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(HANSARD)

Friday, June 14, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Friday, June 14, 1996

The House met at 10 a.m.

Prayers

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-45, an act to amend the Criminal Code (judicial review of parole ineligibility) and another act, be read the second time and referred to a committee.

He said: Mr. Speaker, it is my pleasure this morning to lead off second reading debate on Bill C-45 and to put forth the reasons of the government why this legislation deserves the support of members of the House.

[*Translation*]

First of all, I would like to say that the purpose of this bill is to amend the scheme set out in section 745 of the Criminal Code the provision that provides for judicial review of the parole ineligibility period for life sentences imposed on persons convicted of murder or high treason.

[*English*]

In cases of first degree murder or high treason the parole ineligibility period is set by law at 25 years. In the case of second degree murder the parole ineligibility period is 10 years unless the trial judge sets it higher at a point between 10 and 25 years. An offender is not eligible to apply under section 745 until after that offender has served at least 15 years of the parole ineligibility period.

The decision in a section 745 review is made by a jury composed of ordinary citizens drawn from the community. As the section currently reads, the decision can be made by two-thirds of the jury, eight of the twelve members.

After hearing evidence called by the applicant and by the crown attorney in response, the jury decides whether to reduce the parole ineligibility period and to what extent. If it decides not to reduce the parole ineligibility period, the jury must decide when the offender may apply again, if at all, under section 745.

In cases where the parole ineligibility period is reduced, the offender becomes eligible to apply to the National Parole Board when that period as reduced by the section 745 jury is up. The parole board then consider the case and may grant parole only in appropriate cases. In making its decision the parole board must consider whether the offender's release would pose an undue risk to public safety.

I emphasize a point crucial to an understanding of the issues that arise with respect to Bill C-45, a point I do not believe is much discussed or well understood generally. The life sentence imposed on someone convicted of murder or high treason continues literally for the offender's entire life. In that sense, life does mean life.

• (1010)

In those cases where such an offender is released on parole, the offender continues to be subject to the sentence and can be reincarcerated at any time should he or she breach the conditions of release imposed by the parole board. They are accountable for the balance of their lives.

I would also like to stress for hon. members the legislative history of section 745. It is said by some that this provision was included in the Criminal Code by stealth, that it somehow resulted from trickery or deception.

Section 745 became part of our Criminal Code 20 years ago in 1976 as part of the amendments by which the House of Commons and Parliament abolished capital punishment.

Section 745 was the subject of full and vigorous debate. It was not slipped into the statute books as a surprise to the unwary. It is a fundamental aspect of the resolution reached by the House on the very difficult question of the appropriate penalty for murder.

It was enacted as a response to the recognition that a 25 year parole and eligibility period is significantly longer than murderers were serving before parole at that time.

In cases of non-capital murder, the average time served before parole release was between 12 and 13.2 years. In cases of capital murder commuted to life, the average time served was between 6.2 and 7.7 years.

Section 745 was enacted in recognition that 25 years without parole eligibility was and still is longer than comparable periods in many of the western democratic countries. I hesitate to draw comparisons with the United States because capital punishment is

still used there. Nevertheless, even in the United States of America, a country known for its firmness in response to crime, the average time served by murderers who are not executed is 18 years at the federal level and 15 years at the state level.

If I may be permitted to paraphrase some of the language used in the 1976 debates with respect to this section, section 745 was enacted to offer a degree of hope for the rehabilitation of convicted murderers, as a protection for prison guards and in recognition that in some cases the public interest would not be served by keeping offenders in prison beyond 15 years.

As many members will know, there are those who would repeal this section in its entirety. I have been presented with strong demands from some quarters for the repeal of this section outright based on the arguments about public safety, about the appropriate denunciatory statement for what is arguably the worst crime in the Criminal Code and about the prospect of victims' families being revictimized by the public review conducted in front of a jury where the offender might have no reasonable prospect of succeeding.

[*Translation*]

The position I have stated publicly is that I have been looking at ways to amend section 745 in order to re-focus the provision so that it is available only in deserving cases. In my view, the status quo is simply not on and Bill C-45 is proof of that.

By the same token, I am not prepared to propose to this House, as others have done, that section 745 be repealed. In my view, as a matter of policy and as a matter of principle, this would not be the right thing to do.

[*English*]

Section 745 exists to recognize the possibility that offenders can change after serving 15 years of their sentence. Unless we are prepared to abandon all hope that people who have been convicted of murder can change, our challenge is to find a way to refocus the provision so that it is available only in those exceptional and deserving cases.

The amendments proposed in the bill now before the House are designed to achieve that objective.

● (1015)

Let me describe briefly the three elements of these changes. First, it is proposed to eliminate access to section 745 and the jury review entirely for all multiple murderers who may offend in the future. For this purpose, a multiple murderer would be understood as someone who murders more than one person, whether on the same occasion or not.

The rationale for this proposal is very simple. It is based on a principle found throughout the Criminal Code and criminal law jurisprudence that repeat offenders should be treated differently. The fact that it is a second or subsequent offence should be reflected in the penalty that person receives.

Second, it is proposed to create a screening mechanism whereby the chief justice of the superior court, or a judge designated by the chief justice, would conduct a paper review of the application brought by the person under section 745 to determine if there is a reasonable chance of success. That would be done before the application is allowed to proceed to the review jury. This proposal would apply not only to future offenders but to the present prison population as well, provided they have not brought an application before the amendments come into force.

The purpose of the screening mechanism is to help ensure that only those meritorious cases get a hearing before the section 745 jury. This is intended to address directly the concern of the families of victims that they may be brought into a hearing process by an offender who has no reasonable prospect of success.

Finally, it is proposed to change section 745 to require that the review jury must be unanimous in coming to the decision that the offender's parole ineligibility period should be reduced. Again, this proposal is to apply to the present prison population as well as to future offenders. This new requirement of jury unanimity will strengthen the role of the community jury in the review process.

Let me mention this on the subject of the role of the jury in the section 745 process. It is said by some that section 745 demonstrates that the criminal law is out of touch with the common view, that it is out of touch with the perspective of the average Canadian, that it does not reflect the community's desire in responding to crimes of violence. To that, I say that section 745 is just the opposite. It is an example of the community being directly involved in the administration of the criminal justice system.

In the amendments proposed under section 745, the first step would be that the offender has to persuade a judge, based on a written application, that the person has a case for a jury which has a reasonable prospect of success, based on the tests in section 745 itself.

The unmeritorious applicants will be screened out. Only those ones will go forward that in the eye of an experienced judge have a reasonable chance of success. Those cases that do go forward will not be considered and decided by a judge, will not be considered and decided by lawyers, nor by bureaucrats, nor by parole members or members of other administrative boards or tribunals.

Those cases that are screened as meritorious and go forward for hearing will be decided by 12 members of the community, often the very community to which the offender seeks to return if parole is eventually granted. Those 12 members of the community will be drawn from the streets, the coffee shops, the buses and offices, the

very people who elected us to Parliament, the very people in whose name it is said that section 745 is out of touch with the community and its values. It is members of those communities who will make the decision under section 745 about whether there is any further public interest to be served by that offender remaining in prison, perhaps for a period of 10 years more.

● (1020)

Jury members will have before them particulars of the offender and the offence. They will have before them any evidence that the victim's family may wish to give. They will have arguments from the applicant and also from the crown attorney who may oppose the application. Under the amendments proposed, that jury will have to be unanimous. All 12 of those average Canadians will have to agree that in this case, already screened by a judge, the offender should be given some reduction in the parole ineligibility period.

It will not result in the offender walking free. It will simply result in the offender being permitted at that date, set by the jury, to make an application for parole. It then becomes a question for the parole board whether it is consistent with public safety that the person be granted parole. Even then the person, for the rest of his or her life will be subject to whatever conditions the parole board imposes, and if those conditions are not respected that person will face reincarceration. Those are the facts. Those are the circumstances. That is the role of the community.

That is the way average Canadians reflect their values, participate in the process, and ensure that decisions in all these cases are firmly rooted in the views and the values of average Canadians. That is the strength of community juries and it is those juries that will be deciding these cases.

Let me also point out that at the first stage, this screening process before the judge that we propose, the onus will be on the offender to prove on the balance of probabilities that the application has a reasonable prospect of success. It will be for the offender to persuade the judge. Where the judge says no, where the judge screens out an applicant and says there is no reasonable prospect of success in this case, the person may not have his or her jury hearing. The judge may decide if and when the applicant will be allowed to apply again, but in any event the applicant may not reapply before another two years' time.

The net effect of the amendments proposed will be that section 745 is not repealed. We do not believe as a matter of principle or policy that repeal is the proper course. Section 745, and the faint hope it represents, has been an integral part of the sentencing regime for murder for 20 years. In those cases where applications have been brought and succeeded and offenders have been released, the record shows that the existence of this mechanism has not endangered the public's safety.

After listening to all the stakeholders in the justice system over the last two years, from judges to crown prosecutors and police, offenders and victims' families, I am persuaded that the section should be changed. The section should be improved and it should be refocused. It should not be available automatically at the option of the offender. There should be a screen to take the unmeritorious cases out. The jury should be unanimous and in future offences, those who take more than one life should not be eligible to apply at all.

Simply repealing section 745 would constitute this Parliament saying to the hundreds of people serving life for murder that in every case, regardless of the circumstances, there is an inflexible and invariable rule that the period without parole must be 25 years or whatever period is fixed by the trial judge for second degree murder, between 10 and 25.

It would be an invariable and inflexible rule excluding the role of the community jury in taking a look after 15 years, ignoring the fact that 15 years is the average time now in the laws of many western countries to whom we like to compare ourselves, as the maximum for murder. It would be ignoring the fact that before 1976 the average time served even for capital murder was less than 15 years before parole. So we do not favour repeal.

We say that it is an excessive reaction. We say that the principle of this mechanism is sound, it provides a role for the community, but we also propose improvement.

● (1025)

The effect of the improvements is that these applications will be denied if the screening judge says there is no reasonable prospect for success, if the jury decides that the application should be denied, or the jury concludes that it is unable to decide unanimously to reduce the period, or a judge presiding over a jury concludes, after a reasonable period of time, that the jury will not be able to reach a unanimous decision to reduce the parole ineligibility period. The application will be denied by the jury in those circumstances or where the jury is unable to decide the offender will not be able to make another application at least before another two years' time or within such other period as the jury may fix.

[*Translation*]

I am prepared to do this, partly because of the charter, but also for reasons of pubic policy. Let me return to the view I expressed at the beginning of my remarks. Section 745 represents the hope that offenders can change after serving 15 years of their sentence. I believe that hope must be maintained for exceptional and deserving cases.

[*English*]

I commend this bill to the House. I ask my colleagues to support it. With its enactment an important principle in the criminal law will be preserved. We will have respected the need for public safety. We will have encouraged rehabilitation which is a fundamental principle of the sentencing process. We will have shown sensitivity to victims. We will have reserved this procedure for the exceptional and the meritorious case. With that I invite my colleagues to support Bill C-45.

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, in his presentation, the minister has rewritten history as it relates to section 745 of the Criminal Code. I think that some clarifications, if not corrections, are in order.

First of all, if memory serves, the last time a death sentence was executed in Canada was in 1962, on December 6 to be more precise. After that, the government, represented by the governor general in council, systematically commuted all death sentences until 1967, when Parliament decided to abolish capital punishment for five years, a decision which was renewed for another five years at the expiry of the first five years.

It was in a debate held in this House around that time, in 1976, that was raised the matter of section 745 of the Criminal Code, which provides that, in cases of high treason—admittedly not the most common cases; we have to go a long way back in our history to find any—but essentially cases of first degree murder, that is to say planned and deliberate murders, and second degree murder, where the term of imprisonment is longer than 15 years, offenders be sentenced to life, but with a minimum sentence.

In 1976, about this time of the year, the Trudeau government introduced a bill to abolish capital punishment permanently—if anything can indeed be permanent in this world. The bill did not specify any dates and the practice was not restored by this House, even if there was a debate on the subject during the 33rd Parliament. There was no mention of section 745 at the time.

When did section 745 become an issue? When Mr. Trudeau, who was then Prime Minister, realized he did not have the majority he needed in this House to pass his bill on abolishing capital punishment. It was common knowledge at the time, and history also showed that, since the death sentence had been abolished on a temporary basis in 1967, a person sentenced to life imprisonment for murder usually was granted parole after a relatively short time, 12 years or so. Several members were quite irritated by this situation, as were their constituents.

• (1030)

The Prime Minister was opposed to section 745; the solicitor general, who was the member for Notre-Dame-de-Grâce, was opposed to section 745. In fact, most cabinet members were opposed to section 745, and it was not the cabinet that proposed section 745 in the original bill. Section 745, which deals with a minimum sentence of 25 years, was included when the government realized that its bill was not getting support.

The six-vote difference that enabled the government to abolish the death sentence in 1976 was only gained through back room political negotiations between the government, its own members and members of the opposition, to secure the majority required. Otherwise, the bill to abolish the death penalty would have been defeated in July 1976, instead of being passed with a majority of six votes. As we can see, the balance of power is something very important.

The comments made earlier by the minister must be put in their historical context. The minister talked about the legislative aspect of section 745. Everything was done through discussions that took place in informal settings. People negotiated among themselves: ''If I give you a minimum of 25 years, will you support my bill? Will you be in your riding? Can you be away?'' The result, in July 1976, was that the death penalty was abolished on the strength of six votes.

It is wrong to try to rewrite history and claim this was a government policy. The issue must be put in its proper historical context, starting back in 1969, with the major criminal law reforms. The process began with a liberal approach, by this I mean small ''l'' liberal, in the non partisan sense, because nowadays the Liberals have a rather different approach. Criminal law underwent a reform. For example, the provisions of the Criminal Code which, until 1969, criminalized homosexuality and the prescription of anovulatory pills, were eliminated. Strange as it may seem, the use of such medication was considered a criminal act. Needless to say these provisions did not reflect the values of the time, or those of today.

Other reforms took place in the ensuing years, including bail reform. It must be remembered that, at the time, people could be released on bail in Canada only if they had the money. If they could hand over a chunk of money to the clerk of the Superior Court, in the case of Quebec, or the Supreme Court, in the case of other provinces, they could be released on bail for major crimes. Others lacking the financial wherewithal could not be released.

The more liberal approach I was referring to a moment ago led to release on bail subject to various conditions other than strictly pecuniary ones. Furthermore, essentially the same conditions have been retained, even though certain criteria for release on bail have

been amended, because it could be seen that with bills passed in the early seventies it was becoming extremely difficult to prevent release on bail. Adjustments were made in the periods that followed.

Basically, the possibility that citizens accused of a crime today will be released on bail while awaiting trial does not hinge solely on their financial ability to post bail or have someone else do so on their behalf.

Changes have taken place. Today, the government is backtracking, quietly rewriting history. Today we are presented with Bill C-45, which is not a bill that can just be tossed in the garbage. It still deserves a slightly more careful analysis, and it certainly deserves to go to committee for clause by clause consideration and also so that witnesses can be heard. This is not a bill that can be passed in two or three days. There are criminologists, social groups, victims' representatives, the Canadian Police Association and several other groups that will wish to comment on this bill.

• (1035)

Once again, the government is trying to play both ends against the middle. It knows very well that this House has already spoken on Bill C-226, introduced by the member for York South—Weston. The House has adopted in principle the abrogation of section 745, and the minister cannot ignore this.

Now we find in the philosophy of this bill, if there is one, or at least in its principles, that, yes, the House did hold a free vote on abrogation of section 745 of the Criminal Code, and the Minister has obviously taken this into consideration.

However, the minister does not want to be perceived as following the same political line as his former Liberal colleague, the hon. member for York South—Weston. He is therefore attempting to present something today, by juggling words or procedures, that differs from Bill C-226.

Is there really such a great difference? Perhaps not really, because, when it comes down to it, the parole conditions under 745 are made so difficult that, in future, if the bill is adopted as is, one wonders if it would not be better to merely propose its total abrogation.

Let us recall that, under the present circumstances, a person convicted of first degree murder is sentenced to life imprisonment, without eligibility for parole until he has served a minimum of 25 years of his sentence. If convicted of second degree murder, the sentence is life imprisonment with a minimum of 10 years. If the trial judge has set the minimum at 15 years or over, the individual may make use of section 745 as it now stands.

