, but over 90% of the witnesses who came forward were very clear that they did not want that clause in the agreement and he government ignored them. This begs me to ask why it bothered to consult. Why did it spend all the money and waste the time of this parliament consulting if it does not listen to what Canadians say?

● (1355)

We will support getting the bill through second reading so it gets to committee, where we hope the government will do the consultative process. We hope this time it will also listen to people who come forward to point out things that need to be changed in the bill, and that it will support the amendments no matter where they come from.

The government can bring in its own amendments or accept our amendments, but it should recognize that we are not here for partisan purposes. Once bills get back to the House they are here to serve Canadians, and we need to do that together. I hope government members will work with us in committee to ensure that the bills and the legislation reflect the needs and wishes of Canadians.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, in response to my representations and speech

earlier, my Alliance colleague asked me a question on guidelines and on all that does not appear in the bill and, among other things, with regard to shipbuilding, why the government has not analyzed the tax havens available to shipowners in all this concept. I think this is a very interesting idea.

According to what my Alliance colleague told me, we must understand that, concerning the industry of the shipowners, the Minister of Finance apparently has investments in the business. I hope it is not embarrassment that is preventing him from investing and having the Government of Canada give tax credits to shipbuilding.

As I was saying earlier, shipbuilding in Canada is operating at 25% capacity. The Canadian economy is doing without millions and millions of dollars because the Government of Canada has decided not to support this industry. The governments of Quebec, Nova Scotia and British Columbia decided to support the shipbuilding industry in Canada by giving it tax or other forms of credit.

My colleague from the Alliance is exactly right. The shipowners should, through taxes due the provinces and the Government of Canada, do their part in the revival of shipbuilding.

I hope that, if our research went deeper, we would not realize that companies belonging to Canadian shipowners are having ships built in Asia, for example, where they are getting investment credits of 30% more than what they would get in Canada. In Europe, the industry gets 9% in government support.

I hope that we would not discover that Canadian shipowners are having ships built outside the country, where the industry is subsidized, because—

The Speaker: I am sorry to interrupt the hon. member for Argenteuil—Papineau—Mirabel, but it is time now to proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

JUNO AWARDS

Mr. Tony Tirabassi (Niagara Centre, Lib.): Mr. Speaker, on March 4, the 30th annual Canadian Juno Awards were presented. The Juno Awards showcase Canada's musical talent and the cultural diversity and linguistic duality which is Canada's cultural hallmark.

Canada has a rich chorus of musical voices across all genres and from all regions of the country. Critically acclaimed artists, such as Bruce Cockburn, The Guess Who, Nelly Furtado, Lara Fabian, Jann Arden, Wide Mouth Mason, The Barenaked Ladies, Ginette Reno, Terri Clark, Paul Brandt, The Wilkinsons, Joni Mitchell, The Tragically Hip, Florant Vollant and Sue Foley, are a testament to Canada's rich talent base which is known the world over.

CARAS has just issued a four CD collection of Canadian music, *Oh What A Feeling 2*, in commemoration of the 30th anniversary of the Juno Awards. Proceeds from this collection will go to charity. I encourage all Canadians to purchase a set.

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● (1400)

MUSEUMS

Mr. Rob Anders (Calgary West, Canadian Alliance): Mr. Speaker, over the past few years veteran groups and private donors have been raising money for a new war museum to be built at the former Rockcliffe air station. Right beside the aviation museum and the national military cemetery, this site is a perfect location. At 35 acres it would have ample space to store and display the museum's vast collection of tanks, artillery and even a submarine.

However, just three years before its scheduled completion, the government has now unexpectedly decided to switch locations to LeBreton Flats, which is half the size. This change in plans will not only delay the opening by years but will also significantly reduce the outdoor display area and likely double the original $80 million price tag.

Would it not be wiser to stick with the original plan, which would give us a bigger and better space sooner and without wastefully spending another $80 million? Perhaps the heritage minister could explain this persistent Liberal habit of spending more to get less.

* * *

COMMONWEALTH DAY

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, today I invite Canadians to celebrate Commonwealth Day. This year marks the 52nd year of the creation of the Commonwealth, an association built upon common traditions, a shared language and, most important, a shared commitment to fundamental principles of human rights and democracy.

The theme for this year's celebration is ''A New Generation''. The theme was chosen to cast the spotlight on the youth of the Commonwealth and on the challenges and unprecedented opportunities that our rapidly changing world offers them.

The combined population of the Commonwealth is about 1.7 billion, half of whom are under the age of 30. Our challenge will be to ensure that these young people benefit not only from this period of tremendous growth and change but also from strengthened links across the Commonwealth and strengthened democratic institutions at home.

Let us celebrate Commonwealth Day as a symbol of this diverse yet close knit community of which Canada is a strong and committed member.

* * *

KYLE CHALLENGE 2001

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I rise today to recognize a special 12 year old in Kitchener Centre. Kyle Stevens has never been afraid of a challenge. On a skateboard, a snowboard or a mountain bike, Kyle is ready for anything.

This past December Kyle faced what may be the challenge of his life. He was diagnosed with leukemia and has since embarked on a three year treatment of blood transfusions, chemotherapy and radiation.

However, true to his upbeat spirit, Kyle has launched the Kyle Challenge 2001, which is a three part community campaign. First, Kyle is on his way to recruiting 2,001 blood donors. Second, he is fundraising to collect donations to benefit Camp Trillium, a summer camp for young cancer patients. To date over $3,000 have been collected. Third, Kyle is hoping his fighting spirit is contagious and is inviting Canadians to embark on personal challenges in his name.

Kyle will not be out there pushing the limits this year, so we can do it on his behalf. Whether it is shooting goals for Kyle or volunteering at a soup kitchen, I encourage everyone to share in the Kyle 2001 Challenge. Check out his website at www.kyle2001challenge.com.

* * *

POTATO INDUSTRY

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, it is now day 152 since potato wart was discovered in the corner of one field on Prince Edward Island. CFIA and the industry immediately established proof that this was an isolated case and that our potatoes meet all the requirements for movement.

However, since that time potato producers have seen their product illegally kept out of the United States market and have had very little in the way of a firm indication of federal financial support. Retaliatory action at the border by Canada has not occurred.

The question Islanders want answered is why. On softwood lumber the federal government is quite prepared to take the fight to the U.S. We as a country are right on that issue and the United States is wrong. The same standards should apply to potatoes.

It is time for aggressive trade action and far past time that an assistance package was put in place for the P.E.I. potato industry. Would Agriculture Canada please get the job done?

* * *

HOCKEY

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, today marks the 40th anniversary of Canada's last world hockey championship win in Geneva, Switzerland.

The winning team was not made up of disguised professionals. Nor was it from a major population centre. It was the Trail Smoke Eaters from the small smelter town of Trail, British Columbia.

Much of the team was made up of local residents who learned to play along the banks of the Columbia River. Although the community and the Cominco smelter helped with their expenses, many players went deep into debt to pay for the honour of playing and representing our country.

● (1405)

The team was given little chance of winning but its plays defined the very word teamwork. I believe its winning spirit came from its small town environment. It caused a bonding that could only come from such a close knit community. The team proved it did belong in a world championship and demonstrated its pride in being Canadian.

Although some team members did go on to play in the NHL, most returned to their homes and families in Trail and the surrounding area. They are the ones who helped make Trail the true home of champions.

I am sure all hon. members would join with me on this special anniversary in saluting those champions who brought this honour home to Canada.

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[*Translation*]

CANADA FOUNDATION FOR INNOVATION

Mr. David Price (Compton—Stanstead, Lib.): Mr. Speaker, on March 6, the Government of Canada announced a new investment of $750 million in the Canada Foundation for Innovation, which was a major commitment in the last throne speech.

This new investment will extend the CFI's various research infrastructure funding programs to 2010. With it, the Government of Canada has now raised its total investment to the CFI since its inception in 1997 to $3.15 billion.

To date, grants by the Canada Foundation for Innovation have totalled over $850 million. This funding has helped train our brightest minds and keep them in Canada.

Thanks to the bold and forward looking initiatives we have taken during our time in government, we have built the foundations for a modern and international calibre research structure for Canada and created a business climate that fosters innovation.

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CANADA DAY

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, true to its objective of creating and promoting Canadian identity, Heritage Canada has recently released a primary and secondary teachers' guide for celebrating Canada Day.

Obviously, this candy pink guide contains no reference whatsoever to the key role played by Quebec in the history of Canada.

Moreover, it might have been worthwhile to remind students of certain facts, such as the fact that during the last century all provinces with an anglophone majority passed legislation which in some cases did away with French language schools in order to assimilate their francophone populations; the francophones of Canada have never obtained any reparation for these discriminatory laws. In 1982 the federal government repatriated the Canadian constitution, thereby reducing the powers of Quebec, contrary to the wishes of Quebec.

By trying to convince the youth of Quebec and of Canada that Canada is a wonderful country where freedom and diversity reigns, once again the Liberals have concealed whole chunks of history that were not to their liking.

* * *

INTERNATIONAL YEAR OF VOLUNTEERS

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, I am pleased to inform the House and all Canadians that the United Nations have declared 2001 the International Year of Volunteers.

[*English*]

The commemoration of the International Year of Volunteers is being co-ordinated by Volunteer Canada in collaboration with government and business as well as national and local volunteer organizations.

The federal government is supporting the International Year of Volunteers through activities which recognize both the contributions volunteers make to our organizations and the contributions public servants who volunteer make to their communities.

[*Translation*]

Volunteers are a pillar of Canada's economic and social life. The International Year of Volunteers is an opportunity to pay tribute to the 7.5 million volunteers in the country and to point to their contribution.

I urge Canadians to find ways to do volunteer work in their communities.

* * *

[*English*]

CURLING

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, over the past week a great Canadian tradition took place right here in Ottawa, the Canadian men's curling championship, the Brier.

Provincial and territorial champions came together to compete for this coveted prize now known as the Nokia Cup. The host committee composed of 1,100 volunteers did a wonderful job and the 150,000 or so spectators were treated to some great hospitality. Canadians were treated to tremendous shot making by all teams. Their skill and sportsmanship were something to behold.

When the dust and ice chips settled—and oh yes, a few feathers—the champions were the boys from Alberta, curling out of the Ottewell Curling Club in Edmonton. Skip Randy Ferbey, third David Nedohin, second Scott Pfeifer, lead Marcel Rocque, fifth Dan Holowaychuk and coach Brian Moore left no doubt that they were the Canadian champions.

Besides winning the Brier, they also qualified for the Olympic trials, and now, as Team Canada, they go to the world championship representing all of us. They did a good job and I wish them good luck.

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● (1410)

[*Translation*]

THE FRANCOPHONIE

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, many activities relating to the Francophonie are taking place this week.

First, there is the Semaine nationale de la Francophonie and the Rendez-vous de la Francophonie. The major event will be the Journée internationale de la Francophonie, on March 20.

This great celebration will be an opportunity to express our appreciation for a wonderful language that reflects such a rich culture.

Over 9 million Canadians speak French, including 6.6 million for whom French is their mother tongue. The Rendez-vous de la Francophonie are an opportunity for all of us francophones to show our cultural diversity and our contribution to the Canadian society.

The activities relating to the Francophonie will undoubtedly strengthen the ties between Canada's francophones and anglophones.

[*English*]

NATIONAL DEFENCE

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, Russia's president has said that if the U.S. goes ahead with a missile defence shield Russia will consider it a violation of the 1972 anti-ballistic missile treaty. If this treaty falls apart, the entire international system of nuclear arms control will be jeopardized.

Our NATO allies in Europe are pressuring President Bush to turn away from this dangerous course. NATO's relationship with Russia is too high a price to pay; but where is Canada? The Liberal government is sitting on the fence. The Prime Minister cannot say this is none of our business. As U.S. allies, a breakdown of relations with Russia will affect us as well.

The Liberal government is asleep at the wheel, just like it was with everything from Burnt Church to skyrocketing energy prices. The government ignores issues until they turn into crises.

It is time for the Liberal government to take a stand. The Prime Minister has to tell President Bush now that Canada does not support this defence shield. Unless the U.S. is isolated in the world community, it will not alter its plans.

I call on the Prime Minister to get off the fence and join the rest of the world community in opposing President Bush's reckless plan.

* * *

[*Translation*]

RICHARD LEGENDRE

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, the Bloc Quebecois congratulates Richard Legendre, the former director of Tennis Canada in Montreal and of the Montreal international tennis championships, on his appointment as minister for tourism, recreation and sport.

As an outstanding organizer and key player in Quebec's amateur and professional sports scene, his appointment will be a big plus for Quebec. All sports stakeholders in Quebec will be fortunate to have at the helm a man of action and ideas whose reputation is well known.

The Bloc Quebecois was delighted by Mr. Legendre's statement that sport was of the utmost importance to him, that ''Sport brings together families, parents and children. It is a uniting force for all of us in our daily lives''.

Instead of getting upset at seeing Mr. Legendre go over to the sovereignist forces, the Secretary of State for Amateur Sport should be glad to be able to work with an energetic man whose track record is solid and who wants to devote his energy to sports in Quebec.

For its part, the Bloc Quebecois is anxious to start working with Mr. Legendre.

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SUPREME COURT

Mr. Jean-Guy Carignan (Québec East, Lib.): Mr. Speaker, the Supreme Court of Canada is setting an example internationally.

Many of the decisions handed down by our supreme court are influencing cases in other countries, such as England, the United States, India and Israel.

Our criminal law is being held up as an example in such important areas as presumption of innocence, administrative law, native law and civil responsibility. Even more important in my view is the impact of our jurisprudence on rights and freedoms.

The Canadian values of freedom, responsibility, transparency and equality are transmitted through our institutions. This is one more reason why I am proud to be a Canadian.

* * *

[*English*]

JURGEN SEEWALD

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, this past Saturday hundreds lined the streets of Antigonish to say goodbye to RCMP Constable Jurgen Ziggy Seewald. A sea of red serge marched to the sounds of pipes and bells to a service at St. Francis Xavier chapel, where over 600 RCMP and peace officers from across the country gathered with friends and colleagues to support the Seewald family in an emotional farewell.

Forty-seven year old Constable Seewald, a 26 year veteran, was gunned down last Monday in Cape Dorset, Nunavut, while responding to a domestic dispute. Serving 22 years in Nova Scotia, he was described as a gentle giant, quick with a joke, a grin and a helping hand.

He received the duty service award for peacekeeping in Bosnia. His brother Horst said Ziggy believed that through conversation one could overcome confrontation, and he pleaded for an end to the violence in communities.

Nunavut government Commissioner Peter Irniq similarly echoed those sentiments, calling for solidarity and reflection across Canada to heal this wound.

Constable Seewald was a caring, compassionate man of great bravery, humility and honour. He left behind a wife, Tanis, children, Carla and Aron, parents, a brother, and a remarkable legacy that will live in the hearts and minds of many for years to come.

● (1415)

MEMBERTOU

Mr. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, it gives me great pleasure today to tell the House about an exciting initiative in the community of Membertou, Cape Breton.

The Membertou Band Council will research and develop a learner booklet on the history of Membertou. Out of school youth aged 16 to 24 will be recruited to engage in this unique and historical project. While participating in the development of the learner booklet, they will not only be learning more about their history by interviewing elders, visiting museums and archives, but they will also be improving their own reading, writing and oral skills, as well as learning to edit and produce a booklet. The learner booklet will be used as a learning resource for the Mi'kmaq and to educate the Mi'kmaq community about its history.

Creative projects like this one sponsored by the Membertou Band Council are helping to unite this community by sharing history and encouraging reading and writing skills.

This knowledge and these skills will enable them to chart their own course in the future.

ORAL QUESTION PERIOD

[*English*]

IMMIGRATION

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, Gaetano Amodeo has been a fugitive living in Canada on and off since 1996. Among his accused crimes is the murder of an Italian police officer who was shot in the face at point blank range.

Two weeks ago, the Minister of Citizenship and Immigration told the House that her department recently moved to deport Mr. Amodeo shortly after learning there was a warrant for his arrest. Now we discover that the Italian government informed the RCMP over two years ago that Mr. Amodeo lived here.

Would the Minister of Citizenship and Immigration please tell us when she really learned that the RCMP knew Mr. Amodeo was wanted?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, Canadian officials have been co-operating and sharing information with Italian officials since 1999. When there was sufficient information, including a positive identification and knowledge of Mr. Amodeo's whereabouts, the RCMP engaged the assistance of immigration officials. As stated previously by the minister, her department took appropriate steps to initiate deportation proceedings after receiving this information.

Within three weeks of the proceedings beginning, Mr. Amodeo was arrested. He is now in custody and is awaiting the appropriate legal proceedings.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the government's supposed facts are all out of line. Just two weeks ago, the minister of education-immigration stood in the House and refused to acknowledge these very important details. For two years the RCMP apparently knew about this information. The solicitor general was also in the House and he refused to inform the Minister of Citizenship and Immigration and he refused to inform the House.

I ask him: When did he really know about this file? When did he find out the RCMP had the information? When did he inform the Minister of Citizenship and Immigration, or did he at all?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, when, I repeat, there was sufficient information such that the RCMP felt that it could be brought to the attention of the immigration people, this was done. It included a positive identification and knowledge of Mr. Amodeo's whereabouts.

As a result, as the ministers have said, the immigration department receiving this information issued the appropriate warrants and within three weeks Mr. Amodeo was arrested. He remains in custody right now.

I do not know why the Leader of the Opposition is opposed to that. I thought he would be happy that Mr. Amodeo is in custody.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I will try one more time. The Minister of Citizenship and Immigration and apparently the solicitor general said that they knew nothing, or they kept the information from the House. It was the Italian government that told us that it had informed the RCMP over two years ago, not just recently.

Now I will ask the Prime Minister, which of the two ministers, the Minister of Citizenship and Immigration or the solicitor general, will he ask to resign over this scandal?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Leader of the Opposition is the last person who should be talking about somebody else resigning after the problems he has had the past several years over his lawsuit and the donation. Speaking of resigning, he should start any parade on his side of the House.

The fact of the matter is that Canadian officials have been co-operating and sharing information with their Italian counter-

parts since 1999. I have said that and I repeat that. The hon. member is not providing anything new to the House. I repeat the answer I have given and I stand by that answer.

● (1420)

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, the Deputy Prime Minister's answers are a little bit misleading. A fugitive, described by Interpol as being armed and dangerous and wanted for murdering a police officer, lived in Canada for two years. The RCMP and Citizenship and Immigration Canada both knew he was here for two years. Both ministers knew he was here.

Is it not really time that the minister of education-immigration was held responsible and accountable for this and resigned for leaving the Canadian public open to this kind of risk?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I reject the premise of the hon. member's question. I do not see what basis he has for alleging that both ministers knew for two years. That is not the fact of the situation as far as I am aware.

The two Alliance members keep saying that they want to ask questions about education. They should have gone back to Alberta and ran in the election that is taking place now. I am trying to educate the hon. members and they are not capable of learning.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, we will get to the facts. The Deputy Prime Minister can attempt to avoid this but it will not work.

The moment Gaetano Amodeo's name appeared on an application for permanent residency back in June 1999, the department of immigration should have run his name through both Interpol and the database of the RCMP, especially since it was advised by the Italian police that he was wanted.

Can the Minister of Citizenship and Immigration explain why her department did not check RCMP and Interpol in 1999 to see if there were any outstanding—

The Speaker: The hon. Deputy Prime Minister.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I will have to get further information but I want to add that the application was not granted. Landed immigrant status was not granted to this individual and that is the important fact.

