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OFFICIAL REPORT
(HANSARD)

Monday, September 16, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, September 16, 1996

The House met at 11 a.m.

Prayers

[*English*]

The Speaker: I have received notice of a number of points of privilege with which I propose to deal immediately. As members know, points of privilege are the most important points so I intend to hear them immediately. The first point of privilege I will hear is by the member for Crowfoot.

PRIVILEGE

BILL C-234

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I rise on a question of privilege and I wish to place my case before you this morning.

Beauchesne's sixth edition, citation 24 reads:

> The distinctive mark of a privilege is its ancillary character. The privileges of Parliament are rights which are absolutely necessary for the due execution of its power. They are enjoyed by individual Members because the House cannot perform its functions without unimpeded use of the services of its Members.

Committee members provide a service to the members of the House. By not reporting a bill back to the House a committee impedes members from performing their legislative duties.

On December 13, 1994 Bill C-234 was referred to the justice committee by a majority of votes in the House. The Minister of Human Resources Development and the member for Vancouver Quadra, along with 72 of their colleagues, the hon. member for Saint John and the Reform caucus voted to send Bill C-234 to the committee, engaging its services to conduct a thorough review and investigation of this private member's bill and then report back to the House.

We expected the bill to be reported back to the House so that this House could make the final determination on the bill and not just a few committee members beyond the authority of the House.

It is this House that gave life to the bill and only this House has the authority in its final determination. For the committee to kill a bill which was given life by this House and a majority of its members is a violation of our privileges as members of Parliament.

The committee decided that Bill C-234, which became Bill C-226, was not to be reported back to the House. It was this action which has breached my privileges as a member of this House.

The Liberal members of the committee voted on each and every clause of this private member's bill and they voted not to report it back to the House. The Liberal members killed Bill C-226. The members of the justice committee are in contempt of Parliament for their actions.

Beauchesne's sixth edition, citation 639(1) states:

> A bill must pass through various stages, on separate days, before it receives the approval of the House of Commons.

Citation 679(2) states:

> To commit a bill means to refer it to a committee, where it is to be considered and reported.

I suggest reported back to this House.

Mr. Speaker, if you rule this is a prima facie question of privilege I am prepared to move the appropriate motion.

● (1105)

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I listened attentively to the point raised by the hon. member. Respectfully I disagree with him when he indicates that the action taken by the committee was wrong, that it breached his privileges and that some members were in contempt of Parliament.

Mr. Speaker, I am sure you will recall that the last session of Parliament dealt with a bill known as Bill C-203. It was dealt with at that time in committee H under the former structure. The committee was very ably chaired by the hon. member for Welland. Bill C-203 at that time, in committee, was killed by an action of certain members who moved that the deliberations on the bill be terminated sine die. In other words, the action of the committee made the bill disappear.

That issue was dealt with by the chair of the committee at the time, the hon. member for Welland. Then it was raised in the House by another hon. member. On February 26, 1992 the hon. member for Edmonton—Strathcona rose in the House and claimed that this was an issue of privilege and that the action of the committee was wrong.

In a subsequent ruling by the then Speaker of the House of Commons it was determined that in fact this was not privilege and the matter was dropped.

The action on Bill C-203 was far deeper than the one brought to our attention today by the hon. member. It was not just a committee which determined that the bill should not be reported, it was actually a motion that the bill be killed in committee. Even that was not ruled to be unparliamentary by the Speaker at the time.

By the way, the motion that was put by the committee, that the consideration of the bill be terminated sine die, was ruled by the chairman of the committee at that time, the hon. member for Welland, to be totally in order.

I am sure, Mr. Speaker, that with the two excellent rulings I have just brought to your attention you would agree with me that this is not a case of privilege.

The Speaker: The hon. member for Welland is quite the fellow I understand. Is this on the same point of privilege?

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I have a few different points to add to this point of privilege—

The Speaker: Order. Would the hon. member respond? Is this on the same point of privilege?

Mr. Williams: It is on the same point, Mr. Speaker, with additional information.

Before I present my arguments on the point of privilege I would like to reflect what the government whip said in the arguments he put forward. The instance that he talked about referred to deferring on a sine die basis and we are talking here about an entirely different situation.

I believe that my privileges and the privileges of the House have been breached. The justice committee has thwarted the rights of individual members to discuss a private member's bill—

[*Translation*]

The Speaker: I am sorry to interrupt, but I have just been told we have no interpretation. There must be some technical problem.

[*English*]

Will the hon. member stand down until we get this small problem resolved?

[*Translation*]

We can resume, as everything seems to be working now.

[*English*]

I am sorry. The hon. member may continue.

Mr. Williams: Thank you, Mr. Speaker. Again I would like to reiterate my original comments in rebuttal to the arguments put forward by the government whip. He pointed to an incident where a bill was deferred sine die, without a date, so that it might be recalled at some future indeterminate date. There is a major difference between deferring it to some future point and deciding unilaterally that a committee will not deal with the issue. Note the specific difference.

• (1110)

I would like to continue by putting my argument on this point of privilege. I feel that my privileges and the privileges of the House have been breached.

The justice committee has thwarted the rights of individual members to discuss a private member's bill on the Criminal Code and has instead promoted the interests of a ministerial bill, Bill C-45, above the interests of a private member's bill on exactly the same matter.

The order of precedence and the logical conclusion to debate Bill C-234 was ignored. According to Beauchesne's 6th edition, paragraph 1010, after committee consideration, a bill such as this is placed back on the Order Paper for consideration in the House at report stage.

The subject of Bill C-234 is section 745 of the Criminal Code. By not reporting the bill back to the House, the justice committee has unduly intervened in the performance of all members' individual legislative duties. The committee has obstructed the rights of all parliamentarians. It has also given the appearance of prejudice toward the minister and the government.

Erskine May's 21st edition states that:

> —any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent for this offence.

By not reporting back to the House, the justice committee has interfered in two ways. First, it decided that the business of a minister was more important than due process or the business of a private member. Second, the committee has circumvented the authority of the whole House in this decision. On an issue as important as this one, the matter should have been brought to the House for a decision.

According to Beauchesne's, 831(2):

> A committee is bound by, and is not at liberty to depart from, the Order of Reference. (Bourinot, p. 469.)

In this case, the committee circumvented the order of reference. In so doing it has created the appearance of preferential treatment to the government. Members cannot fulfil their duties if the committee does not report back to the House.

Joseph Maingot's *Parliamentary Privilege in Canada*, page 14 states:

> Individual privileges of members of the Senate and House of Commons are the absolute immunity they require to perform their parliamentary work; corporate privileges are the necessary means for each House to effectively discharge its functions. Thus a breach of any privilege constitutes a contempt of the House rather than of the member—

Mr. Speaker, if you rule this to be a prima facie question of privilege, I am prepared to move a motion. Again, I draw your attention to the fact that the committee decided not to report back the House rather than deferring it sine die as the government whip would suggest.

The Speaker: From what I can gather, the point being made today is that a decision that was taken in committee should be reported to the House. I believe that is the point that is being made.

An hon. member: No.

The Speaker: I take every point of privilege as a very important point. I want to hear debate on it but if a point has been made I would appeal to hon. members not to intervene to make the same point.

If there is another point which needs to be made on this point of privilege then I am prepared to hear it. However, members will understand that as your Speaker I reserve the right, if I do not hear a new area being discussed, that I will probably not hear all of what is being said.

Do I have another intervener on the same point of privilege? The hon. member for Mission—Coquitlam.

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Mr. Speaker, I believe I have additional information on this topic.

I rise to support the hon. member's question of privilege. By not returning Bill C-234 I too believe that the privileges of this House have been breached. How can we as members fulfil our function as legislators if committees refuse to report bills back to this House?

● (1115)

From Joseph Maingot's *Parliamentary Privilege in Canada*, pages 12 and 13:

> In order to perform its function as a legislative body, a legislature requires absolutely certain privileges, rights or immunities; that is to say, it cannot carry on unless it has them. It will be seen that a distinctive mark of a privilege is its ancillary character or subordinate nature. It is a means to accomplish a purpose or fulfil a function.

I say the members of the justice committee are in contempt of Parliament for refusing to send both Bill C-234 and my own bill, Bill C-245, back to the House. In both cases the bills were referred to committee by a majority of members, unanimously in the case of my grandparents bill, and we deserve to have an opportunity to know what transpired.

A committee is a creature of the House but it is not supreme and should not make assumptions about what the House may want to consider. It should consider and report all bills referred to it as part—

The Speaker: With the greatest of respect to you, my colleague, I believe the point being made was made a little earlier. I am taking notice of what has been said. I suggest that from what I can get from the point of privilege of the hon. member for Mission—Coquitlam, this is the same area that has been covered.

Is there any new information members want me to take under consideration before making my decision? I will hear from the hon. member for Fraser Valley East.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I would like to add one or two points on this point of privilege. As has already been mentioned and as you can tell today, many members have written to you and have expressed this problem with the privileges of all members of the House, not just in the Reform caucus, although certainly we are bringing it to your attention.

Mr. Speaker, we cannot overemphasize the need for you to deal with this very seriously, as I know you will. Each of us goes to a lot of work on these private members' bills. I have two more coming out of a 15,000 name petition which will come to the House. That is why we treat them seriously, and I know that you do.

The only other point I could add to this, which has been well stated already, is that there is also the established practice of the House. As you are well aware, when you are presented with two amendments at report stage, one calling for the deletion of an entire clause and one calling for an amendment of a clause, you group those together, we debate them together and that is the way they are dealt with.

However, you always call the question on the deletion before the amendment. In other words, you let the House decide if it wants to delete it entirely or if it wants to amend it. In this case, what has happened in committee is that we are not able in the House to deal with whether the House wants to delete it in its entirety and deal only with an amendment. Our chance to debate that, discuss that and vote on it has been taken away from us because it has been deleted in committee and we have not had that chance to vote.

I ask that, taking the established practice Speakers have worked with in the past, you work with that to see that it is a case of privilege that we have not been able to discuss the points that we should be able to here in the House. Our privileges have been contravened.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, there are a number of quotations I would like to have given you from Beauchesne's and Maingot, but I will not go through that. Some of my colleagues have already done that.

However, I make reference to one with regard to former Bill C-226, now Bill C-234, and how it was handled in committee. I refer to page 12 of Maingot's *Parliamentary Privilege in Canada* where he describes that function:

> Parliamentary privilege is the necessary immunity that the law provides for members of Parliament, and for members of the legislatures of each of the ten provinces and two territories, in order for these legislators to do their legislative work.

What we are saying is that our parliamentary privilege was taken away by that committee, when a group that has a majority of government members on it, Liberal members, decided it did not like what was in the bill. It said that bill would not be reported back to the House.

• (1120)

On that basis, as a private member it took away my parliamentary privilege, my right to speak to the bill, to debate it on behalf of Canadian citizens and maybe to have the opportunity of keeping murderers in this country in prison for 25 years.

The Speaker: Once again, the point was made and the hon. member for Lethbridge was giving greater assurance and more information with regard to his agreement with a certain part. I have let the hon. member say that. Once again I appeal to members that if they have another point to make, rather than simply saying they agree with this or that, I would be willing to hear new points on this matter.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, my colleagues have pointed out the sections of Beauchesne's that apply to this question of privilege. I believe this action is a breach of privilege. As my colleagues have said, it has impeded my ability to function as a member of Parliament.

Here is the point. A handful of members on the justice committee simply cannot arbitrarily decide if they are not going to report a bill back to the House and in that process denying members an opportunity to consider the bill at report stage. That is a fact.

The justice committee is not an entity apart from this legislature. It is an integral part of the legislative process and the functioning of the House. It has a duty to consider bills sent to it by the House and return them with or without amendments.

Beauchesne's sixth edition, citation 639(1) says a bill must pass through various stages, on separate days, before it receives the approval of the House of Commons.

One of those stages must be report stage. However, the justice committee has decided to unilaterally alter the legislative process by not reporting the bill back to the House. This is wrong. I cite Beauchesne's sixth edition, citation 679(2):

> To ''commit'' a bill means to refer it to a committee, where it is to be considered and reported.

I also believe Beauchesne's sixth edition, citation 831(2) may be of some help to you. I am sure you understand this one:

> A committee is bound by, and is not at liberty to depart from, the Order of Reference. In the case of a committee upon a bill, the bill committed to it is itself the Order of Reference to the committee, which may only report it with or without amendment to the House.

It is pretty clear that the justice committee has acted in an inappropriate manner.

The Speaker: Once again, this is a reiteration of areas we have gone into before. I once again ask that if members have a new point to be made, that is fine. They may rest assured that should I take this under advisement, and I am in the process of making up my mind now, I will research this whole area completely.

I want to give that assurance to the hon. member for Prince George—Bulkley Valley.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I refer you to Standing Order 98(1):

> When a Private Member's bill is reported from a—committee—

The clear wording of the standing order is ''when'', not ''if''.

• (1125)

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, as hon. colleagues have pointed out, we feel this is a breach of our privilege. I point out that this was passed twice to committee by the House. As hon. members how can we fulfil our responsibilities as legislators if a committee sets itself up superior to the judgment of the House by deleting every clause in the bill passed by the House not once but twice, rather than being a servant of the House, which I believe committees are?

The Speaker: I thank the hon. member. He is going over ground I heard this morning.

I would like the hon. member for Wild Rose to be very precise if he has something new to add to this debate.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I will be very brief. It is with reference to the same point of privilege.

I have been sent here, as we all have, to represent the people of Canada and to ensure that proper laws are in place to protect them. The people of my constituency of Wild Rose were expecting me to have a registered vote on a final vote for Bill C-34 in support of it. I am being denied that opportunity and I think that is wrong.

The Speaker: I appeal to members again that if there is a new point I want to hear it. I want to hear all the new points. But if it is

simply a reiteration of what has gone on before I know members will appreciate that I will move in a little sooner.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the points have been amply made and I will be very brief.

I was the one who seconded the bill and I would have introduced another bill if this bill had not proceeded through the House. Therefore I feel my privileges have been breached because that opportunity is now gone and I feel it is really important. If you rule this to be a question of privilege, I am prepared to move the appropriate motion.

The Speaker: Prior to the adjournment the hon. member for York South—Weston reserved the right to speak on a point of privilege. Is this the point of privilege the hon. member was referring to?

Mr. John Nunziata (York South—Weston, Lib.): Mr. Speaker, it was not my intention this morning to make submissions with regard to the point of privilege I raised with you prior to the adjournment of the House on June 19, 1996. As the sponsor of Bill C-234, I feel compelled to make submissions with respect to this point of privilege.

It seems the matter before the House this morning is not one that is partisan in nature but one that deserves the very careful consideration of the Chair.

I am not about to impute any motives to the Justice committee or to any other committee as to the reasons why it may or may not have decided to report my bill back to the House.

Mr. Speaker is the custodian of the rights and privileges of all members of Parliament in the House. That is why I request that you not deal with this matter summarily and render a decision today, but rather that you reserve judgment on this matter and give careful consideration not simply to the precedents because, as you know, the precedents could be interpreted in many different ways, but that you look at this issue from the point of reference of today.

Given the commitment of various committees of the House and the government for parliamentary reform, it is important to look at the private members' process. In my respectful submission, if there is to be any integrity at all to the private members' process it should not be left up to the majority of government members of any given committee, whether it be the present government or any other government, to undermine the process or the integrity of the process in any way.

● (1130)

All members of this House have committed themselves to parliamentary reform. When the supreme body on Parliament Hill, the House of Commons, makes a decision with respect to a bill, I would suggest to you, Mr. Speaker, that it is not up to a committee of this House, even a standing committee of this House, to thwart the wishes of the House of Commons itself.

The House of Commons passed Bill C-234 dealing with the repeal of section 745 of the Criminal Code, a provision which allows first degree killers to apply for early release. This House in its wisdom decided at second reading to support the bill in principle and to refer it to the committee. That was the decision of the House. If you allow the decision of the justice committee to stand, in effect you are allowing the justice committee to thwart the wishes of this House.

What did this House want to happen to that particular bill? It wanted the bill to be sent to committee for consideration. Presumably everyone in this House expected at some point after due consideration and recommendation from the committee that it would be brought back to this House for further consideration and for a final vote.

This is an important matter. If we as members of the House of Commons are truly committed to parliamentary reform and to the whole private members' process, I would ask, Mr. Speaker, that you rule that the committee was not within its jurisdiction to do as it did.

In conclusion I should also point out that my office has been advised that this is a practice which is developing as of late, the practice of standing committees of this House deciding not to refer back to the House of Commons matters that have been referred to them by the House of Commons. Mr. Speaker, I think you should take note of that fact as well.

The Speaker: I am going to take the advice of the hon. member for York South—Weston and I know my colleagues will give me time to reflect on this.

I intend to make a complete review of everything that has been said today. I also intend to review all of the precedents. I will consider the matter and I will get back to the House at a date in the near future.

If there are no further points on this point of privilege, I will report back to the House after I have done research and I will let you know my decision.

Mr. Speaker (Lethbridge): Mr. Speaker, I rise with the intention of possibly coming to the assistance of the Chair in some manner.