In other words, after 15 years of imprisonment, the individual may apply to the Chief Justice of the superior court of his or her province, in certain provinces the supreme court, but at any rate judges at equivalent levels, requesting designation of a judge to hear the application. The judge merely notes the application, having no power of discretion, meaning that he or she does not hear the evidence at this point, merely noting that the 15 years have been served.

The judge must then empanel a jury to hear the application, as if it were a court of criminal assizes. The jury hears the application, with a judge presiding, and determines by a two-thirds vote that the inmate's behaviour warrants his release.

Although the two thirds criterion is there—and it is a pretty stiff one—the determination by the jury is final, unlike in a criminal proceeding where the decision of the jury is final on the facts and cannot be changed by the trial judge. Neither can it be quashed by a court of appeal or the Supreme Court. All a court of appeal or the Supreme Court can do with a finding of not guilty in a criminal case is order a new trial. It is no longer possible for a court of appeal—and I admit that this is one of the Liberals' major reforms—to substitute a verdict of guilty for a jury's verdict of not guilty.

It can, however, do the opposite. That is, it can make a finding of acquittal after a jury has reached a verdict of guilt. The jury convened under section 745 determines by a two thirds majority whether an individual may apply for parole. In the end, it is not even the jury's decision, at the moment. The jury simply determines the inmate's eligibility to go before the National Parole Board to apply to present his case and his arguments. The jury's decision is not the final one.

We might ask ourselves why, in a trial, is the jury's verdict of guilty or not guilty final when, in the case of release on parole, the jury's decision is simply a recommendation to all intents and purposes to the National Parole Board. It is not particularly fulfilling for a jury, despite what the minister said earlier.

• (1040)

What then would be affected in section 745 if the amendments were accepted? First, the accused, actually the inmate, appears before the chief justice, who will designate a judge, and makes application. As regards the application, Bill C-45 provides a new step requiring the application to be made to a judge, who will hear the evidence. On the basis of the evidence, he will decide whether the inmate has a real or reasonable chance of success before the jury. This is therefore the first stage.

Depending on whether he is powerful or destitute, on whether or not he has a good lawyer, on whether or not the judge is in a good or bad disposition that day, the defendant or the inmate may be treated differently. This step, which may be unnecessary, is worth reviewing. If the judge gives the inmate the right to appear before a jury, the inmate will be required to do so.

This bill gives the jury a slightly different role by changing the rules of the game. The rule that any recommendation must be made by two thirds of the jury no longer applies. The bill now says that the recommendation must be unanimous. The criteria used for granting parole are the same as those used to determine if a

defendant is guilty. All this is closely linked to the rule of evidence, according to which the crown has the burden of proving beyond a reasonable doubt and convincing 12 citizens that the defendant in a trial is guilty. This is no longer a matter of convincing a jury that a defendant is guilty. Rather, the crown must ask a group chosen among ordinary citizens if, in their opinion, the inmate ought to be granted parole. In fact, it is no longer asking for a decision, but for an opinion.

Why set such a high criterion as the criterion of unanimity? There will inevitably be someone among the 12 jury members who, for his or her own reasons, will object to the inmate's applying to the National Parole Board. The two thirds criterion should, in my opinion, be maintained, and that is an amendment we will certainly put forward at the committee stage, as the jury's recommendation does not have the same weight as in criminal proceedings, in which the jury must be unanimous. The group dynamics within a jury must also be considered. A two thirds agreement represents a significant degree of consent on the part of the jury, and this standard can generally be recognized as valid in a free and democratic society.

So a criterion to determine guilt must be seen quite differently from a criterion to grant parole. On what basis must the jury decide? Not on evidence beyond all reasonable doubt, but on a preponderance of evidence. Jury members hear the evidence and determine if they sincerely believe that the applicant deserves to be granted parole given his behaviour, his record, and so on.

Demanding evidence practically beyond all reasonable doubt because every member of the jury must be convinced is much too high a criterion. Following a unanimous jury decision, the inmate could and should apply to the National Parole Board, which is the only authority with the power to grant parole.

• (1045)

Contrary to what has been said by some members of the Reform Party and the Liberal Party, which has several wings—that party is, in fact, losing a lot of feathers lately—we are faced with some rather difficult situations. They are trying to have it both ways.

So this militant wing of the Reform Party and the Liberal Party argues that section 745 automatically grants parole to inmates. The inmate must file an application, convince two-thirds of a jury, and then appear before the National Parole Board.

We in the Standing Committee on Justice and Legal Affairs recently heard representatives of the National Parole Board, who explained to us that, under section 745, there were practically no subsequent offences. This clause has probably achieved its purpose.

It may be worthwhile to review it. Is it too cumbersome or too complex? As the minister said, should a person convicted of more than one murder be given the same latitude as a person who has committed just one crime? I think that first offenders should be treated with all possible leniency, especially after spending 15 or 20 years in prison.

We recognize society's right to protect itself against career criminals. There are not only inalienable individual rights but also a collective right to protection for all of society. I am not in any way defending the idea that convicted repeat offenders should be set loose on society.

We can still review the current criteria used to enforce section 745, without going to extremes. We should certainly consider the age at which the inmate was convicted of a crime. If he is convicted of first-degree murder at age 20, there is not much information on his past. It may be normal to want to keep this individual in prison for 15, 20 or 25 years to see what happens. There is a problem when a 20-year-old is convicted of first-degree murder.

But there are always exceptions, as we saw in the Quebec judicial district. This 62 or 63 year old lady, if I remember correctly, had been found guilty of first degree murder. In theory, she would not become eligible for parole until the ripe old age of 88. There are always exceptional cases like that.

This is a real-life story. Should persons who have been law-abiding citizen all their lives until the age of 65 or 70 be subject to the 25 year parole ineligibility criterion? This would certainly not be very consistent with the individualization of punishment principle, calling for the particular circumstances under which an act, fundamentally reprehensible in itself, was committed to be taken into account.

For the foregoing reasons, the official opposition will support the principle of Bill C-45, especially since it is only normal to take a second look and a good hard second look at section 745 of the Criminal Code after 20 years of operation. There are very valid provisions in this bill dealing, among other things, with criminals who are utterly beyond redemption, in other words repeat offenders, those who murder more than one person. I have no trouble understanding this part of the bill.

Where the jury is concerned, I think we should stick to a two thirds majority decision and hear more expert testimony on the need for the inmate to convince the judge before the application is allowed to proceed to the jury.

• (1050)

There is something wrong with the way our criminal justice system is administered. People should not have to make their case first before a judge and then before a jury. This is not in keeping with the way our criminal justice system generally works. Those who go before a jury have chosen to be heard by a jury and, in such cases, the judge is master of the law, but not master of the facts. Now it would all be jumbled. The bill would have the judge

examine the facts first and then the jury do it again. If section 745 and hearing by a jury are maintained, the judge should be only concerned with the law and let the jury deal with the facts, as in any other criminal matter.

For these reasons, we will vote in favour of Bill C-45 at second reading and make sure it is examined carefully by a parliamentary committee.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I realize I will not finish my address to Bill C-45 before we have to stop for question period. Nevertheless, I will touch on some of the points raised by both the justice minister and our colleague from the Bloc.

The justice minister addressed this business as to whether section 745 was brought into the Criminal Code originally by stealth or without the full knowledge of the people. Our hon. colleague from the Bloc touched on the backroom shenanigans that went on back in 1976 when capital punishment was being removed from the Criminal Code and when this section was brought in.

The people of Canada knew nothing about this, evidenced when the hue and cry arose across the country as these first degree murderers began to apply and receive a reduction in their parole ineligibility. There was not a great degree of awareness across Canada about what was happening in this area of the criminal justice system. I suggest the justice minister has not adequately and certainly not sufficiently or successfully addressed that point.

He also spoke highly about the protection that comes to the justice system as a result of the use of juries and that it is people from the community who will be deciding on the acceptability of a section 745 application. That is fine and that is good. Juries are our safeguard, but juries can only act and decide based on the information they receive. Juries have not always made decisions in the best interest of society because they have been deprived of the information they needed to make a just decision.

The Donald Marshall case, which was tried by a judge and jury and the decision was made by the jury, is an example of that. The Wilson Nepoose case, which I was personally involved with, again shows that if sufficient information is not presented to the jury it cannot make a decision in the best interest of society.

I suggest as well if we examine the limited nature of the juries that are called to act under section 745, what kind of information are they receiving? Do they receive information pertaining to the specific acts the individual committed, the circumstances around them, the pain and the horror caused by that individual's action to not only the victim but the victim's family and to society in general? Are they given that kind of information? I suggest they are not. They can make a decision only based on the information provided to them according to the rules.

If we look at the rules they fall far short. That has been the complaint from some of the vested interests in these section 745 hearings, concerning all the information about the consequences the actions of this applicant who is there because of first degree murder had on society and on individuals and whether this whole question of retribution and punishment has been fulfilled, and whether just the question of rehabilitation has been addressed before these juries.

• (1055)

Therefore when the justice minister suggests all is well simply because a jury of common people, picked from the community, will be addressing the issue, I suggest there is a weakness in that argument and that weakness is clear according to the information placed before the jury. The jury cannot act on any other information except placed before it. In most cases the rules are set, particularly in the 745 hearings, which leaves a lot to be desired in terms of the horror and pain caused by the applicant.

I have about five minutes left and so I will get into the main thrust of my concern about this bill. Of course I rise to speak in opposition to it. Bill C-45 demonstrates the justice minister seemingly has no real understanding of the horror inflicted on the murder victims, on their families and on society. If he does it is not reflected in the bill.

The truck driver who witnessed the horror on Melanie Carpenter's face as she sat captive in the front seat of her killer's car understands the terror endured by this victim. The jury which endured the vivid testimony of Karla Homolka and witnessed the graphic audio account of the torture inflicted by Paul Bernardo on Kristen French and Leslie Mahaffy understands the pain and suffering of these victims. It understands the constant anguish the families of these young girls live with every day of their lives, lives that have been damaged and altered forever.

Bill C-45 shows the justice minister has little empathy with the family of murder victims. If he has, it is not reflected in the bill. The victims and the families endure nightmares as a result of the heinous crimes committed against their children and grandchildren.

The members of the Standing Committee of Justice and Legal Affairs witnessed firsthand the horror of Sylvain Leduc's grandmother whose grandson was viciously beaten to death. Listen to the horror of Sylvain Leduc's grandmother: ''The most painful thing in life is to live with the knowledge that your child lies naked and cold in a morgue. My grandson was in the morgue for three days. I was frozen to death. I could not warm up. I was in a hot tub for three days. I could not stand it until I knew he had clothes on him. My

heart is a pump that keeps blood flowing through my veins. I have a special sacred place situated below my stomach. Some people call this intestinal fortitude''.

The Deputy Speaker: The hon. member will have the floor after question period.

STATEMENTS BY MEMBERS

[*English*]

BURMA

Mr. Harbance Singh Dhaliwal (Vancouver South, Lib.): Mr. Speaker, in July 1995 Burma's military dictatorship, known as the SLORC, released pro-democracy leader Aung San Suu Kyi from house arrest.

While many of us were cautious in our optimism, we took SLORC's release of the Nobel prize laureate to be a sign of good faith. Under SLORC's oppression, Aung San remains powerless to bring about any democratic change. Given the limitations imposed on her, she remains in essence a prisoner.

SLORC continues to thwart democracy by arresting its supporters, erecting road blocks and even disrupting train schedules. It will stop at nothing to prevent citizens from gathering in peaceful assembly or meeting to hear the democratically elected leader.

SLORC's oppressive authoritarian regime has not changed. I urge my colleagues to continue to challenge the ongoing human rights abuses in Burma and to encourage democratic reforms.

* * *

IMMIGRATION

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, on a daily basis members of the Bloc Quebecois try to convince the House Quebec suffers within Confederation.

However, one example it has not used to demonstrate the suffering is the Canada-Quebec accord. Under the terms of the accord Quebec receives a minimum of $90 million per year for immigrant settlement services. This represents 35 per cent of the $256 million the federal government spends on these services.

When the agreement was signed in 1991 the province of Quebec, with 25 per cent of the population, was accepting 22 per cent of immigrants. Today Quebec accepts only 13 per cent of all immigrants, yet under the terms of this accord it cannot receive less than $90 million.

• (1100)

This accord has resulted in the province of Quebec receiving $3,300 for each immigrant while the other Canadian provinces receive on average $863 per immigrant.

If the separatists really want Quebec to be treated in a fair and equitable manner, then I am sure they would agree to this accord being renegotiated.

* * *

BANKS AND BANKING

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, I am disturbed by the big banks' insistence on gouging their customers at every turn. Industry Canada reports show that the big banks are charging fees on their credit cards that average 10.5 to 12 percentage points higher than the bank rate. Incredibly, even while prime bank rates decrease, credit card rates continue to rise.

''Not fair,'' cries the chairman of one of the large banks. ''Caucus isn't friendly to the banks,'' states another representative. The banks are nickel and diming their customers to death. The next thing you know a customer will need to pay an entrance fee to have access to his or her money.

It is odd that the central bank rate goes up one day and the banks raise their rates the next day, but when the rate goes down, the banks might react in a week or never at all.

I am asking the banks on behalf of all Canadians to act as good corporate citizens, to work together with us in partnership for a better Canada today and tomorrow.

* * *

CANADIAN BROADCASTING CORPORATION

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, this week Canada's national public broadcaster, the CBC, announced its new fall programming schedule for English television. I am pleased to see that Canadians will now have access to an all-Canadian programming schedule during prime time on CBC.

Working with the best and the brightest talent in our country, the CBC will be offering more dramatic productions highlighting issues and topics that focus on Canadian stories; children's programming that is educational, non-violent and entertaining; and current affairs programs that will tell Canadians about their country and its remarkable people.

[*Translation*]

Last December, the CBC formally pledged to canadianize its regular programming. The corporation kept its word and I congratulate it for doing so.

I also want to praise the CBC for its remarkable contribution to Canadian identity. I urge all Canadians to show their support of our

national broadcaster by watching its Canadian programs, which were created by and for Canadians.

* * *

RIGHT TO SELF DETERMINATION

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, some people have been trying for years to downplay Quebecers' blueprint for society, starting with the Prime Minister, for whom our determination is tantamount to wanting ''a flag on the hood''.

The Prime Minister also says it is not a best four of seven as in hockey and he is right. It is much more than that. At stake is the survival of a people. By refusing to accept a simple majority vote, as is normally the case, he is playing with democratic principles. He does so because he feels the rug being pulled from under his feet.

To go against this democratic principle and to ridicule our determination is evidence of a lack of ethics. A country is more than a parliamentary structure, but it is through its members of Parliament that the public can express itself.

This is why Quebecers democratically chose to be represented, in Quebec City and in Ottawa, by two political parties advocating Quebec's self determination. This democratic choice alone clearly illustrates the will of our people.

* * *

[*English*]

THE ECONOMY

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, by keeping our promise and meeting our deficit targets, this government has helped restore market confidence in Canada and create a climate of lower interest rates and job creation.

The unemployment rate has fallen from 11.2 per cent in 1993 to 9.4 per cent. Over 636,000 jobs have been created. We have increased our investment to $315 million to help young Canadians get their first job and have doubled our commitment to summer jobs for young people. We have introduced the Strategis Internet service, Canada's largest source of business and trade information. We have hired young Canadians to hook up over 50,000 small businesses to the Internet. We have amended the Small Business Loans Act to make loans more accessible. Team Canada trade missions to the Far East, Latin America and India have generated over $22 billion in business deals.

We have invested wisely and have modernized our economy. By working with Canadians we are bringing about positive change to Canadians' lives.

[*Translation*]

TRIBUTE TO STEEVE DIGNARD

Mr. Bernard St-Laurent (Manicouagan, BQ): Mr. Speaker, in 1980, a constituent of mine, Steeve Dignard, risked his life to save those of Claudette Bourque and Patrice Dignard, who were about to drown in the icy waters of Rivière-au-Tonnerre, in my riding.