* * *

[*Translation*]

AUBERGE GRAND-MÈRE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister is still not able to shake off the serious appearance of a conflict of interest hovering over him in the matter of the Auberge Grand-Mère. In fact, the Prime Minister is counting on others to do the job for him.

After the ethics counsellor, who took his boss' side, David Asper, a senior executive with CanWest Global, is now coming to the Prime Minister's defence.

When will the Prime Minister realize that the only way to remove the doubt about his actions is to make public all the documents linking him to the Auberge Grand-Mère file and prove himself that he is beyond reproach?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the ethics counsellor testified before the parliamentary committee and answered questions on the documents. I wonder why the member is not prepared to accept the words of the ethics counsellor and of the Prime Minister in this House?

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the ethics counsellor is a past master at camouflage, nothing more. He was hired by the Prime Minister, reports to the Prime Minister and is paid by the Prime Minister. There is nothing credible about this man.

For his part, David Asper is not a neutral observer in the Auberge Grand-Mère matter. He hopes that the government will soon pass regulations favourable to this business.

When will the Prime Minister realize that David Asper is in a very poor position to exonerate him and that only one person can shed light on the matter? That person is the Prime Minister himself, the only one who can shed light on his behaviour.

[*English*]

Mr. John Cannis (Parliamentary Secretary to Minister of Industry, Lib.): Mr. Speaker, the member keeps bringing up names and names. If any credibility can be applied it is to the RCMP which came out and unequivocally clarified its position in answer to the leader of the Progressive Conservative Party. The leader of the Progressive Conservative Party said that it appeared the decision was acceptable and that there was no wrongdoing. He said that he accepted the decision by the RCMP based on the facts.

● (1425)

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, do the Prime Minister and the government not agree that the sudden and new defender in the matter of the Auberge Grand-Mère gives himself the appearance of being in conflict of interest, since his company, CanWest Global, is expecting the favour to be returned by the CRTC, which is soon to renew its licenses? Is this another coincidence?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the communications authority, the CRTC, is an independent body working at arm's length from the government. I wonder therefore why the member is raising such a question. He knows just as well as anyone that this authority is independent and works at arm's length.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we will talk about something closer to hand, David Asper, who contributed $110,000 to the Liberal Party of Canada in 1999 alone.

Should the government not admit that the defence provided by an executive of CanWest Global is in no way objective and that David Asper not only expects the favour returned by the CRTC but a return on his investment?

[*English*]

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, once again let us not forget that the CRTC is an independent organization.

As the hon. leader of the Bloc knows, the CRTC is currently stimulating a public debate on the importance of Canadian content and the broadcaster's role in the dissemination of that content. The CRTC is welcoming any member of the public to supply submissions by March 23.

* * *

LUMBER

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, on trade matters the U.S. plays by the rules when it suits it. When it does not it plays power politics. Softwood lumber is a perfect example: When we win we lose because the government sells us out.

The current softwood lumber deal is about to expire. Will the government assure Canadians that it will not capitulate yet again to American bullying? Will it finally stand up for Canada's interests in softwood lumber?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I thank the hon. member for her very pertinent question. Softwood lumber is a very important file. It is a file that took up much of our discussions when I met with Ambassador Zoellick in Washington a few weeks ago.

The member is absolutely right when she says that our Canadian practices respect our international trade obligations. Every time the Americans have gone through their own national legislation or to international panels we have won.

What is very important is that our industry is better prepared than ever to meet the challenges of American producers. The government will side with its industries. We will continue to work very closely with the provinces and with industries.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I think Canadians know what is important. What is important is that the government finally stands up for Canada's lumber interests.

Time and again, Canada has won on softwood lumber. Time and again, the government has capitulated to American pressures. The beginning of the Canadian cave-in was when President Reagan was looking for fast tracking authority on the free trade deal. Now President Bush wants fast tracking on the FTAA.

What price will Canadians pay to capitulate to those demands for fast tracking? Will the government finally stand up for Canada's softwood lumber interests?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, there is a large consensus in the country that we do not go back to the sort of agreement that we had in 1996. We have been consulting with the industry and the provinces. We all want to go to free trade. We have the right tools and the right ways of dealing with it.

I commend our industry for being well prepared to meet the challenges the American producers might pose to us after the termination of the agreement. However, we will stand united as a country. We will not pitch one region against the other. We will fight for our rights on the American market.

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NEWSPAPER INDUSTRY

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I want to come back to the extraordinary defence of the Prime Minister by David Asper, a senior executive of CanWest Global and Southam newspapers which his family controls.

● (1430)

Will the Deputy Prime Minister tell the House whether the Prime Minister or anyone on his behalf made official or unofficial representations to Izzy Asper, to Leonard Asper, to David Asper or to any of their representatives urging publication of this article whose intent was to limit comment on and investigation of the Auberge Grand-Mère file?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I am not aware of any such action on the part of the Prime Minister or anyone on his behalf, but the hon. member might want to tell us why he wants to limit Mr. Asper's right of free speech.

Right Hon. Joe Clark (Calgary Centre, PC): That is at $120,000 a pop, Mr. Speaker. CanWest Global, as we know, has published guidelines which seek to limit and control the editorials published by the *National Post*. This is a company that believes in

intervention. That is exactly why there is a worry about arm's length representation.

CanWest Global's broadcast licence is up before the CRTC. Will the Deputy Prime Minister tell the House if the CRTC renewal application has been discussed with CanWest Global by anyone in cabinet or in the Prime Minister's Office?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I am not aware of any such discussions and I am surprised that, someone with the distinction that he claims, the leader of the Conservative Party would try to tarnish in an unwarranted way an arm's length quasi-judicial body.

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[*Translation*]

IMMIGRATION

Mr. Joe Peschisolido (Richmond, Canadian Alliance): Mr. Speaker, in 1999 the RCMP was already aware that Gaetano Amodeo was a wanted criminal.

Nevertheless, two weeks ago the minister of immigration tried to convince this House that the government's reaction was immediate, while we now know it took two years.

How can the minister explain this huge contradiction?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, there is no contradiction here.

What I said was that, as soon as the RCMP provided the department of immigration with the necessary information, the department issued the appropriate notice and Mr. Amodeo was arrested within three weeks; he is in prison at this time.

[*English*]

Mr. Joe Peschisolido (Richmond, Canadian Alliance): Mr. Speaker, for two years the RCMP knew Gaetano Amodeo was a convicted murdered and for two years Mr. Gaetano Amodeo had several contacts with the department of immigration.

The department of immigration claimed it did not know. The RCMP says it did know. Either way the government has failed Canadians. Which of these two ministers will the Prime Minister ask to resign?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the two ministers have been carrying out their work as ministers in a way that indicates the highest of integrity and the highest of ideals. I think the hon. member should recognize that, instead of making these unwarranted innuendos, assertions and slurs.

[*Translation*]

MEDIA CONCENTRATION

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, contrary to what the Deputy Prime Minister would have us believe, it is a cause of considerable concern that the owner of a major newspaper chain, and one that wants to concentrate the media still further, would impose his opinion on journalists and influence editorial policies in order to come to the rescue of the Prime Minister, who is in a predicament.

Could the Deputy Prime Minister tell us whether the example of Mr. Asper, who is highly placed at CanWest Global Communications, is not eloquent proof that the concentration of Canada's press constitutes a very grave danger, the danger that political reporting will reflect the views of the Prime Minister and his government?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I believe Mr. Asper enjoys the same freedom of speech as Conrad Black.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Deputy Prime Minister's reply is not very reassuring.

I would remind him that, given the fact that Mr. Asper controls the majority of Canada's newspapers, it is of considerable concern to the members of this House, the reporters in the gallery and the people listening to us that the government attaches so little importance to a situation of information control such as we have here, which serves this government's purposes and shows just how arrogant it is.

● (1435)

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, if the hon. member is serious, he can file a complaint with the Competition Bureau. I note that he had nothing to say when Conrad Black controlled those same newspapers. I wonder why that is.

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[*English*]

IMMIGRATION

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, this is very serious. We have a situation where one minister tells us one thing. The solicitor general appears to withhold information. It is all related to the security of our citizens and an accused murderer, and the Deputy Prime Minister stands up, laughs and makes a joke about it.

The principle of ministerial responsibility is a foundation of our democracy. Will the Prime Minister ask one or both of these ministers to resign over this irresponsible action?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I am not making a joke about the matter. I treat it very seriously and I have given serious answers.

The joke is to be found in the words of the Leader of the Opposition in not looking at what I have to say and treating it with the same seriousness as I am willing to treat a serious question from him.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, that is a living demonstration. Five minutes ago he was joking about this matter and now he says he was not.

The Prime Minister has rejected the principle of ministerial accountability with regard to the HRDC file. He has rejected the principle of ministerial accountability with regard to the Shawinigate mess, and now he is rejecting ministerial responsibility and accountability related to the Minister of Citizenship and Immigration and the Solicitor General.

When will the Prime Minister live up to at least one of his red book promises, the one of ministerial accountability, hold one of these ministers to account and ask for their resignation?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, if I did not want to be accused by the Leader of the Opposition of making jokes about him, I would say that his followers just got up to give him a standing ovation for his comedy routine.

If what he said were serious, he would recognize that the ministers have acted with the utmost integrity and that there is no basis for calling on either of them to resign. They are carrying out their jobs in a very efficient and effective manner.

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[*Translation*]

LUMBER

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the Minister for International Trade has just told us that everyone in Canada wanted to see a return to free trade in the softwood lumber industry, which is true.

How does this square with his statement in the House a few weeks ago to the effect that he was contemplating transitional measures before the application of free trade, before the end of the agreement on March 31?

How does this square with the parliamentary secretary's statement about a long term objective in connection with free trade? Are all these muddled statements not just a way of getting Canadians ready for the idea of throwing in the towel?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I will be very clear. I think that after consultation with industries across Canada, after very close consultation with provincial governments, we are absolutely determined to head in the direction of free trade.

Obviously, if the agreement ends on March 31, this means we will be in a free trade situation on April 1. It is my hope that, for the good of every one of our industries throughout the country, we will get through this transition to free trade as flexibly as possible.

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, April 1 will see either a transition to free trade or free trade. The government must tell us what its intentions are.

What is very worrisome is that just today, the Department of Foreign Affairs and International Trade issued a communiqué saying that the government is still evaluating a broad range of solutions and ideas in connection with the softwood lumber dispute.

With just three weeks to go until the agreement terminates, how does the government propose to avoid a trade war with the Americans over softwood lumber?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, the member for Joliette knows full well that if we have free trade, we face the possibility of trade conflicts.

Since we will no longer have an agreement, which is what his party seems to want, this means that the United States may resort to their national laws and free trade panels.

Do not therefore ask me, on the one hand, to guarantee trade peace and, on the other, to negotiate nothing and head in the direction of free trade. The Bloc Quebecois' position is completely contradictory.

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● (1440)

[*English*]

IMMIGRATION

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, the government is not just rolling out the red carpet for mafiosi but for international terrorists too.

Today in Los Angeles, Ahmed Ressam will be on trial for smuggling explosives into that country from Canada. He was here since 1994. He missed his refugee hearings. He was arrested for stealing computers but he still was not extradited from Canada.

We now know that Mr. Ressam was operating a terrorist headquarters out of his Montreal apartment for the world's most dangerous terrorist, Usama bin Ladin. Why did the Minister of Immigration and Citizenship not enforce the law of the land and extradite this dangerous terrorist when she knew that he was breaking Canadian law?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I understand that a deportation order had been made against this individual but the country of which he was a citizen, Algeria, was unwilling to take him back. There was no third country willing to take him. An immigration adjudicator ordered that he be released and report, and of course we know what happened after that.

The department and the government were not lax. They were working to get him out of the country and they were unable to find a country willing to take him.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, the cavalier attitude the government has toward enforcing the laws of the land, protecting our borders and protecting Canadians from terrorists is really quite disturbing.

This man was detained by immigration but let go. He was arrested by the police after that for stealing. How is it that we could have allowed this man, who is known to our officials to be dangerous, to operate a terrorist cell for Usama bin Ladin, together with Fateh Kamel and Said Atmani, both of whom are now on the most wanted international list of terrorists? Why were they allowed to operate a terrorist cell in Montreal under the nose of the government?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the premise of the hon. member's question is wrong. They were not allowing him to do what he is alleging.

Mr. Ressam is on trial now in the United States. I hope the hon. member was not trying to say things that will prejudice the successful outcome of the trial. It sounds like it.

I want to say that Canadian authorities have co-operated fully with the American authorities. They are assisting in the prosecution. I think the hon. member should give recognition to that fact.

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THE ENVIRONMENT

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, road salt has been in the news a great deal lately both because of concern over its use and its impact on the environment.

Could the Minister of the Environment tell the House what he is doing to protect the safety of Canadians on our nation's roadways while furthering the protection of the environment?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, our purpose on this file is to make sure that we protect the safety of Canadians, particularly in the winter months, and at the same time attempt to protect the environment from the adverse effects of the chemicals that are used.

As a result, starting last year we have had consultations with Canadians which continue at this time so that we can resolve the issue of the protection of Canadians, which seems of little interest to the opposition but is important to the government.

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NEWSPAPER INDUSTRY

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Deputy Prime Minister. The Deputy Prime Minister will know that the NDP has raised concerns about concentration of ownership in the newspaper industry in a previous parliament. The Prime Minister even seemed concerned about it at one time.

Given the obvious politicization of newspaper ownership represented by the recent letter by Mr. Asper, I wonder whether the government would be prepared to revisit the possibility of bringing in measures to deal with concentration of ownership in the media, now that it could do it without looking like it was responding to criticism but rather to praise.

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, last year the Minister of Canadian Heritage looked at this issue very seriously and is in the process right now of actually announcing a red or a blue ribbon panel of experts who will look into this issue.

Mr. Bill Blaikie: Mr. Speaker, I thought she almost said red book panel, mixing her metaphors.

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TRADE

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the minister of trade once made a commitment to me in committee that he would sign no more free trade agreements that included investor state dispute settlement mechanisms like we find in chapter 11 of NAFTA.

Could he tell us whether the government is committed to not signing any free trade agreement, or even negotiating one in Quebec City, that includes any kind of investor state dispute settlement mechanism pursuant to the commitment that he made to me on the record in committee last year?

● (1445)

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I have been very clear on that issue. Canada has offered leadership to our NAFTA partners. We need clarification to make sure that chapter 11 really respects the intentions of the drafters of that agreement.

I made the commitment that we would of course not sign another agreement that would have the kind of clauses that we are seeking to clarify right now.

Obviously there are important elements related to investment because we have a lot of Canadian investments abroad and we have a responsibility vis-à-vis them as well, but we will not go to the sort of things we are seeking to clarify in chapter 11 and on which we are making good progress.

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FINANCE

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, my question is for the finance minister. The Department of Finance did not require any of the participants of a pre-mini budget focus group examining specific tax changes to sign confidentiality agreements.

Given the importance of budget secrecy and the potential for personal gain, why were basic measures such as confidentiality agreements not enforced and insisted on by the Minister of Finance?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, we were in the middle of extensive consultations on the budget. The hon. member knows full well that all the items discussed there were items that I had raised in speeches, items that had been raised in front of the finance committee, and were all part of the extensive consultation process which continued, I must say, after this meeting with meetings of economists.

The hon. member knows full well that the focus groups are randomly chosen. If he does not understand that, I would suggest he might want to read the letter to the *Globe and Mail* in which the head of the polling association said that what was recommended by the Conservative Party would have amounted to a serious breach of polling ethics.

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, the focus group's materials were very specific in detailing the tax changes the government was to put in place. I quote ''Our new package will cut the capital gains inclusion rate further to 50%''.

What steps did the minister take to ensure that no participants of the focus group benefited financially from their access to this privileged information? Will he table those measures in the House?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member knows full well that no final decisions were communicated. In fact, among the various tax issues that we consulted on was the flat tax. I can assure the hon. member we had no intention of introducing that particular measure.

What is really at issue here is the issue of openness and transparency in budget making. If the hon. member disagrees with the government and thinks that public policy arrived at openly and in full consultation with Canadians is not a good idea, then quite simply we disagree.

* * *

FUNDRAISING

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, let us talk about openness. Last May the Minister of Finance attended a fundraising event sponsored by FACT which the government admits is a terrorist front.

On *Canada AM* this morning former CSIS director, Mr. Reid Morden, expressed his disappointment that two ministers, including the Minister of Finance, attended that dinner despite their knowledge that it was a terrorist front.

Now that the public knows what the Minister of Finance knew a year ago, could he explain to the public his support of this terrorist organization?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Minister of Finance has not supported any terrorist organization. He and another minister attended what they considered to be a cultural event celebrating a Sri Lankan holiday.

They were there with a provincial Conservative cabinet minister. They were there with the editor of the Toronto *Sun*. They were there with a number of other civic and municipal politicians. I do not see how the hon. member could validly attack the Minister of Finance for doing the same thing that a number of other civic and provincial politicians did.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, when the Minister of Finance attended the FACT dinner for this terrorist front in his hunt for Liberal leadership delegates, why did he ignore the advice of knowledgeable government officials and jeopardize the safety of Canadians? He should answer, not the Deputy Prime Minister.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, it is customary, and the hon. member should know this because it was the same case in the house he came from, that ministers generally answer matters under their administrative responsibility, except for the person acting as prime minister.

● (1450)

The hon. member is wrong. The Minister of Finance did not imperil the safety of the country in attending this dinner. He is very conscious of the safety of the country. That is why he has worked so hard to put it on sound economic footing, unlike what would have happened in the unlikely event that the official opposition of that gentleman had ever attained office.

[*Translation*]

FREE TRADE AREA OF THE AMERICAS

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, in reply to one of our questions about allowing members of the Standing Committee on Foreign Affairs to have access to the texts of the nine sectoral negotiating groups on the free trade area of the Americas, the Prime Minister said he would think about it.

Could the Deputy Prime Minister tell us whether the Prime Minister has come to a decision and plans to let members of the Standing Committee on Foreign Affairs have access to these documents, as is the case for politicians in the United States and in Quebec?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, indeed, I did note the statement made by Mrs. Beaudoin to the national assembly's committee the other day and I understand that our officials will soon meet. We will assess the situation and see what should be done.

I personally had the opportunity to ask Mrs. Beaudoin to clarify her government's intention, since she made a formal request last week, asking me to release the texts.

To ensure proper consultation with the government of Quebec, I asked her to clarify her government's intention, by telling me whether she intended to make these texts public, even unilaterally, without the consent of our partners. I believe it is very important to work with—

The Speaker: The hon. member for Drummond.

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, will the Minister for International Trade, this supposedly great champion of transparency, pledge to present a proposal at the next meeting of the task force, in Buenos Aires, to seek the authorization of the 34 participating states to make the texts of the nine negotiating tables public?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I thank the hon. member for pointing out the efforts made by our government to ensure transparency. We are the first government to make its position publicly known.

Now, I wish to reassure the opposition by saying that not only we did not wait until Buenos Aires, but already last week I travelled to Guatemala, where I met with ministers from Central America and the Caribbean. I raised this issue with Mexico's *Secretario de la economía* on Friday, during a telephone conversation.

Our government's position is that we hope these texts will be released with the authorization of our partners.

[*English*]

AGRICULTURE

Ms. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, last week the minister of agriculture met with his provincial counterparts and was told emphatically that his announcement of $500 million in aid was totally inadequate. Indeed the minister of agriculture walked out of the meeting saying that the government, the federal government, clearly did not care about farmers.

Will the minister commit to give farmers the $1 billion in new aid that the provinces and farmers are looking for?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, with the announcement of $500 million that this government put toward the safety net last week, that brings the total to $1.6 billion in aid to Canadian farmers. That is the highest level since 1995.