I know that the government and the private members of this House are very concerned about this issue and would like to see it dealt with. It is a very important decision and I know, Mr. Speaker, you will bring back a decision with regard to the presentations that were made here today.

On the point of order in terms of the order of business, I was wondering if there would be any consideration by yourself, Mr. Speaker, through government, with regard to Bill C-45 which is on the Order Paper today. Possibly the House leaders could get together with members of the justice committee and request that

they report back on Bill C-234 and we could then deal with that bill in terms of that principle. Following that, we could deal with Bill C-45. We would then be able to make a judgment with regard to the matter of that substance.

The Speaker: You know of course that your Speaker is loath to give direction to the House leaders. I believe you have been functioning well and you will continue to function well. Any negotiations that go on will be done by the House leaders. I will come back to the House on the point of privilege and you will be having my decision in the very near future.

Am I to deal with any other points of privilege today?

● (1135)

Mrs. Jennings: Mr. Speaker, I did send you a notice in writing that I would like to speak on a point of privilege on what happened on my own bill. I believe my privileges and the privileges of this House have been breached on it.

It is wrong for a group of members, in this case the justice committee members, to deny the majority, that is—

The Speaker: With the greatest of respect to my colleague, I believe what you are dealing with is the same point of privilege that I am going to deal with as I mentioned a little bit earlier. If indeed it is not, I wonder if I might ask the hon. member for Mission—Coquitlam if it is an entirely new point of privilege after she hears my decision then perhaps we could return to that point at that time. Is it agreed?

Mrs. Jennings: Agreed.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

BROADCASTING ACT

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

SPEAKER'S RULING

The Deputy Speaker: Colleagues, there are two motions in amendment in the Notice Paper at the report stage of Bill C-216, an act to amend the Broadcasting Act (broadcasting policy).

On written request by the hon. member for Ottawa—Vanier, Motion No. 3 will not be proposed.

[*English*]

Therefore, Motions Nos. 1 and 2 will be grouped for debate and voted on as follows. Motion No. 1 will be voted on separately. An affirmative vote on Motion No. 1 obviates the necessity of the question being put on Motion No. 2. On the other hand, a negative vote on Motion No. 1 necessitates the question being put on Motion No. 2.

[*Translation*]

I shall now put Motions Nos. 1 and 2 to the House.

MOTIONS IN AMENDMENT

Mr. Gaston Leroux (Richmond—Wolfe, BQ) moved:

Motion No. 1

That Bill C-216 be amended by deleting Clause 1.

Mr. Roger Gallaway (Sarnia—Lambton, Lib.) moved:

Motion No. 2

That Bill C-216, in Clause 1, be amended by replacing line 11, on page 1, with the following:

''vice''.

Mr. Leroux (Richmond—Wolfe, BQ): Mr. Speaker, first of all, speaking on behalf of the official opposition and all fellow members of the Bloc Quebecois, now we are all gathered here at the beginning of this session, I would like to express our sympathy and solidarity with all the people in Quebec, in the Saguenay, on the North Shore and in the Eastern Townships, who went through such difficult times as a result of the natural disasters that struck this summer.

Our sympathy and solidarity are also with those who went through much the same experience in Nova Scotia and St. John's, Newfoundland, as a result of this hurricane.

I think it is important to show our solidarity with our fellow citizens, and that is what I wanted to do.

There were also some very serious incidents in Quebec this summer, including the killing of a number of women in Quebec. We are witnessing an increase in violence in our society, and the official opposition urges this government to provide for greater justice in our society so that our fellow citizens will not find themselves in these desperate and tragic situations.

The official opposition extends its sympathy to all the victims.

The following concerns Bill C-216 introduced by the hon. member for Sarnia—Lambton, which would prohibit negative option billing by cable distributors, a practice that leaves it up to the consumer to specify whether he wants to keep the service for which he is billed by the company.

● (1140)

Unless subscribers send a notice of refusal, the company goes ahead and bills them. This is called negative option billing. Our

colleague from Sarnia is focussing on a real foundation of our society, which is that companies must not have business practices that harm consumers. In this regard, the bill put forward by our colleague from Sarnia is aimed at protecting consumers.

Beyond that, however, there is a problem because this bill meddles in provincial areas of jurisdiction over marketing.

Second, this bill as tabled will make it more difficult to provide services to francophone communities in Quebec and elsewhere. Since the market is smaller in Quebec, business practices will have to be clearly identified, as services must be much more widespread to become profitable. Third, this bill is totally inconsistent with the structure of cable distributors.

Before getting back to these aspects, I would like to put this bill into context. We must keep in mind that this bill results from a consumers' revolt in English Canada, especially in the Vancouver region—and, as my colleague rightly points out, in the Toronto region—that occurred in January 1995 against the new bundling of programming services by the Rogers cable company.

Rogers took this opportunity to modify its service packages and offer subscribers packages completely different from those they had before, at a higher price, placing the onus on them to cancel service, otherwise they were billed extra after a while.

Making the consumers responsible for notifying the cable distributor they did not intend to subscribe to these new channels amounted to negative option billing, which has already been banned in Quebec and in a few other provinces under the Consumer Protection Act.

Take Quebec for example. How was it done there? Vidéotron for instance did not offer multi-level packages or modify its service packages. It just added the new channels to its basic service package at no extra cost. As for Cogeco and CF Cable, they came to an agreement with the consumer protection bureau. They demonstrated the need and merit of penetrating the francophone market to ensure that the services offered were cost-effective. It was all done through negotiation and within the law in Quebec.

I should point out it was not so everywhere and this has led to protest, particularly in English Canada, where there was no consumer protection legislation in force. How are the provinces affected within their own jurisdiction? To set the debate in context, let me quote section 92 of the British North America Act, in which the business relationship between a consumer and a service provider is defined as follows:

> In each province the legislature may exclusively make laws in relation to matters coming within the classes of subjects next herein-after enumerated; that is to say—property and civil rights.

Hence the business practice whereby a contract exists between the person who offers the service and the person who buys it. This section of the Constitution applies to all undertakings, including those under federal jurisdiction.

While the CRTC has the authority to grant licences to broadcasting undertakings, the Quebec government, as any provincial government, has the authority to make legislation respecting the business relations between these companies and the consumers.

● (1145)

In fact, this exclusive jurisdiction for Quebec and the other provinces was recognized by former heritage minister Dupuy, in January 1995. But, for greater certainty, we should refer to a Supreme Court decision.

Quebec's Consumer Protection Act prohibits negative option billing, which can be defined as follows: no merchant, manufacturer or advertiser can, in any way, demand any money for goods or services provided to a consumer, when the consumer has not agreed to receive such goods or services.

The Consumer Protection Act even applies to a business which comes under federal jurisdiction, since it deals with a business practice, namely a contract. In the Kellogg's Company of Canada ruling, Justice Martland wrote something very important to define jurisdictions:

> Kellogg is not excluded from the application of the restrictions imposed on advertising practices because it chooses an advertising medium which comes under federal jurisdiction.

I already told the hon. member and the committee about this issue, because a federal bill such as this one reactivates the whole debate on federal-provincial jurisdictions and the issue of business practices. Kellogg's tried.

It is easy to see that companies would try to challenge Quebec's Consumer Protection Act by asking the Supreme Court to determine who has jurisdiction. In the Kellogg's Company ruling, it is stated that ''the advertising regulations passed under the authority of the Quebec Consumer Protection Act seek to protect children from the adverse effects of certain advertisements. The province can regulate advertising from a commercial business within its boundaries, even if such advertising comes under federal jurisdiction. So, Kellogg's should not be excluded from the application of the restrictions imposed on advertising practices because it chooses an advertising medium which comes under federal jurisdiction''.

This is very clear. This is a provincial jurisdiction and the province is the one that regulates the issue of business practices.

In conclusion, Mr. Speaker, since you are about to tell me my time is up, I would like to say that the Bloc Quebecois has opposed this bill, first, because of jurisdiction, and second, because of the great difficulty that will be experienced by the new services in French to be offered everywhere, since this bill states that a company must obtain the consent of all its subscribers in order to offer a new service.

Where the francophone community is in the minority in a province, I have a lot of trouble seeing how it will obtain services in French. We have seen this in the past. This becomes a very great danger for francophones generally. Third, for penetration of a service to be cost-effective in Quebec, the percentage has to be very high, 80 to 85 per cent. But this bill prevents cable distributors from doing their work and offering services in French in Quebec.

The Bloc Quebecois is therefore putting this amendment forward to have the bill withdrawn.

[*English*]

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, it is my pleasure to participate in this debate at report stage of my private member's Bill C-216.

This bill has one clear objective and that is to prohibit negative option billing by cable companies. This prohibition would also apply to other distribution undertakings as defined by the Broadcasting Act, such as direct to home satellite.

On Motion No. 1, I cannot support this amendment as proposed by the member for Richmond—Wolfe. The amendment would have the effect of defeating this bill totally. Quite simply, we cannot turn our back on consumers and leave the door open to a repeat of last year's cable fiasco.

I am fully aware of the position expressed by the Bloc critic in his belief that the consumer protection act in the province of Quebec prevents negative option billing by cable companies. However, I must say I am confused in that I heard that argument and then I also heard the argument that if it applies in Quebec it should not apply outside the province of Quebec.

The reality in Quebec is such that all new programming services are marketed through negative option billing. In fact in most cases the Quebec consumer is afforded less choice by cable companies than elsewhere in the country. In Quebec new services are simply tacked on to the basic service and the price goes up. There are no additional tiers of specialty services.

● (1150)

The cable television industry has a unique and powerful position in providing programming services to Canadians. Very few industries are capable of supplying a service directly into our homes 24 hours a day, 365 days per year.

More important, in this country the cable industry has a monopoly on the service it provides. The cable industry abused its unique and powerful relationship with consumers by employing an outrageous billing practice known as negative option billing to market the last round of specialty channels.

With the CRTC's blessing the cable monopolies added new specialty channels to existing services and increased the price, but apparently no one felt it necessary to ask consumers and customers if they wanted the new service. The onus was on the customers to somehow contact the cable company and cancel the service before it was charged to their bill. To add insult to injury, some of the larger cable operators packaged the new channels in such a manner that by cancelling them the customer would lose existing services.

By mid-January 1995 the cable companies finally backed down on forcing customers to cancel existing services to avoid new ones. Apologies were issued. Free viewing periods were extended. However, the onus was still on the customers to somehow cancel the new service before it appeared on their bills. The negative option survived and remains a threat to this very day.

This bill was first tabled in February 1995 in response to Canadian consumers who demanded that we put an end to this practice. The bill was reintroduced in this session of Parliament and passed second reading on April 30, 1996 and I might say by an overwhelming majority. It was then referred to the Standing Committee on Canadian Heritage.

In May, the committee heard testimony from various consumer groups, representatives of the cable industry and officials from the CRTC. In committee on May 30 of this year the parliamentary secretary to the Minister of Canadian Heritage moved an amendment to Bill C-216. The amendment was adopted by the committee and the bill was reported back to this House as amended.

The parliamentary secretary's amendment fine tuned and improved this important piece of legislation. I would like to thank the hon. member and indeed all members of the committee for their efforts in this regard.

The House should also note that the parliamentary secretary's amendment to Bill C-216 came as a result of testimony from the CRTC. CRTC officials had suggested the alternative wording as a means of improving the bill.

Some would say that a legislative end to negative option billing by cable companies is not necessary because the cable companies have learned their lesson.

We heard last week from the new chair of the CRTC as she announced 23 new specialty channels. We heard the former chair, Mr. Spicer, when he testified before the heritage committee. He said the issue was dead, but if we wanted to make certain it was dead we could do so and he would send flowers. He also stated that there was no harm in passing Bill C-216; this from the then chair of the CRTC.

The head of the Canadian Cable Television Association, Mr. Stursberg, testified at the committee that the cable industry would only use positive option billing practices. They said it will not happen again. If it will not happen again, I am prepared to call their bluff. This past week I received confirmation that contrary to what

the cable industry would have us believe it intends to use negative option billing to market the new round of specialty channels.

I received a call from Pauline Couture, a lobbyist who represents one of the 23 new specialty channels. She freely admitted that her client's business plans call for a negative option marketing strategy. When I asked how she reconciled this fact with the pledge made by the cable industry, she stated that in her view there are different kinds of positive option billing.

We can see that the industry intends to keep its pledge to consumers. It will use negative option billing but it will call it something else. That is not good enough. It said it will not happen again. Then why is the industry still trying to derail Bill C-216?

It was reported in the press last week that André Bureau had been lobbying MPs to speak against this bill. Interestingly, the same André Bureau was until 1989 the chair of the CRTC and could probably be described as the godfather of negative option billing. He was the person who first validated the practice. He is now the president and CEO of Astral Broadcasting, a group which is in the marketing of specialty channels.

With respect to the proposed amendment moved by the critic from the Bloc, I would tell my hon. colleague that I disagree with him on the issue of jurisdiction. I should point out that cable companies, telephone companies and direct to home satellite companies are all federally regulated undertakings. As such they can claim immunity from provincial laws, especially consumer protection laws. If my hon. friend would take the time and closely read Quebec's consumer protection law, he would see that in section 5 of the act there are services which are in fact exempt from the application. It refers to contracts regarding any telecommunications service supplied by an operating company.

● (1155)

Finally I would ask my hon. friend from the Bloc if, as his party maintains, Quebec has already solved the problem of negative option billing by the cable industry then why should we in this House neglect to do the same for the rest of the consumers in Canada?

Speaking with respect to Motion No. 2, which is the one I have proposed, I would like to briefly explain why I have proposed this small change to Bill C-216. My amendment would delete the words ''offered by an undertaking licence'' from line 11 of Bill C-216.

Quite simply these words which were added as part of the amendment passed at the committee stage are redundant and I must emphasize redundant. They are unnecessary because paragraph 3(1)(t) of the Broadcasting Act, which my bill seeks to amend, already states clearly that we are talking about distribution undertakings, in other words, cable companies that are licensed to provide programming services.

Since the Broadcasting Act already makes this crystal clear, there is no need to include these additional words in Bill C-216. As a result I would encourage all members to support Motion No. 2 which is the motion fine tuned which was proposed and put forward by the parliamentary secretary and was the amendment proposed by the CRTC itself.

[*Translation*]

Mr. Guy H. Arseneault (Parliamentary Secretary to Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I am pleased to rise today to speak on the hon. member's bill, and would like to take advantage of the same opportunity to congratulate him on the effort he has put into it.

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

While supporting the underlying reasons for this bill, I have had the opportunity to discuss and review it with other members, and have reached the conclusion, in light of the questions raised, that this bill would have unexpected and dramatic effects.

This bill would, unintentionally, restrict Canada's capacity to guarantee Canadian content and the availability of French programming outside of Quebec. As a francophone from outside Quebec, I believe that access by the regions outside Quebec to French programs is essential. For example, had the bill being proposed at this time been in effect a few years ago, it is very likely that we would not have Newsworld and RDI today. Despite its intention, which I believe to be an honourable one, I feel that the unexpected consequences of this bill would be devastating.

In tabling this bill, the hon. member's intention was to guarantee all Canadians fair and equitable treatment. Unfortunately, it would hamper the flexibility the CRTC requires to ensure that very fairness and equity.

As such, therefore, while congratulating the hon. member for his intentions in proposing this bill, its unexpected consequences force me to vote against it.

● (1200)

[*English*]

In a nutshell, the intent of the bill is good. In reviewing comments made by members of Parliament from all parties, they agree with the intent of the bill that there should be no negative optioning, that consumers should be protected.

What we are saying here today is that this bill goes beyond that. It takes away a lot of the flexibility of the CRTC. It takes away the flexibility of the government. I can give an example, as I have

mentioned. Had this bill been in effect years ago, we might not have ''Newsworld'' today or RDI, the French version of ''Newsworld''. That is what would have happened.

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

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

The member must be congratulated for the intent. The member who is quite imaginative, who has grasped the subject quite well, should be able to come up with a new way to propose something to the House at a later date which deals directly with negative option billing.

I suggest to members that they review the legislation before they cast their deciding votes. It could have some very serious implications for their regions, for Canadian content, for the flexibility the CRTC has in distributing programs across Canada.

[*Translation*]

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, I was very pleased to hear the Heritage Canada critic say we are against Bill C-216, because it certainly is a very bad bill.

This bill is more or less like the proverbial sledgehammer. It is an attempt to camouflage a problem that may clear up by itself. Of course, it is all because of a rather notorious case in Vancouver, where the Rogers company found a way to make subscribers opt for channels they had already paid for by using the negative billing option.

In fact, this caused such an uproar that the cable companies were smart enough to realize that this was perhaps not the way to treat their customers. There was such an uproar in Vancouver, and even in Toronto and across the rest of English Canada, that the cable companies will watch their step from now on.

And not only because of that but also because the government will probably introduce a bill on competition in the cable industry. And we can expect satellite cable or satellite television to put even more pressure on the cable companies.

This is just to say that the problem does exist to some extent and that one company, a major one, took undue advantage of the situation. However, it is not unlikely the problem will solve itself, without the government having to go to the extreme of using a sledgehammer.