• (1105)

On May 3, at 4 p.m., again at Rivière-au-Tonnerre, Diane Pagé-Touzel lost foot while working on a crab fishing boat moored at the dock. The icy waters, the eddies and the current were making any rescue attempt almost impossible. Showing once again tremendous courage, Steeve Dignard did not hesitate to risk his life to save that of Diane Pagé-Touzel. The exhausted rescuer and the woman were eventually helped to the shore.

I congratulate this man of exceptional courage, and I support his nomination for the Cross of Valour.

* * *

[*English*]

ELECTION CAMPAIGN EXPENDITURES

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, I want to take this opportunity to note the recent unanimous Alberta Court of Appeal decision striking down once again the gag law which disallows anyone other than a politician or political party to spend more than $1,000 during a federal election campaign.

Supporters of the gag law among the Liberals, NDP and PCs have argued it exists to promote a level playing field. Rubbish. Elections law in Canada is riddled with clauses designed to prop up incumbents and traditional parties. The gag law exists to keep ordinary Canadians out of political debate, especially where the traditional parties have colluded on policy as they have on the MP pension scam.

Before the government appeals this decision once again, it should remember that it is precisely such antidemocratic restrictions which are being employed under Quebec's referendum law and aimed primarily at federalist supporters.

An appeal will probably be made in spite of this Liberal hypocrisy. In the meantime we can thank the National Citizens Coalition for what is indeed a great victory for freedom in Canada.

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FREDERICTON—YORK—SUNBURY ECONOMY

Mr. Andy Scott (Fredericton—York—Sunbury, Lib.): Mr. Speaker, most recent Statistics Canada figures note that the unemployment rate in Fredericton, New Brunswick is the lowest in

Canada east of Hamilton at 8.5 per cent. This is a 2 per cent improvement in the rate since this government took office.

Credit must go to the small businesses that more and more create our wealth and jobs, and those agencies such as the Fredericton and Oromocto chambers of commerce and the Greater Fredericton Economic Development Corporation which have distinguished themselves regionally and nationally in the area of community driven economic development initiatives.

It is fitting that these numbers come out during tourism week, the basis of many jobs in our region. That, together with the high tech sector, has resulted in our region benefiting from the more than 600,000 jobs that have been created since October 1993.

Congratulations to the federal government for meeting its campaign commitment to jobs, and the province and my community for making that prosperity work for Fredericton—York—Sunbury and its citizens.

* * *

SHEILA COPPS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, on Monday the people of Hamilton will have a chance to once again re-elect Sheila Copps as their representative.

Throughout her career in politics Sheila has given of herself tirelessly. Sheila Copps has served her constituents for the past 12 years with dignity, perseverance and courage. Sheila Copps' commitment, her leadership, her integrity and her compassion are the elements that make her the best representative for Hamilton East.

Sheila, we wish you well on Monday. We look forward to your return to Parliament and cabinet.

* * *

[*Translation*]

GHISLAIN DUFOUR

Mr. Francis G. LeBlanc (Cape Breton Highlands—Canso, Lib.): Mr. Speaker, the man who, as president of the Conseil du patronat du Québec for the last ten years, set that organization's course, will soon step down from his position.

Mention the name Ghislain Dufour in Quebec City and you evoke a powerful symbol. This was a man who gave management in Quebec a consistency and a visibility without precedent in the annals of politics.

A federalist, as well as an ardent defender of Quebec's interests, Ghislain Dufour is an eloquent example of the fact that it is possible to work for the renewal of the Canadian federation while remaining deeply attached to Quebec.

For some, the resignation of Ghislain Dufour will mean the loss of a powerful ally, while for others it will mean the departure of a formidable foe. But for all Quebecers, the image that will remain is that of a man who gave a face and a voice to management in Quebec.

* * *

[*English*]

PENSIONS

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, the MP for Winnipeg North Centre has just returned after travelling all over the country and talking with Canadians who are concerned about their public pensions. The travelling MP said that restoring faith in the CPP is as important as reforming the plan itself. No kidding.

While hardworking Canadians worry about their pensions, is the Liberal member from Winnipeg North Centre concerned about his? No. Did the member for Winnipeg North Centre care one bit about average Canadians when he refused to back away from the Liberal pension trough? No.

• (1110)

Did the Liberal government care one bit about Canadians when it firmly re-established its pension trough position last year? No. Did the Liberals care one bit that Tobin and Copps, the $7 million pension couple, are out campaigning at the taxpayers' expense today? No.

Where is the integrity in this government? Where is the leadership? There is none.

* * *

[*Translation*]

WOMEN'S NATIONAL MARCH

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, the Women's National March, which set out a few weeks ago from Vancouver and from St. John's, is converging today on Ottawa. It was organized by the National Action Committee on the Status of Women and the Canadian Labour Congress. This march is modelled on the one by Quebec women last spring.

Women are the first victims of the cuts being made by our governments in social programs, as well as in the unemployment insurance fund. These cuts have a profound effect on their financial autonomy. Some of the things the women who will be demonstrating tomorrow before the Parliament Buildings are calling for are a real job creation policy, an improved unemployment insurance system, an increase in the minimum wage, and better funding for day care and women's shelters.

I pay warm tribute to the courage of the women taking part in this march.

[*English*]

MINING INDUSTRY

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I would like to congratulate Mr. Kevin Bennett, president of Cathedral Software, on being selected as the new face of mining by the Keep Mining in Canada campaign for his work in developing customized state of the art software with Highland Valley Copper at Logan Lake, British Columbia in my riding.

For Highland Valley Copper, Mr. Bennett has built two major computer systems for the mining industry. His ''Concentrate Sales and Inventory Management'' system allows Highland to easily track the production, movement and sale of mine concentrates. His ''Speedy Bid'' system eliminated the need for time consuming data entry by aiding purchasing departments in preparing, distributing, analyzing and awarding contracts for the supply of inventory items.

Kevin Bennett's work is indicative of how the Canadian mining industry is meeting international competition head on by becoming more efficient. It shows how the mining industry is pushing the frontiers of technology and software development.

I applaud Mr. Bennett and Highland Valley Copper for their innovative work preparing the mining industry for the 21st century.

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BREAD AND ROSES MARCH

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, today the women's Bread and Roses March is arriving in Ottawa. Two streams of marchers began their journey on May 14 from Vancouver and from Newfoundland and passed through many Canadian communities on their way including my own of London, Ontario.

Our government views this as a very important event bringing Canadians together in a heightened awareness of the many issues that concern women. Their priorities are the same as those of the government and we have acted to address those concerns.

I would only point to the legislation we have brought forward to deal with violence: our anti-stalking, anti-harassment and drunkenness defence laws; our gun control legislation; our recent initiatives concerning female genital mutilation and prostitution. Women's economic progress and concerns are also at the forefront. The government has created nearly 700,000 jobs and fully 45 per cent of these, a number equal to the proportion of women in the workforce, have gone to women.

The government is concerned and is listening to women. It will continue to do so.

S. O. 31

SHEILA COPPS

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, Monday, June 17 is election day in Hamilton East. People in that riding will have a choice to make in determining who will represent them in Parliament.

One excellent candidate is former MP Sheila Copps. Sheila was first elected to the Ontario legislature in 1981. In 1984 she was elected to the House of Commons and was re-elected in 1988 and 1993. She was subsequently appointed as a minister and Deputy Prime Minister.

Sheila is by far the most popular woman ever to have sat in the House of Commons. She has been and will continue to be a great role model for all women in Canada and everywhere.

On a personal note and on behalf of Canadians everywhere, I wish Sheila Copps well. Parliament is not the same without her. Parliament will be enhanced by her return.

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FISHERIES

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, the fisheries minister's track record on the Pacific coast has been disastrous to say the least.

His announced licence buy back is a failure because it does not deal with the real issue: major reductions in the number of fish available to all sectors of the fishing community, commercial, sports and native fishermen.

When fish stocks are in danger, what does the minister do? He opens a native only fishery in the Alberni Inlet, a move which drew severe criticism of the minister from a federal court judge last Friday.

• (1115)

The minister has repeatedly favoured the native fishery at the expense of the commercial and sports sectors. It is time for the minister to cancel all native openings and when that is done, to deal severely with all fishermen who defy the law and fish illegally.

This government and this minister must first conserve fish stocks for future generations and then treat all fishermen equally regardless of their race.

ORAL QUESTION PERIOD

[*Translation*]

AIRBUS

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, on Wednesday, the Minister of Justice denied that there had been any formal offer or that there was any imminent settlement in the Airbus affair.

Last evening, we heard on the CBC that there had been a meeting at 3 p.m. last Tuesday afternoon in Montreal, between the two attorneys, Mr. Petteras for the federal government, and Mr. Irosky for the plaintiff, to discuss the conditions of an out of court settlement.

Will the Minister of Justice confirm that there was indeed a meeting Tuesday afternoon in Montreal, with a view to discussing an out of court settlement?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, what the lawyers may do between themselves in discharging their obligations to conduct the litigation is up to the lawyers. It is best left to the lawyers.

We have been sued; we have retained counsel. We are defending the action and let us see how the litigation goes. Whether or not there were meetings between the lawyers and what was discussed, the fact is we are defending the action and we are preparing for the next stage of litigation. What happens in the conduct of that litigation often is off the record and without prejudice. In any event, it does not serve anybody's interests to have an hour by hour report on what the parties or the lawyers are doing in the litigation.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, according to the same source, the lawyer representing the government was indeed given a specific mandate.

Will the minister acknowledge that the mandate of the counsel for his department included offers with a view to an out of court settlement?

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is not appropriate for me to go into what instructions may have been given in confidence to counsel in the course of litigation.

We are defending the action. We are preparing for the next stage of litigation and we shall deal with the litigation as it comes.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, I would now like to ask the minister if he will acknowledge that his responses in the House for the past two days have been lacking in transparency, since he has repeatedly denied that there has been any offer and that, under the circumstances, it is really difficult to believe his repeated statements that he is not the one behind this investigation.

[*English*]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): No, Mr. Speaker. I was asked on Monday or Tuesday of this week by a reporter, in fact I was told that a settlement of this case was imminent. I said that was not so, that indeed as far as I knew there was no concrete proposal on the table. I said that then and it was true. I have also said that the parties from time to time have feelers one toward the other. That is typical in litigation. There is nothing surprising about that.

We are in litigation. We are defending the action. We are proceeding and preparing for the next stage. I shall report significant developments to the House when they occur.

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, my question is for the Prime Minister.

Yesterday morning, the Prime Minister denied in a CBC interview that there had been any negotiations to settle the Airbus affair out of court. Yet, in a report presented yesterday evening, the CBC contradicted his statement.

In this matter, which is taking on more and more the appearance of settling political scores and less and less that of a properly conducted court case, why under the circumstances has the Prime Minister denied that negotiations had been held toward reaching an out of court settlement of the Airbus affair, last Tuesday in Montreal?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Justice has just given a response on this. It is a matter that is in the hands of lawyers, and lawyers do speak together. I am not aware of everything that the lawyers talk about.

● (1120)

This matter is the responsibility of the Minister of Justice. A plaintiff has instituted proceedings against against the government. Does he want to settle out of court? I do not know, and it is up to the lawyers to decide. Let them talk to each other.

I practiced law for a number of years. Lawyers speak together every day, and very often they may talk about whether or not they can put an end to a case, during these conversations.

I would add that we are the defendants in this case, not the plaintiffs, and the Minister of Justice has given an explanation. I am not a direct party to this case.

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, in a matter where it is obvious that the government's lawyers have been ordered to use strong arm tactics on the former Prime Minister of Canada, does the present Prime Minister find it normal, in these politically charged circumstances, for the Minister of Justice to seemingly not have kept him informed of his meetings with the RCMP or of the possibility of an out of court settlement, which might cost the taxpayers of Canada several million dollars?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this in an investigation which dates back several years now. The first time the police looked into the matter, we were not in government. It was during the days of the previous government. The investigation was reopened, and the plaintiff has instituted proceedings against the government. The Minister of Justice is acting as the government's solicitor, and he has delegated the case to a number of lawyers.

As for me, I do not get mixed up in police investigations. It is not appropriate for a Prime Minister to get involved in police business when an investigation is being carried out. I have neither asked for nor provided any instructions in this connection. It is, moreover, my duty as Prime Minister to ensure that police inquiries can be carried out without any political interference by anyone whatsoever.

[*English*]

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, I also have a question for the Minister of Justice.

The minister said in response to questions from the member for Beaver River on Wednesday: ''I can tell the hon. member that no matter what may have been reported last night, there is no proposal, there is no settlement imminent and there is no discussion of payment of money''. Furthermore he said: ''I cannot take responsibility for what the CBC may have reported, nor can I explain why it reported what it did''.

Frankly, Mr. Speaker, how can he make statements like that to the House when he knows that the day before his lawyers were discussing a settlement? How can he possibly say there is no explanation for the story, give the House that kind of information when his lawyers are sitting down and discussing a settlement?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first of all, when I was asked a question by a reporter from the CBC on Tuesday, I was told that a settlement was imminent. That was news to me. I said to the reporter that it was not right. The fact was that no settlement was imminent. There were not even concrete proposals on the table. That is what I said and that is the fact. There was no discussion of payment of money.

Whether the lawyers are in the course of discharging their duties, having conversations or not, that is a separate matter, something over which I have no control. It is entirely within the ordinary course of a lawyer's work in litigation. I practised litigation myself for 20 years and I know how common it is.

The hon. member should look at the facts. It was put to me that there was a settlement imminent. I responded that that was not so. I responded that there were no concrete proposals on the table and that remains the case.

Let us focus on the facts here. The facts are as I have disclosed them to the House.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, that kind of hair-splitting could only be done by a lawyer.

I am citing an article in the Toronto *Sun* yesterday where it says that *Globe and Mail* managing editor Colin MacKenzie said that Rock approached parliamentary journalist Susan Delacourt for help in his behind the scenes probe of Mulroney one or two days after he first heard about allegations from another journalist.

My question is very simple. Going back to the beginning of this affair, why was the Minister of Justice conducting his own private investigation?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): First, Mr. Speaker, it hardly behoves the hon. member to challenge the facts and then when the facts are explained to him to describe it as hair splitting. The facts are the facts whether the member likes them or not.

• (1125)

In so far as journalists are concerned, I have made it a matter of public record from the outset. I have been frank and direct in saying that I was fixed with information early on after I became Minister of Justice. In respect of that information, I sought advice. I consulted with the deputy minister. I consulted the solicitor general. On the basis of that consultation, I communicated the information to the authorities, discharging my moral obligation to do so, and for them to do with as they saw fit.

The police eventually reported that they had looked into what I had said, that there was no reason for further inquiry and that they were closing the file.

May I also say that is a practice that has been followed in the past. Indeed, it was revealed last week by John Turner that when he was minister of justice he followed exactly the same procedure.

I would like the hon. member to tell the House whether he thinks that if a Minister of Justice and Attorney General is told something

about allegations of serious wrongdoing that he ought not to pass it on to the authorities? That to me is a startling proposition.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, of course the Minister of Justice should pass on the information to the proper authorities.

Now will he answer my question and tell us why he made additional inquiries with journalists to get more information himself?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, contrary to what the hon. member may have read in the newspapers, the fact is that I did no such thing. I have made it clear from the outset that two people provided me with information. I believe I acted entirely responsibly in the circumstances and provided the information to the authorities.

I am gratified to see that the hon. member agrees that was the correct thing to do.

* * *

[*Translation*]

HUMAN RIGHTS

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, my question is for the Minister of Justice.

Yesterday, a Canadian Human Rights Tribunal rendered a decision that will force the federal government to stop all discrimination against same sex couples by giving them the same benefits enjoyed by common law couples.

Could the Minister of Justice tell the House whether the Government of Canada intends to appeal this decision?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, this decision, made public yesterday morning at 9.30, contains some very complex points that will require a few days to untangle. We are not making any decision on the important issue of appeal until we have studied the consequences of the decision in detail.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the tribunal ordered the federal government to stop the use immediately, in a number of federal texts, of any definition of spouse that discriminates against same sex partners in a common law relationship.

Could the Minister of Justice tell us whether he intends to comply with the ruling of the Canadian Human Rights Tribunal?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I can only repeat what I have already said. The decision made public yesterday raises extremely complex points requiring detailed consideration and consultation, in particular with our lawyers, before we take any sort of a position.