I correct the hon. member. It was the minister of agriculture for the province of Saskatchewan who left the meeting and had a press conference before the meeting was over. I stayed until the end.

Ms. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, in the whole agricultural community not a single agriculture minister, not a single agricultural organization and not a single producer agrees with what this minister has done.

When will the agriculture minister quit apologizing to Canadian farm families? Will he commit to get back to his cabinet colleagues and get the amount of money necessary for Canadian agriculture to survive?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, maybe the hon. member should check the platform of her party. Also I remind her that with the $1.6 billion that the government has put forward and with the provincial contribution to that, it makes $2.66 billion available to Canadian farmers.

● (1455)

As well, last week I announced that farmers could borrow interest free up to $50,000 on an individual basis, which would make up the $700 million available interest free to help farmers this spring.

* * *

[*Translation*]

ECONOMIC DEVELOPMENT

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, last week, the Minister of National Revenue and Secretary of State responsible for the Economic Development Agency of Canada for

the Regions of Quebec announced the renewal for five years of the partnership agreement between the Government of Canada and the community futures development corporations of Quebec, the CFDCs.

Could the minister provide us with a little more detail on the consequences for the regions of Quebec of the renewal of this agreement?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, I would like to thank my colleague for her question.

This is indeed a matter of very great importance and one which demonstrates the good will of the Government of Canada to develop all regions of Canada, and of course of Quebec as far as I am concerned, my mandate being for Quebec.

Last week was a time of celebration for the CFDCs. We announced the 20th anniversary of the network as well as the renewal of the agreement for five years. We will be injecting $103 million in additional funding over the next five years. This amount is for the 56 CFDCs which have had a hand in the past three years in maintaining or creating over 19,000 jobs. Our aim for the regions is to continue to build.

* * *

[*English*]

TRANSPORTATION

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, the airport at Terrace, B.C., is dealing with NavCan regarding an instrument landing system for the airport.

The approach to Terrace takes the aircraft through the narrow Kitimat Valley with high mountains on either side. This approach is interesting in good weather and difficult to impossible in bad weather. The ILS is a necessary safety feature that is long overdue.

In the interest of safety, is the Minister of Transport aware of these concerns and will he ensure the installation of this much needed ILS?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I am aware of the particular problems at that airport. The hon. member should realize that NavCanada now is an arm's length agency that makes decisions on the operation of a navigation system but is overseen from a security point of view by Transport Canada.

Whenever a security problem is recognized then obviously NavCanada has to take that into account in its operations. However I will take a personal look at the matter and get back to the hon. member.

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, I appreciate the minister's answer. Regulation and safety issues are a federal matter. They are not under NavCanada. This issue is of paramount importance to my constituents and travellers in the northwest.

When will the government and the minister do the right thing: put safety first and ensure NavCan installs this much needed ILS? I need an answer as soon as possible.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we always put safety first. The hon. member and I do not have any disagreement. Of course Transport Canada is responsible for safety and security.

I will take a personal look at this to see what his concerns are and to see if there needs to be any remedy from Transport Canada on this issue.

* * *

[*Translation*]

NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, in the February 28 issue of *Le Canada français*, the member for Brome—Missisquoi is quoted as saying that the Liberal members and ministers from Quebec were calling on the Minister of National Defence to reconsider his decision not to offer the enhanced leadership model program at the former military college.

Could the minister tell us why, despite the promises made by three federal ministers during the last election campaign, he has broken his promises? Does he intend to reconsider his decision under pressure from his Liberal colleagues from Quebec who, for the record, are in full agreement with the Bloc Quebecois' position?

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the understanding is that the commitment stands. Last August I was there. We put a 25 year agreement into effect with respect to the property. We indicated that we would have expanded military use of the property, and we will.

We are going into negotiations, substantially adding to the economic value of what we invested in the Saint-Jean area.

* * *

ORGANIZED CRIME

Mr. Bob Wood (Nipissing, Lib.): Mr. Speaker, Canadians have witnessed the increase in the activities of biker gangs across the country on a daily basis. They hear police calling for better tools to fight this problem.

Could the Parliamentary Secretary to the Solicitor General tell the House what the government plans to do to make Canadians feel safer?

Mr. Lynn Myers (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, in 1997 we brought forward

anti-gang legislation that has proved quite effective over the last little while, but we can do better and we are. As we said in the throne speech, we will bring in anti-gang legislation that is tougher. We will also ensure that justice officials are not intimidated. We will also provide the tools necessary to do an effective job.

● (1500)

Instead of the noise opposite and the brouhahas that they create, we are operating in the best interests of all Canadians.

* * *

NATURAL RESOURCES

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, in my riding of Fraser Valley the popular recreational area known as Island 22 is threatened by an accumulation of hundreds of thousands of tonnes of gravel, gravel that has significantly raised the level of the Fraser River bed.

The gravel must be excavated before March 15. Assurances are needed that permission will be given by the federal departments to remove the gravel before the fishery starts.

Can the minister give assurances that this gravel will be allowed to be excavated and the city of Chilliwack and Island 22 protected from the spring floods?

Hon. Herb Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member did not state which minister, but I will certainly note it and get back to the hon. member.

* * *

HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, we should be celebrating International Women's Day, which passed a few days ago, but an alarming new study published today shows that female drug users are twice as likely to be infected with HIV-AIDS as men. This is the first time this has happened in the developed world. More alarming, they are two and a half times less likely to be accessing effective drug cocktails.

I ask the Deputy Prime Minister, after all the studies, all the research and all the money, why is it that women are still dying from AIDS and HIV in Vancouver and that resources have not been applied? Why is this still happening?

[*Translation*]

Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, it goes without saying that the health of women, like the health of all Canadians, is a priority for this government.

We will take every measure to ensure that the problems mentioned by the member are studied and that appropriate responses are soon found.

* * *

LUMBER

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Minister for International Trade tells us that, when it comes to lumber, free trade is the only solution, and we fully agree.

There are no subsidies in Quebec. Therefore, there should not be any quotas. The minister also tells us that we must prepare for the transition to free trade.

My question is very simple. Given that the agreement ends on March 31, could the minister tell us if, on April 1, free trade will be in effect and nothing else, not even some April Fool's joke in the form of quotas?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, earlier the Bloc Quebecois asked us to move toward free trade, but to also preserve trade peace.

We cannot guarantee trade peace outside the negotiation process that the Bloc Quebecois is urging us not to have and that we do not have.

The agreement ends on March 31. Therefore, on April 1, NAFTA's trade rules will apply in the same way that they do in other areas. This means that the Americans may resort to some national laws and certain panels, and our industry must prepare for that possibility.

* * *

[*English*]

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the Hon. Ian Waddell, British Columbia Minister of the Environment, Lands and Parks and Minister responsible for Intergovernmental Relations and a former member of this House.

Some hon. members: Hear, hear.

The Speaker: I would also draw the attention of hon. members to the presence in the gallery of the Hon. Tony Whitford, Speaker of the Legislative Assembly of the Northwest Territories.

Some hon. members: Hear, hear.

* * *

POINTS OF ORDER

ORAL QUESTION PERIOD

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I would like to provide a clarification of something I said in answer to a question in today's question period.

Mr. Ressam was arrested and detained on August 24, 1995, for deportation proceedings. Travel documents were not available for his removal. As a result, he was, as I have said, conditionally released from detention and was required to report monthly to CIC officials. However, in March 1997 a temporary stay of removal was imposed for deportation to Algeria.

● (1505)

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, I wonder if the Deputy Prime Minister would table the document from which he was reading. In addition, would he consider tabling other departmental information about this case, such as the exact details of who knew what and when?

Hon. Herb Gray: Mr. Speaker, it is not the practice to table briefing notes. I will take his other suggestion under advisement.

ROUTINE PROCEEDINGS

[*English*]

ORDER IN COUNCIL APPOINTMENTS

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of order in council appointments recently made by the government.

Pursuant to the provisions of Standing Order 110(1) these are deemed referred to the appropriate standing committees, a list of which is attached.

* * *

PARLIAMENT OF CANADA ACT

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance) moved for leave to introduce Bill C-293, an act to amend the Parliament of Canada Act (constituency allowances).

He said: Mr. Speaker, it is a pleasure to introduce my private member's bill entitled an act to amend the Parliament of Canada Act (constituency allowances). The bill is meant to acknowledge my riding of West Vancouver—Sunshine Coast as a schedule 3 riding.

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

* * *

CRIMINAL CODE

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance) moved for leave to introduce Bill C-294, an act to amend the Criminal Code (wearing of war decorations).

He said: Mr. Speaker, it is a pleasure to reintroduce my private member's bill, an act to amend the Criminal Code of Canada (wearing of war decorations). The bill would allow a family member or relative of a deceased veteran to wear any decoration or medal awarded to such veteran without facing criminal sanctions. The decoration would be worn on the right side of the chest and only on Remembrance Day.

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

* * *

PETITIONS

CANADA POST

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I have two petitions. The first petition has been before the House several times. It asks that private sector workers who deliver mail in rural areas have collective bargaining rights, as do public sector workers who deliver mail for Canada Post in rural areas.

This is not a new petition and I humbly submit it at this time.

POISON CONTROL

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I also have a huge petition from my constituents. It deals with a problem the farmers and ranchers are having on the prairies. They cannot purchase sufficient poison to get rid of the Richardson's ground squirrel which has cost them thousands and thousands of dollars in crops and machinery.

Because they cannot purchase poisons to kill the squirrels, the petitioners ask parliament to amend the present regulations so as to permit the sale of concentrated liquid strychnine to registered farmers until such time as an effective alternative can be found.

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, I received in my riding office in Berthierville a petition from Claire Beaulieu, the director general of the Lanaudière branch of the Fédération de l'âge d'or du Québec. The petition is signed by more than 1,100 members from 23 seniors' clubs in the riding of Berthier—Montcalm.

The petitioners are calling on the government to move quickly to pass anti-gang legislation so that our streets and public places will again be safe.

● (1510)

I must tell the House immediately that this petition is not in the usual form. It is, however, very well written and very well prepared, and that is why I am seeking the unanimous consent of the House to present it.

I am sure that many other members from Quebec will be receiving such petitions, which are being circulated throughout Quebec.

The Speaker: Does the hon. member have unanimous consent to present the petition?

Some hon. members: Agreed.

Some hon. members: No.

[*English*]

PALLIATIVE CARE

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I have the pleasure to once again present a petition on behalf of constituents not only in my riding but right across Canada, who are concerned about the lack of a quality end of life care policy. They point out that less than 5% of dying Canadians currently receive hospice palliative care.

The petitioners call on parliament to collaborate with the provinces to provide funding for home care and pharmacare for the dying, with provinces to provide for the appropriate education and training to all members of end of life teams, and for provision of financial assistance and job protection for family members who provide care for the dying, as recommended in the Carstairs report. This is yet another couple of thousand names to add to the thousands I have presented already.

CANADA POST

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, it gives me pleasure pursuant to Standing Order 36 to present to the House a petition from constituents in the Ontario riding of Huron—Bruce who are concerned about rural route mail couriers in their district.

Rural route couriers do not have the opportunity to have collective bargaining rights as do other employees under the Canada Post Corporation Act. The petitioners are asking parliament to repeal section 13 of the Canada Post Corporation Act to allow these workers to have the same basic rights and to perhaps be able to have a better wage.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, it is my honour to present to the House today, pursuant to Standing Order 36, a petition on behalf of the organization of rural route postal providers and service contractors in regard to the matter that two of my colleagues have also presented petitions on today, that is, postal services and postal service providers in rural areas.

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 Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

JUDGES ACT

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-12, an act to amend the Judges Act and to amend another act in consequence, be read the second time and referred to a committee.

She said: Mr. Speaker, I am pleased to begin second reading debate on Bill C-12, an act to amend the Judges Act.

[*English*]

The bill would make certain amendments to the Judges Act to ensure appropriate compensation for the federally appointed judiciary in Canada. It is intended to implement the commitments made by the government in its response to the report of the 1999 Judicial Compensation and Benefits Commission.

The strength of Canada's judiciary is a key factor in our prosperity and health as a nation. As the guardians of the constitutional right of Canadians to have peace, order and good government, judges form an important pillar in our democratic society.

As Peter Russell, a respected constitutional expert, has observed, following John Locke some two centuries before him:

> If government is to be based on the rational consent of human beings, adjudication by impartial and independent judges must be regarded as an inherent requirement of political society.

● (1515)

An independent judiciary is essential to the rule of law. Judges must be free from undue influence of any kind, be it from those with money or power. There is a growing recognition that stability, human security and the rule of law are necessary to economic growth. There is a growing appreciation that an independent judiciary with the proper resources is the first step down this path.

[*Translation*]

Canadians are envied around the world for the quality, commitment and independence of our judiciary. Increasingly our court

system and our judges are looked to as models of integrity and impartiality by developing democratic nations as they strive to implement fair and effective systems of their own.

[*English*]

We need only open the papers or listen to the international news to be reminded of the importance of a courageous, independent and impartial judiciary in ensuring the basic elements of a free and civil society. Like so many of the rights and advantages enjoyed by all Canadians, the importance of an independent judiciary cannot be underestimated or taken for granted. Without it our country would be a very different place.

It is with real pride that I note that Canada's experience and expertise has been sought in the development of judicial and court systems in such diverse countries and regions as the former Soviet Union, including the Ukraine and Kosovo, as well as South Africa and China.

In fact, during a recent visit to China the Prime Minister commented on the five year co-operation project on the training of judges which has been successfully undertaken by our two nations. Canada's contribution toward the training of the Chinese judiciary on issues such as ethics and independence of the judiciary will be integrated into ongoing judicial teaching.

The importance of an independent judiciary was succinctly captured by our Prime Minister when he stated:

> For no matter how well the laws are written, there can be no justice without a fair trial overseen by a competent, independent, impartial and effective judiciary. A judiciary that applies the law equally for all citizens, regardless of gender, social status, religious belief, or political opinion.

The Government of Canada is committed to the principle of judicial independence as it is a fundamental precondition to ensuring the vitality of the rule of law in our democratic system of government.

The three constitutionally required elements of judicial independence are security of tenure, independence of administration of matters relating to the judicial function and financial security. In his seminal study on judicial independence and accountability, Professor Martin Friedland observed:

> If a judge's salary is dependent on the whim of the government, the judge will not have the independence we desire in our judiciary. If salaries could be arbitrarily raised or lowered in individual cases, or even collectively, the government would have a strong measure of control over the judiciary.

It is in direct support of the principle of judicial independence that section 100 of the Constitution has conferred on parliament the important task of establishing financial security of the federally appointed judiciary. It is the responsibility of parliamentarians, all of us, to ensure that our judges are compensated fairly and appropriately in order to maintain the quality and independence of our benches.

In 1981 parliament established an independent judicial compensation and benefits commission to assist in its task under section 100 of the Constitution.

● (1520)

The Supreme Court of Canada explained the purpose of the independent commission process in the following words:

> —financial security for the courts, as an institution, has three components which all flow from the constitutional imperative that, to the extent possible, the relationship between the judiciary and the other branches of government be depoliticized—this imperative demands that the courts both be free and appear to be free from political interference through economic manipulation by the other branches of government, and that they not become entangled in the politics of remuneration from the public purse.

In 1998 parliament amended the Judges Act in order to further enhance the commission's independence, objectivity and overall effectiveness in support of the principle of judicial independence.

The new commission process builds on the strength of the former commission. The independence of the new commission has been enhanced through the nomination process and the tenure of its members. In terms of their selection the judiciary and the government each nominated one member of the commission. Those two members nominated a third member to served as chair of the commission.

The commission is required to conduct an inquiry every four years and to make recommendations as to the adequacy of judicial compensation. Parliament further reinforced the commission's objectivity by establishing criteria which guide the assessment of what constitutes adequate judicial salaries, benefits and allowances.

These objective criteria include: the prevailing economic conditions in Canada, including the cost of living and the overall economic and financial position of the federal government; the role of financial security of the judiciary in ensuring judicial independence; the need to attract outstanding candidates to the judiciary; and any other objective criteria that the commission considers relevant.

The care with which the commission undertook its preparations and deliberations is evident in the quality and thoroughness of its report. While the government may not share all the commission's conclusions, it is clear that the commission made a great effort to offer reasons that are carefully explained and supported by evidence to the extent that evidence was available. I recommend that all members take the opportunity to read both the commission report and the government's response to it.

It must be remembered that the commission's recommendations are not binding. It is on parliament that the constitution has

conferred the exclusive authority and responsibility for establishing judicial compensation. However, where parliament decides to reject or modify the commission's recommendations, it is legally and constitutionally required to explain publicly a reasonable justification for this decision.

[*Translation*]

In conclusion, Canada is fortunate to have a judiciary renowned internationally for its competence, commitment, independence and impartiality.

[*English*]

We are confident that all members will appreciate the particular importance of this first formal response to the new commission process in ensuring public confidence in the legitimacy of this process.

Through Bill C-12 the government is proposing implementation of most of the recommendations of the judicial compensation and benefits commission, including proposed salary increases and some modest improvements to pensions and allowances. In light of all the factors considered by this independent commission, including trends in both the public and the private sectors, the government is of the view that the proposals in Bill C-12 are within the range of what is reasonable and adequate to meet the constitutional principle of financial security.

That said, the government is not prepared to implement all the commission's recommendations. Specifically we will defer a proposal that would increase numbers of supernumerary or part time judges pending the outcome of important consultations with my colleagues in the provinces and the territories.

● (1525)

In addition, the government has not accepted the commission's recommendation with respect to legal fees. In our view the commission's proposal does not establish reasonable limits to these expenditures. Instead we are proposing a statutory formula designed to provide for a reasonable contribution to the costs of the participation of the judiciary while at the same time limit their scope.

[*Translation*]

In conclusion, Canada is fortunate to have a judiciary renowned internationally for its competence, commitment, independence and impartiality.

[*English*]

The constitution has entrusted parliament with a duty to fix judicial salaries, pensions and allowances at a level sufficient to support judicial independence. We will act to fulfil our obligation. Again, as the Prime Minister noted during his visit to China:

> No one can be above the law. And no one can be forgotten by the law or denied its protection. And to be implied impartially, the rule of law means that there should be a clear separation of the prosecutor from the person who will ultimately pass judgment.

It is precisely to safeguard the principle of judicial independence, reflected in this statement, that the government has brought forward Bill C-12. I commend it to parliament for consideration.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, it is a pleasure to rise in the House and have the opportunity to speak to Bill C-12, an act to amend the Judges Act and to amend another act in consequence. I would like to mention that I will be splitting my time with the Canadian Alliance justice critic from Provencher.

The Speaker: Does the House give its unanimous consent to permit the hon. member to split his time?

Some hon. members: Agreed.

Mr. Kevin Sorenson: Mr. Speaker, in December of last year, shortly after the federal election, I was going through an Ottawa *Citizen* article which mentioned that Canadian judges would be receiving a $19 million pay raise that would boost their income 11.2% on average to more than $205,000.

The 11.2% awarded on December 13, 2000, was according to that news article quoting a justice department lawyer a compromise between the 26.3% that the judges were asking for and the demands of taxpayers to keep costs down. Government justice lawyer Judith Bellis had taken the view that the 11.2% was in the range of reasonable.

Bill C-12, the subject of today's debate, enacts that 11.2% pay raise, thereby raising the salaries of approximately 1,013 federally appointed judges who sit on provincial superior courts and courts of appeal, as well as the tax courts and the Supreme Court of Canada.