In fact, there are several reasons why we should object to this bill. First of all, it infringes on provincial jurisdiction over business relations. It is common knowledge that in Quebec, for instance, legislation has already been passed and agreements in this area already exist with companies in Quebec.

• (1205)

This is already a bad bill because it interferes in areas of provincial jurisdiction. Without going into details, as it could get boring, from the wording and tabling of the bill it is clear that the hon. member does not know anything about the cable television industry as the bill is totally inconsistent with the way this industry operates. This is why the industry itself is opposed to it.

But the main raison why we in the Bloc oppose this bill is that it prevents new specialty and other channels from being introduced without the prior approval of a majority of area subscribers. In other words, every time a cable distributor wants to offer a new channel to its subscribers, it must first get the approval of the majority.

Of course, as the former Minister of Canadian Heritage knows, this is almost impossible in practice and, worse yet, it puts all French-language channels in Canada at a disadvantage once again.

This bill will surely impede the development of the French-language television industry in Canada. For example, if this bill were now in force, chances are that TVA would not even be available in Hull.

In any case, it has been proven that RDI, a specialty channel I love, which keeps viewers up to date on Canadian and foreign politics, is available to only 40 per cent of French-speaking Canadians. Only 40 per cent of Canadian francophones have access to RDI. Yet, despite all the government promises that this channel would be made available to all francophones in Manitoba and elsewhere, such is not the case.

This bill would rob francophones outside Quebec of any hope of ever getting access to RDI or other French-language channels.

This bill has several problems, but the main one is that it shows a poor understanding of Canada and does not respect the current reality by advocating the principle that, even in the cable television industry, the majority of subscribers must approve the channels or services provided to the minority.

Again, this is significant. It shows the great difference between English Canada and Quebec. At least, this is another example of misunderstanding and the fact they forget that there is not only a French-speaking province—Quebec—, but also other francophone communities throughout Canada. It is as though they did not even exist.

Furthermore, Quebec has already passed a bill in this regard. The Government of Quebec has already struck an agreement. It is unfortunate therefore that this bill is even being considered. We are wasting our time, although I am happy to see that the hon. critic on Canadian heritage opposes this bill. I hope that the hon. member

for Ottawa—Vanier will do the same since, as a Franco-Ontarian himself, he has suggested that this bill be amended, although his amendment would not send the bill to the trash can, which is where it should go.

● (1210)

[*English*]

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, I am pleased to speak to Bill C-216.

I have listened to the previous speakers, the Parliamentary Secretary to the Minister of Canadian Heritage and to the member from the separatist party. I believe they missed the whole intent of the bill. The bill is not about protecting this or that channel or Canadian or French language content. It is a simple bill about protecting the consumer.

I cannot imagine how hon. members have missed this point. Their arguments have gone completely in another direction intended by the bill from the member for Sarnia—Lambton.

We are beginning the first day of this fall session with a bill which I think is a good piece of legislation. Whether it will be deemed valid because of provincial jurisdiction is a whole other story. However, it is a good piece of legislation, as is the private member's bill of the member for York South—Weston. I hope the Liberals do not send this bill to the same fate as they did with Bill C-226.

I am sure many members of the House remember the great cable revolt of January 1995. That was a time when Canadians across the country stood up and said: ''We do not like what the cable companies are doing to us. We do not like the way they are billing us. We are saying no to it. We want the opportunity to order something if we want it. If we want extra channels we will order them, thank you very much''.

The cable companies thought they could gain a marketing advantage by putting the channels in and then requiring people to say no to them instead of the other way around.

Many MPs' offices were inundated with calls and their fax machines were kept pretty busy during this period. I remember reading that the member for Ontario received so many faxes at his office that the fax machine broke down.

This huge revolt by consumers was sparked by a marketing technique which was created by the cable companies. Members will recall that seven new speciality channels were introduced on cable television on January 1, 1995 and cable subscribers received the channels free for a period of time. At the end of that trial period the onus was put on the subscriber to call their cable companies and say they did not want them if they did not want to be charged for them. That is a little different than the way things began when subscribers actually ordered what they wanted. Now they have to say they do not want them in order not to be charged for the channels.

This is how it came to be called negative option marketing. Consumers are expected to exercise a negative option and decline the service, otherwise they end up paying for it.

Most Canadians were either unaware that the onus would be put on them or they simply could not be bothered phoning in to cancel the new channels. As a result many Canadians ended up paying for a service they did not want, much less understand the billing process the cable companies were trying.

Either way, the negative option marketing is a cash cow for the cable companies and that is why they prefer it. They know there is confusion in the minds of Canadian consumers.

Where else can someone be charged for a service when it is not requested in the first place? Only through this negative option marketing process.

Consumers should be given the opportunity to choose what they want. It is only fair. Negative option marketing turns that concept on its head since consumers are asked to decline a service and if they do not they are charged for it.

● (1215)

That is the whole point behind the private member's bill before us, not this smokescreen of whether it will hurt this particular area of channels? The protection of French language channels is just a smokescreen.

It appears the proponents of these channels some how got to the Bloc members and the parliamentary secretary to the minister of heritage. Only a few months ago the government was indicating this was a good bill. Over the summer maybe some cable company tycoons and some of the ministers went fishing one weekend, came back and lo and behold some of the ministers have a whole new concept about this bill. It is amazing what happens over a summer.

Recently a new collection of channels has been licensed by the CRTC. Consumers are left wondering if they will have to face another negative option marketing blitz like we saw in January 1995. This is all about consumer protection, and hopefully the House will do the right thing to protect consumers and pass Bill C-216 prior to the introduction of these new channels. Hopefully it will do the right thing. Unfortunately that rarely happens in the House.

Further, in the future new competitors will be entering the market to take on the cable companies. Will they be allowed negative option marketing as well? Where is the poor Canadian consumer left in all of this? We saw the uproar last year when they said quite frankly that they did not like this kind of billing. Let us do something about it as parliamentarians and protect the consum-

ers. That is what the bill is all about. Let us forget about the cable tycoons who got to some of these Liberals over here and the French language cable interests that got to the Bloc members over the summer. Let us do the right thing and talk about protecting consumers in this country.

If we pass Bill C-216 we can be assured these new players in the cable industry will not be able to use negative option billing on their consumers. We can be assured that Canadians get only what they order and what they are willing to pay for.

Some of the legislatures in the provinces have had the good sense to implement legislation within the provinces that ban negative option billing, and that is a good thing. If at the end of the day we find that is where the jurisdiction lies, at least we have sent a message from the House of Commons that we support the Canadian consumer.

I believe a ban on this form of marketing is what Canadians want to see and they have spoken loud and clear on this issue. All members of the House are aware of the forcefulness of their constituents' convictions on this matter.

The cable companies certainly should get a great deal of blame for using this somewhat doubtful and slick marketing scheme, but the CRTC is also at fault. Section 3 of the Broadcasting Act instructs the CRTC to be responsive to the evolving demands of the public. Has it been responsive? I am afraid not. Has it been listening to Canadians? The answer is no.

Canadians want an end to negative option billing. The CRTC says no, it is a necessary evil when new programming services are introduced. However, when the chair of the CRTC testified before the heritage committee in May, he saw ''no harm in passing Bill C-216''.

It appears that members of the CRTC are talking out of both sides of their mouths. One says there is no harm and the other says no, let it pass. Canadians have come to realize the CRTC is not responding to their concerns and is not protecting them from this form of marketing.

Canadians have been demanding direct to home satellite services which exist in every other industrialized nation, but the CRTC says no, it is a threat to Canadian culture. The CRTC prefers to deny consumers what they really want, the option, the choice or the privilege of what they want to see.

● (1220)

The cable companies get a huge cash grab and the CRTC gets money pumped into Canadian programming if this negative option billing is allowed to go on.

This is wrong and it has to stop. Quebec, Nova Scotia and B.C. have moved to ban negative option billing for goods and some services on cable TV because the people have sent a clear message to their premiers that they do not want it.

This House has an obligation to support this bill. I have no problem supporting the bill personally because it is a protection bill. It is a bill that is to protect the Canadian consumer.

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, this item would ban negative option billing by cable companies. I want to explore with my colleagues the positive and supposed negative features of this bill.

The bottom line, which I think all of us will agree, is that we do not want negative option billing if it is to inconvenience or treat Canadians unfavourably. We want to protect the Canadian consumer.

However, we should not do this at any cost. Therefore our job as parliamentarians is to look at the pluses and, if there are any negatives, to correct those so that we can go forward in our protection of the Canadian consumer.

I want to give a bit of background. On January 1, 1995 cable companies across the country began offering 7.5 million subscribers seven new Canadian owned specialty channels.

[*Translation*]

The controversy arises from the fact that cable subscribers are automatically billed for the service unless they cancel it. This practice is called negative option billing.

The public reacted strongly when new services were introduced in January 1995. There were almost 9,000 complaints filed with the CRTC in three weeks. By comparison, the CRTC had received only 1,300 letters about cable service in all of 1993.

At my office, we could feel how angry people were.

[*English*]

We were inundated with calls and letters from constituents opposed to the policy. It was seen as an unacceptable exploitation of the Canadian consumer.

[*Translation*]

Judging from their reaction in January 1995, Canadians clearly do not want negative option subscribing imposed on them.

[*English*]

This bill reflects the desire of Canadians not to have this kind of episode repeated. Currently negative option billing is allowed on discretionary cable services not regulated by the CRTC. However, I am told the CRTC could do that if it wished.

[*Translation*]

If passed, this bill would require the CRTC to regulate and monitor the practice of negative option subscribing.

[*English*]

It would require agreement by consumers to take on a new service before having it added to the channels they receive.

[*Translation*]

Consumers would be getting the services they want to receive.

[*English*]

Members may be interested to know that both the Consumer Association of Canada and the Public Interest Advocacy Centre have urged MPs to support the prohibition of this practice. This bill would respect that governments have long recognized that consumers should not pay for unsolicited goods.

It is also interesting to note that while 92 per cent of Canadian cable subscribers receive extended basic service, more than the absolute minimum, in 1993, 66 per cent believed they were seeing the lowest price for basic service.

People might ask two questions:

[*Translation*]

Why deal with this now? Should we get involved at all?

[*English*]

Should the federal government be dealing with this issue?

Why deal with this issue now? Some people have pointed out that the CRTC recently considered applications for 40 some channels.

[*Translation*]

The CRTC continues to support negative option billing despite the public's clearly expressed opposition to this practice. Canadians absolutely must be provided with an alternative they find acceptable.

[*English*]

Negative option billing is unfair since it places the onus on consumers to somehow cancel the new service before it shows up on their bill. Unless they know to ask not to get the expanded services all customers, including new ones, will get speciality channels and forced into higher cable bills.

• (1225)

[*Translation*]

That being so, we should also be asking ourselves this question:

[*English*]

Should the federal government be dealing with this issue? We should also consider whether this is in the federal government's sphere. Normally issues of commerce and consumer protection are a provincial affair. Some provinces have already banned negative option billing.

[*Translation*]

But broadcasting comes under federal jurisdiction. If negative option billing is used by a cable company in a province where this practice is banned under provincial legislation, chances are it will get away with it.

[*English*]

There is therefore a need for federal leadership in this domain. The provinces may not be able to act to prevent the abuse of negative option billing in cable. Given this possible escape route we need to look at it extremely carefully.

[*Translation*]

I have drawn conclusions that I wish to share with my hon. colleagues. First, here is an opportunity for us parliamentarians to put an end to the abusive practice of negative option billing for new services. A number of the points that were raised seem to indicate that the bill may not have been adequately responsive, which means it is now up to us to make it so by introducing a new bill or simply by amending this one. Canadians are clearly opposed to this practice.

[*English*]

The CRTC, by continuing to endorse negative option billing, has shown itself, it would seem to me, to be out of touch with a number of Canadians. This practice is so unpopular that it can actually harm new undertakings. It is evidently clear that we need to do something.

[*Translation*]

Clearly, the time has come to put an end to negative option billing for new cable services. However, is this bill the proper way to do so? I am told that, unfortunately, this legislation could prevent the addition of new services such as the RDI and Newsworld networks, as well as French language services. Obviously, such was not the hon. member's intention. Should this be the case, something would have to be done to correct the situation.

Would this bill restrict Canada's ability to guarantee a Canadian content and the availability of French language programs outside Quebec? If so, this was certainly not the hon. member's intention and, again, something would have to be done to correct the situation. Through this bill, the hon. member would like to make sure that all Canadians are treated fairly. But is this the case? If not, let us make a change.

Competition will be more fierce when Canadians start receiving directly in their homes services provided through satellites. Will

they be offered new programming options by telephone and broadcasting without cable? My dear colleagues, when we legislate to protect the rights of Canadians, we must be careful not to throw out the baby with the bathwater.

Does this bill violate the principle whereby we must protect Canadian content as the cornerstone of basic Canadian programming? I am asking the question. So, even if I strongly support the principle underlying the hon. member's bill, I want to stress the importance of integrating the points raised by my colleagues, and of trying to ensure that we do not, in any way, impede progress in these areas and that we do not hurt anyone concerned.

So, if this bill does indeed protect consumers as wished by some, then it is up to us to go ahead with it. On the other hand, if it protects consumers while also blocking progress and initiatives in a manner that is unacceptable to us as parliamentarians, then we have two options: we can either set it aside and come up with another bill that will correct these problems, or we can simply propose amendments to make it acceptable to the House of Commons.

In conclusion, we all want to protect Canadian consumers, but it is up to us to find the way to do it.

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, the bill before us is of vital importance to consumers. It is a bill designed to ensure that the consumer will not be billed for something he does not wish to buy.

• (1230)

A few months back, we saw a cable company bill its consumers for the cost of television channels they had not requested. The consumers were told by this company that they should have warned it that they did not wished to be billed for something they had not ordered. Thank goodness the food chains do not operate like this, because an order of groceries would start to get rather expensive.

The attitude of this cable company was unacceptable. Pressure from outraged consumers forced the company to reverse its position. This was an excellent thing. We do not ever want to see such a situation again, either in the provision of cable service or of any other service.

At the same time, we must ensure that if legislation is necessary in this area, that it be passed by the right legislature. The question that quite naturally arises is this: Is the House of Commons, the Parliament of Canada, the federal government the institution which has the responsibility with respect to consumer affairs for resolving this type of problem?

The proposer, the hon. member for Sarnia—Lambton, maintains that because telecommunications comes under federal responsibility, it therefore follows that consumption of a product whose production and distribution are federally regulated should be treated likewise and also come under federal responsibility.

If that were the case, the federal government could put up buildings in any municipality in this country with no regard for zoning bylaws. If so, federal government employees would no longer have to pay provincial income tax, or municipal property taxes.

The lines need to be drawn where they are, where they have to be. In this instance, no one is disputing the fact that broadcasting and telecommunications are matters of federal jurisdiction. Unfortunately, this question was decided some years ago, when Quebec had the rights it had hitherto assumed in the area of communications taken away from it. This, unfortunately, is now just water under the bridge.

Is Quebec now also going to be deprived, along with all of the other provinces, of its right to pass consumer legislation? A few months ago in this House, I had the opportunity to question the Minister of Industry specifically on broadcasting and consumer protection. The minister told me in this House that this was a provincial matter. If the minister says so, I have difficulty understanding that a member of his government is not taking his minister's word for it.

However, I clearly understood the hon. member for Sarnia—Lambton to have said:

[*English*]

''If Quebec has already solved this question for its consumers, why should this House be prevented to do the same for the rest of Canada?''

[*Translation*]

In other words, why could this House not look after the rest of Canada, since Quebec can look after itself. I appreciate the clairvoyance of my colleague from Sarnia—Lambton, but he may have jumped the gun by a few months or years. Quebec is still part of Canada.

Yet, if he were prepared to amend his proposal so that it applied only to the rest of Canada, specifically excluding Quebec, thus acknowledging and confirming this jurisdiction which it has under the Constitution, perhaps I could find some sympathy for such an amendment.

• (1235)

I would like to draw your attention to another comment that was made in this House. Earlier, the hon. member for St. Boniface said that a company that practiced negative option billing in a province where this was banned under the laws of that province would probably, since it was operating in an area under provincial jurisdiction, be able to get around this ban.

When I hear members of this House claim that a federally-regulated company operating in an area under federal jurisdiction would be able to flout the laws of a province and probably get away with it, I say there is something wrong with the system.

If the hon. member said that the Constitution and the law should be enforced in such a way that provincial jurisdictions are respected, that would be a responsible thing for a member of this House to say. But to claim that, since the laws of a province could be flouted, the federal government should interfere in an area under provincial jurisdiction, is irresponsible in the extreme.

Unfortunately, I have to say it is merely one example of the lack of responsibility and sometimes irresponsibility shown by the federal government in its dealings with the provinces. I will not go into the problems of health insurance which are a source of frustration for a number of western provinces. I will not go into the fact that some members opposite support certain things that were done during the last referendum, in violation of provincial laws. I will not go into the fact that, through its spending power, the federal government consistently trespasses on provincial jurisdictions. If I did, I would be here all day.