[*English*]

AIRBUS AIRCRAFT

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, as a direct result of an investigation by the justice minister's department, it now appears that Canadians could be on the hook for millions of dollars. Now the justice minister is saying he is leaving it to the lawyers to negotiate a possible settlement in this case.

Is the minister seriously telling us that he is giving nameless departmental lawyers the authority to pay millions of dollars to Brian Mulroney in a possible settlement which he says he knows nothing about, or is he really aware of everything that is going on and he is just trying to hide it?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in the first place, the member errs when he begins by saying that this was an investigation conducted by the justice department. This was a police investigation conducted by the Royal Canadian Mounted Police for whom the solicitor general reports to Parliament.

• (1130)

The role of the Department of Justice is also a matter of record. As happens 100 to 150 times a year, the Royal Canadian Mounted Police went to the International Assistance Group and asked it to communicate to a foreign government a request for assistance in pursuing the investigation. That was the role of the Department of Justice. This is not a justice department investigation.

As to settlement, the government has retained and instructed very competent lawyers to defend this litigation. We are preparing for the next stage of litigation. With respect to matters of settlement, if discussions for settlement occur they will be conducted by the lawyers who eventually will seek instructions. As I have said, I shall report to the House if there is anything of significance to report.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, the Minister of Justice continues to tell the House that he really is out of the picture on this whole thing. This is a not a two-bit case. This is a case of such magnitude that it is on the front page of the press every day.

The RCMP started this case before the Liberals came to power. They closed the case. When this government came to power and this minister was appointed, he initiated the opening of the case again, even though he may deny it. He talked to the reporter and he got the case going again.

At this time he is telling us that he is now out of it. One wonders, whether there is a case or not, how much money is at stake because of the incompetence of this minister and his government. Why is the minister telling Canadians on a daily basis that he really knows nothing about what is going on in this case and anything about a

settlement, when anyone and everyone with any kind of position on that government is talking about settlements on a daily basis?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I assume there is a question there.

I can tell the hon. member that he is in grave error when he says that I initiated this investigation. The reality is the Royal Canadian Mounted Police makes its own mind up when it initiates investigations and when it stops them.

The hon. member will know from the answers I gave earlier this week in the House that there are just two principles involved here so the hon. member should follow them.

First, so long as I am Minister of Justice and Attorney General, if someone fixes me with knowledge of serious wrongdoing, after making consultation of experienced and capable people, including in this case the solicitor general, I will communicate that information to the police to do with as they might. That is principle number one and a colleague of the hon. member has already conceded that that is the proper course.

The second principle is that once that information is communicated it is up to the police to decide what to do. In this case they told me they were doing nothing after looking into it.

If they then start an investigation on their own, or into a different matter because that information does not relate to Airbus to my recollection, if they then decide to initiate an investigation that is up to the police. Politicians should not be involved in directing and controlling police investigations. That is the second important principle.

The hon. member will find that both of those principles were respected in this case.

* * *

[*Translation*]

CANADIAN BROADCASTING CORPORATION

Mr. René Laurin (Joliette, BQ): Mr. Speaker, my question is for the Prime Minister.

In their red book, the Liberals accused the Conservatives of weakening major cultural institutions such as the CBC by cutting off their funding. Yesterday, we learned that the CBC is preparing to have the French network assume part of the cost of Canadianizing its programming, estimated as some $27 million.

In view of the fact that this will further widen the gap in the amount of financial resources accorded the two networks, is the Prime Minister willing to accept this discrimination against francophones in Canada and Quebec?

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the CBC has a mandate to serve Canadians in both official languages. The hon. member should delight in the fact that 90 per cent of programming in prime time is Canadian. The network intends to increase that figure to 100 per cent.

[*English*]

Having said that, the CBC English network has already factored in those cuts and no other network will have to pay for the Canadianization of the English network.

[*Translation*]

Mr. René Laurin (Joliette, BQ): Mr. Speaker, given that the French network of the CBC was already very hard hit by budget cuts and is having a hard time meeting the needs of francophones in Quebec and Canada, would the Prime Minister ensure that the English network assumes its own deficit and does not further weaken the French services of the CBC?

• (1135)

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, that is what I have just said. The English network of the CBC will absorb its own cuts.

I would like to take this opportunity to draw attention to the spirit of co-operation between Radio-Canada and Radio-Quebec, which have just concluded an agreement ensuring maximum visibility for programs produced by Canadians for Canadians. In these times of budget cuts, this sort of innovative and creative partnership reflects judicious use of funds and promises more of the same.

* * *

[*English*]

HUMAN RIGHTS

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, yesterday the Canadian Human Rights Tribunal said the government must extend to gay couples the same benefits it gives to heterosexual couples.

It said if discrimination is prohibited then benefits must be granted. However, in this House the justice minister said to us and to Canadians that his government was intent on fighting discrimination, not granting benefits.

Since the justice minister assured Canadians that the goal of the government was not to grant benefits, does he intend to stand by that commitment? How will he respond to the tribunal's decision?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first let me make it clear that the judgment that came from the Human Rights Tribunal yesterday was in a case that was commenced long before Bill C-33 was thought of, introduced or passed.

The judgment was based on the law as it stood before Bill C-33 added those words to the Canadian Human Rights Act. The enactment of Bill C-33 was irrelevant to the judgment. The judgment dealt with benefits. Bill C-33 did not. It dealt with discrimination.

My hon. colleague, the President of the Treasury Board, has already told the House that we are going to have to look at the judgment. He will have to consider its implications and a decision will be made on the question of whether an appeal will be brought when we have had that opportunity.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, the hon. minister can delay the decision all he wants, but for years courts and tribunals have been setting policy for government and even the private sector on this issue with no debate in government. That is an absolute outrage and is unforgivable. Parliament, not the tribunals, is where the laws of Canada should be written.

The justice minister said that he tabled Bill C-33 so this issue would not be left in the hands of the courts and the tribunals. If he was serious about that promise, will he respond to this ruling in such a way to uphold the primacy of this Parliament?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in view of what happened last month I am astonished to hear that the hon. member would want to have another parliamentary debate on the human rights legislation.

The hon. member suggests that Parliament should be supreme. Indeed Parliament is supreme. Parliament enacted the Constitution of Canada which is the supreme law of the land. That Constitution establishes fundamental principles of justice and rights.

Parliament also enacted the Canadian Human Rights Act which establishes principles and rights. Under our system of government in which there is a legislative branch, the courts and tribunals are called on to apply those principles on the facts of particular cases and to interpret statutes on the basis of those principles.

Parliament is supreme all right, but having laid down principles we then have to turn over to the legislative branch the interpretation and application of those principles. That is what has happened in this case, and that is part of the government of this country.

As to the decision in this case, as we have told the hon. member we will look at it and decide in due course whether an appeal should be brought.

[*Translation*]

EMPLOYABILITY ENHANCEMENT

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

In spite of the minister's commitment to provide a transition period made necessary by the implementation of the unemployment insurance reform, 11 of the 50 Quebec groups working to enhance the employability of greatly disadvantaged people just learned that their contract would end on August 31. This means that 2,000 greatly disadvantaged Quebecers will suddenly be without resources to enhance their employability.

● (1140)

Why, in spite of his commitment to give these groups a transition period to adjust and to allow negotiations with Quebec to unfold, has the minister abruptly ended the contracts of these 11 organizations without giving them time to find the necessary resources to continue to provide essential services to greatly disadvantaged people?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, there is a whole slew of organizations working in the area mentioned by the hon. member, including the Government of Quebec, the SQDM, the Government of Canada and various other groups.

This is a difficult issue, since we are being asked to proceed rather quickly, to try to follow up on the Quebec consensus regarding active measures, training and so on. We are trying to ensure the greatest possible flexibility regarding the new management and the new arrangements which we will reach with Quebec and the other provinces.

There is no doubt that some major changes will take place. Since January, when I became responsible for this portfolio, we have been asked to proceed quickly, to avoid getting involved in areas where the province should play a quasi-independent role, and I have agreed to do that.

Now, we are being asked to stay put, to maintain the status quo. Let us not forget that these organizations knew all along there was nothing permanent about their funding. I hope the Government of Quebec, the SQDM and other stakeholders will look at the role played by these groups and will decide accordingly.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I take note of the minister's will to comply with the consensus in Quebec.

Does the minister recognize that several of these groups are unique resources, that they are concentrated in eastern Quebec?

As there is a transition fund expressly for such situations, does he not agree there should be a moratorium and will he impose one, so that the resources and the expertise developed can continue to serve useful purposes after the conclusion of the negotiations with the Government of Quebec?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, the transition funds will be managed in co-operation with the other governments. In Quebec, there is indeed a sum of money that will be available to the Government of Canada, in co-operation with the Government of Quebec. If Quebec wants to maintain some system outside its government administration, and certainly outside the federal administration, we can certainly discuss it.

However, neither in Quebec nor elsewhere will we take measures that would force governments or other organizations to take charge of any agreement that we have reached. After all, we are trying to negotiate so that the federal government will, in many cases, withdraw from these activities.

* * *

[*English*]

FISHERIES

Mr. Derek Wells (South Shore, Lib.): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

As the minister knows, the fishing industry has been very concerned about the new inspection fees imposed on processing plants. The matter has been reviewed by the standing committee and by the minister's staff.

Will the minister advise the House of the result of that review and what changes he has agreed to make to plant inspection fees?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, in consideration for the concern and comments of the committee, the hon. member and his colleagues, and the industry, a revised fee has been worked out that basically reflects the concern of the smaller industries and the smaller plants.

For example, for a processing plant that would have an area of less than 300 square meters, instead of having a fee of $1,500 plus $500 per operation, which could amount to $4,000 or more, a flat fee of $1,000 has now been invoked. In addition, there is a cap of $10,000 on the annual certificates and a cap of $250 for the import certificates.

We will review the fees after one year. I believe these measures will reflect a high standard of fish processed in Canada, exported and imported.

• (1145)

JUSTICE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, in view of the recent bill tabled by the justice minister, I ask the minister if he would tell the House and the people of Canada what he believes is a fair and just penalty for planned and deliberate murder, the taking of an innocent life.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the present regime in the Criminal Code, which has been in place for 20 years, is a fair and just regime.

For the last 20 years the penalty in the Criminal Code for first degree murder is life imprisonment with no possibility of parole for 25 years subject to, after 15 years, members of the community coming together on a jury to determine whether the person should be given the opportunity before the 25 years, but after 15, to seek parole, which is up to the parole board.

I have now proposed changes to that regime to make it fairer and more just. It will require that all applications be screened by a judge to determine they have merit. It will require that the jury be unanimous so that the people drawn from the street are unanimous in giving the person a shortening of the period. It says such a break should not be available under any circumstances to multiple and serial murderers.

In short, that is a fair and just approach. As I said in my speech this morning in second reading debate of Bill C-45, the changes we propose will improve the present regime.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the justice minister has a strong propensity of bringing in contentious bills at the 11th hour. We saw that with the gun registration bill last year and with Bill C-33.

I ask the justice minister why he stretches the ability of members to adequately examine and fully debate these bill. Why is he bringing in these bills at the last hour?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member himself has been calling for changes to section 745; he wants to repeal it.

While I do not agree with that, I agree the matter should be dealt with and I have brought the bill forward. I would have thought the hon. member would have been critical of me for not bringing it forward.

It seems that no matter when I bring the bills forward the hon. member finds them contentious and controversial. We are acting at this time. The House is in session. Let us debate the bill and send it to committee. Let us hear the evidence and let us bring it back and decide. The House should act as soon as possible.

[*Translation*]

IRVING WHALE

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Again this week again and for the second time, this government neglected to answer my question about the insurance coverage of the contractor responsible for refloating the *Irving Whale*.

Are we to understand from the minister's unwillingness to respond that the contractor does indeed lack the coverage required in case PCBs are spilled while lifting the *Irving Whale*?

[*English*]

Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, one of the conditions for contracting was the insurer would have adequate insurance in the event of a PCB or oil spill.

In this situation the insurer has $10 million in the event of a PCB spill and $100 million in the event of an oil spill. That is over $110 million.

[*Translation*]

Mrs. Monique Guay (Laurentides, BQ): In that case, Mr. Speaker, will the minister reassure the public by tabling in this House before the end of this session all the insurance contracts covering the contractor responsible for refloating the *Irving Whale* for both this year and last year, yes or no?

[*English*]

Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, I will discuss this with the minister.

* * *

TAXATION

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, yesterday the Minister of Finance spoke about how recent changes to the GST had affected trade-ins on new cars. The vast majority of Canadians simply cannot afford to buy a new car. What what do they do? They buy a used car instead.

By removing the tax credit on used cars, the minister has made it more expensive for the average Canadian to buy a used car. By eliminating the tax credit the government is saying: ''We do not care. You already pay tax on the car. We are more interested in getting more people to pay more tax on that car''.

How can the minister justify taxing the same good over and over again? Why has he abandoned the red book promise of a revenue neutral tax?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member has it wrong again. I know a system that would simplify taxes is not something the Reform Party understands, at least from looking at its tax proposals. This is a system that was put in to simplify.

● (1150)

I would be glad to explain to the hon. member the full notional input tax credit system. It was too complicated. We eliminated it. As a result we will be collecting exactly the same amount of tax as we did before. There is no tax increase in this at all.

* * *

WILDLIFE

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, my question is for the Parliamentary Secretary to the Minister of Natural Resources.

In Windsor and Essex County monarch butterflies are a familiar and welcome sight when in the fall they mass together in a spectacular display to migrate south from Point Pelee and Pelee Island. Experts say the habitat loss in the butterflies' wintering area in Mexico is causing their decline.

What is the government doing to ensure the conservation of this beautiful and delicate species?

Mrs. Marlene Cowling (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, the government is taking positive action to study sustainable development of forest ecosystems to protect the monarch butterfly.

Natural Resources Canada through the model forest program in Manitoba is working with Mexico to study the migratory patterns of the monarch butterfly, which travels from Mexico to Point Pelee and Pelee Island near the hon. member's riding.

Canada and Mexico take conservation of the monarch butterfly very seriously. Earlier this week President Zedillo of Mexico used monarch butterflies to symbolize diplomatic relations between Mexico and Canada.

* * *

[*Translation*]

ADOPTIVE PARENTS

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

An Ontario court recently ruled that the Unemployment Insurance Act is discriminatory under the charter of rights and freedoms, as adoptive parents and natural parents are not entitled to the same benefits.

Will the Minister of Human Resources Development concur with this ruling and take the necessary steps in order to realign his legislation?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, we are, of course, aware of the ruling made by the court in this matter. But we still feel that we have a duty to carefully consider this ruling. In due course and in consultation with the Minister of Justice, we will make a decision concerning a possible appeal.

* * *

[*English*]

SOFTWOOD LUMBER

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, the softwood lumber issue simply will not go away. The minister's quota system is causing nothing but havoc and chaos in the industry.

Whose interest is this quota system serving anyway? Is it the lumber industry and the mills that are forced to shut down for three weeks or is it the minister, who hoped this problem would simply die?

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, we got out of this agreement with the United States secure access for our industry for five years, something we have never had before in any sector, including this one.

The first people on the line who said they wanted this arrangement was the industry. In getting this arrangement we have to sort out how the allocations will occur within the country.

We are listening to everybody. We will come up with a system that will be fair and equitable, on that will maximize our access of that market to the United States.

* * *

CHILD POVERTY

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, my question is for the Prime Minister, who will be aware that seven years ago the House unanimously passed a resolution affirming that members would seek to eliminate child poverty by the year 2000. He will also be aware of the United Nations report that said Canada has the second highest number of poor children among 18 industrialized nations.

How does he feel about this status of Canada and what is he and his government doing about it?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are always preoccupied with that type of social problem in our society. In the last budget the Minister of Finance had some concrete proposals to deal with this problem. I know provincial governments are working on it as well. We are very preoccupied and we will take steps within the means of the government to improve the situation.

The best way to improve the situation is to have an economy that creates jobs and produces more income for families. In doing that, children will be in a better position. It is a preoccupation and we are working on it.

* * *

● (1155)

THE ENVIRONMENT

Mr. Gar Knutson (Elgin—Norfolk, Lib.): Mr. Speaker, my question is for the Parliamentary Secretary to the Minister of the Environment.