The increase, retroactive to April 1, 2000, will raise the base salary from $179,200 to $198,000 for judges who sit on appeal courts and superior courts in each province. The salaries for the chief justices in those courts will rise to $217,000 from $196,500. The same rates will also apply to federal court judges.

The judges on the Supreme Court of Canada will remain the highest paid. The eight regular judges will see an increase to $235,700 from $213,000, while Chief Justice Beverley McLachlin's salary will jump to $254,000 from $230,200.

It is important to note that while the government considers this raise reasonable, the official opposition views it as extremely generous considering senior public servants have received raises of no more than 5.7%. As well, the pay of public servants is not indexed, while the pay and salaries of judges are. We on this side of the House, therefore, are opposed to Bill C-12.

For the information of other new members of the House, I would like to point out this is not the first time the Liberal government has tried to amend the Judges Act. In fact, this is the fourth time the Liberals have come forward and made changes to the act.

● (1530)

Originally in 1996, Bill C-2 and Bill C-42, both if I may paraphrase a former member of the House, were described as being nebulous, inconsequential pieces of legislation with little significance to Canadians who were genuinely concerned about their safety, as opposed to the simple administrative matters that these bills brought forward.

In April 1998 Bill C-37 was introduced to establish the judicial compensation and benefits commission. The compensation commission was set up as an independent advisory body after the supreme court ruled that judges' salaries were constitutionally protected and the previous system of setting pay was inadequate.

Bill C-37, increasing judges' salaries retroactively, provided them with an 8.3% pay increase over those two years. Translated into dollars, this meant an average $13,000 pay increase for federal judges with salaries increasing from $159,000 to over $172,000.

I do not know of any other federal public servant, or any hard-working Canadian citizen, who received a $13,000 pay increase in 1998. While the Liberal government and the Tories were voting in favour of the huge pay increase, Canadians' incomes were on a steady decline.

Members on this side of the House, with the exception of the Progressive Conservative Party, opposed the bill. Members on the other side of the House wrongfully insisted that our opposition to the bill was ''the ravings of ill-informed and ill-prepared men of parliament who contributed to the ill-repute of the justice system''. The truth is that my party holds the judiciary in high esteem. We were opposed to Bill C-37 and we are opposed to Bill C-12, based on the fact that other senior public servants, lower level public employees and other Canadian workers had not and will not be awarded such generous increases.

In the same year that federal judges were being awarded these huge salary increases, comparatively Royal Canadian Mounted Police officers, who had had their salaries and wages frozen for five years, were granted an increase of 2% in March 1998, retroactive to January. A second pay increase was given to them in April 1998 and toward the end of that year they received another three-quarter per cent increase. Over the five years that they had been frozen, and in the next year of 1998, the Royal Canadian Mounted Police saw an increase of three and three-quarter per cent. They are on the front lines putting their lives in jeopardy. The average three year constable received less than $2,000 over those years.

I would be remiss if I did not mention that the former member of Crowfoot put forward an amendment to Bill C-37 that was supported and passed in the House during report stage. That amendment ensured that every four years the Standing Committee on Justice and Human Rights had the opportunity to review the report of the commission on judges' salaries and benefits. The task would not be left solely to the Minister of Justice as was originally contemplated by the Liberal government.

It would be negligent of me if I also did not recognize the thorough job the Senate did in reviewing Bill C-37, the pre-emptive bill to Bill C-12, and the substantive amendments that it brought forward at the upper house.

In particular, I would like to single out the efforts of Senator Anne Cools for her diligent efforts in revealing the many inadequacies of Bill C-37. Senator Cools apparently exposed the fact that Bill C-37 would effectively allow judges to set their own wages, salaries and benefits and in so doing would set up the possibility of there being a show down between parliament and the judiciary. It would allow judges to appeal parliament's decision regarding a recommendation of the salary increase put forward in the courts. Essentially the judges would have the final say over whether or not parliamentarians were giving them a sufficient raise.

● (1535)

Although former judicial pay commissioner David Scott said it was unlikely that judges would ever be setting their own salaries, he would not rule out the possibility of the judiciary challenging parliament's response to the commission's recommendations for a pay increase or for reducing pay.

The judiciary would have to prove, however, in a court that the refusal to increase salaries or a decision to lower them was motivated by a wish to diminish the independence of judges. Mr. Scott said that even if the judges won in such a case, the court could only declare parliament's motion on the issue void and that would result in a stalemate. As pointed out by the Liberal senator, this would ''deprive Canadians of their undoubted constitutional right to parliament's control over the public purse in respect to the judiciary''.

Clearly, the control of the public purse rests with the elected members of parliament and not with the unelected members of the judiciary.

Section 100 of the Constitution Act, 1867, states in part that the salaries, allowances and pensions of the judges shall be fixed and provided by the Parliament of Canada. Clause 6 of Bill C-37 potentially abolished parliament's role in fixing judges' salaries.

Obviously we must question why the Minister of Justice at that time was so willing to bestow such potentially wielding powers on the judiciary through Bill C-37. One can only surmise, and again I use the words of Senator Cools when she said:

> The real intent (of Bill C-37) is to remove parliament from the process. . . . There is a problem in that certain particular judges seem to crave a closeness to certain individuals in the Department of Justice and are trying to cling, closer and closer, to the executive rather than to parliament.

She went on to say to the Senate:

> In other words, honourable senators, what is happening here is that 200 years of history are being turned on their head, and we are being told in this judgment that, quite frankly, judges prefer their fate to be in the hands of the executive rather than in the hands of parliament. It is a most curious and interesting subject matter.

It is more than curious and interesting, it is fearful.

Bill C-37, which was also an act to amend the Judges Act as it was originally drafted by the Department of Justice, had another problem. It created a legal right for a judge to have two spouses. The two spouses clause was meant to deal with circumstances in which a married judge, who was separated from his or her wife or husband and was living common law with another person, died. It would have allowed a judge to have both spouses, married and common law, to be eligible for the lucrative pension. In addition, the common law spouse would collect a one time payout of one-sixth of the judge's annual salary at the time of his or her passing.

Former supreme court Justice William Estey said that this particular section of Bill C-37 would ''give his former colleagues on the bench the right to a kind of homemade harem. It would effectively create two separate sets of family law, one for the judges and one for everyone else''.

During debate on this legislation it was noted that the situations such as the contemplated one in Bill C-37 were rare. Therefore, questions arose as to why such a clause was put into Bill C-37. Critics suggested that this particular clause was tailor made for Chief Justice LeSage who was separated from his wife and had resided for about a year with Judge Lang. If Chief Justice LeSage were to die, the new amendment would have allowed both Judge Lang and Mrs. LeSage to qualify as his surviving spouse and share his pension.

As pointed out by Senator Cools during the debate, Bill C-37 appeared tailor fit to particular individuals. Senator Cools said ''We have a situation in this country where individuals have access to the legislative writing machine''. Senator Cools said that it was very bothersome. Again, that is more than bothersome. That is a huge concern.

● (1540)

I understand that Bill C-37 was not the first time that the government has tailor made legislation to amend the Judges Act. Bill C-42, as mentioned earlier, also amended the Judges Act. It changed the pension scheme and working conditions of the federally appointed judiciary. In particular, it set out the terms on which Canadian judges could participate in international activities.

Although it was never explicitly admitted by the House or by the government, it was no secret that these amendments to the Judges Act arose due to the 1996 appointment of then Madam Justice Louise Arbour to the United Nations as a prosecutor for its special war crimes division.

Apparently opposition members naively agreed in June of that year, just before the House recessed for the summer, without any debate in the House, without any debate at committee, to pass Bill C-42 after being assured by the former justice minister that it was a simple innocuous housekeeping bill. It was not until the amended bill was returned from the Senate and the testimony of witnesses that appeared before the Senate committee were made known that my colleagues realized that Bill C-42, as claimed by legal experts, had ''the appearance of transgressing the vital principle of judicial impartiality'', the very principle that our Minister of Justice has just spoken on.

In particular, I refer to the testimony of Professor Morton:

> The government is concerned, as well it should be, with the current status of Justice Arbour and the implications of her status for those responsible at justice. The government seems to hope that by passing Bill C-42 as quickly as possible it can retroactively legitimate apparent indiscretions by Justice Arbour and possibly others—
>
> It would appear that Justice Arbour agreed to the appointment before it had been approved by the Minister of Justice (or any other officials), thereby forcing the minister to react to a fait accompli. Furthermore, it then appears that the minister, rather than recommending to Justice Arbour that she postpone her new activities (at the Hague) pending necessary amendments to the Judges Act, sought to temporarily legitimate her actions by an order in council; and then (because the order in council is conceded to be insufficient) sought to retroactively legitimate Justice Arbour's new employment with general amendments to the Judges Act, Bill C-42, thereby forcing the hand of Parliament.

Professor Morton added:

> No doubt some will say that this is nit-picking. My response is simple. If the justice minister and appeal court judges cannot be expected to comply with the letter of the law, then who can?. . .Indeed within the last month the justice minister himself pronounced on the meaning and the importance of the rule of the law. The rule of the law is ''a living'' principle that is fundamental to our democratic way of life. In substance it means that everyone in our society, including ministers of government, premiers, the rich and powerful and the ordinary citizen alike, is governed by the same law of the land.

While one section of Bill C-42 at that point in time appeared tailor made for Arbour, another section of that very same bill was apparently designed for the then chief justice of the supreme court in that it offered an unprecedented pension benefit to the chief justice and his wife at the very time when the top court was considering the most politically sensitive case of the decade, perhaps of confederation, whether Quebec had a constitutional right to secede from Canada.

The proposed changes did away with the prohibition on judicial double-dipping. Previously a retired judge received a pension equal to two-thirds of his annual salary; on average, about $104,000. When he died, his spouse collected a survivor's pension

worth one-third of his salary or $52,000, provided that she was not a retired judge.

Under the new law retired judge spouses will collect both, thus receiving a total pension equivalent to their salary before retirement. The most obvious beneficiary of the change was Chief Justice Lamer and his wife, Federal Court of Canada Justice Danièle Tremblay-Lamer.

● (1545)

With regard to this section of Bill C-42, Professor Morton said:

> Without imputing any illicit motive to anyone involved—the timing of this proposed change could not be worse.

Morton also said that sceptics would claim:

> It is unacceptable that a chief justice who is about to benefit from the minister's proposed pension policy change now sits in judgment of the minister's Quebec reference—the most politically sensitive constitutional case of the decade.

In closing, I would assure the House and Canadians in general that the official opposition will closely scrutinize Bill C-12. In particular, we will review the provision of the bill that changes the annuities scheme.

I am not a financial expert. I am not an expert on annuities or the pay schedules that are put forward in the bill. Without the advantage of expert advice at this stage, what appears to happen is that the changes being made to the Judges Act allow a judge who is married for the second time to another judge after the death of his or her first spouse, also a judge, to collect both or two survivor benefits upon the death of the second spouse. One could only guess why the government is contemplating such a rare and highly unlikely situation.

As we have already mentioned, four times the Liberal government has come to make amendments to the Judges Act. We have seen time and time again where the government has tailor made legislation to fit certain individuals and certain situations. We will also assure the House and Canadians in general that Bill C-12 is not tailor made to any individuals. If it were, it would definitely compromise the impartiality of our judiciary.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I am pleased to participate in the debate on Bill C-12, an act to amend the Judges Act and to amend another act in consequence.

The bill amends the Judges Act to implement the government's response to the recommendations made by the 1999 judicial compensation and benefits commission. Among those recommendations is a retroactive salary increase of 11.2% for 1,013 federally appointed judges. The bill is purely administrative in nature, but that is the problem.

This is the fourth time the Liberal government has sought to amend the act. During the 35th parliament the government introduced Bill C-2 and Bill C-42 and during the 36th parliament, Bill C-37, all of which were minor pieces of legislation or of little significance to Canadians.

While we all recognize the need for housekeeping bills, there have been no significant initiatives by the current Liberal government to address the serious concerns of many Canadians with our judiciary. It appears more and more that the issues parliament may address when it comes to the judiciary are merely administrative in nature.

Under the guise of the charter the courts have appropriated for themselves the right to deal with substantive policy matters. The courts have in addition appropriated for themselves the right to effectively control the ability to set their salaries, a matter which the Constitution Act, 1867, specifically left to parliament.

The decision of the courts purported to find a new constitutional obligation to require the legislatures to set up a commission to establish the salaries for provincially appointed judges. The supreme court, which was called upon to confirm this process, not only did so but included a newfound constitutional obligation requiring parliament to follow a similar process when it came to setting salaries for federally appointed judges.

● (1550)

Although the fiction is that parliament can exercise its own judgment in respect to the salaries recommended by the committees, in reality the judges simply overturn those legislated decisions where they disagree with them. One need look no further than the Alberta legislature for a very practical demonstration of the court's powers.

This is simply a case of judges discovering new constitutional principles that benefit themselves financially without political accountability or, as one of my constituents observed in describing the case, ''the judges paying the judge's case''.

This newfound constitutional process that the judges discovered further decreased parliamentary responsibility for the expenditure of public funds and moves toward the creation of an economically independent judiciary with its own political agenda.

A recent letter to *Maclean's* magazine by a Mr. W. J. Jack of Innisfil, Ontario, noted:

> It seems to me that members of Parliament no longer want to or can't make laws that work, so they let appointed judges do that job. If the Supreme Court is going to legislate, we won't need elections, except to vote for one person who would then appoint the members of the court. This would save taxpayers a lot of money, and we'd still have the one-man-rule system that we have today.

Coupled with the self-granting powers under the charter and an executive appointed judiciary as we now have, I would argue the courts can be and often are used to advance the political agenda of a government in a particular direction without consultation with the members of parliament who are accountable to the people of Canada and who represent their interests.

Judicial activism is all too common in our courts. Many if not most Canadians would agree that it must remain the responsibility of parliament to debate and ultimately resolve the political, economic and social issues that govern all our lives.

However over the past two decades judges supreme court justices in particular have to varying degrees engaged in a frenzy of constitutional experimentation that resulted in the judiciary substituting its legal and social preferences for those of the elected representatives of the people in parliament and the legislatures.

A leader in this judicial activism was the former Chief Justice of Canada, Antonio Lamer. Although he is now retired, the decisions he wrote or participated in will continue to impact on the principles and institutions of our democracy. Unfortunately that impact has been at an alarming cost to our democracy and to the public safety and security of our citizens.

Another member of the court has recently added his concern to the direction of the supreme court and the judicial activism of the former chief justice. Mr. Justice Bastarache has warned the nation of the dangers of the judicial government favoured by the former chief justice. In contrast to the former chief justice, Justice Bastarache has committed himself to an interpretation of the charter of rights and freedoms that pays respect to democratic principles and institutions.

The House and the people of Canada should commend Mr. Justice Bastarache and other jurists who recognize the dangers of the legal and constitutional anarchy reflected in the judgments of the former chief justice. Our democratic principles and institutions are too important to be hijacked by a non-elected political judiciary.

Let us consider for a moment a recent high profile supreme court decision that typifies the issue. In Minister of Justice v Burns and Rafay the supreme court in effect removed the justice minister's parliamentary prerogative of choosing whether or not to seek assurances before extraditing alleged criminals facing the death penalty in another country, the United States or otherwise.

Regardless of where one stands on the issue of capital punishment, the court has attempted to deprive parliament of debating the issue further. The court has overridden Canada's law as written by parliament and has chosen to push its political agenda to the forefront by opening Canada's borders to violent criminals.

● (1555)

That is not just my characterization. The day after the Rafay and Burns decision was delivered by the Supreme Court of Canada the lawyers for the Minister of Justice, in another related case, stood before the court and said that the impact of the decisions was to create safe havens for criminals.

According to the precedent set in previous supreme court rulings, the minister had only been required to seek guarantees when the possibility of the death penalty would shock the conscience or otherwise outrage standards of decency.

In this decision, the supreme court has attempted to reconcile its new position with its 1991 precedent. However, in actual fact it has rewritten the law. The recent ruling stipulated that the Minister of Justice was required to seek guarantees prior to the extradition of Rafay and Burns and in the future on all accused of such crimes.

Our extradition treaty with the United States has also been effectively rewritten. One might think that the practical effect of extraditing these individuals, if they are convicted in the state of Washington, is that they would face life imprisonment without the possibility of parole. That is only technically true. If they are convicted and all appeals are exhausted, they become automatically eligible for the prisoner exchange program. They then come back to Canada where the maximum sentence is 25 years before eligibility for parole and, with the faint hope clause, they can apply for parole after 15 years.

Taking into account that these individuals have already been held for six or seven years, if they were successful under the faint hope clause they would be on the streets after eight years. If in fact they are the people who brutally killed three American citizens for insurance money, the practical consequence of their crime would be eight years.

This is not an issue about the death penalty. This is the circumvention of parliament by refusing to allow parliament to have a say in the laws that govern crime in Canada. This is an abdication of our responsibility. Our responsibility has been taken away by the Supreme Court of Canada which has its own political agenda when it comes to criminal law.

In Minister of Justice v Burns and Rafay the supreme court has prevented any legislative attempt to reintroduce capital punishment in Canada. This is regardless of where one stands on the issue. Our party does not have a position on capital punishment. The court's decision effectively says that the elected people of Canada can never make the decision because it is constitutionally prohibited. The political reason given was that the practice is unjust and should be stopped. That is not a legal judgment. That is a political decision.

Again, regardless of where one stands on the issue, it is a decision for parliament and its elected representatives to make.

Regardless of the convictions of the court, amending Canada's laws and treaties for policy reasons should be the responsibility of parliament and not the courts.

Former Chief Justice Lamer's judicial activism is not in harmony with the democratic principles of Canada, regardless of whether we oppose or defend the cause that the court may support. People might say that it is a good decision regardless of it being a political one.

● (1600)

The decisions of the court on political matters short-circuit the process, undermine the authority of parliament and bring the institution of parliament into disrepute. It is not that it insults parliamentarians, it insults the people who elected parliamentarians to make these decisions on their behalf.

While this issue is a major concern, it is far from being the only problem in our judicial system that requires the attention of parliament. Another such issue is related to the appointment process.

It is interesting to note that the last bill to amend the Judges Act, Bill C-37 from the 36th parliament, created the Judicial Compensation and Benefits Commission which provided the federal government with yet another opportunity to make patronage appointments. The commission consists of three members appointed by the governor in council and it should be noted who nominates these three: One is nominated by the judiciary; one is nominated by the Minister of Justice; and one, who acts as a chair, is nominated by the first two persons nominated.

The failure of the bill to introduce any changes in the appointment process means that important and high paying positions in our court system will remain essentially part of the patronage system.

The Canadian Alliance would like to see the patronage appointment process overhauled to make it more transparent and publicly accountable. One option would be to strike a committee that would review and interview candidates whose names would be put forward to the Prime Minister. The input of the provinces, which are affected directly by decisions of the Supreme Court of Canada, is required in these matters.

Another concern I have with the bill is that the increase in pay for federally appointed judges is higher than the federal government is prepared to grant the much lower paid civil service. It lately has been the practice of the government to grant raises to senior officers in the military, senior bureaucrats and now judges while dragging its feet on a general salary increase for staff.

While we do not dispute that salaries for appointed judges and others should generally be in line with the private sector, it is apparent that the foot soldiers of our justice system are being ignored.

What we propose is an independent and publicly accountable judiciary that would act as a safeguard to protect Canadians from the arbitrary power of the state. However it must remain the responsibility of parliament, not the courts, to debate and assess the conflicting objectives inherent in public policy development.

This bill, like its predecessors, deals solely with the administrative aspects of the courts and does not address the multitude of concerns that many Canadians have with the judicial system. Therefore, my colleagues and I strongly oppose the bill.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my remarks on this bill will be brief.