To conclude my comments, the intentions of the hon. member for Sarnia—Lambton are praiseworthy. The consumer must be protected. —I am one myself—, but we should go to the legislatures that have the authority to do so, and I am referring to provincial legislatures. I can assure you that in Quebec, since I am a Quebecer, I will make sure that the consumer gets all the protection to which he is entitled. Since Quebec has already taken action in this respect, I would urge the other provinces to follow Quebec's example, instead of urging this government to compensate for the inertia of the other provinces.

The Deputy Speaker: There is one and a half minutes left. Is there another speaker or can we say that debate is over?

[*English*]

The hon. member for York South—Weston has approximately one minute.

Mr. John Nunziata (York South—Weston, Lib.): Mr. Speaker, I will take every opportunity to speak and I appreciate being given this opportunity.

I would like to commend the member for Sarnia—Lambton for bringing this bill forward. It is important that the House pass the bill. In my respectful submission, the bill does not go far enough; nonetheless, it is deserving of support.

The bill is an amendment to the Broadcasting Act which clearly only applies in this particular case to cable companies. It seems to me what is needed is a bill that would ban this type of marketing or billing across the board at the federal level. Whatever is within federal jurisdiction, this type of billing or marketing should be prohibited.

It is clear that Canadians were very upset about what happened with the cable companies. The whole debate begs the question: should consumers have to pay for something they do not want or need?

The cable companies were arrogant and presumptuous in thinking they could foist upon consumers something consumers did not want. They would bill the consumers for it and if the consumers did not want it, they would take away something the consumers already had with respect to cable television.

● (1240)

I hope in the very near future that this whole debate will be rendered academic. It seems to me that with the pace of modern technology at some point in the very near future Canadians will be able to actually pay for the channels they want. If the technology exists today for pay TV, why should consumers have to buy a basket of channels as opposed to simply paying for the channels they want?

I will resume my comments when the bill is brought forward again.

The Deputy Speaker: The time provided for the consideration of Private Members' Business has now expired. The order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL CODE

The House proceeded to the consideration of Bill C-45, an act to amend the Criminal Code (judicial review of parole ineligibility) and another act, as reported (without amendment) from the committee.

SPEAKER'S RULING

The Deputy Speaker: Dear colleagues, there are six motions in amendment listed in the *Notice Paper* at report stage of Bill C-45.

[*English*]

Motions Nos. 1, 2, 3, 4, 5 and 6 will be grouped for debate and will be voted on as follows: A vote on Motion No. 1 applies to Motions Nos. 3 and 5. An affirmative vote on Motion No. 1 obviates the necessity of the question being put on Motions Nos. 2, 4, and 6. On the other hand, a negative vote on Motion No. 1 necessitates the question being put on Motion No. 2. A vote on Motion No. 2 applies to Motions Nos. 4 and 6.

[*Translation*]

I will now put Motions Nos. 1, 2, 3, 4, 5 and 6 to the House.

Mr. François Langlois (Bellechasse, BQ) moved:

Motion No. 1

That Bill C-45, in Clause 1, be amended by replacing lines 28 to 43, on page 4, and lines 1 to 5, on page 5, with the following:

''(3) The jury hearing an application under subsection (1) may determine that the applicant's number of years of imprisonment without eligibility for parole ought to be reduced. The determination to reduce the number of years must be by a vote of not less than three quarters of the members of the jury.

''(4) The applicant's number of years of imprisonment without eligibility for parole is not reduced if

(*a*) the jury hearing an application under subsection (1) determines that the number of years ought not to be reduced;

(*b*) the jury hearing an application under subsection (1) concludes that it cannot determine by a vote of not less than three quarters of the members of the jury that the number of years ought to be reduced; or

(*c*) the presiding judge, after the jury has deliberated for a reasonable period, concludes that the jury is unable to determine by a vote of not less than three quarters of the members of the jury that the number of years ought to be reduced.''

Mr. Peter Milliken (Kingston and the Islands, Lib.) moved:

Motion No. 2

That Bill C-45, in Clause 1, be amended by replacing lines 28 to 43, on page 4, and lines 1 to 5, on page 5, with the following:

''(3) The jury hearing an application under subsection (1) may determine that the applicant's number of years of imprisonment without eligibility for parole ought to be reduced. The determination to reduce the number of years must be by a vote of not less than ten of twelve members of the jury.

''(4) The applicant's number of years of imprisonment without eligibility for parole is not reduced if

(*a*) the jury hearing an application under subsection (1) determines that the number of years ought not to be reduced;

(*b*) the jury hearing an application under subsection (1) concludes that it cannot determine by a vote of not less than ten of twelve members of the jury that the number of years ought to be reduced; or

(*c*) the presiding judge, after the jury has deliberated for a reasonable period, concludes that the jury is unable to determine by a vote of not less than ten of twelve members of the jury that the number of years ought to be reduced.''

Mr. François Langlois (Bellechasse, BQ) moved:

Motion No. 3

That Bill C-45, in Clause 2, be amended by replacing lines 11 to 31, on page 9, with the following:

''(3) The jury hearing an application under subsection (1) may determine that the applicant's number of years of imprisonment without eligibility for parole ought to be reduced. The determination to reduce the number of years must be by a vote of not less than three quarters of the members of the jury.

''(4) The applicant's number of years of imprisonment without eligibility for parole is not reduced if

(*a*) the jury hearing an application under subsection (1) determines that the number of years ought not to be reduced;

(*b*) the jury hearing an application under subsection (1) concludes that it cannot determine by a vote of not less than three quarters of the members of the jury that the number of years ought to be reduced; or

(*c*) the presiding judge, after the jury has deliberated for a reasonable period, concludes that the jury is unable to determine by a vote of not less than three quarters of the members of the jury that the number of years ought to be reduced.''

[*English*]

Mr. Nunziata: Mr. Speaker, I rise on a point order. We are dealing with Bill C-45. While I understand the House leaders of the parties may have had an opportunity to meet, to discuss and to agree on the way of proceeding with Bill C-45, I can tell you that I was not consulted as to the procedure that would be followed today.

You are seeking unanimous consent. Perhaps for the time being I will refrain from giving unanimous consent until someone from the traditional parties provides me with an explanation as to what is happening with respect to these amendments.

The Deputy Speaker: The member is fully entitled, as colleagues will know, to deny unanimous consent on reading these motions. It will get awfully boring for members to have to listen to me read six pages but I recognize the member is fully entitled to do that.

Mr. Nunziata: Mr. Speaker, I am not denying unanimous consent to dispensing with the reading, and yes it would get rather boring for the Speaker to have to read all the amendments. But there appears to be some form of agreement between the House leaders as to which motions are agreed to. The government whip is shaking his head. Perhaps he could provide me with an explanation. In the meantime I have no difficulty with not reading each motion.

The Deputy Speaker: The Chair is much obliged to the hon. member for York South—Weston. I take it then that there is unanimous consent to dispense with reading Motion No. 4.

Some hon. members: Agreed.

Mr. Peter Milliken (Kingston and the Islands, Lib.) moved:

Motion No. 4

That Bill C-45, in Clause 2, be amended by replacing lines 11 to 31, on page 9, with the following:

''(3) The jury hearing an application under subsection (1) may determine that the applicant's number of years of imprisonment without eligibility for parole ought to be reduced. The determination to reduce the number of years must be by a vote of not less than ten of twelve members of the jury.

''(4) The applicant's number of years of imprisonment without eligibility for parole is not reduced if

(*a*) the jury hearing an application under subsection (1) determines that the number of years ought not to be reduced;

(*b*) the jury hearing an application under subsection (1) concludes that it cannot determine by a vote of not less than ten of twelve members of the jury that the number of years ought to be reduced; or

(*c*) the presiding judge, after the jury has deliberated for a reasonable period, concludes that the jury is unable to determine by a vote of not less than ten of twelve members of the jury that the number of years ought to be reduced.''

Mr. François Langlois (Bellechasse, BQ) moved:

Motion No. 5

That Bill C-45, in Clause 2, be amended by replacing lines 28 to 43, on page 13, and lines 1 to 5, on page 14, with the following:

''(3) The jury hearing an application under subsection (1) may determine that the applicant's number of years of imprisonment without eligibility for parole ought to be reduced. The determination to reduce the number of years must be by a vote of not less than three quarters of the members of the jury.

''(4) The applicant's number of years of imprisonment without eligibility for parole is not reduced if

(*a*) the jury hearing an application under subsection (1) determines that the number of years ought not to be reduced;

(*b*) the jury hearing an application under subsection (1) concludes that it cannot determine by a vote of not less than three quarters of the members of the jury that the number of years ought to be reduced; or

(*c*) the presiding judge, after the jury has deliberated for a reasonable period, concludes that the jury is unable to determine by a vote of not less than three quarters of the members of the jury that the number of years ought to be reduced.''

Mr. Peter Milliken (Kingston and the Islands, Lib.) moved:

Motion No. 6

That Bill C-45, in Clause 2, be amended by replacing lines 28 to 43, on page 13, and lines 1 to 5, on page 14, with the following:

''(3) The jury hearing an application under subsection (1) may determine that the applicant's number of years of imprisonment without eligibility for parole ought to be reduced. The determination to reduce the number of years must be by a vote of not less than ten of twelve members of the jury.

''(4) The applicant's number of years of imprisonment without eligibility for parole is not reduced if

(*a*) the jury hearing an application under subsection (1) determines that the number of years ought not to be reduced;

(*b*) the jury hearing an application under subsection (1) concludes that it cannot determine by a vote of not less than ten of twelve members of the jury that the number of years ought to be reduced; or

(*c*) the presiding judge, after the jury has deliberated for a reasonable period, concludes that the jury is unable to determine by a vote of not less than ten of twelve members of the jury that the number of years ought to be reduced.''

The Deputy Speaker: The motions are all deemed to have been read.

● (1245)

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, let us first get things straight. Over the summer, it was rumoured on the Liberal side that Bill C-45 had been killed by the official opposition, by the Bloc Quebecois, that we were against this bill, that we were on the side of those who rely a little too much on rehabilitation. There were all sorts of rumours going round.

The position we took in second reading was very clear. We supported the bill while pointing out that, after 20 years of operation, the time had come to review section 745 of the Criminal Code, under which a person sentenced to life imprisonment for murder can request that a jury be summoned and his or her case reviewed after serving only 15 years.

This section that came into force 20 years ago last July deserved to be reviewed but not in all of one day and a half, as it were, with time allocation being imposed on Bill C-45, the committee working almost round the clock to report to the House in a rush and the bill finally never being considered because time ran out.

One of the main concerns we had in the official opposition, in the Bloc Quebecois, was to determine where the interest of the victims lay in this whole issue. The hon. member for Crowfoot raised this point time and time again in committee. We too trust the jury, of course, as an institution, to make a decision under section 745 in relation to the exceptional release of lifers. We trust the jury, provided it has all the facts. One factor that was missing in our opinion was the notion that the victims, their families, other individuals and even the community at large may have sustained a loss because of the murder.

Whether it is made by psychologists or sociologists, there is always a delineation made. That is the main reason why we gave our support to this bill in second reading. We can either use the steamroller or have a logical and enlightening discussion right across Canada on the implementation of section 745 of the Criminal Code. The value of this section in certain circumstances has been demonstrated, and it has been shown that, when a person is sentenced to life in prison but is released after 15 years or more, the rate of relapse is practically non existent. Indeed, the value of this section has long been demonstrated.

Today, the government wants to change it, quickly and without any study. Three major amendments are being proposed: first, the jury which currently makes its decision or recommendation based on a two-third majority would, with this bill, have to make unanimous decisions.

The idea is to give these jurors the same role as the members of a jury rendering a verdict at a trial. In a trial, the jury's decision must

be made beyond any reasonable doubt. It makes perfect sense that the 12 citizens forming a jury have to render a unanimous guilty or not guilty verdict. However, the jury referred to in section 745 is not at all the type of jury that we have known for centuries in the British criminal law system. One has the right to be judged by one's peers and to see them render a verdict.

The jury that exists since 1976, twenty years is a short period in history, is a special jury which does not have to render a verdict but to give its opinion. Should an inmate sentenced to life in prison for murder—the act also mentions high treason, but since Louis Riel I do not think we have had the audacity to condemn anyone on that ground—be eligible for release after 15 years, in exceptional cases? This jury does not even make the decision. It authorizes or not the inmate to submit a request to the National Parole Board, which will hold hearings. And here we say that, of course, the victims should have a right to be heard.

• (1250)

The evidence on which this jury bases its decision is not judged on the same criteria as the evidence presented during a trial. It is an opinion issued by a jury. It is normal that there may be dissension and disagreement. The two thirds rule established in 1976 appeared to us to be a wise rule allowing uniform application of the law throughout Canada in criminal matters.

It is obvious that, if the bill were to be passed as it reads today, section 745 of the Criminal Code would be applied differently according to the province in which inmates resided. It is obvious that juries empanelled in Quebec under section 745 of the Criminal Code are generally more liberal, more socially open to such an application, while in other provinces it will take just one person to block parole.

One of the basic principles for our having one criminal code for the entire country is that there must be uniform application of the rules of law. In practice, we will not have uniform application of the rules of law throughout Canada.

The government is presenting us with a bill, Bill C-45, that is nothing but double talk. On the one hand, in those parts of Canada where it suits its purposes to do so, it will be able to say that it has, to all intents and purposes, made it impossible for someone serving a life sentence to be released on parole. And in other more liberal parts of Canada, the government will say that it has not abolished section 745, even though the House of Commons passed Bill-226 presented by our colleague, the hon. member for York South—Weston, which repealed section 745.

The background discussion has taken place. Should the section remain or not? It is a good question, a clear question with a clear answer. I am in complete disagreement with the points of view expressed by my colleague, but at least he asked the right question: Should it, or should it not, remain in the Criminal Code?

For us in the official opposition, a life sentence is a life sentence. This means that a person released while serving his prison sentence is nevertheless released conditionally and may be returned to custody if he violates the conditions of his release.

However, we should not make the false hopes raised by section 745 disappear altogether, and I say this because other aspects of Bill C-45 will make the application of section 745 of the Criminal Code even more haphazard. From now on, it will be necessary to obtain the judicial approval of a provincial superior or supreme court for the inmate to be eligible to file his application. Why was this done? Why was this done so quickly during the last few hours of the session? Because a serial killer in Canada became eligible to apply for parole this summer.

Some people made it appear as though this criminal would automatically be released. The only right he obtained this summer was the right to file his application with the provincial chief justice. A jury will be called and asked to decide, probably with a two-thirds majority, whether he should be released or not. That is a good way to test the system. Will the jury, in this case, allow a serial killer to be released? Will a jury cognizant of the facts allow this to be done, and if it did, second question, will the National Parole Board which appears before our committees be comfortable with justifying that release? Personally, I am confident this will not happen, even if Bill C-45 is not passed.

I am far more concerned about a government that acts in haste when dealing with the Criminal Code and unthinkingly alters the rights and freedoms of each citizen, although the judicial area is the very area where prudence is of the essence, because often the secondary or side effects may be more serious than expected.

That is why we suggest that the unanimity rule proposed by the government in Bill C-45 should be changed to three quarters, in other words, nine jury members out of 12 must be in favour of the inmate's release as opposed to the present two thirds rule, and this for the purely technical reason that maintaining the status quo was already voted down in committee and it was therefore impossible to reintroduce it at this stage, at the report stage.

• (1255)

For these reasons we intend to vote for the motion to establish the three quarters rule for jury decisions when section 745 is being applied.

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, as I begin my speech, I would like to say that I support the

motion moved by the hon. member for Bellechasse. I prefer his amendment to my own and will support it when it comes to a vote. I hope he will vote for mine if his amendment is not passed by the House.

[*English*]

I want to make it very clear that my opposition to this whole bill, which I indicated by my vote at second reading, is because I oppose changes to section 745. My own preference would be to get rid of section 745, not in accordance with the proposals from hon. members opposite, but to get rid of minimum sentences for murder and substitute a sentence of life imprisonment and allow the National Parole Board to allow for release in the normal course of events, as used to be the case in this country before the adoption of section 745.

I recognize that would be a perfect world, which is unlikely to come. Therefore I am having to satisfy myself with proposing some pretty modest amendments to this bill which I hope my hon. friends opposite will consider voting for. I know that may be asking a little much, but it is still worth a try.

Bill C-45 has three main points. It takes away the right of multiple murders to apply for early release. I can live with that change in the law. It provides for a screening process for all applications before a judge alone. With reluctance I can accommodate that change in the law. It also removes from the current law the provision that a jury must recommend early release by having eight of the 12 members agree. It now requires that all 12 members agree. That is a change in the law which in my view will in most parts of Canada, as the hon. member for Bellechasse has said, result in no releases under this section. In my view this is unduly punitive and unnecessary for the proper administration of justice in this country.

I would like to look at what our system should be aiming for when it seeks to punish offenders or when it applies a sentence following a trial on a serious charge such as a murder charge, the most serious of all charges.

It seems the goals of sentencing should be first and foremost the protection of the public. Second, there should be rehabilitation for the offender. Third, there should be punishment for the offender. One thing there is not in our law, nor should there be in our law, is revenge. That is what I suggest is the basis for this amendment.

The law is there to protect the public. I put this question rhetorically to the House. How is the public protected by the long sentences that are imposed for these offences, the 25-year minimum will become the standard sentence if this bill is adopted, in my opinion?