This week the Sierra Club's 1996 Rio report gave Canada failing marks for its efforts to reduce greenhouse gases which contribute to global warming and climate change. Furthermore, a recent report of the northern river basins study provided further evidence of serious effects of climate change.

How is the government addressing this very serious issue of destruction to the atmosphere?

Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, the northern river basins study has very clearly indicated that climate change is happening now. All of the research and data in this study will help us move forward on this very important agenda.

* * *

CANADIAN WHEAT BOARD

Mr. Jake E. Hoeppner (Lisgar—Marquette, Ref.): Mr. Speaker, my question is for the Minister of Justice and it is not on the Airbus.

About two weeks ago there was a report that western Canadian barley producers lost about $180 million probably because of the bungling of the Canadian Wheat Board's sales and irregularities.

I asked the minister to do a judicial inquiry into that. I was wondering if he could inform the House whether he has become informed on the issue and what action he has taken.

Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, at the present time I think it is inappropriate to comment on what is happening with western grain transportation.

We have a grains panel in place which will report at the end of this month. My colleague well knows the commission will come back with recommendations on what should be happening.

[*Translation*]

CHILD POVERTY

Mr. Stéphan Tremblay (Lac-Saint-Jean): Mr. Speaker, my question is for the Minister of Human Resources Development.

On November 24, 1989, the House of Commons passed a unanimous resolution to eliminate child poverty before the year 2000. But UNICEF tells us that, of all the industrialized countries, Canada has the highest rate of child poverty, second only to the United States.

Does this observation about child poverty give the Minister of Human Resources Development an incentive to put back on the table the $630 million he had available last December to fund day care in Canada?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member is undoubtedly aware that the government has already recognized in the budget its obligation to try to come to the assistance of low income families and, in particular, to try to protect children living in such situations.

With regard to the proposal to which the hon. member is referring, which was made last fall, before Christmas, as everyone knows, the provinces' reaction was very lukewarm. They were concerned that the Government of Canada was once again interfering in their affairs, that the proposal would have meant interference in a strictly provincial matter.

Is this the only way we can intrude in situations where the provinces must take responsibility? Because, what happens? We see that in the employment insurance bill, for example, we have a proposal that could, in fact, provide relief for these people who need help with the cost of day care for their children, among other things.

* * *

[*English*]

TOURISM

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, my question is for the Minister of Industry.

Tourism is the key growing economic activity in Canada. In 1995 more than 777,000 people visited the wonderful province of Prince Edward Island, adding $178 million to the province's economy. This is a growth industry.

Given that the Prime Minister committed $50 million to the Canadian Tourism Commission to promote tourism across Canada, can the minister report on the progress of this initiative and how these funds are being spent?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I appreciate the question. After the Prime Minister issued the challenge to the private sector to match the contribution of the government of $50 million a year, in the first year we raised from the private sector contributions virtually $40 million. In the second year we expect to make the target of $50 million, thereby doubling the contribution of the federal government.

The Canadian Tourism Commission is an example of how federal, provincial and private sector contributions working together can create jobs and economic growth for Canadians in all parts of the country.

* * *

• (1200)

EMPLOYMENT INSURANCE

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, earlier the Minister of Human Resources Development said that there needs to be an upper limit on the funds going into employment insurance. Has the minister yet determined what that should be? Is it $5 billion?

Second, will the minister tell the House whether the fund will be made discrete and not part of general revenues so it will truly be an insurance fund?

Hon. Douglas Young (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member has raised a couple of questions.

With respect to the nature of the obligations of the Government of Canada, it is one thing to have a separate fund when it is in a surplus, and it is another thing to have it separate when it is in a deficit.

If the hon. member is suggesting that when the fund is in a deficit position which would ordinarily occur in a recession, premiums would have to rise to make it self-sustaining. I think that would be very counterproductive.

As far as the upper limit amount of the surplus, I think everyone recognizes it is a question which has to be addressed. We have historical data demonstrating what happens when there is a downturn in the economy. We have only had a situation for the past few months where the fund has been a real surplus position.

I have no doubt that the Minister of Finance, myself and other members of the government will deal with this problem in an appropriate way at an appropriate time.

PRESENCE IN THE GALLERY

The Deputy Speaker: Colleagues, I draw to your attention the presence in the gallery of His Excellency, Dr. Jagan Cheddi, President of the Co-operative Republic of Guyana

Some hon. members: Hear, hear.

* * *

[*Translation*]

REPORT ON ACCESS TO INFORMATION AND PRIVACY

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) and to section 72(2) of the Canada Labour Relations Board Act, I have the honour to table, in both official languages, copies of the annual report on the Access to Information Act and the Privacy Act for the 1995-96 fiscal year.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to six petitions.

* * *

[*English*]

HUMAN REPRODUCTIVE AND GENETIC TECHNOLOGIES ACT

Hon. Alfonso Gagliano (for the Minister of Health) moved for leave to introduce Bill C-47, an act to respecting human reproductive technologies and commercial transactions relating to human reproduction.

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

* * *

FEDERAL COURT ACT

Hon. Alfonso Gagliano (for the Minister of Justice) moved for leave to introduce Bill C-48, an act to amend the Federal Court Act, the Judges Act and the Tax Court of Canada Act.

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

[*Translation*]

ADMINISTRATIVE TRIBUNALS (REMEDIAL AND DISCIPLINARY MEASURES) ACT

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure) moved for leave to introduce Bill C-49, an act to authorize remedial and disciplinary measures in relation to members of certain administrative tribunals, to reorganize and dissolve certain federal agencies and to make consequential amendments to other acts.

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

* * *

• (1205)

[*English*]

CANADA-YUKON OIL AND GAS ACCORD IMPLEMENTATION ACT

Hon. Alfonso Gagliano (for the Minister of Indian Affairs and Northern Development, Lib.) moved for leave to introduce Bill C-50, an act respecting an accord between the Governments of Canada and the Yukon territory relating to the administration and control of legislative jurisdiction in respect of oil and gas.

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

* * *

[*Translation*]

NUNAVUT WATERS ACT

Hon. Marcel Massé (for the Minister of Indian Affairs and Northern Development) moved for leave to introduce Bill C-51, an act respecting the water resources of Nunavut.

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

* * *

[*English*]

BUSINESS OF THE HOUSE

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I wish to advise the House that Wednesday, June 20 shall be the eighth allotted day in the present supply period instead of Thursday, June 21 as I announced earlier.

Since the annual summer adjournment rumour mill is already working overtime, I think I ought to give it a rest and clarify the reasons for this change. It is simply to accommodate the needs of

the House to deal with bills that may be sent back by the Senate as late as Wednesday afternoon. The government wishes to be in a position to deal with a bill if one should come from the Senate.

I apologize to my colleagues in changing from Thursday to Wednesday, but with co-operation we hope that by Friday the House can adjourn as scheduled.

[*Translation*]

Mr. Laurin: Mr. Speaker, I request a clarification from the hon. minister. I think there is some confusion. He talked of Wednesday, June 20, and Thursday, June 21. Thursday is the 20th and Friday, the 21st. I wonder if he would clarify this point.

Mr. Gagliano: Mr. Speaker, I got my dates mixed up, my apologies. We had announced that the final opposition day for this period would be on Thursday, June 20. Unfortunately, with the possible return of some bills from the Senate, we would like to move it to Wednesday, June 19.

* * *

[*English*]

PETITIONS

HUMAN RIGHTS

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, it is my pleasure to present two petitions to the House. The first petition from my constituency has 160 signatures.

The petitioners pray and request that Parliament not amend the Canadian Human Rights Act or the Canadian Charter of Rights and Freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the Canadian Human Rights Act to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

BILL C-205

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, the second petition is from petitioners who pray and call on Parliament to enact Bill C-205, introduced by the hon. member for Scarborough West, at the earliest opportunity to provide in Canadian law that no criminal will profit from committing a crime.

THE CONSTITUTION

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, I have three petitions, each on the same subject, from residents of my riding and more particularly the towns of Trail, Nelson and Fruitvale.

● (1210)

The petitioners call on Parliament to recognize that as the legislature of Newfoundland has passed a resolution calling for a constitutional amendment to remove the rights of denominational classes of persons to operate their own schools and further, that if Parliament accedes to these proposals to amend the Constitution at the request of one provincial government, it would set a precedent for permitting any provincial government to suppress the rights of minorities.

The petitioners therefore call on Parliament not to amend the Constitution as requested by the Government of Newfoundland and to refer the problem of education reform in that province back to the Government of Newfoundland for resolution by non-constitutional means.

CRIMINAL CODE

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, pursuant to Standing Order 36, I have a number of petitions to present.

The first petition comes from over 20,000 petitioners, all from within the Kamloops constituency in British Columbia from virtually every community and every part of the constituency.

It states that Canadians, mainly women and children, are becoming increasingly fearful to walk on our streets and in our neighbourhoods, that they believe that many violent and sex offenders are being paroled prematurely or being released without proper treatment or rehabilitation, and they believe that those convicted of dangerous and sexual offences should remain incarcerated until they have successfully undergone treatment and can demonstrate unequivocally that they have been completely rehabilitated.

Therefore, the petitioners call on the House of Commons and the Minister of Justice to take whatever steps necessary to amend Canada's Criminal Code and the parole system of Canada to ensure safety and peace in Canadian neighbourhoods.

HUMAN RIGHTS

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I have two petitions that are in conflict.

One petition calls on Parliament not to amend the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the Canadian Human Rights Act to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

I have another petition in conflict with the petition above which calls on Parliament to enact legislation to amend the Canadian Human Rights Act to prohibit discrimination against persons based on their sexual orientation and further calls on the government to pass the necessary legislation.

UNEMPLOYMENT INSURANCE

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, another petition points out that HRDC funding focuses on services for UI recipients only. The petitioners point out that this will effectively

eliminate most employment programs for immigrants, new Canadians and visible minorities experiencing barriers to the job market.

They point out that these programs have been very successful in helping individuals obtain long term and permanent employment. Therefore, the petitioners call on Parliament to continue funding programs with proven success rates for non-UI recipients.

FOREIGN AFFAIRS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I have a number of petitions, one of which came from the Canadian Vietnamese community which calls on the government to use its good offices to ask the Hanoi government to: first, release all political prisoners; second, abolish the communist dictatorship and establish a democratic and plural political regime in Vietnam; third, respect the human right to organize free elections under observation by the United Nations in order that the Vietnamese people can choose a regime suitable to their aspirations.

JUSTICE

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I have other petitions dealing with law and order.

GRANDPARENTS

Mr. Andy Scott (Fredericton—York—Sunbury, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition signed by 78 constituents and nearby residents of New Brunswick.

The petitioners ask Parliament to amend the Divorce Act to include a provision similar to article 611 of the Quebec civil code to the effect that a mother or father without serious cause not be able to place obstacles between a child and his or her grandparents, and failing agreement between the parties that the modalities of the relationship would be settled by the courts, and further to amend the Divorce Act so that it would give grandparents access to information about the health and well-being of their grandchildren.

* * *

QUESTIONS ON THE ORDER PAPER

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

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

• (1215)

The Deputy Speaker: The hon. member for Crowfoot had the floor. There remains to him up to 31 minutes.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I will continue with my opposition to Bill C-45.

Bill C-45 demonstrates that the justice minister seemingly has no understanding of the horror inflicted on murder victims, their families and society. If he does, it certainly is not reflected in the bill.

The truck driver who witnessed the horror on Melanie Carpenter's face as she sat captive in the front seat of her killer's car understands the terror endured by this victim. The jury that endured the vivid testimony of Karla Homolka and witnessed the graphic audio account of the torture inflicted by Paul Bernardo on Kristen French and Leslie Mahaffy understands the pain and suffering of these victims. It understands the constant anguish the families of these young girls live with every day of their lives, lives which have been damaged and altered forever.

Bill C-45 shows the justice minister has little empathy with the families of murder victims and the nightmares they endure as a result of the heinous crime committed against their children and grandchildren.

The members of the Standing Committee on Justice and Legal Affairs witnessed firsthand the horror of Sylvain Leduc's grandmother whose grandson was viciously beaten to death. I ask the House to listen to the horror of Sylvain's grandmother:

> The most painful thing in life is to live with the knowledge that your child lies naked and cold in a morgue. My grandson was in the morgue for three days. I was frozen to death. I could not warm up. I was in a hot tub for three days. I could not stand it until I knew that he had clothes on him. My heart is a pump that keeps blood flowing through my veins. I have a special sacred place situated below my stomach. Some people call this intestinal fortitude, but I call it my soul. It is there that love, hate, courage, faith, humour, anger, compassion, happiness, conscience and God dwell.
>
> The horrible murder of my grandson has made my soul very sick. At times it is numb and on other days it is just like jello. It has lost its desire for living. It does not care much about everyday things anymore. It has lost its desire for food, for sex, enjoyment, travel and books. There is an emptiness there, a hole that will never be filled. My grandson left this earth with part of it. Horror and fear live there also.

> Sylvain's murderers have done this me. When all is quiet, I cannot stop my mind from imagining the pain and horror Sylvain suffered before dying. I must take sleeping medication to dull those horrible pictures. I receive psychiatric care but find it difficult to speak of Sylvain in the past tense. It takes so much energy to get there. I find it also hopeless. I feel like a dead flower that has been trampled down. I feel like I have been robbed.

Those are the comments of one of the family members of a victim of a first degree murderer. For the justice minister to allow the anguish to keep festering, to allow this grandmother's wounds to be opened and reopened is wrong, yet that is precisely what Bill C-45 allows.

Each and every time a killer applies for a judicial review of his parole, the family and society relive the horrible memories and live in terror of the day these killers will be released early from prison.

Section 745 of the Criminal Code demeans the value of a human life and so does Bill C-45 does. Both are examples of a previous and the current Liberal government's blatant disregard for human life, the families of murder victims and the safety of society. Section 745, which provides killers with an avenue for early release, makes a mockery of the term life imprisonment.

The penalty for premeditated first degree murder is life imprisonment without the eligibility of parole for 25 years. A life sentence is not about rehabilitation. It is about punishment and retribution for the most horrible crime in society, the unlawful taking of an innocent life and the devastating effect it has on society.

The justice minister does not believe in punishment or retribution, only in rehabilitation. That is what we have been getting from what some of his own party call the bleeding hearts for the past 25 years. They tolerate the most extreme crimes in society while mocking and ridiculing those who would bring a sense of sanity back to the justice system.

● (1220)

Section 745 of the Criminal Code nullifies the penalty for first degree murder. It provides murderers an opportunity for a judicial review of their parole ineligibility after they have served just 15 years of a life sentence.

Bill C-45 does not repeal section 745 of the Criminal Code despite strong opposition to that section existing within our statutes today. Victims groups, the Canadian Police Association and a majority of Canadians believe section 745 should be eliminated completely.

Nothing except the full elimination of section 745 is acceptable to the Reform Party, and 98 per cent of our delegates at our national convention last week voted for the complete elimination of section 745 after debating and voting on this issue.

Bill C-45 is nothing but a meagre attempt by the justice minister to sugar coat this repulsive provision of the Criminal Code which bestows on killers an unjustified right for early release.

Bill C-45 strips multiple or serial killers of the right to apply for early parole. However, this applies only to multiple murders committed after the passage of the bill. This creates categories of killers, good killers and bad killers. Good killers are being granted special status, a hallmark of the government. Good killers will have the right to appeal for early release from prison while bad killers will serve out their life sentence.

Clifford Olson will still be able to apply for a reduction in his parole ineligibility, as will all multiple killers currently incarcerated in Canadian prisons.

As of December 1995 there were 574 first degree murderers incarcerated in Canada. Of those, approximately 5 per cent were multiple killers. Multiple killers sentenced after the passage of Bill C-45 will not be eligible to apply for a reduction. This provision of Bill C-45 does not appease the Rosenfeldts, whose son was murdered by serial killer Clifford Olson.

The Rosenfeldts, the Mahaffys, the Frenchs and many other Canadians will not be satisfied until multiple killers receive fair and just penalties, consecutive life sentences for each of the lives they took. Clifford Olson should be serving 11 consecutive life sentences. This is the only fair and just penalty for the taking of 11 young, innocent lives.