In past parliaments I had the opportunity to comment on raises to our high court judges. What I said at that time was that, given the financial situation in Canada and the cuts that were being made all over the map, there should not be any increase, or at least not to the extent being proposed.

Today, I announce a change in tune. On the one hand, there are far more means available to us now for paying our judges. We have far more financial leeway than we did then.

I have listened carefully to the previous speakers, the Minister of Justice and certain members of the Canadian Alliance. I have to say that there comes a time when there must be some straight dealing in such a matter, as in any other. No more hiding one's head in the sand or talking out of both sides of one's mouth.

● (1605)

In this House we have already heard certain parties claiming they wanted no pensions, felt MPs were overpaid, did not want any limousines, did not want to live in the residence of the leader of the official opposition, and then a few years later here they are accepting these benefits, and rightly so. I feel they go with the territory, but there must be no doublespeak here.

The public wants to see us with the best judges, the most competent people. We want our MPs to be highly competent, to be available around the clock if possible. In the workings of government the best people are needed. People expect those who manage billions of dollars to be very good managers. They are entitled to demand that, but we cannot say that we want the best ones and not pay them.

I will give an example. I am digressing a bit, but this will illustrate my point of view on this issue. Let us take Hydro-Quebec. This has little to do with judges, I know, but I simply want to give an example. The president of Hydro-Quebec may earn $300,000. If he worked in the private sector, he would make two, three or even four times that salary.

Getting back to the issue, I know judges who earn a lot less than they did when they practised law. They agreed to become judges for all sorts of reasons. In some cases, it was because they had a very demanding practice as lawyers. Others, given their experience and expertise, wanted to give something back to society. These are not bad people who only think about themselves, on the contrary. We have very good judges in Canada. We have a system that works well. There is always room for improvement.

We must not antagonize them the way some parties are trying to do today. Rather, we must ask ourselves why we now have before us a bill to increase the salaries of higher court judges, of federally appointed judges. Let us not make this too complicated. On the contrary, we must make it simple, so that people will understand why we are faced with this issue.

On November 18, 1997, the Supreme Court of Canada ruled on the whole issue of salaries for the judges of one province, namely Prince Edward Island. In this reference, the justices of the supreme court in their ruling established new constitutional requirements for setting the salaries of judges.

In a country justice has to start from some point. It happened that it was the justices of the supreme court, Canada's highest court, that ruled on this matter. Yes, at first glance, we might say there was a conflict of interest, since judges handed down a ruling concerning other judges. Who should do the judging? Who decides? Parliament?

We have an institution, the Supreme Court of Canada. We have the Canadian Charter of Rights and Freedoms. I think that, since the charter was passed, since the Constitution was patriated, some of the powers of the House of Commons have been taken over by others, including the Canadian charter. In my opinion, parliamentarians have lost some of their jurisdiction under the umbrella of the Canadian Charter of Rights and Freedoms.

Today, the Supreme Court of Canada is rendering decisions with all of its powers. It handed down a decision on November 18, 1997. I know, I was here in the House. This decision led the House of Commons to introduce an amendment to the Judges Act in order to establish an independent, and in my opinion, effective review board, the Judicial Compensation and Benefits Commission, far more capable than I to consider the salaries judges might earn, whether they were at the Supreme Court of Canada, the Federal Court, a trial court or an appeal court, in Quebec or in the other provinces, or the judges of the higher courts of each of the provinces.

● (1610)

This commission looked at what went on in the private sector and where judges came from. It concluded that their salary should be increased by 26%, according to my notes here. I think 26% is a bit much, and this is where the minister has the discretion to justify not giving 26%, and this is what she has done today.

The increase is 11.2%, which I do not consider unreasonable, instead of the 26.3% proposed by the commission.

The commission's mandate was to consider what would be the best remuneration for these judges, as well as to look into whether salaries and benefits for judges were adequate, with regard to three points: existing economic conditions in Canada, including the cost of living and the economic position of the federal government as a whole; the role of the financial security of judges in maintaining the independence of the judiciary; and the need to attract top notch candidates.

I mentioned that, when we do a comparison and look at where judges come from, we see that 73% are from the private sector, 11% are from lower courts and 16% are from government or other fields of legal practice and from universities.

When we look at the remuneration of 73% of appointees from the private sector, we see that the average pre-appointment salary of those from Quebec was $209,000 a year. We certainly cannot appoint people without the required training or specialization. In any event, as everyone knows, there are appointment criteria, such as years of practice and so forth.

As for benefits, a pension and the level of remuneration, this committee looked into the matter and decided to recommend a 26% increase.

Bill C-12 before us today sets the increase at 11.2%. Compared to earlier bills, I do not consider this unreasonable.

This is why the Bloc Quebecois will be supporting Bill C-12. I am sure the minister is paying careful attention and will come to the realization that the Bloc Quebecois supports the government when it presents bills that are reasonable and in line with the interests of the people of Quebec.

As much as I have an attentive ear for this bill, I would like to see the minister lend an equally attentive one to the demands from Quebec, including those relating to the young offender legislation. I cannot help commenting that I hope the minister will also listen to what Quebec is calling for in this connection.

As for Bill C-12, this is a bill we are going to support. I have two comments, however, that are a little more on the negative side, although not jeopardizing our support for Bill C-12.

The first relates to retroactivity. I realize that the commission's report was tabled on May 31, 2000, and we are now in March 2001. When this bill is passed, however, there will be nearly a year's retroactivity. I have trouble accepting that.

● (1615)

This being said, I understand the issue of retroactivity, and this is my second criticism is, but why did it take so long for the government to introduce this bill?

I read the commission's report, which is very well made and very well detailed. I did not take a whole year to read it. That report was tabled on May 31, 2000. What has the minister been doing since? She could have introduced a bill, long before the government called the election in October 2000, to follow up on the commission's report. Had the minister done so, we would not be stuck with retroactive payments of this magnitude.

My two negative comments, therefore, have to do with retroactivity and the government's slowness to act regarding an issue like this one. I do hope there were reasons other than an election call for the minister to postpone the introduction of this bill. I do hope the minister cares enough about the justice system to not have unduly waited until after the election to introduce a bill that provides an 11% increase for our judges.

These are my only two negative comments at this point. The Bloc Quebecois will definitely support the bill. We will keep track of it. We will follow all the debates on Bill C-12. We will certainly be there to ask questions to the witnesses appearing before the committee to express their views on this bill. If people submit briefs, I will take the time to read them.

That is about it at this stage. Bill C-12 will get the support of the Bloc Quebecois and it should get the support of all parliamentarians. I agree with the minister, and I will conclude on this note, that in Canada and in Quebec we have extremely qualified and competent judges. I have no problems backing the judges by supporting this bill, so that they can get fair compensation and remain totally independent from the political system.

[*English*]

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I will be sharing my time with my hon. colleague from Regina—Lumsden—Lake Centre. I am pleased to join in the debate on Bill C-12, an act to amend the Judges Act and to amend other acts in consequence. I find the bill to be an interesting one, especially in the light of some of the contradictions I see between the bill and other similar issues over which the government has jurisdiction.

It is my understanding that the purpose of the bill is to implement the federal government's response to the report of the 1999 judicial compensation and benefits commission regarding compensation and benefits for judges. Implementing the commission's report seems reasonable enough, but let us not forget that the creation of the judicial compensation and benefits commission provides the federal government with yet another opportunity to make patronage appointments.

The government's response to this issue is to introduce this bill to amend the Judges Act to increase judicial salaries and allowances, modify the current judicial annuities scheme, and put into place a separate life insurance plan for federally appointed judges.

● (1620)

It is imperative that the independence of judges be maintained. The independence of the judiciary cannot be called into question. What is important is to determine the fairness of the commission's report. With this bill the government has accepted the commission's recommendation of a salary increase of 11.2% for 1,013 federally appointed judges, retroactive to April 1, 2000. The implementation of this increase would cost Canadian taxpayers alone approximately $19 million.

It is my understanding that during this process the judiciary had initially proposed a salary increase of 26.3%. Their rationale for the increase was that the federal government must compete with high paying law firms to attract superior candidates to the bench. While I believe that a competitive salary is required to ensure good candidates, I fail to see any great shortage of candidates for the bench.

Over the past decade there has been an average of eight candidates for each opening on the bench. I can just envision the application office for judges absolutely crowded with prospective candidates, waiting in line, filling out all the applications, and in the back of their minds there is this wonderful salary and compensation package. Surely out of every eight candidates for the bench there must be at least one well qualified applicant.

The last pay raise for federal judges was in 1998 when they received 4.1%. The previous year they also received 4.1%. In other words, over a two year period federal judges had received an 8.2% increase. According to Statistics Canada, the consumer price index from 1996 to 1998 rose 2.55%. Mr. Speaker, I presume that your salary, my salary and indeed the salaries of most Canadians across the country would be somewhat governed by that statistic. However let us remember that these are judges we are talking about and that the salaries of judges are already indexed. They receive annual cost of living increases as well as particular salary increases.

To be fair, I must say that I favour competitive salaries. If there is a major disparity when comparing a peer position in the private sector, either the quality of candidates or the number of qualified candidates will diminish. I do not believe that this is in anyone's best interest. Yet to date I do not see that the bench is short of applicants.

While we have the bill before us I would also like to draw attention to one of my major concerns regarding the judiciary. I

would like to see an overhaul of the process of patronage appointments in the judiciary to make it more transparent and publicly accountable. The Alliance policy by which I am guided states:

> We believe that a non-partisan civil service, an independent judiciary and competent leadership of government agencies, boards and commissions are vital in a democracy. We will therefore ensure appointments to these positions are made through an open and accountable process based on merit.

The key words are based on merit: who will do the best job and who is the most qualified to do the best job.

While there has been much talk of late regarding parliamentary reform, I believe that by extension the reform should also include the public service. This is an opportunity to show the government's sincerity for true reform. The process should be completely open and accountable, and accountable in this case includes fairness.

I am somewhat alarmed that the proposed increase in pay is higher, for instance, than the federal government is reportedly prepared to grant the much lower paid civil servants in general. It has been the practice of the government to grant raises to senior officers in the military, senior bureaucrats and now judges, while dragging its feet on a general salary increase for staff.

I think one of the most appalling situations in this regard is the amount of wages paid to entry level members of our armed forces. Privates, corporals and others often have to moonlight at jobs to make ends meet. This is simply not acceptable. There is no way that the people involved in our military who stand on guard for us should have to go to food banks. There needs to be a requirement of fairness in the whole issue.

● (1625)

The failure of the bill to introduce any changes in the appointment process means that these very important and high paying positions will essentially remain part of the patronage system. Members only need to look around for a moment to see the level of patronage that already emanates from the Prime Minister's Office itself. The Liberal Party has floated a few trial balloons about parliamentary change and reform, but it is time to walk the talk. It is easy to talk about change but it takes real courage and true leadership to implement it.

Change is never easy for any of us. We are getting older and we know that in old age it is harder to change. However, if the government introduced real change, real parliamentary reform and real accountability, I believe it would have the support of many members on this side of the House and of all Canadians. Perhaps it should try it. The bill provides a golden opportunity to begin the process.

I am also reminded about the way that salaries, expense accounts and pensions are set for members of parliament. I do not believe that members of the public would deny parliamentarians a reasonable salary and pension. What the public begrudges is the current manner in which MPs' salaries are adjusted by the MPs themselves. Again there would be an opportunity for change as submitted by members of the opposition, namely an independent body outside the House made up of qualified members of the public would bring in recommendations that would be binding upon members of the House.

The public is simply not willing to continue to have a government act unaccountably. As a critic for Indian affairs I constantly hear from grassroot band members who are literally crying out for accountability from either their own chiefs and councils, the department or both. What hope could the government offer grassroots aboriginal people, or any Canadian for that matter, that accountability is important if it will not live by the same set of rules itself?

We can do better and we should do better. We as members of the House have the opportunity to do it even in this parliament, but too often Liberals opposite take the easier road. For instance, they occupy the justice committee with administrative matters at the expense of more important issues. The country is experiencing a high degree of backlog in the courts and many criminal trials must be put on hold in the meantime.

Let us take the time to make positive change. There is a general feeling in Canada that this Chamber has virtually no real power, but Canadians could be told by parliament, by the House, that we are interested in real reform if we really want it. Let us start it by making the necessary changes to Bill C-12.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I am pleased to rise in the House today to address Bill C-12, an act to amend the Judges Act and to amend another act in consequence.

Before I begin this opportunity to address government legislation for the first time, I should like to thank my constituents in the riding of Regina—Lumsden—Lake Centre for having granted me the opportunity and honour of representing them in this notable House.

Bill C-12 proposes an 11.2% salary increase for 1,013 federally appointed judges retroactive to April 2000. No one can be faulted for requesting a pay raise. Let us be honest. Who would not like a pay raise? What bothers me is our federal government's willingness to grant substantial pay increases to individuals who are already making what most Canadians would see as a very good living.

In the meantime, one of the mainstays of our Canadian economy, Canadian farmers, including many in my own riding, time and again have to come to the federal government for the funds needed simply to stay alive.

● (1630)

Back in my home province of Saskatchewan, the 2000 net farm income is projected to be 35% of the five year average taken from 1995 to 1999, and that was a bad five years. That is a 65% decrease. For 2001, total net income is projected to drop further, from $251 million to $141 million. This is only 20% of the 1995 to 1999 average, or an 80% decrease in income. The five year average, as I mentioned, already has two bad years of income included in it.

The government's attempt to get support to farmers, the AIDA program, has failed the majority of our farm families. This is why the farmers have and will continue to come to have their voices heard on the Hill. Only 60% of that emergency aid has even reached the farmers. Over a quarter of the claims for 1999 remain unprocessed by the federal government and the farmers want to know why it is taking so long. The money promised over two years ago by the minister of agriculture for losses in 1998 and 1999 needs to be delivered, but they still do not have their money. Because of the years of farm policy failure by the Liberal government, farm families need an immediate cash injection. They demanded this. The funds that were given were merely an insult to them.

I know it seems that I have wandered from the topic as I mention the farm crisis, but Bill C-12 seems to reward some people who are already doing very well and are not in a crisis at all. We are able to easily come up with money to hand to them. The apparent contrast of these two issues begs the question: where are the government's priorities?

Many constituents of mine in the riding of Regina—Lumsden—Lake Centre are disillusioned with the government due to its uncanny ability to make decisions that fail to address the real issues affecting real people.

I want to be clear. I am not saying that judges are not real people, that they do not have real needs and that they do not have a right to have the government's attention for their real and often valid concerns. What I am saying is that to the majority of my constituents and, I would venture to assume, to the majority of Canadians, granting federal judges a salary increase of almost 20% in a three year period is not an important priority.

How can the government justify giving its federal court judges an additional salary increase of 11.2% over and above the already given 8.2% increase that they received in 1997? How will this proposed pay increase help fix the current backlog in federal court cases? Will the federal court be 11.2% more efficient in dealing with the current backlog of court cases?

The Auditor General of Canada recently stated in his February 2001 report that government departments must do a better job at providing value for money. In other words, the auditor general is asking government departments if taxpayers are getting true value for the government's spending of their tax dollars.

This very day I attended on the Hill a symposium in which we were told that value for money would be a valid criteria by which we should judge government actions and government programs. I ask this question of the government with respect to proposed Bill C-12: how will this pay increase provide value for money for Canadians and for their taxpayer dollars? How will giving the average judge an increase of approximately $19,000 to $20,000 in salary address the roots of the problem the federal courts are facing today?

Although I am no economist, I did a little math to try to shed some light on the amount of dollars being spent on this legislation. If one takes the salary of the lowest paid judge, according to Bill C-12 itself, and adds an 11.2% increase, it means a minimum salary increase of nearly $20,000 to every federal court judge. If we multiply $20,000 by the number of federal court judges whose salaries will be increased, there is a total salary increase of over $19 million. Is this money, $19 million for only 1,000 people, well spent?

● (1635)

There is a need for an improved judiciary system. As my colleague has mentioned already, there are plenty of lawyers to fill these positions; the Prime Minister has a list. Yet all he can think about is increasing their salaries. The problem requires more imagination than simply adding money. More money in the hands of judges does nothing to address any of the problems.

In closing, I do not support Bill C-12 on the basis of four points. First, it fails to address the vital questions of integrity and honesty regarding the appointment process used by the Prime Minister and the government. Second, it fails to meet the reasonable expectations of Canadians in regard to how their judicial system should serve them. Third, the bill fails to address any backlogs presently being experienced. Fourth, it fails to meet the taxpayers' demand for a reasonable return on their hard earned tax money.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, it is indeed a pleasure to speak to this bill today. I am not in favour of increases to the judiciary, for reasons similar to those addressed by my colleague. However, I want to take this opportunity to talk about some of the other problems that exist in the judiciary in our country.

Many of the reasons for the lack of support for raises to the judiciary stem from the frustration of individuals throughout Canada with the decisions made by the judiciary, which in recent years have become more appalling than anything I have ever seen. I

would like to run through some of those cases as I have seen them and as I have experienced them.

A few years ago Darren Ursel violently sexually assaulted a young lady in my riding. We followed the case right through the courts. Judge Harry Boyle decided that the penalty for violently sexually assaulting this young lady was a conditional sentence, that Mr. Ursel would serve no time in jail, that it was a matter of ''go home, think about this and stay away from the bars''. There was no time in jail. That judge set rape sentencing back 25 to 30 years in this country. There was basically no penalty. Our community had to fight and fight hard through appeal to get that guy two years. He got two years and ended up serving virtually no time because the time from the issuance of the conditional sentence through to the appeal was considered in his sentence. The guy walked within a couple of months.

When I hear of stupid decisions by judges like this, one could not expect me to come to the House of Commons and suggest that they deserve a raise. I will go though a couple more cases.

Judge Dennis Devitt sentenced convicted child molester William Gibson Brown to a two year conditional sentence and probation. He was convicted of two counts of sexually assaulting a minor. Devitt's reason for the sentence was that both the defence and the crown agreed that a conditional sentence of two years would suffice. Is there any reason for that?

Tomorrow we will be debating all day in the House to try to get a national sex offender registry throughout Canada. This guy sexually assaulted a minor on two counts and was given a conditional sentence. He did not serve a day in jail. Yet the government asks me to give a raise to a judge. There is not a hope in blazes that I will do that.

● (1640)

If that is not frustrating enough, let us talk about Dean James Bauder of Manitoba, who had his nine month prison sentence overturned by a Manitoba court. Bauder was convicted of sexually assaulting a young girl who was his children's babysitter. He sexually assaulted her for a period of time when she was 12 and then 13 years old. The judge, Justice Kerr Twaddle, justified the sentence and described the 12 year old as a willing participant. A judge sat on the bench and said that this child was a willing participant with an adult.

Then the government comes in here and wants me to stand up to give judges a raise. These are not all federal court judges, but they are judges, and the image the judiciary is getting in this country is really bad.

I have been doing a lot of work on the issue of drugs in our country, so I get reports of sentences and convictions of individuals. I have them here, as a matter of fact. They are very interesting. When one looks at them, one wonders what goes on in our courtrooms and why drugs are pushed so much by individuals and the profit is so high. I just want to tell the House about a couple of decisions that were made.

A guy was caught with $302,000 worth of drugs, which were seized. He was on welfare at the time. A judge gave him a 60 day intermittent sentence on weekends. Now there was a penalty: he had to go to jail on the weekends for the possession of $300,000 worth of drugs.