From 1968 to 1974 the average time served by a person whose sentence had been commuted to a life sentence for murder from the death penalty, which was then in force, was 13.2 years. Every sentence was commuted during those years. How is it that if 13.2 years was satisfactory then we now have to look at doubling that to 25 years in order to mete out a suitable sentence? I suggest it is quite inappropriate.

During the years that there were commutations taking place, and I am sorry I do not have the exact figures today, I understand that approximately 200 persons were released under the auspices of the National Parole Board, in most cases with the consent of the governor in council. Of those approximately 200, my recollection is that there were only one or two who reoffended and who were subsequently arrested for various offences and brought into prison.

● (1300)

In other words, in terms of the safety of the public, the risk of releasing persons serving long sentences, murderers in particular, is minimal. I know members of the public tend to be fearful thinking that if a person has murdered once he is likely to murder again. However, the statistics and facts all indicate the opposite is true. Usually murderers do not re-offend.

These very onerous sentences, the minimum 15-year sentence with the provision for application to a jury for early release, was put in place when the death penalty was abolished. In my view it was put in solely to appease the persons who were in favour of hanging. It was to convince them that a long sentence would make up for the abolition of the death penalty.

This law has been in operation for some 20 years, as the hon. member for Bellechasse has pointed out. Of course no applications could take place for an extended period but then they started. As of December 31 last year 63 cases have been heard for consent to reduce the term of the sentence. Fifty of the 63 were successful in one way or another. Some of them were minimal reductions while others were significant reductions. However, of those 50, two are in difficulty with the law. One is unlawfully at large and one has re-offended. I note that it is not a murder.

There is absolutely not a tittle of evidence to indicate that the current law is not working as it was planned to work and as it should work. The risks to the public in the operation of the current law are minimal and the hon. member for Wild Rose knows that. He just buries his head in the sand and ignores the facts.

This bill before the House today, C-45, does not enhance the safety of the public. It simply proposes more draconian prison sentences on those who already have received a life sentence. It will ensure that they stay in for a longer period of time.

Let us turn to the second part, the rehabilitation of offenders. Do we rehabilitate these offenders by keeping them in prison for longer sentences? The answer from experts in penology is ''no we do not''. Longer sentences do not assist in the rehabilitation of offenders. Rehabilitation can usually, not always, be accomplished in a shorter time and usually the person can be released safely.

There will always be cases where a release is not safe, it is not in the interests of the public and rehabilitation has not occurred.

However, we have a National Parole Board which has had some extremely capable people appointed to it by this most capable minister, the Solicitor General of Canada, with the assistance of our most capable Minister of Justice. These two ministers have set an example of quality appointments to our National Parole Board, I am pleased to say. The National Parole Board is doing an excellent job in reviewing parole possibilities for inmates.

I suggest the punishment of 25 years without any hope of release is excessive. Even murderers in the United States are not sentenced to such long sentences. They are given a life sentence but the normal release period is less than 25 years. It is excessive and high by any standard. In fact I would suggest it is one of the highest in the world for murderers.

I am appalled that the government would propose such an amendment when I consider the cost of keeping inmates in prison and more appalled when members of the Reform Party, who profess to be budget conscious, are supporting this kind of measure. We know from the figures released by Corrections Canada that it costs between $60,000 and $70,000 a year to keep an inmate in maximum security. These lifers are being kept far longer than they used to be kept, and quite needlessly in many cases because the law states they must be kept for 15 years plus. Everyone knows they are spending more than 15 years in prison. The average has gone from 13.2 up to—

Mr. Hanger: Everybody does not know that.

Mr. Milliken: The hon. member says that everybody does not know it. They should know it because the application cannot be made until after 15 years have expired on a sentence. Then there is a waiting period while the jury trial takes place. After the jury trial is over and the jury has permitted a reduction, the inmate must then apply to the National Parole Board and have a hearing. All of that takes months. Therefore the minimum sentence is in fact more than 15 years in every case. It extends into the 10-year period before release can be achieved even in the most favoured case.

● (1305)

To keep people locked up in prison at great public expense when they do not pose a risk to the public—at least in the opinion of the National Parole Board—when they are genuinely sorry for their misdeeds, have indicated that they are sorry and are trying to improve their lot, and when they are most unlikely to reoffend as is the case with most of the persons in this particular class, then I suggest that the Canadian taxpayer is being taken for a ride. Hon. members opposite who are so opposed to misspending of public funds ought to be on their hind legs objecting to this kind of over expenditure. However, I do not need to argue solely on that basis. We need to approach this case with compassion. We must regret profoundly the loss of a victim and of course we do.

The Deputy Speaker: The hon. member's time has expired. Is there unanimous consent for him to continue?

An hon. member: No.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I rise to speak in opposition to the amendments proposed by the hon. member for Bellechasse and the hon. member for Kingston and the Islands. These amendments clearly demonstrate that the hon. member for Bellechasse and the hon. member for Kingston and the Islands have absolutely no understanding of the horror inflicted on murder victims.

The truck driver who witnessed the horror of 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 who 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 understand the pain and suffering of these victims. They understand the constant anguish the families of these young girls live with every day of their lives, lives that have been destroyed.

These amendments show that the member for Bellechasse and the member for Kingston and the Islands do not empathize with the families of murder victims and the nightmares they endure as a result of the heinous crimes committed against their children and grandchildren. For these members to allow that anguish to keep festering, to allow the wounds of the families of victims to be opened and reopened is wrong. Yet that is precisely what this amendment will allow.

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 possibility that these killers will be released early from prison.

Section 745 of the Criminal Code demeans the value of a human life as does Bill C-45. These amendments are proposed by the member for Bellechasse and the member for Kingston and the Islands. All are examples of a blatant disregard for human life, the families of murder victims, the safety of society and a blatant disregard for the wishes of the Canadian public, many of whom are demanding a return of capital punishment for first degree murder.

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 premeditated and unlawful taking of an innocent life and the devastating effect this has on society.

These amendments and the minister's refusal to eliminate section 745 demonstrates clearly the value the justice minister places on the lives of Canadians. He, as does a majority of his caucus and the Bloc, believe the lives of our children and grandchildren are worth only 15 years.

If the justice minister asked Canadians to place a value on the lives of their children, overwhelmingly their response would be life in prison or capital punishment. The justice minister does not believe in punishment or retribution, only in rehabilitation and that is what we have been getting from the bleeding heart mentality 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 into the justice system.

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

These amendments do not repeal section 745. Bill C-45 does not repeal section 745 of the Criminal Code despite strong demand across the country to do so. Victims groups, the Canadian Police Association and I would suggest the majority of Canadians believe that section 745 should be eliminated completely because a life is worth much, much more than 15 years.

• (1310)

Nothing except the full elimination of section 745 is acceptable to the Reform Party. It is for precisely this reason I oppose these amendments. I oppose any half-baked attempt to modify, change or amend this repugnant and unacceptable section of the Criminal Code.

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

Bill C-45 strips multiple or serial killers of the right to apply for early parole. However, this only applies to multiple murders committed after passage of the bill. This creates categories of killers, good killers and bad killers. Good killers are being granted special status, a hallmark of this government. We saw special status in Bill C-41, in Bill C-33 and in Bill C-110. We see special status being created in this bill.

Good killers will have the right to appeal for early release from prison while bad killers will serve out their life sentence. Thanks to the justice minister's ill-conceived strategy of waiting until the 11th hour to introduce Bill C-45 and thanks to Bloc members for reneging on their word to not unduly delay Bill C-45 so that it could pass before the summer recess, Clifford Olson, Canada's most notorious killer has the right in law to apply for a reduction in his parole ineligibility. Section 745 provides killers like Olson the right to appeal any negative decision to the Supreme Court of Canada.

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.

The provisions of Bill C-45 do 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 so viciously stole, not a meagre 15 years for the torture and killing of 11 innocent children as supported by the Liberal government.

Clifford Olson should be serving 11 consecutive life sentences. This is the only fair and just penalty for the taking of 11 young lives.

This amendment of Bill C-45 is nothing but a bleeding heart attempt to tinker with a penalty for first degree murder. Killers do not deserve that which they denied their victims. Murderers should not be given a glimmer of hope nor any incentive to ease the burden of the severity of their punishment because they did not give their victims any hope.

For the criminal justice system to provide a killer with a so-called glimmer of hope or to restore their rights is a further injustice to the victim, the victims' families and an offence to Canadians.

I am confident all Canadians would agree with this statement. I think most Canadians would agree that these amendments to Bill C-45 demean the value of human life. I therefore oppose them because they are not worthy of support.

It has been suggested by my House leader that we not proceed with Bill C-45 today until the matter of Bill C-234 is resolved. It can be resolved in many ways. For the good of this institution and the spirit of private members' business we should adjourn this debate and allow the House leader to work out a solution.

I move:

That the debate be now adjourned.

• (1315)

The Deputy Speaker: The hon. member for Crowfoot has moved:

That the debate be now adjourned.

This is a non-debatable motion. All those in favour of the motion will please say yea.

S. O. 31

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

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

(*Division No. 119*)

YEAS

Members

Abbott
Benoit
Bridgman
Epp
Frazer
Grey (Beaver River)
Hanger
Harper (Simcoe Centre)
Hart
Hill (Macleod)
Jennings
Manning
Meredith
Morrison
Ramsay
Schmidt
Speaker
Strahl
Williams—37

Ablonczy
Breitkreuz (Yorkton—Melville)
Cummins
Forseth
Gilmour
Grubel
Harper (Calgary West/Ouest)
Harris
Hayes
Hill (Prince George—Peace River)
Johnston
McClelland (Edmonton Southwest/Sud-Ouest)
Mills (Red Deer)
Penson
Ringma
Silye
Stinson
Thompson

NAYS

Members

Alcock
Arseneault
Asselin
Axworthy (Saskatoon—Clark's Crossing)
Bachand
Bélair
Bélisle
Bellemare
Bernier (Gaspé)
Bevilacqua
Bodnar
Boudria
Brown (Calgary Southeast/Sud-Est)
Bryden
Campbell
Canuel
Chrétien (Frontenac)
Cohen
Cowling
Crête
Daviault
Debien
DeVillers
Dion
Dromisky
Duceppe
Dumas
Easter
Fewchuk
Flis
Fry
Gagliano
Gagnon (Québec)
Gauthier

Anawak
Assadourian
Augustine
Axworthy (Winnipeg South Centre/Sud-Centre)
Baker
Bélanger
Bellehumeur
Bergeron
Bernier (Mégantic—Compton—Stanstead)
Blaikie
Bonin
Brien
Brushett
Byrne
Cannis
Cauchon
Clancy
Collins
Crawford
Dalphond-Guiral
de Savoye
Deshaies
Dingwall
Discepola
Dubé
Duhamel
Dupuy
Eggleton
Fillion
Fontana
Gaffney
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Godin

Goodale
Guarnieri
Harb
Harvard
Hubbard
Iftody
Jackson
Jordan
Kirkby
Landry
Lastewka
Lavigne (Beauharnois—Salaberry)
Lefebvre
Leroux (Shefford)
Loney
MacAulay
Marchand
Marleau
Massé
McKinnon
McWhinney
Mifflin
Mitchell
Nault
Nunziata
O'Brien (London—Middlesex)
Pagtakhan
Peters
Pickard (Essex—Kent)
Proud
Rideout
Rocheleau
Serré
St-Laurent
Steckle
Stewart (Northumberland)
Thalheimer
Tremblay (Lac-Saint-Jean)
Ur
Venne
Whelan

Graham
Guay
Harper (Churchill)
Hopkins
Ianno
Irwin
Jacob
Keyes
Lalonde
Langlois
Laurin
Lebel
Leroux (Richmond—Wolfe)
Lincoln
Loubier
MacLellan (Cape/Cap-Breton—The Sydneys)
Marchi
Martin (LaSalle—Émard)
McCormick
McTeague
Mercier
Minna
Murphy
Nunez
O'Brien (Labrador)
O'Reilly
Paré
Pettigrew
Pillitteri
Reed
Robichaud
Sauvageau
Skoke
St. Denis
Stewart (Brant)
Szabo
Torsney
Tremblay (Rimouski—Témiscouata)
Vanclief
Volpe
Zed—150

PAIRED MEMBERS

*nul/aucun

[*Translation*]

The Deputy Speaker: I declare the motion negatived.

STATEMENTS BY MEMBERS

[*English*]

OLYMPIC GAMES

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, I am pleased to rise in the House to offer congratulations to all our Canadian athletes who competed in the Olympic Games in Atlanta.

The poet Robert Browning said: ''My business is not to remake myself, but to make the best of what God made''. Our athletes fulfilled this summons.

● (1400)

I would like to honour one such athlete, Laryssa Biesenthal of Walkerton, Ontario. Laryssa took a bronze medal in the 2000

metre quad skulls in rowing. I was there to welcome her back to Walkerton where she shared her victory with the people.

All Canadians who participated in the games did us proud. The Olympic spirit is captured in competition and in the drive for excellence.

Our presence in the Olympics is a microcosm of our essence as a nation. Canadian athletes of different languages, different regions, even different countries of birth stood together as one people under one flag.

Again to Laryssa and all our athletes, a hearty congratulations and thank you from us to all of them.

* * *

[*Translation*]

THE FLOODING IN THE SAGUENAY

Mr. Gilbert Fillion (Chicoutimi, BQ): Mr. Speaker, on July 19 and 20, the Mauricie, North Shore, Charlevoix and Saguenay-Lac-Saint-Jean regions were hit by disastrous floods. Some people lost their lives, and extensive material damage was sustained throughout the area, as roads and bridges were washed out and homes, businesses and industries were severely damaged if not completely destroyed.

We must draw attention to the exceptional courage shown by the victims. They are working very hard to rebuild their homes and their region.

Their courage found its strength in the solidarity shown not only by Quebecers but also by many Canadians. On behalf of all the flood victims, I wish to extend my warmest thanks to all those who put generosity first.

* * *

[*English*]

MARKHAM ELECTRIC

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, in June I asked the Minister for International Cooperation why a successful Ontario company, Markham Electric, was denied the chance to compete for a CIDA contract. Only three companies, all from Quebec, were lucky enough to be picked by the minister to submit formal bids.

CIDA is obliged to use an independent appeal mechanism to resolve disputes, but despite petitions to CIDA, to the Canadian International Trade Tribunal and to Treasury Board, Markham Electric has found no venue in which to launch an appeal.

This summer the Minister for International Cooperation made a cross-Canada junket ostensibly to encourage more Canadian companies to bid on CIDA projects. This cynical, typically Liberal strategy will fool nobody. The shameful treatment of Markham Electric confirms that CIDA is closed to companies lacking a Quebec address, connections with the CIDA bureaucracy and a donor's receipt from the Liberal Party.

* * *

MANITOBA ECONOMY

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, I would like to raise a concern I share with many Manitobans about what Liberal policies are doing to Manitoba and particularly to jobs in Manitoba.

We face the prospect of the abandonment of the Sherridon sub, the tearing up of our northern rail infrastructure for scrap to be sold in some other country. We face the decimation of the CPR shops in Winnipeg as a result of Liberal policies with respect to how they settled the railway strike.

We face the prospect of jobs disappearing in the wholesale sector as a result of the deal on softwood lumber. We see jobs being threatened in the railway wheel industry as a result of proposed advances in the tariff reduction schedule. We see Air Canada jobs that were promised to Winnipeg going to Air France because of this trend for outsourcing.

The people of Manitoba have cause to feel betrayed by the Liberals in Manitoba who promised jobs and have delivered nothing but devastation since they were elected.

* * *

1996 SUMMER OLYMPIC GAMES

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, this past summer Canadians were very proud observers of an outstanding performance by our Canadian Olympic team at the 1996 games in Atlanta. With a total of 22 medals, these games proved to be the most successful ever for Canada.

As the member of Parliament for London—Middlesex and on behalf of all Londoners, I would like to extend our congratulations and thanks to the following Londoners who represented Canada so well in Atlanta: Catherine Bond-Mills, heptathlon; Jason Tunks, discus; Casey Patton, boxing; Lesley Thompson, silver medalist in rowing; Brian Peaker, silver medalist in rowing; and Al Morrow and Volker Nolte, coaches in rowing.

• (1405)

Athletes who did much of their training in London were Jeff Lay, silver medalist in rowing, and the dynamic duo of Marnie McBean and Kathleen Heddle, bronze and gold medalists in rowing.

To all of these men and women and to every member of our Olympic team from every region of Canada, we say congratulations to all of you. You have made Canadians very proud.

S. O. 31

UPPER LONDONDERRY PASTORAL CHARGE

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, this past August marked the 225th anniversary of the Upper Londonderry Pastoral Charge with three churches serving the communities of Glenholme, Debert and Masstown. Descendants, both local and international, of the first minister of the charge returned home to celebrate this historic anniversary.

Originally founded in 1771 by Presbyterian minister David Smith, this charge continues to thrive as a vital part of the United Church of Canada. As the oldest pastoral charge in Canada, it has influenced community values and inspired a sense of pride and hope among all its parishioners.