I often wonder when we debate this kind of a bill who we represent and who we speak for. Are we speaking for that narrow slice of community as represented by the justice minister this morning? Are we speaking for the Canadian Police Association, the chiefs of police, the victims groups and the vast majority of Canadians who have a real concern and fear about the growing laxity on the part of the government when dealing with such serious matters?

Because of Bill C-45 Clifford Olson, as all other multiple murderers, cannot apply directly to a jury but must first satisfy a superior court judge that their application for a reduction in parole will have a reasonable prospect of success. What does that mean? We are not quite sure what a reasonable prospect of success means.

If a superior court judge denies Olson or any of the other 28 multiple murderers currently incarcerated the right to a judicial review by a jury they can appeal to a court of appeal. They can also make application to a superior court judge again. Therefore what we have are circles within circles where it seems there is an endless opportunity and process whereby first degree killers can continue to appeal using taxpayer dollars in order to do so in what seems an endless attempt to re-enter society early.

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

Bill C-45 contains a royal recommendation which allows for the expenditure of additional funds for section 745 appeals. When questioned yesterday, the justice minister said the extra money will be allocated to Correctional Service Canada for longer periods of incarceration for those killers denied a judicial review by a jury.

• (1225)

This is a misleading joke. The justice minister has set up another level of appeal for first degree murderers and this is what will incur the additional costs.

I question the necessity for extra funding in this regard, given the number of criminals, including violent criminals, who will never see the inside of a prison as a result of the Liberal's Bill C-41, which grants alternative measures to violent offenders, and Bill C-17, which reduces indictable offences to summary conviction of offences which may include jail sentences or nothing but a fine.

More money is needed for the added hurdles killers will have to jump before exercising their right to a judicial review of their parole ineligibility.

Bill C-45 may delay but it will not prevent killers from getting a judicial review and ultimately a reduction in their parole ineligibility. According to the judicial review reports of March 31, 1994, 128 first degree murderers were eligible for judicial review. Of the 71 who had applied, 43 had completed their judicial review while 28 applicants were outstanding. Out of 43, 19 received immediate full parole eligibility, 13 had a partial reduction in their parole ineligibility and 11 had been denied.

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

Bill C-45 is not the first attempt by a Liberal government to fiddle with or amend the penalty for first degree murder. Successive governments have tinkered to the point where our justice system has been skewered in favour of the criminal. As a result of this bleeding heart approach to justice, the rights of criminals supersede the rights of victims in this country.

Murder was first classified as capital or non-capital in 1961. Before then one punishment was prescribed for murder, the death penalty. After 1961 only capital murder was punishable by death, capital murder being the planned and deliberate taking of a life or the murder of a police officer or prison guard. This was further reduced and only the killing of a police officer was punishable by death.

Persons convicted of non-capital murder were sentences to life but were eligible for parole after seven years. However, this too changed but for the better and after 1967 all those serving a life sentence for non-capital murder could not be recommended for parole before serving at least 10 years.

On February 24, 1976 the Liberal government introduced Bill C-84 to abolish the death penalty and create two new categories of murder, first and second degree murder, both of which carried a minimum sentence of life imprisonment. Those convicted of first degree murder were to serve 25 years before being eligible for parole, while second degree murderers would serve between 10 and 25 years prior to release.

The 25 year minimum for first degree murder was the Liberal government's trade-off for the abolition of the death penalty. Instead of the death penalty, society was to be protected by the incarceration of those for life who deliberately and premeditatedly killed with no consideration for parole until a minimum of 25 years had been served. However, the Liberal government betrayed Canadians by slipping section 745 into the Criminal Code. We heard today from a Bloc member about the shenanigans that went on behind the curtains and in the House during that debate.

According to a former Liberal parliamentarian, section 745 was to provide ''a glimmer of hope if some incentive is to be left when such a terrible penalty is imposed on the most serious of all criminals''. I wish I had the opportunity to ask this former MP what he felt was a just and fair punishment for the deliberate taking of a human life. What murderer has ever given his victim or his victim's family a glimmer of hope?

A killer does not deserve that which he denied his victim. Murderers should not be given a glimmer of hope or any incentive to ease the burden or the severity of their punishment for what they have done. The glimmer of hope advocates have made a farce of our penal system by extending to murderers rights they deliberately and viciously denied their victims.

Convicted murderers, rapists and others who take it upon themselves to assault or take the life of another person, another human being, throw all their rights away the minute they launch their deadly attack. For the criminal justice system to provide a criminal with a so-called glimmer of hope or to restore their rights is a further injustice to the victim and the victim's family and is an offence to Canadians. I am confident all Canadians would agree with this statement, particularly the Potts family of Hamilton whose daughter was murdered 15 years ago by Norman Joseph Clairmont.

• (1230)

In 1978 Clairmont was handed the statutory life sentence with no chance of parole for 25 years for the brutal and savage murder of the innocent 19-year old Potts girl. After making application for early release under section 745 of the Criminal Code, Clairmont was granted a reduction in his parole ineligibility. On February 8, 1993 a jury in the Ontario court deliberated less than three hours before granting this killer a chance at parole after serving only 18 years of a life sentence. This decision allowed Clairmont to immediately apply to the parole board for unescorted temporary absences. Clairmont was eligible for parole in 1995.

This is not an isolated case. A number of convicted murderers have been successful with their section 745 applications. Brian John Boyko of B.C., convicted in 1974 of non-capital murder, won a reduction in his parole ineligibility to 16 years under section 745.

Convicted of the first degree murder of a Calgary policeman during a credit union hold up and hostage taking in 1976, William Nichols won a reduction in his parole ineligibility period to 20 years at an Alberta hearing.

Jean-Louie Rodrigue, convicted of second degree murder in the killing of a Montreal police officer, won a reduction in his parole ineligibility from 25 years to 15 years, as did Charles Simard who murdered two teenagers. Convicted killer Gilles Lavigne did as well.

Murderers like Clairmont, Nichols, Rodrigue and Simard are lining up and will continue to line up to take advantage of the glimmer of hope provided by an irresponsible bleeding heart government and endorse the current government. Bill C-45 may dim but it will not extinguish that glimmer of hope.

Reform, as a majority of Canadians, believes life means life. The only just and fair penalty for the taking of an innocent life is life imprisonment. Let us forget the glimmer of hope because that glimmer of hope was snuffed out in each one of their victims.

If the justice minister had truly consulted Canadians on this matter as he has indicated, he would know a majority of people share this belief. The minister's own caucus believes section 745 should be eliminated completely. This was evident last year when the House voted on private member's Bill C-226. Seventy-four Liberal members, including the then Minister of Transport, voted against the justice minister and voted in favour of repealing entirely section 745 of the Criminal Code.

Despite the results of the House of Commons vote and despite the fact that an overwhelming number of Canadians want section 745 repealed, the justice minister has produced Bill C-45, a flawed, half measure piece of legislation which continues to demean the value of a human life.

In closing, we are going to add to the list of pain, horror and sorrow as each year goes by. If the statistics hold true, we are going to see at least 40 people murdered at the hands of juvenile offenders. We are going to continue to add to that horror within our society, the sorrow, the suffering and the grief, and the justice minister and the government are adding to it by bringing in this half measure they call Bill C-45.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it is a pleasure for me to add my words to the debate on Bill C-45. I wish to inform the Chair at the outset that I will be sharing my time with the hon. member for Surrey—White Rock—South Langley.

This bill shows that once again the justice minister has seen fit to bring forward a piece of legislation that is half baked, weak kneed, bleeding heart and which simply does not do the job where section 745 of the Criminal Code is concerned.

• (1235)

Millions upon millions of Canadians are telling the government that section 745 has to go. It is that simple. In reality what we have is Bill C-45 which is some 16 pages long and simply deals with categorizing murder. It is absolutely abominable that the government would try to categorize some murderers and therefore the victims and their families, as more serious than others, or that one murder is okay.

The government leaves the impression that one murder is okay but if a person kills more than once, then perhaps section 745, known as the faint hope clause, should not apply. It leaves people and would be criminals with the impression that it is acceptable. It is not acceptable to Canadians at large. It is not acceptable to victims rights organizations across the country that have been speaking out on the side of victims and it is certainly not acceptable to the Reform Party of Canada.

As I said, the bill is 16 pages long when in reality we only needed one short page of legislation to repeal section 745. I believe very strongly that all acts of murder are reprehensible in the eyes of Canadians. There are no good killers. Killers should not get special treatment because they committed just one murder.

The categorization of murder by the justice minister is an insult to the families of victims of one time killers. That is becoming more recognizable as word gets out of what the justice minister intends to do with this piece of legislation. Yet it does not surprise me. We have repeatedly seen this type of initiative come forward by the Liberal government and this particular justice minister.

I remember two years ago when we were debating Bill C-37, the amendments to the Young Offenders Act. Reformer after Reformer said that the legislation was insufficient, that it was inadequate and did not address the concerns of Canadians who were deeply concerned about the rising incidence of violent crime by young people. I might add there is a very real concern by the young people

themselves. Statistics show that they themselves more often than not are the victims of these young hoodlums.

Bill C-37 did not adequately deal with the problem. We said it then and we maintain that now. It has become self-evident. The justice minister himself shortly after that bill was passed said that the Young Offenders Act was once again under review. Now we see the same thing happening. It is becoming consistent with this justice minister.

We saw it a couple of months ago with Bill C-33, the legislation on sexual orientation to make it a protected category under the Canadian Human Rights Act. The justice minister as was indicated during question period today had maintained and had assured Reformers and the Canadian people that it was only to protect against discrimination and nothing more could be read into it. Now, just a few weeks later we see the results of that. Regardless of what the minister said today, that it had no impact on the ruling by the tribunal, I do not believe it. I do not think the majority of Canadians believe it. It reinforced what was there. That was a concern certainly expressed by the constituents of Prince George—Peace River and I believe by millions of Canadians across the country.

By categorizing murderers in Bill C-45 by the number of victims, we are adding another level of bureaucracy to the justice system. One level addresses multiple murderers; another addresses what the justice minister would like us to believe are the less nastier one time killers.

• (1240)

Instead of differentiating between multiple murderers and single murderers, the justice minister should have proposed consecutive sentencing. That is what people are calling for. For example, Clifford Olson should have received 11 life sentences. That would have been fair. That would have been justice. That is what Canadians are calling for.

It is ironic that private members' Bill C-226 was introduced on March 14, 1994, and was reintroduced following the prorogation of Parliament in January. In the last session, the House of Commons voted at second reading to refer the bill to the standing committee. Seventy-four Liberals, including the then Minister of Transport who is now the Minister of Human Resources Development, voted against the justice minister and supported the repeal of section 745. Yet private members' Bill C-226 which would have seen the repeal of this section was buried in committee. The bill which has been reintroduced has not yet been dealt with. Instead, the minister brought forward this half baked, totally inadequate piece of legislation.

To give a little bit of history, in 1976 Pierre Trudeau and the Liberal justice minister struck a deal with Canadians and the death penalty as a punishment for first degree murder was taken off the books. Even though the statistics and polling at that time showed that the majority of Canadians still wanted the death penalty for some of the more heinous crimes, the Liberal government did away with the death penalty but left Canadians with the assumption that life meant life.

We want to make it clear that when we talk about first degree murder this type of murder is not committed in a fit of rage. Some thought has been given to it. It is cold blooded premeditated murder. We are talking about the Clifford Olsons and the Paul Bernardos.

I am sure everyone understands how I feel about this issue. About a month ago I was fortunate to have my private members' Bill C-218 drawn which called for the reinstatement of capital punishment. I and a number of my colleagues spoke one evening on that and expressed our support for the return of capital punishment and for having a true free vote on it in the House of Commons. I stated that the Reform Party's position, which I strongly support, is that we should have a binding national referendum on the reinstatement of capital punishment. This was reconfirmed at our recent assembly. Let all Canadians decide on such an important issue.

However, the justice minister, the Prime Minister and others on that side of the House have very clearly indicated that they will not allow the people to have a say on this important issue. Therefore, I drafted my private members' bill and submitted it to the House in the hope that as a second-best alternative we could have a true free vote. Members could get the wishes of their constituents and then vote accordingly. It would not be as we have seen in past Parliaments that have voted on capital punishment, first to abolish it and then to reinstate it and members voted their personal conscience on the matter.

It is of interest that the first judicial review using this faint hope clause was in Alberta in 1992. William Nichols was in jail for robbery—

The Deputy Speaker: I am sorry, the hon. member's time has expired. Does he wish to share his time or does he wish to use his full time? That is really what it comes down to.

Mr. Hill (Prince George—Peace River): Mr. Speaker, I will share my time.

• (1245)

Mr. Allan Kerpan (Moose Jaw—Lake Centre, Ref.): Mr. Speaker, I did not catch the entire portion of my colleague's speech. I wonder if he would tell the House the example of the gentleman from Alberta he was beginning to speak about. I think it is important that the House hear it.

Mr. Hill (Prince George—Peace River): Mr. Speaker, I was to inform the House about the first example, William Nichols. I believe my colleague for Crowfoot did refer to that example.

After the review, although he was found guilty of robbery, kidnapping and killing a police officer, his sentence was reduced from 25 years to 20 years. This is the first example of how this clause has been used, and against the wishes of the vast majority of Canadians.

I find it very interesting that one of the reasons, one of the excuses the justice minister has used to bring in gun registration, for example, with Bill C-68 was that he was responding to the wishes of Canadian policemen, those individuals across the country who lay their lives on the line to protect society every day and night.

Yet what we find is that the Canadian Police Association has passed other resolutions the justice minister is ignoring. In other words, he picks and chooses what he wants to move on.

I will read from Canadian Police Association resolutions passed at its convention:

> Whereas the penalty for those persons convicted of murder is currently subject to varying parole eligibility, and this has produced a great measure of uncertainty amongst Canadians about the credibility of the justice system in Canada, be it resolved that:
>
> First, the Criminal Code be amended so as to allow a discretionary capital penalty for those persons convicted of first degree murder as currently defined;

In other words, capital punishment should be brought back for some of the heinous crimes.

> Second, all other persons convicted of first degree murder but not sentenced to capital punishment be imprisoned for life with no chance of parole or conditional release in any form, except for emergency medical treatment, until the expiration of 25 years;
>
> Third, section 745 of the Criminal Code be repealed.

In other words, do what the government said about the GST; abolish, kill, do away with. It did not do that and it will certainly not do it with section 745 regardless of what the Canadian Police Association says and regardless of what millions of Canadians across the country want. I find that absolutely disgusting. That is why I will be voting against Bill C-45.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, I rise to speak against Bill C-45.

I think it is clear in Canadian law what the juries and judges decide when a person comes to trial. When this government changed the rules to not allow capital punishment it gave a trade-off to the Canadian people who felt that was still an important part of the judicial system.

The trade-off was that if a person is convicted of first degree murder they would be given a life sentence without eligibility for parole for 25 years.

If there is any concern whether or not they can prove this individual committed first degree murder, premeditated murder with intent, then they are not convicted. They reduce the conviction to second degree murder. That is not the issue here.

The issue here is that the trade-off for getting rid of capital punishment was life without eligibility for parole for 25 years. That is what Canadians thought they were getting. Nobody advertised that what they were getting was a faint hope clause added to that at a later date that says after 15 years they can apply to be eligible for parole. That was not the understanding when Canadians accepted reluctantly the removal of capital punishment.

● (1250)

If the courts are not convinced without any doubt at all that a person is guilty of premeditated murder, then they do not convict them of first degree murder. We are talking about only those individuals who are given this sentence when there is no doubt they committed the crime.

It is not that everybody who murders will end up with life without eligibility for 25 years. It is only those few individuals convicted of premeditated murder. The others are either convicted of second degree murder or of manslaughter if their crimes are considered to be unintended in the first place.

Having given Canadians this assurance that somebody who took a life, who intended to take a life, who planned on taking a life, would get a life sentence, we are now faced with a justice minister who is talking about making a difference between those who planned and intended on taking one life from somebody who planned and intended on taking more than one life. That is irrelevant. Those are the kinds of decisions juries and judges make at the time.

I find it abhorrent that we feel the decision made by a jury of peers and by a judge, people who heard all the current evidence of the day and made a decision, can be overturned at the whim of somebody else who was not there to hear the testimony.