In and of itself, one might say that is all right because the guy was caught for the first time. Was it the first time? Let us look at him. I have here four pages of this guy's convictions. In Calgary, Alberta, he got probation from a judge for break and enter, and probation for a second break and enter. A few months later he got 18 months for another break and enter. He got out of there and was convicted on another break and enter. Did the judge give him more time? No. The judge suspended his sentence and gave him probation again. Two months after that he was convicted of another break and enter. He got two years and was surprised, because he had not been penalized a heck of a lot. That was escalating things, that time by a good judge.

After that he is convicted of break and enter five times. Those are either withdrawn or concurrent. When he got out of prison on parole he was on probation and what did he do? Breach of probation. What happened? Nothing. The judge probably thought it was possible to rehabilitate him at this point.

In June of the following year he was released on mandatory supervision. He lasted until August when he was recommitted. In September he was convicted of break and enter and his sentence was 18 months consecutive, which was actually no problem for this guy because they let him out very quickly and he was convicted of break and enter again. Then he was caught with stolen property and the charges were withdrawn.

He moved to Winnipeg and was charged with break and enter twice. There was a stay of proceedings and he was sentenced to mandatory supervision. A couple of months later there was a break and enter, then break and enter, theft, break and enter, theft, times five. This was a nice guy we had going there. He got a little worse. He moved to Edmonton and was committed for three months for theft.

As we can see, this fellow had a string of convictions and the judges were not doing this as a deterrent. These judges were looking at him and saying ''poor boy''. They gave him a little bit here, a little bit there and nothing here, the poor boy.

We need some corrective action. Where are the judges?

● (1645)

He has piles of cases for stolen property, drugs, forged documents, using stolen credit cards, mischief, assault, trafficking and stolen weapons. It goes on and on. I could spend all week talking about these guys.

The problem is that these individuals are going into our courtrooms and the judges are treating the cases like misdemeanours. Yet, the judges say they are doing a pretty good job and that they want a raise. I have the greatest of difficulty, having lost confidence in many of the decisions that happen in courtrooms, standing here and say it is justified. It is not justified.

There are more cases across the country where people have lost confidence in the system than I could name. I went to my office a few minutes ago and asked the staff to pull me up a few decisions by the judiciary. A Quebec judge decided Friday to end the trial of the parents accused of letting their baby starve to death. He cited the 18 month gap between the incident and the couple's arrest, so they walked. A child was starved to death and nothing happened.

I do not know how we have come to this. I believe however that the legal industry, which was once our justice system, has now lost sight of the common sense of the common law and spends more of its time on the technicalities of the law. That is wrong. I have had victims come to my office. They have said that they were victims, that they did not matter and that when they went into the courtrooms they saw bad decisions. They said there was no help for them and that nothing could be done.

Sometimes help does come. There is a great movement in the country today to try to get the judiciary to smarten up and finally make some decent decisions. Once in a while it does but it has been a long time in coming. Before one ounce of money goes on the paycheque, I want to see some accountability and responsibility picked up by the judiciary.

I had a meeting with a victim last Thursday in my office in British Columbia. A judge in British Columbia convicted an individual of murder. He was in the car when another guy blew a lady away. He shot her in the head. He was sentenced in December, I believe, for murder. He appealed it. What did the judge do? He said ''Why keep the guy in jail. We do not want to corrupt him''. So he let him out. It was one of the rare situations where a person was convicted of murder and a couple of months later, because a lawyer applied for an appeal, the court let him out pending the appeal. That judge showed a great disrespect for the crime of murder.

It is not just me saying that. All the Liberals are listening, as we can see. It is like pounding on deaf ears.

Hon. David Collenette: Say something intelligent.

Mr. Randy White: The minister wants me to say something intelligent. It is very interesting that he says that. I know every one of the victims whom I talked about. It is kind of sad that what I have been saying is considered unintelligent. I guess that is just where the government comes from.

If we have a concern about the judiciary, we speak about it in the House of Commons and bring comments of victims of crime to its attention. If the government disagrees with it, then it is unintelligent. I will make sure that the comment of the minister is well known across the country.

● (1650)

The government thinks that just because there are lawyers and judges in courtrooms today that everything is A-OK and the system works. In many cases the system is not working. One wonders why people continue to push drugs. I have and do talk to pushers. One of the reasons they do it is because there is no penalty for them.

I recently read about the guy who was caught with about $300,000 worth of drugs. His penalty was maybe a fine or maybe a conditional sentence. There was virtually no penalty. What is the deterrent for these individuals?

Mr. John Bryden: That is not on the subject.

Mr. Randy White: A member has asked me to get back to the subject. The subject is that judges stand to get a raise in pay from this legislation. I suggest to members opposite that many people do not think it is a good idea. They do not have the confidence in the judiciary to allow for a raise.

Mr. John Bryden: That is rubbish.

Mr. Randy White: It is true. Time and time again we find that when we issue these kinds of raises people ask whether they deserve it. It is the same for members of parliament. When raises come up for members of parliament people say that they just do not deserve it.

It is interesting that I can come into the House, knowing the system as well as I do as far as victims go and being in courtrooms, and listen to that kind of foolish remark from the other side. I find it interesting that once again it really does not matter in the House how bad things are. As long as it is a majority government it is A-OK in the courtroom.

Time and time again victims are being revictimized the moment they get into the courtroom. I do not think there is a way in blazes that we could ever justify an increase, although the majority government would give it to them.

I guess I just want to express my profound disappointment in many of the stupid, irresponsible decisions that judges have made in our courtrooms. I will continue to take every opportunity to

address that issue as I stand here. I thank the minister for his comment and will make sure that the people I deal with truly understand how abrasive a minister of the crown can be toward victims.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I just wanted to make the observation that I appreciate that the member who just spoke has reservations about how efficiently the court system operates. He certainly, as we all have done, encountered occasions when he has felt that judges have ruled in ways in which we might not agree.

My problem though is that he fails to appreciate that the courts, like our democracy, are not perfect. They make mistakes just as parliamentarians make mistakes. However, the very basis of our belief in the rule of law is our faith that the court system and the judges in that court system will exercise their judgments without interference, will exercise those judgments impartially.

● (1655)

As the minister said, when she made the opening remarks for this legislation, the whole point of this legislation that we have before the House, Bill C-12, is to provide a salary regime for the judges, which once provided for, ends the kind of interference or pressure that might be put on the judges politically.

This is a very important principle. This separation of the courts and the government is absolutely vital. I find it a little bit discouraging to hear the member take what in fact is a fundamental principle in the separation of powers in our society and turn it into a dissertation about his disenchantment with the rulings of various judges.

Mr. Speaker, it is true that judges are fallible. Laws are fallible. Members of parliament are fallible. However, the one thing we must protect, and this legislation does that, is we must protect the impartiality of the system, be it the House of Commons with its privileges or the courts with their separation from the government. I just wanted to say that.

Mr. Randy White: Mr. Speaker, I guess one could say that this legislation is objective and it does make that separation. However, the fact is that if a person in Canada wants to register his or her complaints and concerns on behalf of victims of crime, the person has to do it at an appropriate time. I choose the debate on judicial salaries to introduce that.

Heaven forbid if the Liberals ever brought legislation in the House to clean up the mess in those courtrooms, like the lengthy delays, the deliberate delays, the judge picking that goes on and the inappropriate stoppages of court cases. Heaven forbid if they ever brought that in here but they will not. That is the difficulty.

If we want to address these kind of issues and these inappropriate decisions, then we have to take every opportunity to do it. I choose to do it now. That is my right and my privilege and I am damn well going to do it.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I do not want to prolong the debate needlessly, but I just realized that what the member was saying could be very interesting.

I understand his wanting to speak at the appropriate time, which happens only very infrequently. However I do not think it appropriate for him to use his right to speak today to put our justice system on trial. He could talk about salary and about how the justice system could be improved. How does the government expect to attract qualified people if it does not make enough money available to pay judges well?

I agree with what the member is saying, but we must also remember that while improvements are necessary, we must let ability find expression as well. I believe that a salary must befit a judge of the supreme court, all judges of the supreme court, not only the chief justice, and all the judges of the federal court and the judges of the court of appeal.

The Bloc Quebecois supports this argument, because it follows from the ability of our judicial system. Yes, partisan appointments are made. Yes, it is good to bring this sort of thing out, but today we should concentrate on this particular fact. I think judges' ability is related to salary, and the member should answer this question.

[*English*]

Mr. Randy White: Mr. Speaker, I happen to think performance is related to remuneration. In a country like ours one does not issue incomes or remuneration without having some accountability and some performance associated with it.

In this case we are talking about remuneration of judges. I choose to talk about performance in conjunction with remuneration of judges. I think it is appropriate as do a lot of people with and for whom I work.

● (1700)

Mr. John Bryden: Mr. Speaker, that was precisely the point. The problem is that the member is mixing performance with remuneration, and it is precisely that kind of interference with the courts that the bill is designed to avoid.

That is why this remuneration is described in an act of this parliament. It is to take it out of the hands of government. It is to take it away from this idea that if one does not perform as I suggest, as I the government want or as a member of parliament wants, we will change the remuneration. We will lower it. That is precisely what we have to avoid and what we have to protect if we want to have the kind of arm's length judiciary that this democracy needs.

Yes, Mr. Speaker, that member is on another planet in comparison to this member.

Mr. Randy White: Mr. Speaker, the problem is that there is no separation. Judges are appointed for life by the political party that is in power. It happens to be the Liberals for the third successive time so we have a Liberal judiciary. That is why it is not separate. Politics are up to their ears in the judiciary.

Mr. John Bryden: Nonsense. That's why they are appointed for life.

Mr. Randy White: He says that is nonsense. Can anyone believe that?

Mr. John Bryden: Yes.

Mr. Randy White: Many people involved in the Liberal Party over there, as lawyers, have moved up into the judiciary. The decisions in many cases are Liberalized decisions.

An hon. member: It is totally separate.

Mr. Randy White: It is not separate at all. The government attaches a very close relationship between politics and decisions in the judiciary. I am not telling any secrets.

Mr. John Bryden: Mr. Speaker, so much for the independence of judges. I want to put on the record that this member is not a lawyer. This member does believe that there are reforms that can be done to our judiciary but this member also believes that politics, the judges and the courts should be as separated as much as humanly possible, and that is precisely what the bill is designed to do.

Mr. Randy White: Mr. Speaker, he actually thinks that politics and the judiciary are separate from a party that appoints judges from lawyers who have been with the Liberal Party, that appoint parole boards, immigration boards, refugee boards and harbour boards. I cannot believe that anybody on that side would think there is a separation between politics and the judiciary. That is just not the case.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I certainly hesitate to bring this exciting exchange of opinions to an end, but perhaps those two members will be able to engage themselves fruitfully in some other context without the benefit of an audience.

I have a few remarks to make before we send the bill off to committee, as I think we should probably do with some expeditiousness. It is something that had progressed quite far, if I understand correctly, in the last parliament and there does not seem to be a great need to beat it to death in this one, particularly at second reading. If there are amendments to be suggested or made, or if further discussion is needed on the details of the bill, it seems to me that is something that can be done in committee.

A few remarks would nevertheless be in order. In the context of our overall opposition to the bill, the NDP does see some merit in some aspects of the bill, particularly those aspects that have to do with the creation of unified family courts and justices to deal with them, as well as the division of annuities, which is also found to be a positive element.

● (1705)

However the major thrust of the bill, which is where we have some reservations, is to provide judges with big raises. It is not that judges should not be well paid. I think most Canadians would contend that they are well paid. It is a question of whether they should be paid even more.

I have noticed that one can never separate out discussions about pay raises, not just with respect to judges' pay raises but also with respect to remuneration for MPs and various other categories of people, from the context. The context in which the NDP operates with respect to the bill is the way in which so many other aspects of our justice system are being starved for money.

We have a bill before us that gives an 11.2% increase to people who are already making well over $120,000 or $130,000 a year when there are so many other people within the justice system, equally important to its proper functioning, who are not getting this kind of increase and are not making that kind of money. They may also have to deal with many of the stresses and strains that come from years of cutbacks to the justice system. When these raises come in that context, it is a little hard for us to stand up and say amen to this without taking the opportunity to bring forward some of these other concerns which I think are quite legitimate.

Many would contend that there is a crisis in the justice system and that if money can be found to increase the salaries of judges then money should also be found to address some of the other very serious problems that exist within the justice system.

In many provinces crown attorneys do not have sufficient resources to prosecute the crimes that come before them. Surely that should be a priority if we are concerned about justice. In many parts of the country legal aid lawyers do not have sufficient resources to ensure proper fundamental freedoms are met and that trials are done in a proper way. That results in many injustices not only for the accused but also for the victims and those involved in the justice system.

Anything that tends to increase and aggravate delays within the justice system is a problem. Certainly a lack of resources contributes to a lot of the delays that people experience. We are saying that if there are resources to deal with pay raises for judges then why are there not resources to deal with these other problems in the justice system.

These are just some opening remarks. I look forward to a further study of the bill when it gets to committee. I must say though that I found the exchange between the Alliance member and the Liberal member somewhat interesting. I think the Liberal member makes a point when he says that we would not want a situation in which

judges felt they had to please politicians in order to maintain their remuneration or in order to be eligible for raises in the future. I do not think that would be a good thing because that would imitate, to some degree but to a much lesser extent, the flaws of the American system where they elect their judges. Here we would have judges answerable to people who were elected. That would introduce an element of politics into it but it would be qualitatively different than the politics that are already in the justice system.

The Alliance member quite properly pointed out that judges tend to be appointed, not always but in many cases, from the ranks of the ruling party. If the same party is in power over many years, it tends to create a situation whereby people begin to see the judiciary as politicized in the sense of the appointment process.

● (1710)

Once people are appointed then presumably they have a great deal of independence and their appointments cannot be revoked. To the extent that good appointments are made, even if they be appointments from within the ruling party, the politics is removed from the system to a certain degree after the appointment.

I think people are fearful when they hear some of the things the Canadian Alliance member said. He said that people would like the politics to stay throughout the judicial process and that there be some answering to the political process at certain stages or at some critical point in the life of a judge.

Having said that, I think it is quite legitimate for Canadians, whether they be Alliance members of parliament or others, to be critical of decisions that judges make. I do not think that there is anything wrong with that. Judges are not beyond criticism or above criticism. I think all Canadians from time to time, including myself, are somewhat bewildered sometimes by the judgments some judges make.

However I do not think that is a matter that should effect a debate on how to compensate judges or remunerate judges. It may be an opportunity for somebody to get up and get a few things off their chest. That is okay. That is what parliament is about and that is the context in which to do that.

The Alliance member was quite within his rights to use a bill on judges to talk about what he did not like about judges or what he did not like about certain decisions or pattern of decisions that judges make. There is no problem there. To suggest a connection between meeting a certain political criterion and remuneration I would think would be something that everyone, and perhaps even the Alliance member himself, would want to reject.

I find it interesting that the bill responds to a recommendation that the remuneration of judges be taken out of the political context altogether and that parliament from here on in accept uncritically or without amendment the recommendations made by the commission.

To the extent that the Alliance finds itself against this there is a certain irony. If I have heard correctly over the years, this is the very thing it has advocated for members of parliament. Those members have said that we have to take the politics out of the determination of the salaries of members of parliament: take it away from members of parliament, give it to an independent commission and be prepared to accept the recommendations of that commission. If I am being unfair to what they have said over the years I hope somebody will correct me, but it seems to me that is what I have heard many times, that this is something that should be decided independently.

The bill does just that with respect to judges. Either we have some inconsistency in principle with respect to how we allocate or set up independent commissions to make these kinds of judgments or we have an interesting variety of opinions on the matter as we sometimes get from members of the Alliance.

It struck me as ironic that this issue should be criticized. Would people suggest that it constantly be a decision of parliament to determine what judges are paid? I have seen that for 20 years. Every time the government feels we have to give judges a raise, we have a debate about judges and the same old speeches are trailed out.

Perhaps the idea of giving it to an independent commission is not such a bad idea after all, but it does not mean that we have to agree necessarily with the way in which the government handles these particular recommendations. For our part we feel that the government would be on a lot stronger ground if at the same time it was committed to addressing a lot of the other inadequacies in the justice system.

● (1715)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, the comments of my friend from the NDP were very good comments. There are a couple of matters I want to point out to him.

He mentioned something about it being easy to criticize the courts in Canada. I know it is easy to criticize an umpire or a referee in a hockey game and to deal with that, but I can say as a practising lawyer myself that one has to be very careful about what one says about judges and their judgments. It is far easier to say things in the House than it is outside the House, unless we want to find out what the rules are for contempt of court. I point that matter out.

I want to put something in perspective too. Comments were made about the American system of justice. I can think of a lot of great supreme court judges in the United States: Justice Holmes, Justice Warren and Justice Marshall. They were appointed but went through a very rigorous appointment process. They have a lot of power like the judges in Canada. The public there believes it has a

right to know what agenda these people are bringing to the courts. This is vetted and is publicly dealt with.

A person who I personally and politically had a lot of admiration for during the Reagan era was Robert Bork. He was turned down in that process. That would probably make my NDP friends happy. It did not make me happy but it showed that the system worked.

In our system we do not get any scrutiny on that. Basically, my own reading of how one gets to be a judge on the Supreme Court of Canada is to be a good donator. A person who earns $110,000 a year is going to have a lot better chance of getting into our Supreme Court of Canada or our courts of appeal. Another thing would be to be a good fundraiser. That means being a lawyer, but if someone has one of those criteria and is with the right party, chances are pretty good he or she will be there.

I am not exactly sure the public or anyone else would say that is the proper way of determining who should be in the courts. I want to put a few of those points in perspective. There have been a lot of excellent judges on the supreme court of the United States over the years. We can criticize that system all we want, but I think the level of judicial decision making that has come out of the U.S. supreme court generally has been far superior to our system here.

I want to perhaps get my learned colleague's reaction to these comments. I do not think we are advocating electing Supreme Court of Canada judges but we are talking about having a good independent system in place to make sure we get the very best men and women as our judges.

Mr. Bill Blaikie: Mr. Speaker, first, I would like to extend my congratulations to the member for Prince Albert. I believe this is his first parliament. Of course, he has a very distinguished pedigree in terms of the constituency but I do not know about the party. Members have represented Prince Albert in the past, some from my party and also a couple prime ministers, I believe.

In any event, the member makes a good point. It is certainly not a point that I was wanting to disagree with. I just did not talk about it.

He is asking me what I think about the view that perhaps we should have a way of appointing our supreme court which gives Canadians more of an opportunity through the appropriate parliamentary committee to hear what they think. This is not to politicize it or get them elected or anything like that, and not to uncritically imitate the American system necessarily, but something to take into account the fact that judges, since the inception of the charter, have a lot more say about a lot more things than they used to.

Perhaps an appointment process that was created before the charter is not adequate to that task. I am sure that is a matter of debate within all political parties as we try to wrestle with the increased role of the judiciary in our society and what we welcome, what we have reservations about and what we should have concerns about as parliamentarians. Some people have more concerns than others. I think the point the member raises is a legitimate.

● (1720)

With respect to criticizing judges, I did not criticize any judges. In fact, it is members of the hon. member's own party, some of whom have made a political career out of criticizing, not judges in the abstract, but specific judges and specific judgments. I would hope he might share the advice he had for me in terms of contempt of court and exercising caution with respect to criticizing judges with some of his caucus members at some point.

Mr. Rob Anders (Calgary West, Canadian Alliance): Mr. Speaker, I recognize that the hon. member who just gave us his speech with regard to this particular bill is populist. I recognize from the comments he made that he does not see the election of judges as the way he would go. I happen to favour the idea of electing judges, but obviously it does not carry the day with all.