I ask that all members join with me in thanking the charge for the communion, prayer and spiritual guidance it has provided to Canadians for over two centuries. As well, I extend my congratulations to successive ministers and parishioners who have sustained this sanctuary of fundamental values and religious freedom.

* * *

MANGANESE BASED FUEL ADDITIVES

Mr. Julian Reed (Halton—Peel, Lib.): Mr. Speaker, Ethyl Corporation, an American chemical manufacturer, has recently launched a trade dispute under NAFTA regarding Bill C-29, the manganese based fuel additives act. Ethyl claims that the passing of Bill C-29 constitutes discriminatory trade action.

We must not forget that above all this bill is about the health of Canadians. The effect of MMT on exhaust emissions has serious health implications for all Canadians. We must also remember that MMT is not used in American gasoline due to health concerns, yet this company is prepared to attempt to force the hand of the Canadian government.

We do not need to import a foreign made octane enhancer. We can replace MMT with domestically produced and renewable fuels which are safe both for human health and the environment.

I urge all of my colleagues to continue their efforts to ensure Bill C-29 receives swift passage and becomes law.

* * *

[*Translation*]

THE QUEBEC SUPERIOR COURT

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, during the summer, the government appointed lawyer Lyse Lemieux to the post of chief justice of the Quebec Superior Court. Ms. Lemieux thus becomes the first woman to fill this position in Quebec.

Ms. Lemieux has had an impressive career. She was director of legal services at the Quebec department of justice, where she also worked as deputy minister for three years. For the past two years, she was assistant chief justice of the Quebec Superior Court.

The Bloc Quebecois commends the appointment of this competent woman to head Quebec's highest court.

We wish Ms. Lemieux the best of luck in tackling the major challenges awaiting her in her new post. We especially hope that, in addition to modernizing the legal system, she will help promote a solid balance between men and women in this area.

* * *

[*English*]

KREVER INQUIRY

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, Justice Krever has investigated Canada's blood transfusion system for two and a half years. His mandate is to find out how so many innocent Canadians were handed a death sentence from a simple blood transfusion.

Today Krever is an expert in blood. He is independent, he is unbiased. Yet this government has undermined and subverted Krever at every turn; undermined him in court; subverted him with big changes to the system before his report and without his input.

Reform challenges the health minister and his colleagues. Let Justice Krever speak. He will surely recommend that accountability rests squarely on the shoulders of the health minister. Come to think of it, maybe that is what this minister is afraid of.

* * *

● (1410)

LITERACY

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, I rise today to congratulate the ABC Canada Literacy Foundation and Canada Post on their very creative fundraising initiative. On September 9, 1996 Canada Post issued the semi-postal stamp in support of literacy.

[*Translation*]

The new stamp will cost 50 cents. For each stamp sold, five cents will go to funding literacy efforts. ABC Canada will look after the distribution of collected funds among the various literacy groups.

[*English*]

We must remember that reading is considered a challenge for approximately 42 per cent of all Canadians. In fact 16 per cent have difficulties with daily tasks such as reading menus and signs. We need to work together to try and expand the reading world of these Canadians. This initiative is certainly a step in the right direction.

[*Translation*]

I urge you to support this initiative and encourage others to do the same.

[*English*]

This initiative will have a very positive impact on all Canadians. Once again I salute ABC Canada and Canada Post.

* * *

[*Translation*]

THE PARTI QUEBECOIS

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, Parti Quebecois militants from Quebec City just passed three resolutions aimed at determining who will have the right to vote in the next referendum.

First, the minimum age to qualify as an elector would be reduced from 18 to 16; secondly, immigrants will not be able to vote in a referendum until 18 months after becoming Canadian citizens; and thirdly, voters outside Quebec will have to prove that they own property in Quebec or that they have been paying taxes in Quebec over the past two years.

While the Parti Quebecois brags about how democratic it is, these new measures it has put forward must be seen not as an improvement but rather as a departure from our democratic traditions. This is a totally unacceptable situation that the people of Quebec must condemn.

* * *

THE TOKAMAK PROJECT IN VARENNES

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, you will recall that, before the summer recess, the Bloc Quebecois vigorously criticized the Liberal government's decision to cut off its $7.2 million contribution to the Tokamak project in Varennes.

This government has made more nonsensical decisions since. In May for instance, we learned it had launched its flag project, which has cost Canadian taxpayers $23 million to date. This unfortunate decision was followed by the establishment, over the summer, of a propaganda agency operating under the misleading name of Canada Information Office and administering a budget in excess of $20 million. Not to mention the tens of millions of dollars allocated to Heritage Canada, the Council for Canadian Unity, Operation Unity and so on.

There are more than ten Liberal members in this House representing the Montreal area. What are they waiting for to speak out and call their ministerial colleagues to order? The Liberal government must realize that what Quebecers need is not to see more red but rather to see their taxes used to help create jobs.

[*English*]

CLIFFORD OLSON

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, on August 12 Clifford Olson got his much anticipated shot at early release after serving only 15 years of a life sentence. This child killer's opportunity came courtesy of the justice minister and the Liberal government.

The justice minister did nothing to prevent Olson from once again jumping on the soap box. The justice minister did nothing to prevent Olson from forcing his victims' families to relive a nightmare they have endured since their children were so sadistically torn from their lives.

The justice minister has had Canada-wide support and ample opportunity to bring in a bill which would have denied Olson the appalling opportunity to flaunt his heinous crimes.

Olson's application for early release is a direct result of the justice minister's inaction and incompetence in enacting legislation which would enhance public safety.

* * *

[*Translation*]

DÉFI-EMPLOI PROGRAM

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, I wish to emphasize the remarkable work and success of the organizers of the Défi-Emploi program, last weekend.

This program, jointly run by the Société québécoise de développement de la main-d'oeuvre, the income security department and the federal human resources development department, will help over 15,000 people have access to specialized workshops designed to help them find work.

It is very encouraging for our government to see that so many people have elected to take advantage of the services provided through the Défi-Emploi program to improve their chances of finding a job.

• (1415)

The Government of Canada is proud of this initiative and is fully willing to continue to work in close co-operation with the Quebec government to promote better professional and personal training for those who are looking for work.

* * *

[*English*]

STAND UP FOR CANADA

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, stand up for Canada. This is the theme of a benefit concert which will take place on October 27 at the Ottawa Congress Centre to mark the anniversary of the national unity rally held in Montreal last year.

The goal is to celebrate Canada and to raise funds to defray the legal costs of those charged by Elections Quebec for their participation in last year's historic rally.

[*Translation*]

Several donations have already been made towards the October 27 concert. Moreover, no performer will be paid for his or her services. This concert, which will showcase several Canadian artists, is a joint effort done on a volunteer basis. My fellow Canadians, let us stand up for Canada.

[*English*]

Canadians can order tickets for $10 each by contacting Ticketmaster at 613-755-1111. Operators are waiting.

The Speaker: I see that some hon. members, like myself, sometimes have problems with their tabs or their ties. I know that will not occur in the future.

* * *

EMPLOYMENT

Mr. John Nunziata (York South—Weston, Lib.): Mr. Speaker, all members of Parliament have had an opportunity to spend a lengthy period of time in their ridings. One thing is abundantly clear: Canadians want jobs. There is still an unacceptable number of Canadians without employment and small businesses are hurting. While much progress has been made in terms of creating employment in this country, there is still a longer distance to go.

The Liberal Party in the last election campaign made a major commitment to create jobs. The job of creating jobs has still to be accomplished. I call on the Prime Minister and the government of the day to do everything within their power to bring in specific measures to create jobs so that the hurt that exists right across the country with the unemployed and those on welfare, and the hurt that exists with respect to small business can be alleviated.

* * *

[*Translation*]

NEW MEMBER

The Speaker: I have the honour to inform the House that the Clerk of the House has received from the Chief Electoral Officer a certificate of the election and return of Ms. Sheila Copps, for the electoral district of Hamilton East.

[*English*]

NEW MEMBER INTRODUCED

Sheila Copps, member for the electoral district of Hamilton East, introduced by the Right Hon. Jean Chrétien and the Hon. David M. Collenette.

The Speaker: Let the hon. member take her seat.

ORAL QUESTION PERIOD

• (1420)

[*Translation*]

JOB CREATION

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the federal government's performance in the area of job creation certainly falls far short of the promises made during the last election campaign. Since 1993, nothing concrete has been done by the government to stimulate job creation, with the exception of an infrastructure program.

Can the Prime Minister tell us if he agrees with what his Minister of Human Resources Development had to say this summer: ''You can go to the Government of Canada for matters of national defence, justice, national health care, but for job creation, go knock on the door of your provincial legislature''?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, obviously the government would like to have seen the Canadian economy create more jobs over the last three years. I would like to point out to the Leader of the Opposition that the Canadian economy has, since November 1993, created more than 667,000 new jobs, more than Germany, France and Great Britain combined.

We have put such programs as the infrastructure program in place, and this June we made an offer to the provinces to continue it next year. The first ministers, after examining the program over the summer, have accepted. We have already begun negotiations to extend the program to 1997, perhaps beyond.

We have also implemented job creation programs for youth, and a number of other measures. Most important of all, however, we have created the necessary climate to allow such things as a 3 per cent reduction in the interest rate. As a result, there has been an upswing in construction in recent months. People wishing to own a home are now paying far less interest on their mortgages.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister and his government have fallen into the habit of riding on the wave of economic upturn and of claiming responsibility for the job recovery that has taken place, a recovery required by the fact that, over the same time period, more than 800,000 jobs had been lost.

Does the Prime Minister realize that, for Quebec, with its heavy unemployment, one of the consequences of federal government policies, particularly the policy on purchase of goods and services, is a shortfall of $1.2 billion for 1994 alone? That this deprives the economy of Quebec of thousands of jobs, because of his government's refusal to right a long-standing wrong?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to start off with a correction to what the Leader of the Opposition has said, since when we refer to the 669,000 new jobs created in Canada since this government has been in existence, we mean those jobs in excess of the level of employment existing at the time of the election. In the economy, jobs are always being lost, while others are being created, but the net increase was 669,000 new jobs created since this government has been in existence.

As for the redistribution of all government purchasing, we have an open policy and, while in some fields there may be more in one province than in another, generally everything operates by calling for bids from suppliers. The one offering the best product at the best price gets the order. I believe this is the system that has been in operation in Canada for a very long time, and I doubt the accuracy of the figures the hon. member has given.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, the system the Prime Minister is referring to always leads to the same kind of results, as he ought to realize: the federal government always ends up purchasing goods and services in the same place.

• (1425)

Is the Prime Minister aware that, in 1993-94, using a recognized and reliable method of economic calculation, by being deprived of $2. 5 billion in goods and services sales to the federal government—since it always buys from the same place— Quebec was deprived of an estimated 44,675 jobs over two years?

Does the Prime Minister realize that, through inadequate policies such as these, which he supports and defends, Quebec and its economy is losing jobs in the meantime, to the tune of some 22,000 for each of the years of his mandate?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have nothing to add to what I have already said. The Bloc Quebecois has been making these statements for ages, and there is no basis for them, because in a country like ours, bids and tenders are nationwide. The bids are made and then someone gets the contract.

In some sectors, sometimes we find when we go to other parts of Canada that people are complaining that we are doing too much in Quebec. Sometimes Quebec complains that we are doing too much in the Prairies. In a federation, that is always how things are.

I must say, however, that if the Leader of the Opposition were to call his head office in Quebec, he would find that if there were no more political insecurity in the country, there would be a great many jobs created in Quebec, as there have been in the rest of Canada.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, I would point out to the Prime Minister that all the figures cited by the Leader of the Opposition come from Statistics Canada and not from the Bloc Quebecois and that when it comes to giving contracts to Ontario, there are no calls for tender, as in the case of the armoured vehicles.

The federal government is spending over one and a half billion dollars a year on research in its federal laboratories and research centres. It is admitted, however, again according to Statistics Canada, that Quebec has never received its fair share of federal government research and development investments.

In federal laboratories and research centres, the spending deficit in Quebec has gone on for over 15 years and, according to Statistics Canada, for 1993-94 alone, only 15 per cent of spending took place in Quebec, as opposed to 59.1 per cent in Ontario. Does the Prime Minister realize that it is policies like this that create unemployment in Quebec?

[*English*]

Mr. Morris Bodnar (Parliamentary Secretary to Minister of Industry, Minister for the Atlantic Canada Opportunities Agency and Minister of Western Economic Diversification, Lib.): Mr. Speaker, the province of Quebec generally in the area of research and development receives approximately 27 per cent of the funds from the federal government.

Apart from the national capital area, the city of Montreal receives more funds than most other areas in Canada for research and development. They are getting their fair share in Quebec. For a province that has a population of approximately 30 per cent, it receives approximately the same amount in research money.

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, I am not allowed to show the papers I have on my desk, but they come from Statistics Canada, and they say that 15 per cent goes to Quebec and 59.1 per cent goes to Ontario, to research centres in the national capital, and that 90 per cent of spending takes place in Ottawa. To my knowledge, Ottawa has not yet moved to Quebec.

Does the Prime Minister admit that Quebec's annual shortfall of $152 million in federal laboratories and research centres is contributing to the unemployment problem, depriving the Quebec economy of close to 1,000 steady and meaningful jobs in leading sectors, and weakening our ability to create steady and meaningful jobs?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would point out to the hon. member that one third of the public servants working for the federal government in the National Capital Region come from the Quebec side. Here, the national capital straddles both sides of the river, and government spending is worked out not by streets, but by regions.

• (1430)

Since one third are here in the region, very often contracts are shown as belonging to Ontario, but one third of those who benefit are Quebecers. If an honest division is done, Quebec receives at least a share equal to its population.

* * *

[*English*]

DEPARTMENT OF NATIONAL DEFENCE

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, all the evidence presented to the Somalia inquiry indicates gross mismanagement at the top of the Department of National Defence, yet Canadians have seen General Boyle blaming subordinates and passing the buck instead of taking full responsibility. Then they watched the Minister of National Defence strongly endorse his hand picked chief of defence staff even before General Boyle had completed his evasive testimony.

At the same time, both of these people, the Minister of National Defence and the chief of defence staff, maintain that they enjoy the full confidence of the government and the Prime Minister.

Do the minister and the chief of defence staff have the complete support and confidence of the Prime Minister, yes or no?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are happy to see the leader of the third party with a new haircut. We hope he will also cut his policies according to new needs. I guess he really wanted to be different from the leader of the Conservative Party.

The Minister of National Defence has a job to do. General Boyle has a job to do. The Somalia inquiry has a job to do. Let them do their jobs. I have confidence in the Minister of National Defence and in General Boyle.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the Prime Minister is probably the only one with confidence in the defence minister and the chief of defence staff.

He is aware that these individuals do not have the confidence of the rank and file of Canadian Armed Forces personnel. Major General Addy made that perfectly clear just hours after hanging up his career uniform. They certainly do not have the confidence of the Canadian public, which many of us have found out in visiting with our constituents.

Will the Prime Minister explain to the House why he continues to have confidence in the Minister of National Defence when the Canadian public and the armed forces personnel do not?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of National Defence has taken on a very difficult task. We are in a period of readjustment in military expenditures of the government. We have been obliged to reduce bases, reduce the number of personnel and reduce by many billions of dollars the expenditures in the Department of National Defence. It is always an extremely difficult job.

When I appointed the Minister of National Defence I warned him it was to be a difficult period. He has done an excellent job in extremely difficult circumstances during the last three years. I encourage him to stay in his job and keep doing what he is doing. He is doing a good job.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, evasion and doing nothing seem to be the Prime Minister's answer to every difficult problem.

• (1435)

He has done nothing to roll back the national debt, which will to hit $600 billion in a few weeks. He has done nothing to provide Canadians with much needed tax relief. He has done nothing on national unity except hand out free flags. He is doing nothing now to restore the morale of the Canadian Armed Forces or the confidence of people in their own military.

Will the Prime Minister do something? Will he act to restore some integrity and accountability in the Canadian Armed Forces by asking General Boyle and the Minister of National Defence to resign?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, for the first time in a long time a government has had the courage to ask for an inquiry into the operations of national defence. Never has it been done before. Of course we knew it would be difficult. It is being done. The inquiry is proceeding. We want the inquiry to finish the job.

In the meantime, the Minister of National Defence and General Boyle have to operate the armed forces, and they are doing it to the satisfaction of the government.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my question is directed to the Minister of National Defence.

Criticism is coming in from all directions. We see soldiers, officers and even retired generals publicly criticizing, from within

and from without, the chief of staff of the Canadian armed forces. The critics are unanimous. General Boyle is no longer trusted by anyone, and we do not have to wait for the report to know that.

How can the minister justify his stubborn insistence on keeping a chief of staff whom no one trusts? What is behind all this?

[*English*]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the Prime Minister has essentially answered the question with respect to the chief of defence staff and myself.

It is very important to realize that, as the Prime Minister said, we have initiated an inquiry. It is something we called for when we were in opposition with respect to the deployment of the Canadian Airborne Regiment in Somalia in 1993. We have discharged our promise to the Canadian people by having that inquiry take place.