That in essence is what we are deciding when we deal with this bill, and what the individuals decided when they brought in the faint hope clause, to totally disregard a decision that was made in our judicial system which we uphold and which the justice minister and his colleagues say is a great system that does not need to be changed that much because it works really well.

That is the system that decided whether these individuals would be tried and convicted of first degree murder, and that is the system that decided whether they would get life in prison without eligibil-

ity of parole for 25 years. Why is that system not being regarded? Why is their decision being put aside after 15 years? I and a lot of Canadians feel that is not right.

Instead of the government talking about looking at that challenge to a decision made in a court of law by a judge and jury, instead of asking if it is right to have that decision challenged 15 years later, maybe we should remove this clause that questions the judgment of those people, the minister will tamper with it. He will decide and have judges and juries decide whether a person is a serious killer or not, whether he is a bad killer or a good killer.

That decision was made years 15 years before, when the jury and the judge decided that person should be charged and convicted of first degree murder. When that judge handed down the sentence of no eligibility for parole for 25 years, that decision had already been made. Who are we to say they were wrong when they made that decision after they heard all the evidence?

I suggest to the justice minister that he take the tactic Reform Party members of Parliament are taking and prevent these things from even occurring. I introduced a private member's bill which deals with dangerous offenders and which tries to keep people who are likely to kill off the street so we are not faced with making decisions about how we are to handle them after they have killed.

We are trying to bring in legislation to keep those kinds of individuals who are likely to reoffend, likely to commit serious harm to other people or likely to kill other people off the streets of Canada. I suggest that is a much more efficient way and a much better way to deal with this issue.

Let us not talk about how we are to deal with these people who have been convicted and sentenced for first degree murder. Let us try to keep them from committing murder. Let us try to prevent more victims.

We are doing that. My hon. colleague talked about his private member's bill. I have my private member's bill that deals with dangerous offenders and I have a private member's motion that talks about people who show the propensity of doing these horrendous crimes. It says they be assessed by psychiatrists and if it is felt they are likely to kill somebody, it proposes the system deal with them before the event happens.

• (1255)

This is the way it should be handled, not by tinkering with a part of the Criminal Code that should not be there in the first place.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I listened to the hon. member's speech. She said initially—

Ms. Meredith: That is a surprise. You have not been here that long.

Mr. Boudria: I know it constitutes perhaps cruel and unusual punishment to have to, but I did.

The hon. member said this government had changed the rules on capital punishment. I ask her to reflect and to set the record straight. She is an honest person who is interested in the truth. She will recall that the last time capital punishment was imposed in Canada was under Mr. Diefenbaker. He abolished it at that time, commuting every sentence. No government after that ever imposed it.

A free vote of Parliament under a previous government abolished capital punishment. In the last Parliament there was another free vote initiated by the then Conservative government that resulted in the reiterating of the end of capital punishment.

Would the hon. member not recognize that what I said now is true and that what she said prior was not?

Ms. Meredith: Mr. Speaker, I will acknowledge that it was previous governments that dealt with this issue. It was a previous Liberal government under which section 745 was introduced into the Criminal Code.

I will acknowledge there were what were considered to be free votes in the House of Commons. That is as far as I would go. Free votes in the House of Commons by government members are not really free votes.

When dealing with the capital punishment issue, I suggest it was made very clear to government members before that vote was taken by the Conservative government what the expectation was.

It is not Parliament that should be making this decision, it is the Canadian people who should be making the decision. It is the Canadian people who should have the opportunity through a referendum to decide whether punishment is something they want as the most severe penalty in their justice system. The justice system is the system there for the Canadian people, not just the members of Parliament.

Mr. John Harvard (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, I listened to the hon. member as well. It seems the position she and her party take really shows contempt for jurors.

It is jurors who make these decisions. It is not done by lawyers, bureaucrats, psychologists, professional people. Decisions relating to reducing the ineligible period of parole are made by so-called ordinary Canadians. They are people from the community, down the street, neighbours and so on.

Why does she show so little faith in fellow Canadians?

Ms. Meredith: Mr. Speaker, it is not I who shows little faith in jurors and in fellow Canadians. It is the people who support this legislation who will put aside a decision that jurors made in the

initial charge of this conviction. It is a trial by jury and by judge that tries and convicts people on first degree murder.

A person cannot be convicted of first degree murder unless there is a jury there. I respect the jury and I respect the judge at the original time.

Why would we need another judge and jury to decide the fate 15 years later? That fate was decided with all the evidence presented at the time. I respect their decision. I and my colleagues ask why does nobody else respect the decision of that initial court?

* * *

● (1300)

COMMITTEES OF THE HOUSE

TRANSPORT

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, on a point of order, I believe you would find unanimous consent for the following motion. I move:

> That the vice-chair of the Standing Committee on Transport and one researcher be authorized to travel to Chicago on June 18, 1996 to gather information on the creation of a binational structure for the St. Lawrence Seaway.

This is an amendment to a motion adopted on May 16. Both parties have been consulted. I believe you would find unanimous consent for the motion.

The Deputy Speaker: Is there unanimous consent for the motion?

Mr. Epp: Mr. Speaker, it is embarrassing if our people have not done their job but this is the first that we have heard of this. We have not been informed.

The Deputy Speaker: There does not appear to be unanimous consent for the motion.

* * *

BUSINESS OF THE HOUSE

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I have another motion to propose. Perhaps the hon. member can verify this with his colleagues and then he will be satisfied that there was consultation.

Later this afternoon the House will be dealing with Motion M-116. There have been consultations about this initiative. I move:

> That at the end of the time allotted for private members' hour, a recorded vote be deemed to have been requested and that such a vote be deferred until next Tuesday at 5.30 p.m.

(Motion agreed to.)

Mr. Boudria: Mr. Speaker, with respect to the first motion, a telephone call has been received from the Reform whip's office telling us that the motion with regard to Chicago has received unanimous consent. If not, I am ready to propose it later, perhaps after the next speech.

The Deputy Speaker: Is there unanimous consent for the previous motion?

Some hon. members: Agreed.

(Motion agreed to.)

* * *

CRIMINAL CODE

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

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I want to get to something more important than wasting money down in Chicago and that is Bill C-45.

The Liberals do not get it and it is our job to tell them what they are doing is not right. Let me continue to show the weakness of this bill.

The screening review mechanism that the government has developed is a joke. I wonder, as do many Canadians, if this review process will be as effective as the National Parole Board has been under this new system.

The crown and the criminal are able to submit evidence in the form of an affidavit. There is no examination of the inmate until a jury hears the case. While an affidavit is a legally binding document, why should anyone who has committed the most heinous crime there is, the cold and premeditated taking of another human life, be trusted? One time is enough. They are put away one time, not two, three, four times.

Does the government's rehabilitation program suddenly instil honesty in these criminals? For the protection of Canadians we should have the right to question inmates before they are granted jury hearings.

One of the most troubling aspects of this bill is why the government puts more value in the loss of 2, 3, 20 or even 200 lives while the loss of one innocent life is grounds for a sentence review. Why try to make a distinction?

As reporter Licia Corbell wrote: ''Take, for instance the fact that Rock is distinguishing between multiple murderers and those who kill once as though a murder victim's death is only legitimized by someone else's murder''. That is ridiculous. That is sad. It is enough to make one sick.

This is what the justice minister does not get. He believes a first time murderer, a premeditated killer, found guilty by a jury of his peers deserves a second chance. A second chance for what? To do it again? The punishment should match the crime. Some of us favour capital punishment, some do not. It is life imprisonment, but a murderer serves 25 years, and automatically gets paroled after 25 years. Now the government wants to reduce that even more. That is totally wrong.

• (1305)

Corrections Canada's mission is to contribute to the protection of society by exercising lawful control. It seems ironic that the government willingly sends peacekeepers around the world to protect the lives of people in countries such as Bosnia, yet it is willing to release rehabilitated murderers on to Canadian streets.

Why do two or more people have to be killed by one murderer before the government steps in to lock these criminals up? Where are the government's priorities? Has it forgotten that its first responsibility is to Canadians? We must do everything to protect their safety. Is is any wonder that people do not trust our justice system?

It is time to place the rights of victims at the forefront. It is time to put law-abiding citizens ahead of the rights of criminals.

Has the justice minister ever offered the Boyd or the Rosenfeldt families compensation for the horrific murders of their children? No, he has not. However, the government is willing to offer inmates compensation for slipping on a stairwell. The government is willing to offer Clifford Olson compensation to the tune of $100,000. It is even allowing him to publish books and make videos while in jail. What a slap in the face to these families. Where is justice? What a disservice and what an insult. There is no justice for the victims.

Why is the government so soft on criminals? Make no mistake, the people who we are talking about are criminals. They have broken the law. They are first degree, premeditated killers. We are not talking about second degree, by chance, look at the review and the situation and maybe give them a second chance. Society wants these first degree, premeditated, plan to kill killers punished for those crimes.

However, instead of punishing them, they are given compensation. They are made to feel comfortable. They are provided with the opportunity to be released early but, as the justice minister says, ''only in appropriate cases''.

When was first degree, pre-planned murder ever an appropriate case for early release? Why use language like this? This is what the justice minister said: ''This is the right thing to do because it preserves the opportunity, but only in the appropriate cases''. Do we not want a deterrent? Do we not want to have a deterrent for killers that plan to kill, that plan to take another life? Do we not want to tell these people that if they plan and commit a murder they are going to pay the price which is 25 years in jail? And if they are not good after 25 years then maybe they will serve even more. I do not think this Liberal government wants a deterrent. It wants to appeal to some soft bleeding hearts, but I will save that for another part of my speech.

The justice minister also said: ''I think it is impossible to say that of all the hundreds and hundreds of people serving time for murder that there is a purpose to be served either for the victim or society to have them serve all 25 years without the prospect of a review''. We are not talking about the hundreds and hundreds of second degree murderers. We are talking about first degree, pre-planned, premeditated murderers here. He is trying to whitewash the two situations. He is trying to mingle the two together. He believes they deserve a second chance. I disagree and I think the majority of Canadians do as well.

If these measures are going to strengthen the justice system and make Canadians feel safer, why do we not release these one-time murderers, if they get released after 15 years, and put them into the neighbourhood of the justice minister and the solicitor general? I wonder if either one of these ministers would feel safe if we released these rehabilitated criminals into their neighbourhoods. Would they think twice about walking around in their neighbourhood at night? Would they worry about the safety of their children, grandchildren, friends and neighbours? I am sure they would.

If they had a reason to be concerned then they need to listen to Canadians and give this bill some real clout. They should close all the loopholes like section 745. They should give Canadians some peace of mind and quit coddling the criminals.

The public is scared. Our streets are no longer safe. Crime is on the rise. The minister tells us: ''Oh well, they are using statistics like 'if I punch this guy in the face that is violent crime so therefore that is increasing crime'''. That is not a violent crime and not worth talking about. Violent crimes are increasing and young offenders crime is increasing.

Mr. Boudria: Don't move.

Mr. Silye: As long as he does not move his head we are okay, Mr. Speaker.

Even the justice minister admitted a few days ago that Canadians want a country where they feel secure in their homes and communities and where men and women can grow without fear. Our society has been shaken by violent crime and a defective criminal justice system which this Liberal government has been so slow to fix.

• (1310)

Despite the justice minister's claims, the public interest will not be served by keeping murderers in prison for any less than 25 years. The justice minister is trying to suck and blow at the same time. He is trying to satisfy Canadians that he will look after the Clifford Olson's of this world by not allowing them a chance for early parole from this time forward.

We are not concerned about Olson. He is not going to get out. I think most Canadians should feel safe about that. Even under the

existing law he will not get out. We do not need to scare Canadians with that. That is not what the Reform Party is saying.

However, we are saying that the justice minister cannot suck and blow at the same time, telling Canadians to fear no more and still please the bleeding heart liberals, the bleeding heart defence lawyers who try to go to the nth degree to make the law more lenient for criminals. They do not give a darn about the victims. They are so quickly forgotten.

Look at Nicole Simpson. Look at the tragedy in Calgary where someone was shot six times in the back. The whole trial was not about the victim. The whole trial was about whether the offender was in a robotic state. That is where defence lawyers are taking this country. I am offended and tired of it all.

The government cannot have it both ways. It must decide who it wants to please. The people the government and the minister should be trying to please is the Canadian public, not the bleeding heart liberal lawyers in our defence system.

The Canadian public is upset with the soft, wrong-headed target of this intended bill. They want to show the justice minister they are upset. They want to show him that he has not solved the problem but that he has created more anxiety and more fear and concern. They can show their concern by calling their MPs if they like but that probably will not make any difference. But Reformers are here every day. We will be hammering the justice minister every day. However, he is perfect and he never makes a mistake. He will never listen to us. But he will listen to Canadians.

Canadians want him to get with it, to get tough on young offenders. They want him to put in a proper Young Offenders Act, not one that is wishy-washy, where if a person is 15 or 16 they have to prove that they should not be tried in adult court. When 12 and 13-year-olds are telling the police what their rights are, it is time to crack down. If you do the crime you pay the time. These kids need protection from each other.

The minister is soft on section 745. He knows what the Canadian public wants. Why does he not just do the right thing?

Let me get back to the Canadian people. I believe there are lot of Liberals who believe that the justice minister is being too soft. We believe he is too soft. He should remove the anxiety and the fear from peoples' minds and make our streets safer. If the Canadian people feel that way then send him a fax. I am asking Canadians to send Rock a fax at 613-990-7255.

The Deputy Speaker: Before questions or comments, I would ask all members not to refer to other colleagues in the House by their first, last or middle names. They must be referred to by either their riding or their ministry.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I listened with interest to the comments of my hon. colleague. I am really glad that extremism has been eradicated from the Reform Party. Imagine how the speech would have sounded under the previous form of extremism.

Having listened to the more moderate Reform Party that now exists since their last convention—

Mr. Hill (Prince George—Peace River): That is not extremism.

Mr. Boudria: I am glad the hon. member told us that the speech we just heard is not extremist. There is worse than that in the Reform Party. That is the point I was getting at. I am glad he seized upon it.

I agree with the member that this is not extremism, that there is worse yet within the Reform Party. We in the government understand that and all Canadians do as well.

I want to get to the content of the speech of the hon. member for Calgary. I must say that he and I have a different concept of what justice is.

Mr. Ramsay: Obviously.

• (1315)

Mr. Boudria: That is quite true. It is not a matter of who is a bleeding heart Liberal as opposed to a red neck Reformer or whatever. That is not the issue. The issue is what is just and that is what we should be concerned about today.

My hon. colleague said that we were not concerned about Clifford Olson being able to leave jail under section 745 of the Criminal Code and I do not think I was either. Does the member agree with me, which he has just done, that such a probability was virtually non-existent? Will he make sure to chastise his colleagues who have been invoking that proposition in order to instil fear in Canadians on this very issue?

Mr. Silye: Mr. Speaker, the only people I am going to chastise are the ones in the Liberal government. The only person I am going to chastise is the member when he says imagine what kind of country we would have if Reform ran it. We would have a wonderful country. We would have a better country than what we have under the Liberals.

The Liberal Party once stood for the little people. It once stood for the little guy. The Prime Minister used to campaign as the little guy from Shawinigan pretending he had no money, that he was a poor boy and he just worked his way up like everybody else and that he was making just $50,000, $60,000, $80,000 a year as a hardworking lawyer and a politician. He is not a little guy any more. He does not represent the little guys and the Liberal Party does not represent the little guys any more. The Liberals now are big business. They are worse than the Conservative Party.

Talk about imagine. Imagine having a justice system that cares more about the criminal and the rights of the criminal than it does about the prevention of crime and the victims of crime. There is something wrong.

We should be doing something about it. The punishment should match the crime. Whether someone is 12, 13, 14 or 100 years old, if they commit a crime, they should know beforehand what the penalty will be. They should know that the penalty for first degree premeditated murder is life imprisonment. That penalty might match the crime. Life imprisonment. But then it is softened by saying that they may be let out after 25 years, or is it automatically out after 25 years?

An hon. member: Automatically.

Mr. Silye: It is automatic. So the penalty for taking a life is 25 years.