He alluded in his comments to the idea that possibly the appointment process might need to be changed. My question would be along the lines of what ways or suggestions he might propose for changing the appointment process. I happen to like the idea of people being brought before committees, which are responsible in some way or degree for those particular departments, to face some sort of vetting process. There was earlier discussion on this very matter in terms of the process that goes on south of the border, but certainly there are other ways it can be done.

I would just like to mention in the question as well that the way I am familiar with the process working at least in my province, and I am sure it is not the only province that this is done for, is basically along the lines of political favours, whereby a group of cabinet lawyers or possibly, if there is not enough lawyers in the cabinet, the caucus lawyers in a particular party gather around and names of potential appointees are suggested. They run the gauntlet. During the process the lawyers in that particular governing party determine it by saying ''Know him, know him, don't know him''. If a person gets enough know hims and general favourable nods, the person gets the appointment. If a person gets more do not know hims, where people say they know him but they do not happen to enjoy his particular political stripe, then he does not get appointed.

The previous comment about people being good donators or good fundraisers does have validity in terms of how people get some of these things. Does the member think that that process is a fairly accurate way of describing some of the ways in which people get chosen to be justices? Does he think that there is some form or process that would be appropriate? What does he particularly think

about the idea of running appointees past a cabinet committee that is in the area of responsibility?

Mr. Bill Blaikie: Mr. Speaker, I will take the member's word on it for that damning critique of the way the provincial government appoints judges in his province. I would not want to dispute that. Hopefully it is something the people of Alberta will take into account today.

I go back to the first part of his question or comment when he talked about the appointment process. I seems to me that like so many other things around here everything is connected to everything else. He suggested that possible appointees, or recommended appointees or candidates for appointment to the supreme court should be brought before the appropriate committee of the House of Commons for vetting, or for conversation, or for investigation or whatever. To do that without parliamentary reform will not do the trick.

The American system works because the government does not control the committees. The American system works because there is some chance that people who are of the same party as the appointer, the president, might not do what the president wants. There is a real process.

We have a problem in Canada. There are all kinds of things we cannot really reform unless we reform the House of Commons. To just bring candidates for nomination to the supreme court before a committee that is run by Liberals for Liberals and have them rubber stamped in the way that so many other things are rubber stamped, what would that accomplish?

● (1725)

I do not want to be the counsel of despair but on the other hand we have a bigger job ahead of us than just putting them before a committee. We have to change the committee and parliamentary culture in order to make it a meaningful event, otherwise it will be another charade like so many of the other things that happen around here.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I commend the words put forward by my colleague, the House leader for the New Democratic Party. He has put forward a number of pearls of wisdom and some provocative issues that add to this debate. This is a debate that could be very far reaching should we choose that route.

Bill C-12 is a fairly focused piece of legislation when it comes to remuneration for judges. It speaks to process and speaks of a committee that will and has made recommendations on the issue of remuneration.

There are a number of important elements to this bill and members have discussed some in great detail, such as the shortcomings of judges, their decisions and the appointment process. All of that is worthy of debate. To quote my friend from Winnipeg—Transcona ''parliament is certainly well healed, well versed for that to take place''. Parle, meaning to speak, is what we are here to do.

This particular subject matter is one that has been very controversial for not only members of the House but for Canadians generally. People are quite rightly concerned about the ever increasing, some would say ever expansive, role of judges in challenging laws. The charter plays a great deal in that.

There is specific concern about the resources to which individuals working in the justice system are sorely in need of support, whether it be legislative support or resource support. This is another huge expansive topic that we could speak to at this time. This particular legislation is aimed at trying to make a distinct difference between the political process of appointment and process of remuneration, or the salary structure that is in place for judges.

The Conservative Party is supporting this bill. We look forward to having it come before committee where some of the other issues that might stem from the bill can be looked at. I have some limited experience in the judicial system, but for the most part, I believe the majority of judges in this country are hardworking. I believe they perform an incredibly important task. Arguably, members of the judiciary, whether at the provincial court, or appeal court or supreme court level, have more individual discretion over a person's life than members of parliament or other officials in Canada. They have incredible discretion in their hands.

The Conservative Party also believes in being responsible to taxpayers. We support the government's acceptance of the recommendations which were made by the independent Judicial Compensation and Benefits Commission. This is now entrenched by virtue of Bill C-12. This is another important aspect of consideration when it comes to better pay for judges. The compensation that is being put forward is coming about on the recommendation of an independent commission.

The first reading of this bill on February 21 set forward that the Judges Act will implement the government's response to recommendations made by the 1999 Judicial Compensation and Benefits Commission. That came about historically as a result of a decision from the Supreme Court of Canada in 1997 that established new constitutional requirements for determining judicial compensation and requiring every Canadian jurisdiction to have an independent, objective and effective commission. If there is to be credibility and accountability, it is extremely important that it is arm's length from government and that it looks at the issue of compensation.

Delving into that further, it also amends the Judges Act to increase judicial salaries and allowances. Let us be very clear about

what the bill does. It raises judicial salaries. It is intended quite clearly to improve the current judicial annuities scheme, to put in place a separate life insurance plan for federally appointed judges and to make other consequential amendments to the Judges Act and the Supplementary Retirement Benefits Act. It is certainly well intended to give judges the security they need.

● (1730)

In recent years there has been a lot of concern about criminal activities in the country. That has led to much of the controversy and frustration on the part not only of victims but of those who work actively in the legal system.

Some of the decisions we have seen judges make lead people to question whether the system is working. However let us question the decisions rather than the personalities and the judges themselves. Let us look at the decisions in isolation, based on the facts from which judges made those decisions. If criticism is then merited, it is fair game. There is a forum and a way to appeal. There is also ample discussion in the general public about the wisdom of judges' decisions on occasion. That is fair game. Once again, that is healthy. That is democracy.

The separate and important issue is not to let that criticism and discussion permeate the issue of whether we should compensate judges fairly or whether we should look at their salaries as a separate issue from their performance on occasion.

Let me put it another way. The issue of judges' salaries is important, but we must ensure judicial independence is always maintained, that judges are not tempted by any outside influence that could compromise any ruling from the bench. What I am getting at quite clearly is that with some of the elements of organized crime in the country, and I hate to raise the spectre, there is the real possibility of bribery, judicial interference and temptation if our judges are not being compensated fairly.

Let us also put this into perspective in terms of salary ranges in Canada. We must look at other functionaries and their pay scales, for example heads of corporations, doctors and athletes.

Certainly performance is one issue, but the function judges perform is also something we must take very seriously. The performance a judge puts forward in his or her daily exercise is crucial to the preservation of justice. It is an absolute cornerstone if the system is to function properly. Judicial compensation and benefits very much preserve the independence of judges and their ability to do the job.

The compensation commission is appointed for a four year term. Its mandate is to consider the compensation and benefits for judges and to make recommendations to government. It does so every four years. It reviews the situation and takes into consideration factors including the salaries relative to the role they perform. It must report to government within a nine month period. It talks of modernization and talks of keeping pace with other current pay scales. It calls for setting a certain priority relative to other professions.

I refer once again to the comments of my friend from Winnipeg—Transcona. There is ample evidence that there are problems in our justice system with crown prosecutors, legal aid, lawyers, court officials and police, those who administer the day to day meting out of justice. Those who are in the trenches, in the *MASH* unit of the judicial system, similarly must be compensated fairly.

Perhaps there is a methodology or a system in place where we could have some sort of association between reviewing judges and their pay scales and those of the functionaries that perform the very important day to day tasks before the judges which allow the judges to make their decisions.

Crown prosecutors and legal aid lawyers are under such terrible constraints of caseloads and backlogs that they are not able to put forward to a judge crucial information to enable him or her to make those decisions. Perhaps there is wisdom in broadening the discussion and perhaps even broadening the legislation at some point in the near future.

● (1735)

Turning back to the commission itself, the commission makes a recommendation of a salary increase of 11.2%. I note this is significantly less than the 26.3% increase proposed by the judiciary itself. Clearly that would not be appropriate. Clearly we could not have judges themselves making recommendations on what their pay increase should be. That would be akin to what we do as members of parliament, and we know how the public feels about that.

At least the bill does not go down that road. At least the bill respects the fact that there is a judicial committee, arm's length from government, that is making the recommendation. Once again perhaps we in this place should be learning from that caution.

The commission's recommendations were based on research comparing judges' salaries to those of private sector lawyers. I would suggest, and I challenge others to talk to some high ranking lawyers who work for big firms, that there are many who literally would be taking a pay cut if they were to take a judicial appointment.

If we want to put the cream of the crop on the bench, if we want the very best litigators and lawyers to be sitting on the bench making these crucial decisions, we must be prepared to compensate them fairly, and in some cases comparable to what they could make in the private sector.

The salary performances and bonuses of senior federal deputy ministers, for example, also bear scrutiny and comparison. The

importance of salary and benefits in attracting outstanding candidates to the bench cannot be understated. Quality is an absolute necessity. It is too important not to strive to have the best of the best on the bench. What an important function it is that judges perform. I reflect on that.

The Judges Act will also officially establish the compensation committee for the long term. It will be required, as I stated before, to convene every four years, make recommendations and come forward with those recommendations nine months after they have commenced. Its mandate is to inquire into the adequacy of judicial compensation and benefits.

The committee's mandate consists of three important considerations: the economic conditions of the country, cost of living, overall economic position of the federal government vis-à-vis budget surpluses, et cetera; the financial security of the judiciary to ensure judicial independence; and the need to attract outstanding candidates. Those are the basic criteria for which the committee would meet. They are certainly important criteria.

The recommendations, I think it also bears noting, are not binding, but the supreme court decision requires that the government publicly justify any decision of acceptance or rejection of the recommendations. This response is reviewable in the court and must meet the legal standard of simple rationality.

A common sense strain runs through the commission and the government's use of the information it provides. It would be measured by the reasons and evidence offered in support of the government's decision. There are some checks and balances within the bill that are laudable and that meet the objectives it seeks to address.

The salary regime, the pressures and independence are also very important. The pressures that judges feel is also a consideration when they decide whether they would accept an appointment. We have talked a bit about the appointment process but salary is certainly a factor. Financial security is certainly a factor for an individual to accept an appointment.

I would like to put on the record the yearly salary of the judges of the Supreme Court of Canada. The basic salary for chief justices is $230,000. The puisne judges make $213,000.

The yearly salaries of the federal court judges are as follows: the chief justice makes $196,000; 10 other judges of the Federal Court of Appeal make $179,000; the associate chief justice of the federal court makes $196,000; and judges in the trial division make $179,000.

The current salaries in accordance with section 11 of the act and the adjustments in section 25 are also as follows: the Tax Court of Canada chief judge makes $196,000; the associate chief judge similarly makes $196,000; and other judges in the tax court make $179,000.

● (1740)

The yearly salaries in the provincial court of the province of Nova Scotia are as follows: the chief justice, $196,000 and the court of appeal judges, $179,000. I am putting these salaries on record because it is important that we keep the figures in mind when we look at salaries of other occupations, other heads of corporations.

Those are undeniably large numbers for the average Canadian to consider. They are significant and yet appropriate rates of pay must be put in place if we are expected to get the highest quality of individual into those jobs. Judges are undeniably the cornerstone of democracy and defenders of fundamental rights from the bench. If they are to have that respect, ability and prestige they must be remunerated.

The bill is a good one. We may need to have a look at some of the specifics and potentially a look at the tie-in to the shortfall in other areas of our judicial system.

The priorizing of this bill in returning to parliament is one we might question. However I suspect it is because there will be speedy passage. One would hope that the bill will go to committee and will be dealt with quite quickly.

The bill is something that is necessary to get in place quickly. If there is any anxiety or pressure brought to bear by delaying Bill C-12, it will not be healthy for our current judicial members.

There is also reason on occasion to recite some of the atrocious and ridiculous decisions that have come out of the courts, but I would not suggest there is merit in doing that in the context of this debate.

My final point is that there are ways to correct some of the shortcomings. There are ways to approach the remuneration of judges. We can review some of the shortcomings. We can cite chapter and verse some of the decisions we take great umbrage with, great outrage as to what the findings might have been.

We can then question the quality of the judiciary. We can try to make the argument that we should not reward judges by increasing their salaries based on perceived performance, or lack thereof in certain instances, and that therefore judges should not get a raise. That would be the rationale in simple terms.

Or, we can look at it in terms of how we make sure it does not happen with greater frequency, that we do not continue to have substandard individuals in positions on the bench where they would make poor decisions. How do we attract the very best? How do we ensure we will have individuals who will let their names stand and who will come forward to serve, which is a great privilege to do in that capacity?

How do we do that? We compensate them fairly. We ensure that they will be given salaries on par with other important positions in society and that they will be given the financial respect they deserve.

Most judges have served with great distinction under difficult circumstances and are forced to make real gut wrenching decisions on a regular basis. Quite clearly they struggle with those decisions. They do not always get it right. I am not here to defend the judiciary at great length. I suggest the system itself, although not perfect, is the best in the free world.

We must clearly ensure that we attract those with the greatest ability. On the whole judges perform their task quite adequately. The legislation has led to an interesting debate of the various philosophies of how the judiciary and the appointment process and the politicization of it should work. However Bill C-12 is exactly what we need in attempting to distance politics from remuneration. The appointment process is something we should look at next.

The Conservative Party will be supporting it. We look forward to having it at committee where we can discuss it further.

● (1745)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, the member from Nova Scotia touched on a number of areas that I think are of interest here.

One of the comments was in regard to the question of bribery. I would have thought that for most men and women in law school who were told that some day they would have the privilege of serving on a court of appeal or the Supreme Court of Canada the first thing that would come to mind would be service above money.

Second, it seems to me that the need to have this vetting process is very important in order to make sure that the people we are appointing to the courts are people who we are satisfied have high levels of integrity and personal behaviour. That is something I think this process could identify. Even if they have different ideologies from mine, I can respect that they are honest people and of good integrity.

Actually if money ensured high levels of integrity in our world, Hollywood would be the best place in the world to go to find that. The sports world would be another area. Presumably the people who are getting the most money would be the people who would conduct themselves with the highest standards of integrity. I am not exactly sure the money issue is as big as people make it out to be. I am willing to guess that $190,000 a year would put someone in the top 1% in the country. In some provinces it would be one-tenth of 1%. In Saskatchewan there are not many people who make $190,000 a year, and I am sure that in the province of Nova Scotia they are few and far between as well. In Toronto or Calgary it may be a different situation.

There is another area I am concerned about, and I raise it for my learned colleague from Nova Scotia. It is the vast disparity in lawyers' incomes in this country. I practised law in Saskatchewan for 25 years and I looked in envy at the income levels of lawyers in Toronto and Calgary. There are big differences. Maybe in a place like Toronto, where a $500,000 a year income level is not unusual for skilled lawyers, there may be a problem attracting people, but in Saskatchewan there would be no shortage of competent lawyers available for judicial appointments at a salary of $190,000. They are competent people and the lineup would be a long one. I am not exactly sure that the bill addresses that sort of concern about the vast disparity in incomes.

I cannot explain this vast disparity in incomes in these regions. I know that Alberta and Ontario are like the beacons on the hill in this country. They have booming, growing, prosperous provinces that attract thousands of people and lawyers from other regions of the country in massive numbers, and they do very well economically. However, I am not from one of those areas. I am from one of those areas where we have had a different philosophy and a different way of doing things and our standard of living and our incomes are much lower. Maybe the member from Nova Scotia could address this concern. Maybe we need some flexibility in our levels of remuneration based on the region of the country one comes from.

Mr. Peter MacKay: Mr. Speaker, I thank my learned friend for the comments. He raises a number of interesting points. I am not going to stand before the House and debate the merits of or try to in any way defend some of the inflated salaries of certain professions. I am a huge sports fan, Mr. Speaker, as I know you are, and as are many members of the House, but I would never try to justify the merits of paying an athlete literally hundreds of millions of dollars on occasion to sign long term contracts versus the paying for the performance of a researcher who is trying to find the cure for cancer or of an individual who is volunteering to go into a war torn area and put his life at risk to try to aid others.

These discrepancies and anomalies in certain professions and in the remuneration that people receive are in many ways cannon fodder for debate and criticism, but there is no way to justify or even begin to reconcile the remuneration and the salaries that are put in place.

● (1750)

Having said that, I come from a region not unlike the hon. member's when it comes to the salaries that a person would command in our profession as a lawyer or in other professions. There are certainly cost of living considerations when one looks at

other regions of the country. Calgary, Toronto and Montreal are perhaps the most obvious that come to mind when one considers the salaries in some regions versus others.

Whether that would merit an examination of regional bonuses when it comes to judges or judicial appointments and differences in the judicial salaries of his province of Saskatchewan or my own of Nova Scotia vis-à-vis Ontario, I would suggest that it might cause more consternation and more difficulty than it would resolve.

I do not think I particularly agree that we should be examining how to somehow perhaps skew the compensation based on the salary levels of various provinces, although it does raise problems. Are we going to be drawing the very best from Ontario if we cannot offer them a salary in the range which they command in their profession currently? It is a difficulty that I guess can only be resolved when one can peer into the heart and soul of a person who wants to serve in that capacity.

I would suggest, and I think the hon. member would be quick to agree, that anyone in the legal profession who has practised law as long as he has and is now serving his country with distinction in the House of Commons would consider it a great honour to be appointed to a judgeship at any level. That is part of the individual personal decision that one has to make, along with remuneration, job satisfaction and any number of other listed factors that come into play when a person makes a decision.

The hon. member raises a number of interesting points. I look forward to debating this issue further in committee and I thank him again for his comments.

Mr. Rob Anders (Calgary West, Canadian Alliance): Mr. Speaker, I realize that the hon. member of course was previously, and I imagine still is, a lawyer himself, so he speaks with some level of knowledge about this, which many others in the country would not have.

I would like to ask him, as I asked the colleague from the New Democratic Party who spoke before him, about what he feels might be a way to improve the appointment process. In his speech he talked a great deal about the compensation judges should be given for the type of job they do. I can appreciate some of the arguments made in that respect, but I know there are abuses in the system.

I will relate to him one example that I am aware of in Calgary, whereby a particular firm was given the nod, as it were, in terms of it being the firm's time to put forward one of its people for a judgeship. Officially it is supposed to be an open process. What happened was that someone who did wills and estates in a particular firm—and I do not want to name that particular firm even though I could here in the House—and who was not a particularly accomplished lawyer sent in an application. When the government received it, it took that application to be the application that the firm in a sense had anointed as its application and that person was appointed.

Later on, two individuals, one of them representing the government, happened to meet on an elevator. The one representing the government said to a senior partner with the law firm that he hoped everything had worked out okay, that the government had received the firm's appointment and everything was taken care of.

The senior partner said that the firm's selection had not yet been made. The government official said that of course the firm had made its selection, that the government had the piece of paper, and he asked if that was not what it was supposed to get. The official said he thought that was what the firm wanted. The lawyer then replied that he did not even know who the individual was and that he would look it up on the letterhead.

He had to look at a list of about 200 lawyers and finally found the lawyer who had been struggling in wills and estates. He then realized that someone had openly sent in a bid and had been given the judgeship.

● (1755)

I tell the story because I know there have been problems. I know that people have been appointed to these positions—

The Deputy Speaker: I am sorry. I was trying to catch the eye of the hon. member. Time is running very short in the question and comment period. There will only be one minute for reply, please.

Mr. Rob Anders: I am sorry, Mr. Speaker. Basically the question was this: Does the member have suggestions for improving the selection process?

Mr. Peter MacKay: Mr. Speaker, I thank the hon. member for the question and I agree that there are some shortcomings in the way the system currently works.