We have to respect the process we now have put in place. It is not right to look at evidence in isolation, to judge individuals in isolation. We have to look at the entire process.

I have faith in the three individuals leading the inquiry that they will come to judgments. They will find the truth. That is what we want, that is what the Canadian people want.

[*Translation*]

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, my supplementary is directed to the Prime Minister.

While the government is waiting, there is a major crisis of confidence in the Canadian armed forces. The Minister of National Defence desperately insists on protecting his creature, General Boyle.

This has been going on for more than a hundred days. Does the Prime Minister realize it is now up to him, and no one else, to deal with the problem? What is he waiting for to ask for the resignation of the minister and General Boyle?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have a commission of inquiry that is doing its job at this moment.

As I said earlier, the Minister of National Defence is doing a difficult job. It is his duty to do so. General Boyle, who took charge of the situation at a very difficult time for the armed forces, is doing his job as he must. And he must continue to do so. We should let the commission of inquiry get on with its job. As soon as we get the report from the commission, we will be able to see what happened, what is wrong and what action is required.

Today, the Canadian armed forces have been substantially downsized. Bases have been closed. There has been a considerable reduction in the number of officers at headquarters. We use to have more than 100 generals, and now we have about 30 less. Some have to leave, and this will continue.

When someone leaves a post like that, it is not unusual for him to complain. Unfortunately, the armed forces have been downsized, and it is always difficult when we have to downsize any organization, especially the armed forces.

[*English*]

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the Prime Minister said today that the Minister of National Defence undertook a very difficult task, and indeed he did. The Minister of National Defence, after all, oversaw the policy of containment of access to information documents. General Boyle implemented a policy of containment. The policy was designed to mislead the media, to withhold the information from the public and to destroy key evidence.

• (1440)

Was the Minister of National Defence a pawn or a player in this scheme, or did Boyle do it on his own?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I find it very troubling that the hon. member, who alleges his party was happy to have this inquiry established, is now reflecting on testimony that has been given before the inquiry, coming to conclusions and raising them here in the House of Commons.

I believe this shows that he and his colleagues are not really respecting due process. I am sure he would not want us or the Canadian people to believe that he is in fact interfering in the very process that he applauded when it was set up.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the Minister of National Defence insults those Canadians who have served in the Canadian Armed Forces. He insults those who have died for our country at Dieppe and Vimy Ridge and the battle of Ypres. He insults those who have spent 50 years fighting for peace in our country.

Morale in the Canadian Armed Forces has suffered under this Minister of National Defence and General Boyle. Our forces deserve leadership of the highest calibre. Instead they get unethical conduct driven by a policy authorized by this minister, there is no responsibility, no accountability.

My question is for the Prime Minister. Canadians are calling for the minister and General Boyle to be fired. What is the Prime Minister going to do about it?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I am not going to lower myself to answer the ribald comments of the hon. member.

I want to take a minute to try to put this in context. Canada is not alone in dealing with problems with respect to the military following the end of the cold war. The Dutch have had to deal with the tragedy in Srebrenica. My friends in the United States have had to deal with problems within the navy. In Britain there are problems with the decommissioning of historic institutions, of structures. In Germany, it is the incorporation of a foreign army within the German army.

All of this has a common thread that Canada shares. In this changing world there is a need to redefine missions, to readjust one's priorities, readjust one's spending and also to adapt to the changing norms and values of contemporary society.

The Canadian forces are doing that, our allies are doing that.

[*Translation*]

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, my question is for the Prime Minister.

The Prime Minister and the Minister of National Defence are telling us today that they have nothing to hide about the ongoing crisis in the Canadian armed forces. They are now trying to hide the truth by requesting an injunction aimed at muzzling the Information Commissioner in order to prevent him from releasing a damning report on the issue of access to information.

How can the Prime Minister trust a minister who is involved in an action aimed at muzzling by all possible means those who criticize the way our armed forces are managed?

[*English*]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member is referring to an ongoing court case.

I have to be very wary about what I say. This case cannot be construed in any way as an attempt by the Department of National Defence or the government to deny the public its right to information.

The court challenge, which is now before the Federal Court, is what we believe to be about the inalienable rights of employees of the government to fair treatment, a right enjoyed and expected by all Canadians.

To ensure that an individual employee of ours, the Government of Canada, is not unfairly and irredeemably harmed, we are having this matter fully adjudicated by the courts. I think we should let the courts deal with it.

[*Translation*]

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, the minister has been telling us for months that he cannot say anything in this House.

How can the Prime Minister keep in his cabinet a minister who will stop at nothing to hold back information in order to protect the man he himself appointed to the position of Chief of the Defence Staff?

• (1445)

[*English*]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the Prime Minister and I have answered those questions.

For those who say, as does the hon. member and colleagues in the Reform Party, that the military is in a mess, I would like them to tell that to the men and women who are serving in Bosnia, in Haiti and in the Middle East. I would like them to say that to the people who man our ships, our air crews and those who conduct search and rescue work. I would like them to say that to the 500 men and women of the air force and army who helped in the Saguenay flood. Is that a mess? That is an armed forces that works and works well in a difficult climate.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, the military is doing well despite rather than because of the leadership.

A good leader and in particular a good military leader must be trusted and respected by those who follow.

General Boyle's Somalia inquiry testimony indicates that his leadership includes misleading the military police, breaking the spirit of the Access to Information Act, accusing junior officers of lacking moral fibre and receiving preferential treatment from his department.

Will the Prime Minister now act to provide unquestioned leadership for the Canadian forces by removing General Boyle and the Minister Collenette?

The Speaker: Before I let the Prime Minister answer the question, I would like to remind hon. members that we address each other by our titles and not our names.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I will reply with a long answer. I am keeping the Minister of National Defence in his position because I have confidence in him. In the previous administration the minister of defence was changed each year. I decided that was a problem. I therefore appointed one competent person to the job until the job is done.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, the Minister of National Defence accused my colleague of interfering with the process. I would point out that it was the minister who

drew the conclusions with regard to General Boyle before General Boyle had even finished testifying.

The Prime Minister campaigned on issues of leadership, integrity and accountability. Will the Prime Minister now admit that in continuously defending his hand-picked chief of defence staff by doing nothing, he is failing to give the Canadian forces the leadership, integrity and accountability it needs and deserves?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is exactly what I am doing. The Canadian forces need stable leadership. I have appointed a man who has had a great career in the armed forces.

There is an inquiry going on at this time. It is always a difficult period for any organization when facing an inquiry. Let the minister of defence, the chief of staff and the inquiry do their jobs. That is what they are there for and they should be allowed to do it.

* * *

[*Translation*]

BERTRAND COURT CASE

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, my question is for the Minister of Justice.

Last spring, the Minister of Justice explained that the federal government was only getting involved in the Bertrand court case because the Quebec government was involved.

Now that Quebec has announced it will not have anything more to do with this case, is the next logical step not for the Minister of Justice to also withdraw from this case?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, a decision regarding our involvement in this case will be made in the days to come. One thing is very clear though, we fully intend to fulfil the commitment made a few months ago in the speech from the throne, when we said that, if and when there is another referendum, we will make sure that the question is clear, that the implications are clearly set out and that all Canadians have a say on the future of this country.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, in the days preceding the last referendum, the Minister of Justice stated that sovereignty was above all a political rather than a legal matter.

• (1450)

Could the minister tell us today if the tight vote in the last referendum had anything to do with him changing his mind and now looking to subordinate the will of the people of Quebec to a Constitution that has never been recognized by Quebec?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, these two basic principles are connected and each of them is very important in its own right. It is very important first to determine what the people of Quebec want and it is also very important to have a framework within which to operate.

[*English*]

Without a legal framework, one has chaos. The position apparently taken by the Attorney General of Quebec, a surprising position, is that he is going to have a referendum which is consultative. The very next day, if he gets the results that he wants, that is the end of the matter. The country is finished and the province is separate.

That is not the way things are done in Canada. True to say, the will and the decision of the population of Quebec is important. It must be seen in the context of a legal framework, because that is the way we do things in this country, in accordance with the rule of law.

* * *

TRADE

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, last spring during the visit to Ottawa of the leaders of the five Central American states, the Government of Canada committed to taking steps to strengthen Canada's ties with that region.

Given the growing importance of Central America to Canada's foreign and trade policy, can the Minister of Foreign Affairs tell us what concrete action the government has taken since last spring to enhance our relations with Central America?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, last spring the Prime Minister and the Central American presidents were able to launch a new set of relationships between our two regions, which are 30 million people each.

Last week we were able to put real, concrete expression to those initiatives by starting negotiations on new sets of air links between Central America and Canada, signing a series of agreements on protection of foreign investment that will give Canadian investors a new incentive to develop in that area and a new series of trade promotions and marketing proposals.

Those economic ties now carry over into a much closer political relationship where we now work with them. Central American governments now agree to a total ban of land mines, which is a high priority for Canadians. They are working very closely with us on matters of human reform.

We can clearly see in a very short period of time that they have been able to launch a brand new generation of relationships in a very important part of the world.

NATIONAL DEFENCE

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, General Boyle says he enjoys the confidence of his political masters and the Canadian forces personnel.

Major Addy opposes him. So do Major-General Vernon, Major-General Lewis MacKenzie and many others. They think he should go and pack. The only people who think he should stay are the Prime Minister and the minister of defence.

When will the Prime Minister show some leadership and dump Boyle and the minister? They are the Laurel and Hardy of the Canadian military.

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the government has instituted a lot of change in the Department of National Defence and the armed forces over the last few years.

Some people cannot accept change. We see that every day in the House of Commons by the performance of the hon. member and her colleagues. Those people who cannot accept change in the armed forces also include people at the general officer level. When they cannot accept change, they do the right thing by moving on.

We will continue the change. We will continue the revitalization of the officer corps, of getting better value for the taxpayers' money, of doing more with less. We will continue doing that.

If some members of the armed forces are uncomfortable with the direction we are taking the armed forces, then they are doing the honourable thing by leaving.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, the minister says I am not willing to accept change.

The fact is that I am demanding change. There are millions of Canadians who are doing exactly the same thing by making sure that he leaves. That is demanding change.

He also talks about money and downsizing changes in the military. We are not talking about money here. We are talking about morals.

I want to ask the Prime Minister one more time today and give him one last chance to think this through fairly and squarely. Will he demand the resignation right now, today, of this minister and General Jean Boyle who have been an embarrassment to the people who serve in our armed forces.

● (1455)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have nothing to add to what I have already said to the House of Commons.

[*Translation*]

GOVERNMENT SPENDING

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Mr. Speaker, in these days of budget restrictions and high unemployment throughout Canada, the heritage minister is becoming an expert in frivolous and useless spending.

My question is for the heritage minister. How can the minister justify the fact that, starting today, she will spend $20 million on the Information Canada office, a propaganda tool, in addition to the $23 million that she is wasting on flags?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, to be sure all Canadians are concerned. It is also true that, according to the daily *Le Soleil*, the Quebec separatist government spent $82 million to promote separation.

I believe that, instead of spending money to break up Canada, we should spend to keep our country together.

Mr. Gaston Leroux (Richmond—Wolfe, BQ): Mr. Speaker, clearly we are referring here to the minister's flags and patronage. If this is not propaganda, how can the minister justify the fact that the usual hiring procedures for the public service were set aside so that she could reward her federalist friends?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the Canadian flag is not my flag, it is the flag of our country. As for the Information Canada office, there is a similar service in Germany, in France, in Belgium and in the Netherlands. It goes without saying that, to keep the history of our country alive, the federal government must make a commitment and meet the request of Canadians wishing to know more about their country, which is still Canada.

* * *

[*English*]

CANADIAN WHEAT BOARD

Mr. David Iftody (Provencher, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

The western grain marketing panel submitted its report to the government on July 2. Since the tabling of that report farmers have stated that they want change in the Canadian Wheat Board but they do not want to scrap the wheat board entirely. Farmers expect that a major policy announcement on this question is imminent.

Will the minister advise the House what changes are anticipated, for example in the governance of the board, and when a decision will be taken by the government on this most important matter?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I appreciate the very serious question on a very serious subject.

The government has gone through an extensive consultative process involving literally tens of thousands of producers across western Canada. That consultative process is now virtually complete. I hope to have an opportunity to discuss my conclusions and recommendations with my cabinet colleagues in the days immediately ahead.

I hope, all things being equal, to be in a position to indicate the direction we intend to take before Thanksgiving.

* * *

NATIONAL DEFENCE

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I wonder if the Prime Minister and Minister of National Defence realize the message they are sending to their armed forces. They are sending a message today by trying to talk about budgets and shutdowns of certain armed forces' facilities that it is okay to have a different code of conduct for a different level of officer.

Why was an officer like General Vernon fired for the actions of his subordinates while another General like Boyle is congratulated and praised by the minister for doing exactly the same thing?

Is there a different standard for a Liberal appointment to the highest level or is the same standard to be expected throughout the entire armed forces?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the Prime Minister dealt with those matters concerning the chief of defence staff.

It is very important to underline again at the end of question period that we should allow the inquiry to do its work, to deliberate and decide what constitutes those things which are of concern to it and to the Canadian people.

As I have said before, there are some people who cannot accept change and when they cannot accept change, they do the honourable thing and leave.

• (1500)

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, members of the armed forces are looking for leadership on this portfolio, and that is not what they are getting here.

They are saying this to the Minister of National Defence and begging him to do something. We will need an inquiry into the inquiry the way this is going. He has set a special standard for the chief of defence staff, special briefings, special help, special treatment by the military police, a special way you treat access to information documents, special treatment for the chosen one, the Mr. Bean of the Canadian Armed Forces.

Why would the minister lower his standards for his chief of defence staff and expect higher standards for other people even among the general staff?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member asked me to do something. Where has he been for the last three years?

We have had a parliamentary debate on defence policy. We have instituted a white paper. We have a procurement policy of new equipment. We have re-equipped the army in a way that gives it the equipment to deal with the peacekeeping challenges of the future. We have delayered, restructured, reduced personnel by 25 per cent. We have closed 50 to 60 installations and bases with hardly a ripple across the country because we have done it fairly. I say that we have done a hell of a lot in the last three years.

* * *

[*Translation*]

THE ASBESTOS INDUSTRY

Mr. Jean-Guy Chrétien (Frontenac, BQ): Mr. Speaker, my question is for the Prime Minister.

Following the French decision to ban asbestos in France effective January 1, 1997, the government of Quebec developed an action plan to defend the safe use of this product in consumer countries. This plan is backed up by a budget of close to $3 million from the Quebec treasury.

During his next visit to France, where he is to meet with President Chirac further to the G-7 Summit, will the Prime Minister agree to intervene personally and directly with French authorities so that France will review its positions with respect to the use of asbestos?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I agree with the hon. member that it is possible to use asbestos safely. Our Minister of Foreign Affairs has already made representations to the French government.

When I again have an opportunity to meet with President Chirac, I will make our concerns known to him. I will be able to assure him that, here in Canada and in many other countries, we are using asbestos products in a completely safe manner, and that he should not ban this product at this time and in any other circumstance, because it has been shown that, in certain circumstances, it can be used satisfactorily and very safely.

[*English*]

GOVERNMENT APPOINTMENTS

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, we have two high profile foreign affairs employees who have now been implicated in the Somali inquiry. Of course everyone knows Mr. Fowler was removed from Canada on December 23, 1994 when the House was not sitting. We know Ms. Campbell was sent to her mansion in L.A. in July of 1996 when the House was not sitting. One now wonders whether General Boyle will receive a Christmas present and become ambassador to NATO.

Why will the Prime Minister not show some leadership and put the Canadian people first above his friends and political appointments?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, Mr. Fowler is not a friend of mine. He has been a public servant for his whole career and he has served in a very distinguished fashion in many very important jobs in government. He received an appointment within the public service and he is a member of the public service.

It would be very difficult to claim that the leader of the former government, former prime minister Campbell, is a personal friend of mine. We spent about six months fighting each other, but I think she can fill this job with dignity.

As we have problems with the Americans in the cultural field and so on, the profile she has as a former prime minister will help her to have real access to help the Canadian cultural community to get its message through in Los Angeles. I was happy to name her.

In this case I do not know if Mr. Fowler ever voted for us but I know that Ms. Campbell did not vote for me in the last two elections.

* * *

● (1505)

TRANSPORT

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, one cannot help but be reminded of former Parliaments where either the reality or the appearance of scandal totally distracted opposition parties and the government of the day got away with what it was doing on the social and economic side.

I want to ask the Liberals not how they managed to get the Reform Party to focus entirely on General Boyle and not say anything about jobs, but what they are going to do about jobs.

To the minister responsible for Manitoba in the absence of the Minister of Transport, can the minister tell the House what is the government's commitment with respect to the future of northern Manitoba and the rail infrastructure there given the notice by CN that it wants to abandon the Sherridon sub?

Will the government get up in the House today and say it will not allow that to happen and it will not allow the people of the riding of Churchill to be devastated by what CN is able to do now thanks to Liberal deregulation and changes in Canadian transportation policy?

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I want to thank the hon. member for his question. He has been a hard working member of the transport committee. He pops in now and then and asks the right questions of government.