While serving the 25 years the person can appeal and file for earlier parole at 15 years. Now the Minister of Justice is trying to differentiate between one murder and multiple murders. That is what makes his amendment ridiculous.

Why try to make this distinction? The reason he is trying to make section 745 seem tougher, or he is addressing it with a new bill altogether, is that he has received complaints. He knows that everything we have been saying is true. Canadians are concerned. Canadians want criminals punished more. They do not want them to make a mockery out of the criminal justice system. He has heard those comments but he is not listening to the people he should be listening to.

Gosh, the prosecution lawyers are frustrated. Time after time they bring criminals into court and there is plea bargaining and then the criminals get off. The criminals are served a lighthearted slap on the wrist sentence and then they do the same crime again. All kinds of deals are done. They are given 12 years and then they get early parole after three years. The prosecutors, the police and the RCMP are not happy.

Why do we not toughen up our laws? That is all we have to do and we are the ones who have the ability to do it. The minister is the man who is responsible for doing it and he will not. He is going soft. He is trying to give the impression and appearance that he has done something with the laws we have. Now I know why I always compare him with the finance minister; he is trying to create a myth too. He is the second minister of myth because he is trying to create the illusion that he is getting tougher and is doing something. Do not worry, serial killers will not get out after 15 years, only after 25.

I find it frustrating. Instead of listening to the people who are complaining, he is trying to please the lawyers that come from the litigation system and the defence system, the bleeding heart lawyers, the bleeding heart individuals, the bleeding heart Liberals. He is trying to please them.

• (1320)

The minister cannot suck and blow at the same time. He cannot have it both ways. He is either blowing with the wind or against it, or he is sucking in the wind. Whatever he wants to do, he has to make a decision which way he wants to go. The minister has chosen to try to do both and he is satisfying neither. They are half measures that just anger both sides. I am sure he takes his lesson and his leadership from the Prime Minister who tries to do the same thing.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I would like the public and members of the House to put themselves in somebody else's shoes.

Imagine you are the husband, the father, the wife, the son or daughter of somebody. You come home one day and a police officer is at your door. The police officer asks you to sit down and he tells you that unfortunately and sadly your loved one has been murdered, murdered in cold blood, murdered in a premeditated fashion. An innocent person has been murdered. They have been ripped out of your life with absolutely no explanation.

These individuals, these loved ones are left to pick up the pieces after this unspeakable tragedy, a tragedy we would not wish on anybody. It destroys their families and their lives forever. The impact and pain these people feel are immeasurable and last their entire lives.

It is for this reason and in this context that we discuss Bill C-45, an effort to make amendments to section 745 of the Criminal Code.

As we have discussed before in the House, this bill deals with a very narrow issue. It deals with individuals who have committed cold blooded, premeditated, first degree murder. These individuals wantonly, irresponsibly and without any regard for anybody else have taken lives, something they have absolutely no right to do.

We disagree with the changes the justice minister is making on a number of levels. First, what kind of message does it send to murderers? It sends the message that if they kill one person, it could be okay; if they kill more than one, it is definitely not. Murder is murder and has to be deplored, period.

Second is the concept of deterrence. Some people would say that having a first degree murder penalty of 25 years with no hope of parole is not a deterrent to committing the crime. Having worked in jails I can say that deterrence plays a very big role in people's actions. Deterrence does play a role.

The prospect of a penalty of 25 years is not looked upon favourably by anybody. The penalty of 25 years without any exception has to be there for first degree murder. It is not there for second degree murder for a reason, but it must be there for first degree murder because first degree murder applies only to premeditated cold blooded murder, an act that is so reprehensible that the majority of Canadians have said that people who commit this type

of murder must be treated in the harshest way. This would send a message of deterrence and would also provide protection for society.

We have seen a significant departure in our justice system since the early 1980s. At that time the Liberal solicitor general said to Canadians: ''From now on the focus of the justice system is not going to be on the protection of society. The focus of the justice system will be on dealing with the criminal. We are going to concentrate on the criminal, not the protection of the innocent in society''.

That is the mindset which has pervaded our justice system over the past 14 years. It is something Canadians have been utterly revolted by. They feel that their rights as innocent civilians to be protected by the justice system are being abrogated from on high by the federal government in Ottawa.

● (1325)

That is why my colleagues from Surrey—White Rock—South Langley and Fraser Valley West, and my colleague from Crowfoot who was our lead speaker on this bill, have put forth constructive measures to ensure that the protection of innocent civilians is the primary goal of our justice system.

It is not to say that we are not concerned about rehabilitation. It is not to say that we are not concerned about prevention. However, certainly the number one goal of our justice system has to be the protection of innocent civilians. That is why we feel the changes to section 745, which Bill C-45 brings in, do not properly reflect our desire to protect Canadian citizens.

There are a number of measures the justice minister can take. I would suggest that he look at the following. Some interesting experiments have been done in the United States. They looked at inner city schools that had very high teen pregnancy rates, high crime rates, high drop out rates and high illiteracy rates.

The school children were referred to the university which started to deal with the children early on, from kindergarten on. Not only did they teach these children their ABCs and the three Rs but they also taught them concepts such as self-respect, respect for others and appropriate conflict resolution. They informed them about drug and alcohol abuse and smoking.

The parents were also brought in. They were usually single parents. That was the environment these children lived in. They brought the parents into the school system, and the parents took an active role in the classroom with their children and with the teacher. The parents often did not know how to be good parents. They did not themselves have the basic pillars of a normal psyche because they had grown up in an abusive environment.

The outcome was very interesting. The parents learned how to be good parents. The parents learned what self-respect was. The parents learned that slamming somebody's head into a wall was not appropriate conflict resolution. The parents learned about drug and alcohol abuse and the value of education. In the end, there were much lower rates of drop outs, criminal activity, drug abuse, assaults, et cetera.

The hon. justice minister should bring together his colleagues, the ministers of education from across the country, to change the focus in our education system. The greatest impact we can have on the justice system later on, and the prevention of conduct disorders and criminal behaviour is through changes by focusing on early childhood education in the way I mentioned.

I would bring attention once again to the bills my colleagues in the Reform Party have put together. There is the one on the victims bill of rights. I hope the justice minister does not let this very good bill die in committee. He should give it the same expeditious treatment that he gave to Bill C-33. There is also the bill of my colleague from Surrey—White Rock—South Langley on dangerous offenders. The justice minister should take a very close look at that because it will certainly make our streets safer.

Revamping the Young Offenders Act is essential. It is an absolute sham right now. Changes need to be made. I implore the justice minister to deal with that. I know members across the party lines would be very happy to work with him to make our streets safer for Canadians.

[*Translation*]

The Deputy Speaker: It being 1.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

DANGEROUS OFFENDERS

The House resumed from May 28 consideration of the motion.

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Mr. Speaker, it is an honour to rise in the House to speak in support of the motion put forward by my colleague from Surrey—White Rock—South Langley. It is an honour because if the government acted on this motion, another loophole in our criminal justice system would be closed. With every loophole we close as legislators Canadians are safer and Canada is a safer place to live.

What does the motion seek to accomplish? The motion would require that anyone convicted of serious sexual assault against an adult or any sexual assault against a child be examined by two psychiatrists. If the psychiatrists conclude the offender is likely to

commit similar crimes in the future the attorney general would be compelled to proceed with a dangerous offender apprehension.

Sexual predators would be identified by the system after their first conviction. Instead of getting back on the street after serving a specific sentence they would be held indefinitely until we can be assured they would not offend again.

Before Reform is criticized for being too tough on crime, let us reflect for a moment. I imagine everyone in the House has had the experience during our lives of knowing or reading about a crime which if the system had worked the way it was designed would not have happened. All of us can recall incidents when a crime was committed by someone who but for our lenient parole system, a miscommunication between officials or failure to arrest a person on an outstanding warrant would have bee locked up.

My friend from Surrey—White Rock—South Langley in a speech she delivered on this motion on March 25, 1996 cited several such examples in relation to rape and murder. The matters she described to House are not out of some murder mystery movie or some crime thriller paperback. They are real situations, real people, real Canadians who were raped and murdered by people who should have been in jail.

Recently I attended a victims rally in Abbotsford of over 2,000 people who were waiting for the government to do something to prevent many of these crimes from happening again. Canadian taxpayers, law-abiding citizens, cannot understand why their elected members of Parliament are not changing the system to correct the errors of the past and protect our children from crimes committed by those who should have been kept behind bars.

Melanie Carpenter of British Columbia would be alive today if Fernand Auger, who kidnapped, assaulted and murdered her, had been identified after he had committed his first offence.

Did our justice system fail Melanie? Yes. Auger had been convicted of two brutal sex assaults 10 years earlier of teenaged prostitutes. His sentence for those crimes was two years less a day. When Auger was closely observed by psychiatric professionals five years later after being convicted of a robbery charge and receiving a federal sentence, what was their finding? These professionals realized Auger was a danger to the public, that he was a walking time bomb. What did they do? Nothing. Under our current laws Auger had to be released.

If Motion No. 116 had been in place at that time the legal system could have dealt with him and he would not have been out of the streets to look for yet another victim, in this case Melanie Carpenter.

Should we have done something to prevent offenders from committing crimes again and again? Yes. That is part of our responsibilities as MPs, a major part of why we are elected and given the trust of Canadians to enact legislation, to make the laws which our professionals can then enforce.

Debbie Mahaffy was at the victims rally I attended. I wish the members of the House had listened to her talk, listened to the pain and anger in her voice, listened to how her life and the lives of her family will never be the same again because of what a sexual deviant did to her daughter Leslie.

What of all the parents and loved ones who became victims of such a madman as Clifford Olson? After a history of criminal activity this dangerous offender could have been identified and his killing spree which left 11 Canadian children dead might not have happened.

What of Gary McAstocker, convicted of raping a 21-year old woman and sentenced to seven years in prison? He was released 36 months later and while on parole rammed his car into a vehicle driven by a 48-year old widow. He grabbed her, beat her and threatened her before she escaped.

In 1988 McAstocker was sentenced to four years and three months. In 1992 and 1993 the parole board concluded that if released McAstocker was ''likely to commit an offence causing the death of or serious harm to another person''. Nevertheless, in February 1994 he was freed again. Four months later, on June 14, 1994, 14-year old Tina McPhee left her home in Edmonton to walk to school. She disappeared and McAstocker became the prime suspect. Just before he was to submit to police questioning he hanged himself.

• (1335)

If Motion No. 116 had been in effect and two psychiatrists had examined McAstocker, Tina McPhee would likely be alive today.

The justice system needs the tools to complete the job if it is to protect citizens in our country. That is what our laws are for, to protect the rights of law-abiding citizens.

Motion No. 116, put forward by my colleagues from Surrey—White Rock—South Langley and Calgary Southeast, would simply ensure a dangerous offender description would be designated to those individuals who have already been convicted of sexual offences and who two professional psychiatrists feel will reoffend.

These dangerous offenders would be kept in custody until the parole board is convinced the offender does not pose a serious threat to society. Parole eligibility would be after three years and then every two years. As my colleague said, if rehabilitation and treatment were successful, the offender would not be incarcerated forever.

Yes, Reform has taken a tough position on crime and punishment. Somebody has to, and certainly there is no point in waiting for the government to act. Canadians demand action and that is what this motion will give them.

Why do I not trust the government will move in this direction? Just witness the government's action this past week in response to the wishes of the people of Canada that the opportunity for early parole for murderers be eliminated.

What does the government do? It says ''if you can keep it down to one murder, no matter how premeditated, no matter how gruesome, you can still get early parole''. Being soft on one time murderers and tough on repeat murderers is hardly my idea of strong, forceful leadership on this issue. That section of the Criminal Code should be repealed, and that is that.

A government soft on murder can hardly be expected to be tough on those who may be repeat sexual offenders. That is why this motion has to come from this party, but hopefully it will win support among the Liberal backbenchers, among those who have a feel for the needs of Canadians and who care about the safety of Canadians.

When this motion was debated on March 15, the Bloc member for Saint-Hubert, the justice critic, raised two arguments against the motion, which I would like to address now.

She claimed the motion allows psychiatrists to usurp the roles of the prosecutor and of the judge. That is false. All the psychiatrist may do under the motion is determine whether the person convicted might reoffend. That is their role. Then the attorney general must bring in an application to have the person declared a dangerous offender. It is up to the prosecution how vigorously this is pursued. It is up to the judge to make the declaration.

The Bloc justice critic believes this is tantamount to turning the justice system totally upside down. If protecting Canadians from the threat of sexual assault by repeat offenders is turning the system upside down, allow me to be the first to turn the crank.

The other argument raised by the member for Saint-Hubert is that statistics show violent crime is on the decrease in Canada and therefore, in the member's opinion, there is no need for a change in the Criminal Code. This member is certainly selective in her statistics.

We are talking today about how the law deals with sexual assault offences. I wonder if this member is aware of the poll done by the *Reader's Digest* Roper. The question was: ''How good a job do you think each of the following groups or institutions is doing to protect the public against violent crime and criminals?''

It is interesting that the people of Canada have absolute support in their police; 68 per cent feel they are doing a good job; only 23 per cent feel the courts are doing a good job; 19 per cent feel the prison corrections system is doing a good job; 15 per cent feel the parole system, which releases all these reoffenders, is doing a good job. This means that 85 per cent of Canadians feel our laws are not good and do not save or protect Canadian people. In other words, we need Motion No. 116.

Does the member for Saint-Hubert suggest the decrease in the number of rapes and murders, according to what she has reported, means we cannot improve the law that deals with these offences? We are talking about the law. Surely this is not the case.

If a loophole or an oversight in the law is found which may result in harm to innocent Canadians, it is our duty to address that fact. That is why we were elected, why we sit in the House and why we receive our paycheques. We are supposed to be doing the work Canadians have asked us to do.

We also cannot ignore the examples of those who slip through the system, who continue to wreak havoc as they search out new victims. I support Motion No. 116 and urge other members to support it as well. If we save one life through such a measure our time and efforts here will be worth it.

• (1340)

The Deputy Speaker: There being no other members rising to speak, under Standing Order 44 the hon. member for Surrey—White Rock—South Langley is permitted to briefly sum up. No one is to speak after her.

Ms. Meredith: Mr. Speaker, I thank my colleagues who have spoken in support of this motion and I wish to clarify some comments made by members of the Bloc and the government.

The hon. member for Mission—Coquitlam pointed out that opposition to the motion implies that the job of declaring dangerous offenders would be transferred from the judicial system to psychiatrists. That is definitely not the case.

When an individual has committed serious, indictable, sexual assault against an adult or any sexual assault against a child, the individual must be tested by two psychiatrists. The reason I introduced the motion is that, like many other Canadians, I am concerned that our system does not take seriously individuals who have shown an inclination or a pattern for this kind of serious sexual assault against an adult or children and does not incarcerate or force them into treatment to make sure these situations do not arise again.

The motion is putting into place that those individuals after being convicted of those crimes must be seen by psychiatrists who would determine whether the individual is likely to reoffend.

After that determination has been made by the psychiatrists, who are really the only people who have the tools to make that kind of assessment, it forces the courts to look at a dangerous offender application. They do not have to declare them dangerous offenders, but simply that the courts have to determine whether the individual is a dangerous offender.

We are not at all taking it out of the judicial system. We are not suggesting psychiatrists replace the judicial process. We are suggesting that because of past experience of people slipping through the system it is important to eliminate those areas where an individual may not be identified. We are talking about preventive measures, changing our laws in such a way that the emphasis is put on early identification of pedophiles and psychopaths, people who are likely to reoffend, and to deal with with them in a direct, upright and serious way.

If my colleagues in the House are really concerned about the protection of women and children, as the red book promised, and if they are really concerned about the safety of Canadians on the streets and in their homes and about the commitment to protect society from predators who do not hesitate to use children as their victims or intimidate and threaten women, I urge them all to support Motion No. 116 and show Canadians the House is prepared to do something to ensure the safety of all Canadians.

The Deputy Speaker: Pursuant to order made earlier today, the question on the motion is deemed to have been put, a recorded division deemed to have been demanded and deferred until Tuesday, June 18 at 5.30 p.m.

Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen.

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

The House stands adjourned until Monday, June 17 at 11 a.m.

(The House adjourned at 1.45 p.m.)

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