For example, I think a system may someday evolve where we will have judges who deal with specific types of law. I believe that the law in this country is becoming so complex there may be a need to have a criminal bench, as we currently have a tax court. There may be a need to specify that a certain individual will only hear employment law. There may be a need to diversify the bench in such a way that we may have to shrink the pool for the types of selections we are making.

Trying to get politics out of this is increasingly difficult. It is like trying to pour rum in milk and then somehow trying to siphon it out. It is a very difficult thing to do. The politics of it will be there, but if it is based on the competence, the performance and the ability of the individual, then that is certainly the base we will continually strive for.

Having the provinces further involved and having them put forward lists of competent individuals who have been vetted is an

idea worth examining. The possibility of having potential judges come before committees is one idea I would not rule out. However, I believe the final selection process is always going to be the privilege of the crown and that is something we may have to examine in the future.

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, in this context I would like to ask a rhetorical question: in a democratic society, who should ultimately have the final political power and authority to make decisions?

In 1982 Canada made a major change. Up to that time we believed in the principle of the supremacy of parliament. We believed that the 301 men and women who were elected to parliament every four or five years would ultimately have the final say on our laws in Canada.

In 1982 we changed that. We brought in a constitution that included a charter of rights. The charter basically and essentially transferred the ultimate power and authority to our judges. That is like giving the referee in a hockey game the rule book and telling him that if he does not like the rules he can change them as he goes along; it is like giving the umpire at a baseball game the same kind of power.

Three premiers, all lawyers at that time and two of them Rhodes scholars, Mr. Blakeney, Mr. Lyon and Mr. Lougheed, saw great danger in this change. As a condition of adopting both constitutional changes, they insisted that we have a safeguard in our constitution. That safeguard was the notwithstanding clause. The notwithstanding clause was there to give parliament the final say on our lawmaking abilities in this place.

As a result of the federal government's unwillingness to exercise the notwithstanding clause, we have had a Supreme Court of Canada that has made some fairly major astounding decisions in our times, which have had tremendous fiscal impacts on Canada. I am talking about things that could have caught the Minister of Finance totally off guard, costing $5 billion, $6 billion or $7 billion a crack. Its decisions have had major economic and social consequences. I could mention specific cases but I do not think there is much merit in that. I will, however, mention the Singh decision, which has had a radical impact on immigration law in Canada.

What I am getting at is that if we are going to have this system in the future, we need a strong independent system for appointing people and we have to make sure that the people who are appointed are people with very high standards of integrity and honesty. That is very important.

● (1800)

We have already talked about some of the appointment criteria. I can give an example from my home province. It is well known among lawyers that one of the larger law firms had a lawyer in its employ that it did not really want or like, and since it was its turn to send in a name, as the member from Calgary mentioned, it sent in that lawyer's name. Unfortunately the public had to live with that judge for 20 years and with his decisions. There are a lot of inadequacies in the appointment process.

In terms of salary and benefits, I want to emphasize the point that service above monetary rewards should be the compelling reason to serve on a court of appeal or the Supreme Court of Canada. I know many noble and honourable lawyers who would find it a great privilege to be asked to serve on the Supreme Court of Canada. I have often wondered why we have to go around seeking applications from people. Why we do not seek out these folks and make sure that we get the very best on our Supreme Court of Canada? If we have a Gretzky equivalent in the legal community, why are we not seeking that person's service on our Supreme Court of Canada? I do not think money would really be a major problem with these people. They would see it as a great privilege to serve on the court.

I am a bit concerned that the court will ultimately have the power to decide whether this independent committee is independent enough. If it finds that it is not independent enough, we will receive some court decisions that sort of imply or suggest that the court would ultimately have the power to decide what are fair enumerations and benefits.

What is very important to note is that when the public interest cries out for action, it is parliament that has the final say on what our laws should be not the judges. If I go back to how I would like to see things operate and I would use the analogy of a hockey game. The league owners and teams decide on the rules. They create a rule book that they give to judges, who are called referees and officials, and they would decide off sides and whether its a goal and so on but they do not make the rules.

We are in a very difficult bind because we have given tremendous power to a handful of people at the court level. I wonder where this mentality came from in 1992. It seems to me that implicit in the whole argument of shifting from the supremacy of parliament to the supremacy of the Supreme Court of Canada was that there was something dangerous about democracy. It implies that to elect men and women to our system of government and have them make decisions is dangerous.

That sort of belief implies that because a person has spent a lot of years as a lawyer and a lot of years doing partisan things for his or her political party, and fundraising seems to be one of the things that lawyers are really good at in the partisan sense, that this somehow qualifies the person as an elite. It further implies that the elite know better than the democratic will of the people and that nine or ten people should have the final wisdom on decisions on public policy.

I find that whole notion very disturbing. Some people would suggest that if we took that far enough it would get us into an

authoritarian type system. It would perhaps be a more benevolent type of dictatorship than that of other countries. However these folks are not elected. They do not have to face the media scrums after a day in parliament. They do not have to come into parliament and be accountable for their actions and decisions. They are pretty immune from it. The finance minister has to determine how he pays for their decisions and other ministers have to determine how to deal with the economic and social impact of the decisions. A lot of times it is like trying to drive a square peg into a round hole.

● (1805)

I think it would be far better if those decisions were made by our elected people. We have a lot problems with our elected system but, as Sir Winston Churchill said many years ago, it is a terrible system of government but it is better than all other forms of government invented by now.

I would be interested to hear what other parliamentarians think about the mentality behind the transfer of democratic power from our elected men and women to an appointed group of eight or nine people. Implicit in that appointment is that they are smarter and wiser than the public's will, as expressed through our election process, and that they are a better judge of deciding what is good for society.

My own view is that it is a liberal value. During the election we were going to debate values, but one of the legacies of liberalism is that it is better to have elites make the decisions for people. It is dangerous for people to make decisions for themselves. It is also dangerous to have elected democracies because these people are not quite smart enough. I recall one prime minister saying that we were nobodies when we were two feet out of the House of Commons. He had a lot to do with some of this stuff, if I recall things correctly.

It seems that some individuals had some good intentions. They were going to create a superior system of government, our parliamentary system and our present way of doing things. I refer to the words of William Shakespeare who said something that I think is very relevant to this topic, ''The road to Hell is paved with good intentions.''

I believe the person responsible for this fundamental change in our system of government had good intentions. I am not exactly sure that living with the results of this system are really showing the sort of things we want in our society, such as accountability and good public policy. Judges can make very major decisions and simply walk away from it, leaving people sitting in parliament trying to deal with the carnage and the damage that results from these sorts of decisions.

I could give some very specific examples in recent times of those kind of decisions. The Marshall decision on lobster fishing rights off Nova Scotia would be one that is very current to me. That decision will cost us a lot of money and it will cause a lot of unnecessary conflict and division in our society. We will need to tackle those problems. The people that made those decisions in the Supreme Court of Canada are not accountable for those decisions.

I have major reservations about the bill. The Supreme Court of Canada said that if it had independent commissions to decide salary and remuneration, it would accept that. We should bear in mind that the Supreme Court of Canada will decide whether that is independent enough for it or not. With some of the cases involving provincial court judges, they superimposed themselves in there and have become the decision makers for their salary and remuneration. In Saskatchewan, there was a fairly significant increase in provincial court salaries because of this sort of approach.

Anyone who would review that process would know it is flawed. How can we have people with that much power decide salary and then use something like judicial independence as an argument for this sort of thing? Does somebody seriously think that our judges are in trouble because they are receiving $190,000 a year? Does anyone think that they do not have a roof over their heads, cannot put three meals on the table or take care of themselves, and so on? That is utter nonsense. They are in the top 1% of the country. Most Canadians would just love to have that level of remuneration.

I think the salaries for our judges have always been adequate. That is not a problem. I think it is absolute nonsense for judges to imply that somehow their judicial independence would be usurped by having salaries decided by somebody outside their own control.

● (1810)

They would have control in the final run as to what would be an independent committee. Parliament would not have that decision. Like all other things in society, with a government that does not wish to use the notwithstanding clause they would have the final say.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I was rather taken by the last couple of sentences the member expressed about the business of judicial independence.

I wonder if there could be any sort of connection between judicial independence and judicial imperialism. We have a specific attempt by the Supreme Court of Canada to actually interpret legislation, not in the form of an executive branch but rather in the form of a legislative branch.

Could the hon. member say something about that part of it and whether there is a deficiency on the part of legislation that is passed in the House? It is so broad and so general that it is almost as if parliament is saying it does not wish to deal with it and is asking the supreme court to deal with it. Are there two parts to the issue?

Mr. Brian Fitzpatrick: Mr. Speaker, we have a solution to the problem. We had two Rhodes scholars and another very intelligent lawyer, Peter Lougheed, who saw the danger. All three of them saw it. One was NDP. One was a middle of the road Tory. I think the other one may have been on the right a bit. They all saw the danger and they insisted on including the notwithstanding clause.

The prime minister at the time and the current Prime Minister, were very much involved with that process and they consented to it. However, since the adoption of that act in 1982 we have not had a prime minister decide to exercise that power in the face of some really outrageous things.

One example was the Singh decision. This person landed on our shores. The Supreme Court of Canada decided that even though he was not a Canadian he was entitled to the full protection of our Canadian legal system: the charter or rights, due process and everything along the line. Then there was a series of appeals and so on, and in reaction to it the government said the only way to deal with it was to expand the immigration department and all our internal appeal procedures.

Anybody who had anything to do with immigration law smiled from ear to ear. This was a new engine of growth for that whole area and there has been a flock of people move into the area. That is why we have these problems today. They are being debated in the House and taxpayers are spending a disproportionate amount of money on the whole system when common sense would say that there is a better way of dealing with it.

The government has not decided to take that action because it would mean exercising something called the notwithstanding clause which enshrined in our constitution the supremacy of parliament. The prime minister at the time would not have gone ahead with the constitution if he had not understood that. He was a very intelligent man. He understood the significance of what that notwithstanding clause meant.

I am really amazed at how governments since that period of time have failed to exercise that power. It is very frightening. I keep going back to my analogy of the hockey referee. I cannot see the owners ever turning all that power over to referees, not just to enforce the rules and call them fairly and so on, but to say that if they do not like the rules halfway through the third period they can be rewritten whichever way they want.

That is basically what the government has been doing with our system. It has given the nine men and women on the Supreme Court of Canada a blank cheque in this whole area. It has basically told them they have the ultimate authority, that although people elected them to be the Government of Canada they are wiser and smarter, and that the public really does not know what is best so they have the final decision.

• (1815)

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, a few moments ago the hon. colleague from Prince Albert talked about the possibility of it being unwise to select judges specifically on their need or greed of money. It would seem to me that those were pretty good comments. Selecting someone to be my judge who is so greedy or so needy that his love of money causes him to not take that position unless he makes over $200,000, in my mind brings him into question.

My hon. friend is a lawyer. He has had experience in a lot of court cases. There are two questions I would like to ask him. Could you give us some specific examples of how the courts have usurped the power of parliament? What is the proper way of selecting judges?

The Deputy Speaker: Just before I give the floor to the hon. member for Prince Albert, I would like to remind members that when asking questions to one another to direct them through the Chair, not directly to each other.

Mr. Brian Fitzpatrick: Mr. Speaker, I thank the member for that very challenging question. I could go through a lot of decisions but I guess the most recent one I can think of is a murder that occurred in Washington state.

The victims were in Washington state. The crime was committed there. Canada really did not have any interest in this crime other than we do not like to see innocent people murdered. However the people who were murdered were not Canadian citizens, they were American citizens. Through good fortune, the people who committed the crime ended up in Canadian territory. With the Singh decision and so on, they had full rights to use our system or to basically exhaust it. They made it to the Supreme Court of Canada and the supreme court did something very astonishing.

As a lawyer, I respect the American process. It believes in reasonable doubt. One is innocent until proven guilty. One is entitled to a defence counsel. Long before that was ever an entitlement in Canada, the public purse provided one with defence counsel. The supreme court of the United States has a long history of appointing defence counsel to represent people who have limited means and so on and some major decisions have worked through the system. One is entitled to a trial before one's peers, a jury and so on. It is a system much criticized in the rest of the world as favouring the accused too much.

The Supreme Court of Canada decides that American judgment as to what it should do with criminals in America is not good enough, that Canadians know better, especially the Supreme Court of Canada, and that Americans have no right to decide the penalties if they are not in line with our penalty system.

Capital punishment is totally alien to our value system. The American supreme court never asked the people of Washington state or the other 280 million people in the United States whether they thought capital punishment was warranted in this situation. It knew better and decided to impose its decision on the Americans as if they were in some banana republic or in some dictatorship in Africa or in the Middle East or something like that. The Supreme Court of Canada has been doing that internally.

There have been many other cases. There was a case seven or eight years ago. It was actually from my province. A person, whose name I forget, killed 14 or 15 children in California and ended up on our soil. It was a decision very much like this. He worked his way through the system. Fortunately, the Supreme Court of Canada still had some people who had some good judgement. A four to three decision ruled that this guy should go back to California. The plane was running at the airport in Prince Albert. American authorities were waiting at the Prince Albert institution. They rushed him out of there, put him on the plane and flew him out of the country before some immigration lawyer could start another application.

● (1820)

My understanding is that this fellow is still working his way through the system in the United States. The Americans are not finished with him. However, I think in many ways the government would have preferred that this individual stay in Canada where we are much more compassionate and caring in regard to these sorts of individuals than a lot of other people.

They know better and we have a Supreme Court of Canada that definitely knows a lot better than the average Joe in Canada. Those people have a lot more wisdom. They have been on the 28th storey in Toronto, looking out the window through a lot of smog for a lot of time and that gives them a lot clearer picture of the landscape of the country and what should be done.

There are a lot of examples of this sort of thing. To me it gets right to the whole question of the justice system in the country. It is defective.

Mr. Rob Anders (Calgary West, Canadian Alliance): Mr. Speaker, for the folks back home, what is happening today? Basically we have a Liberal government that has just come off an election. It did not really have much of a mandate to go to the people with, so it is putting forward a Judges Act which was put forward in the last parliament, and it wants to give a significant raise to judges.

The important thing for people back home to keep in mind, and I will discuss many of the details of the bill, is that rather than bringing forward legislation on the Young Offenders Act in order to strike at serious repeat offenders who are causing all sorts of problems with the legal system, the Liberals want to deal with judges' compensation. The Liberals did not want to talk about the Young Offenders Act. They did not want to deal with serious repeat offenders.

It goes on. The Liberals did not want to deal with consecutive sentencing, where somebody who commits a crime only serves one murder sentence and gets a multiple discount for multiple murders. They did not want to deal with consecutive sentencing so that the individual could serve one sentence after another sentence, which is, by the way, something that the Liberal member for Mississauga East brought up in the House and tried desperately to get her government to adopt. Despite that fact, they tried to kill her bill in committee. Despite that, no, they do not want to talk about consecutive sentencing. The Liberals do not want to deal with issues that have been brought forward by their own members like the member for Mississauga East, a good loyal Liberal who has probably been there for a decade.

The government does not want to listen to that. It does not want to listen to what her constituents have to say on this. Instead it is raising judges' salaries.

I will go on. These Liberals do not want to deal with pedophiles. They say it is okay for people to possess kiddie porn, that the judge's decision on it is all right. They do not want to deal with pedophiles, pedophile legislation and possession of child pornography. No, the top priority for the Liberals when they come back after going out on the stump and getting elected is raising judges' salaries.

Those are Liberal priorities for you. This goes on. They do not want to bring up the idea of a violent sex offender registry. We have people in Canada who have committed multiple rapes, yet does the government come up with an effective strategy to deal with multiple rapists? No. The government paroles them and put them back on the streets.

Instead of dealing with these real and serious issues, what does the government come to us with after an election? It wants to raise judges' salaries.

Let us talk about raising judges' salaries since we are not going to talk about all those other important things that a Liberal justice minister should be bringing forward. We are not going to talk about the things people really want. We are going to talk about what the bureaucrats want. We are going to let them drive the agenda. That is the Liberal way.

Let us talk about this whole idea of how judges are chosen. I take issue with the Prime Minister. I recognize that the Prime Minister was elected yet again by the people in his riding. I would not have voted for him, but at least a plurality of the people in the Prime Minister's riding decided to vote for him. At least he has some sort

of mandate. Not only was he elected by some number of people in his own riding, but as well he actually had to get enough delegates at the convention for the Liberal Party. Back in 1990 he was in my home town of Calgary, much to my chagrin. Nonetheless that was where he was elected. He had probably a few thousand people who said they wanted to give this guy the nod.

● (1825)

At least the Prime Minister has been chosen by the delegates within his own party and by the people within his own constituency. It is not as democratic as I might like. I think it would have been better if all Liberal Party members across the country would have voted rather than just the palace guard.

An hon. member: Oh, oh.

Mr. Rob Anders: I hear some squawking on the other side. I know I am hitting home when that happens. I know they are sensitive to this issue.

Despite all these problems with their process, nonetheless the Prime Minister has been democratically elected. If we can choose the Prime Minister democratically in the country, who then goes on to appoint people to the supreme court and to thousands of other positions, many of which are patronage positions including the other place which I like to rant about every now and again, and if he seems to accept the will of the people for his nomination and for his choosing, then by what rational argument do members across the way or anyone in this place say that judges, or any other position for that matter, cannot be democratically elected?

If we choose the man who is supposed to be the head of the government in this place, the Prime Minister, and he is democratically elected as one of the most important decision makers supposedly around, then why would we not choose judges or senators or many other people by democratic election? This makes absolutely perfect sense to me. Yet we have people across the way who will argue one side and then the other side, equivocate and try to muddle this issue by saying it is complex.

Fundamentally it comes down to from where people believe the power is derived. I happen to believe, and I will state it squarely today, that the power is derived from the people. I think they generally make pretty good decisions when they are given the chance.

I have asked many people today about the appointment process, what they think would be a better process than the one we have now. I happen to think that vetting them before a committee at least would be better than what we have. In my ideal scenario I would probably want to have them democratically elected.

I know right now with the process as it stands that people are given justice positions because of political favours they have done for a government. There are people in this place that can try to sideline that by saying that is not the case and by asking how dare I raise questions about these things.

Every one of the people in here, especially the practising lawyers in this place, know all too well that there are people who are given justice positions because of their political favouritism, of their stripe, of their donations or some mishap like that. Frankly there is a better way to go about it and I think the wisdom of the people is a good way to go.

I know that one of my NDP colleagues in this place asked why we would want to have these people determined by committee because the Liberals would just use that as a rubber stamp anyhow; they go ahead and do whatever they want in committee so why would we want a committee to vet it.

I realize that the Liberals abuse the committee process in this place better than pretty much anybody could. They are experts at abusing the committee process, even for their own members like the member for Mississauga East where they severely abused the committee process to try to kill her bill.

I recognize that if these appointments had to go before committee at least they could be some form of questioning. Hopefully we could shed the light of day on some of these appointments. If we cannot actually change what the Liberals decide they want to shove down peoples' throats, we could point out to the public that a person has made large contributions to the Liberal Party or has some sort of connection to someone in government.

It is an issue that deserves a lot more time than what you are giving me, Mr. Speaker. Nonetheless, there are ways we can improve the process by vetting through committee and possibly electing them.

[*Translation*]

The Deputy Speaker: It being 6.30 p.m., the House stands adjourned until 10 a.m. tomorrow, pursuant to Standing Order 24.

(The House adjourned at 6.30 p.m.)

CONTENTS

Monday, March 12, 2001

PRIVATE MEMBERS' BUSINESS

GOVERNMENT ORDERS

STATEMENTS BY MEMBERS

ORAL QUESTION PERIOD

ROUTINE PROCEEDINGS

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