To be frank, the government took on a policy to do the right thing. CN now is a private company. CN is to make the tough business decisions that will need to be taken for the economic disciplines necessary in order to carry that company into a successful economic solid base in order to compete worldwide. If those decisions are going to be made, they are going to be made by a private company.

The government and this minister will always ensure that safety is the number one priority. Safety will be the utmost concern of the government and nothing will be done without the careful eye of the Minister of Transport, making sure safety is the number one issue for that company and any other railway company in the country.

* * *

EMPLOYMENT

Hon. Jean J. Charest (Sherbrooke, PC): Mr. Speaker, my question is for the Prime Minister.

He will remember that three years ago he and the Liberal Party of Canada ran on the issue of jobs. Here we are, three years later, with the highest consecutive period of unemployment, above 9 per cent, that we have had since the 1930s. In the meantime, his government has rejected out of hand any suggestion that the federal government cut taxes.

Today, the first day of the return of the House, I want to make a concrete suggestion to the Prime Minister and the government. Will he not recognize that the EI premiums will lead to a $5.5 billion surplus this year and $5.3 billion next year? That is a total of over $10 billion in tax on jobs. Will he not return the money to workers and small businesses in the country, cut taxes and create jobs as he promised to do three years ago?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the leader of the Conservative Party should remember that when we took over from the Conservatives the level of unemployment was 11.5 per cent. It is now at 9.4 per cent.

As far as the question of the employment insurance program, at that time the fund was in a very serious deficit of approximately $6 billion. As prudent administrators we want to build a surplus, but in the meantime we have managed to reduce the premium from $3.30

to $2.95. We are reducing the premium on a gradual basis. We have paid for the deficit which was established by the Tories. We are building a reserve because when it is an insurance scheme it is normal in business to have a reserve when there are better years.

That is exactly what we are doing. We are cleaning up the mess created by the Progressive Conservative Party.

• (1510)

The Speaker: We will proceed to tributes for William Marvin Howe, former member of Parliament, and Dr. Victor Railton, former member of Parliament. Then I will give my ruling on a question of privilege which was raised before we adjourned for the summer. We will now have tributes to William Marvin Howe, former member of Parliament for Wellington—Grey—Dufferin—Waterloo.

* * *

THE LATE WILLIAM MARVIN HOWE

Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, today we pay tribute to the late Marvin Howe, a member of Parliament in this House from 1953 to 1972. He was predeceased by his wife, the former Helen Ruth Blair.

We in the House extend our sympathy to his children Bill, Peter Marvin and his wife Doreen, Mary Ellen McNaught and her husband David, and Sandy and his wife Susan. We also extend our sympathy to his grandchildren and to his great grandchildren.

Marvin Howe was a graduate of Listowel High School and Toronto Teacher's College. After a short stint at teaching Marvin established a small business in Arthur, Ontario. Before coming to the House in 1953 he was reeve of Arthur, chairman of the local school board and a member of county council.

After he became the member of Parliament for Wellington—Huron he served on several committees in the House of Commons and was chairman of the transport committee on two occasions.

I remember him as one who got along well with other members and was always a jovial type of person. He served in Parliament under four prime ministers, the Rt. Hon. Louis St. Laurent, the Rt. Hon. John Diefenbaker, the Rt. Hon. Lester B. Pearson and the Rt. Hon. Pierre Elliot Trudeau.

During his tenure in the House between 1953 and 1972 there was considerable rapport among members of Parliament from both sides of the House of Commons. As a result members tended to get to know one another extremely well. That boded well for this institution. Regardless of the different party affiliations each of us realized the other person had some good community and national spirit to share. Marvin Howe was a hard working MP and was always a friend.

It is ironical that today we are paying tribute to two former members of the House, both of whom lived to be over 90 years of age. Marvin Howe was one who spent those years trying to help his neighbours and his country and we thank his family for sharing him with us for a long period of time.

[*Translation*]

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, I would like to add my condolences, and those of the other Bloc Quebecois members, to those expressed by the hon. member who has just spoken to the House honouring the memory of Mr. Howe. Our sympathy also goes out to his four children and his wife, Susan.

• (1515)

None of us sat with him, so we did not know him personally, but during my few years as a Conservative MP, I heard others speak of the good work he had done, especially at Transport.

His Conservative colleagues knew him to be a jovial man, with a great respect for others. After his involvement on the municipal and school board level, he served for several years here in the House of Commons. We salute him for his remarkable contribution and his commitment to the Canadian community.

[*English*]

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, I rise today to join hon. members of the Liberal Party and the Bloc Quebecois in remembering Dr. Victor Railton and Mr. William Marvin Howe.

Both men from Ontario dedicated years of their lives to the service of Canadians both in this place and in their communities. They were living examples of service above self. Their commitment to serving the public should be an inspiration to us all.

On behalf of the Reform Party I want to extend our sympathies and condolences to the families and friends of these two fine Canadians.

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, on behalf of the NDP caucus I would like to join with my colleagues in the House of Commons in honouring the memory and the service of former members of Parliament William Marvin Howe and Samuel Victor Railton.

It was mentioned earlier by the member for Renfrew—Nipissing—Pembroke that both these men lived to the ripe old age of 90. They were lives long and fully lived, fully lived in part because so much of their lives they gave to their communities in the form of their service in the House of Commons and in so many other ways.

I join with everyone here in honouring their service and extending condolences to their families.

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THE LATE DR. VICTOR RAILTON

Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, Dr. Victor Railton, whom we are fondly remembering today, was a great Canadian by virtue of his many achievements and his dedication to each cause he undertook.

Victor Railton was a no nonsense person when it came to getting a job done, but at all times he practised a sense of decency and was always considerate of other people's feelings. These qualities helped him to exercise excellent bedside manners as a physician and surgeon and also served him extremely well in carrying out his duties both here in the House of Commons and with his constituents during his tenure as a member of Parliament from 1972 to 1979.

He and his wife Ruth, who predeceased him in 1987, were highly regarded both on and off the Hill.

With regard to his academic background, Victor Railton graduated from Brantford Collegiate and then from the University of Toronto in medicine in 1929. He practised family medicine in Port Colborne, obtained a fellowship in surgery as a specialist and served brilliantly in the Royal Canadian Army Medical Corps from 1940 to 1945 as a surgeon in France, England, Belgium and Holland where he played a leadership role in field hospital work.

After he came home he practised surgery in Welland where he became chief of staff of the Welland County General Hospital. This outstanding Canadian served as chairman of the board of education for the city of Welland and was awarded the Centennial Medal in 1967.

He was a dedicated, talented person who led many fine community causes. He became a volunteer surgeon in Nigeria during the Biafran War in 1970.

In 1972 he was elected as the member of Parliament for Welland and was re-elected on July 8, 1974. He served as parliamentary secretary to the Minister of Veterans Affairs and served on several committees in the House. Dr. Railton always delivered well informed speeches in this House.

• (1520)

He is survived today by his wife Deirdre Railton, his sons Richard and James, and his daughters Jane and Eleanor. He is also survived by eight grandchildren and five great-grandchildren. We extend our sincere sympathy to all of them on this occasion. He was predeceased by his daughter Nancy, and three sisters. We thank his family for sharing the life of their wonderful father with us.

As an MP he was everybody's friend and adviser and indeed a doctor to many of his colleagues, including yours truly. It was not his nature to become rattled or upset in any way. He always had his feet planted firmly on the ground and his head on his shoulders.

Dr. Railton was a hardworking MP, a friend and a very congenial and jovial person at all times. Victor Railton was over 90 years of age when he passed away. Those 90 years were productive, dedicated and a fantastic service to his family, his community, his country and the international community.

Today as we pay tribute to this remarkable man, many members and aspirants to public office could well use his exemplary life to help them mould their own future.

We thank his family for sharing his life with us for the betterment of Canada.

[*Translation*]

Mr. Louis Plamondon (Richelieu, BQ): Mr. Speaker, I would also like to join the previous speaker in paying a short tribute to Victor Samuel Railton, who was from Welland. It is a pleasure to do so on behalf of the Bloc Quebecois and on behalf of all members, since this city is twinned with the city of Tracy in my riding. There is as a result a great deal of affinity with the people of my riding who have made several visits to this region. They did so at the time when Mr. Railton was a federal member, and I therefore hasten to offer my condolences to his children and grandchildren.

We greatly respect his work as a remarkable physician in hospitals, as a president of the school board and in many associations where he was very active, such as the Canadian Cancer Society, the Red Cross and the Canadian Arthritis Society. He also served our community and our nation well in the Canadian armed forces.

I would also like to recall what my colleagues told me. When I arrived here in 1984, when people referred to good speakers, those who were noted for exceptional content and the wealth of their vocabulary, Mr. Railton's name was often mentioned. I remember these references and also that people said he was a very tolerant man who showed the utmost respect for every member of the House.

We will remember his work as a member of Parliament, as a physician and as a citizen involved in the community of Welland. Again, we offer our sincere condolences to his family.

[*English*]

The Speaker: My colleagues, you will permit me to say a few words about Dr. Railton inasmuch as he was the member of Parliament for the riding which I presently represent.

Dr. Railton as was pointed out served as a participating member in many of the debates. He had a very special affinity for veterans

because he was one. I am reminded of a story. During the second world war in the Falaise gap Dr. Railton was performing surgery in a tent on our wounded soldiers and it came under fire. As a matter of fact the tent at one point was almost overrun by enemy soldiers. Dr. Vic Railton through all of that stayed at his post and continued his surgery until that area was retaken.

As members of Parliament, many times things happen to us nearby where doctors are just not readily available for one reason or another. I can recall in the 1970s, around 1977, when one of our members had a heart attack. We were all running around bumping into one another. Thank God Vic Railton was there because I do think that in that case it was a matter of life instead of death for one of our members.

• (1525)

Vic Railton was very highly regarded in our community of Welland. He served in various posts. He will be remembered more than anything because he was an accessible person. We are going to miss him in Welland. In the last few years he was not feeling very well.

May I, on behalf of the House, offer our condolences to his wife Deirdre, to his sons and daughters and to his many grandchildren and great-grandchildren.

I do not use the term loosely when I say that Vic Railton contributed a great deal to this House and a great deal to Canada both in war and in peace. To his remaining family we do extend our very sincerest condolences. We are going to miss him.

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PRIVILEGE

SECURITY INTELLIGENCE REVIEW COMMITTEE—SPEAKER'S RULING

The Speaker: On June 19, 1996 following the tabling of the first report of the Standing Committee on Justice and Legal Affairs entitled ''The Heritage Front Affair: Our View'', the hon. member for Surrey—White Rock—South Langley raised a question of privilege. She alleged that the standing committee's subcommittee on national security had been misled by the Security Intelligence Review Committee, which I will refer to as SIRC, in connection with the subject matter of this report and that SIRC had shown contempt for the House of Commons by knowingly providing inaccurate information to the subcommittee. Further, she argued SIRC had provided inaccurate information to the solicitor general thereby causing him to table an incomplete report in the House on December 15, 1994.

[*Translation*]

After hearing additional comments from the hon. member for Calgary Centre, the chief government whip, and the hon. member for Gander—Grand Falls, the Acting Speaker took the matter under advisement.

[*English*]

Before addressing the question of privilege itself, may I preface my remarks with a comment.

When members raise a question of privilege in the House, I take it as an extremely important matter, as I am sure all hon. members do. Privilege exists in this institution to ensure that members are able to carry out their duties without interference. A breach of privilege is so serious that we expect it to be brought to the attention of the House at the first opportunity. Then, if in the opinion of the Chair there is found to be a prima facie breach of privilege, the matter will be given precedence over all other business before the House. A motion will be moved by the member raising the question of privilege and it will be up to the House to decide what to do with the matter. That said, it must also be recognized that time is a precious commodity in this Chamber.

I would request therefore that when raising questions of privilege members keep both of those ideas in mind and attempt to explain the facts of their case as succinctly as possible. This should be done by indicating at the outset which privileges have been breached and how they have been breached, without entering into debate and repeating arguments either already made before the House or, as in the present case, contained in a committee report presented to the House.

[*Translation*]

Our tradition dictates that when matters of privilege arise out of the proceedings of a committee, the committee should report the matter to the House in order for the House to be seized with it.

Beauchesne's sixth edition citation 107 explains that breaches of privilege related to committee deliberations may be dealt with only by the House itself on report from the committee. Only in the most extreme circumstances would the Chair of its own volition deal with matters arising from the proceedings of a committee.

• (1530)

The standing committee has reported to the House on the Heritage Front affair. It has not, however, reported to the House that it views that any contempt has been made by Security Intelligence Review Committee in connection with the committee's study.

[*English*]

I have carefully reviewed the member's arguments. It appears the member clearly has a dispute as to the facts presented to the committee. However, in my opinion this is a matter for debate and not a question of privilege.

Should the member wish to return to the committee with the matter and the committee opt to report to the House on this aspect of the question, the House at that time may choose to deal with it.

In addition, the member for Surrey—White Rock—South Langley has placed on notice a motion for concurrence in the first report of the Standing Committee on Justice and Legal Affairs.

I respectfully suggest she will have ample opportunity to bring her concerns forward when this motion is moved for the consideration of the House.

[*Translation*]

I thank all hon. members for their participation in the discussion of this question of privilege.

[*English*]

The Acting Speaker (Mr. Kilger): I have the honour to inform the House that Mr. Chuck Strahl, member for the electoral district of Frazer Valley East, has been appointed as member of the board of internal economy in place of Mr. Jim Silye, member for the electoral district of Calgary Centre, for the purposes and under the provisions of chapter 42, 1st supplement, Revised Statutes of Canada, 1985, entitled an act to amend the Parliament of Canada Act.

ROUTINE PROCEEDINGS

[*English*]

EXPORT DEVELOPMENT CORPORATION

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, I am pleased to present a summary of the report to the Treasury Board on the Canada account operations for the fiscal year 1994-95 by the Export Development Corporation.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to section 36(8), I have the honour to table, in both official languages, the government's responses to 44 petitions.

FOREIGN EXTRATERRITORIAL MEASURES ACT

Hon. Lloyd Axworthy (for the Minister of Justice, Lib.): moved for leave to introduce Bill C-54, an act to amend the Foreign Extraterritorial Measures Act.

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

* * *

PETITIONS

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have two petitions. The first comes from Calgary, Alberta. The petitioners draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which is not recognized for its value to our society.

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

ALCOHOL CONSUMPTION

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

• (1535)

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

The Acting Speaker (Mr. Kilger): Colleagues, I ask for your co-operation before continuing with petitions. The Chair had been given notice by one of our colleagues, the hon. member for Mount Royal, to introduce a private member's bill. I see she is at her place.

Could I have consent to allow the hon. member to table her private member's bill and then we will revert immediately to petitions?

Some hon. members: Agreed.

* * *

NATIONAL HERITAGE DAY ACT

Hon. Sheila Finestone (Mount Royal, Lib.) moved for leave to introduce Bill C-323, an act respecting national heritage day.

She said: Mr. Speaker, thank you for being so gracious. I have the honour to introduce in both official languages a bill to celebrate Canadians' attachment to their dynamic history by declaring national heritage day an official holiday.

As our nation evolves we need the opportunity to take pride through knowledge and enable understanding through appreciation of the diverse peoples who have built our country.

[*Translation*]

Since 1974, Canadians in all provinces have recognized the third Monday of February as National Heritage Day. Let us take the time to appreciate their history, so rich and diverse, in the middle of the winter, a season that both defines and challenges us.

[*English*]

In the words of our Prime Minister, maturity may be recognized in a nation when its people take thought of their past. This bill reflects the maturity of our country, gives us food for thought and the opportunity to rejoice in our good fortune to live in this very special land by making national heritage day a legal holiday throughout Canada.

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

* * *

PETITIONS

JUSTICE

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, I rise to present this petition on behalf of constituents and concerned parents across the country who support the effort to create a national pedophile registry.

The petitioners I represent are concerned about making our streets and homes safer for our children and they are opposed to the current status quo in the screening of pedophiles within our communities.

The petitioners pray that a federally implemented pedophile registry be established in order to help better protect our children.

HEALTH CARE

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition signed by residents of York North.

The petitioners draw to the attention of the House that Canadians of all ages view our health care system as a defining element of Canadian society.

The petitioners further draw to the attention of the House that the red book, ''Creating Opportunity'' states that a Liberal government will not accept attempts to gut the medicare system.

The petitioners therefore call on Parliament to continue to uphold the fundamental principles of the Canada Health Act so that public health care remains accessible, comprehensive, portable, universal and publicly administered.

BILL C-205

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, pursuant to Standing Order 36, it gives me pleasure to present four petitions from the Airdrie area, other parts of Wild Rose as well as the Three Hills area from an adjoining constituency regarding four different issues.

First, the petitioners pray that Parliament enact Bill C-205, introduced by the hon. member for Scarborough West, at the earliest opportunity to provide in Canadian law that no criminal profits are obtained from committing a crime.

HUMAN RIGHTS

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the second petition pertains to the human rights code, the human rights act and the charter of rights and freedoms, opposing the approval of same sex relationships or the inclusion of the undefined phrase sexual orientation. I know this has already passed, but they object to that through this petition just the same.

• (1540)

ASSISTED SUICIDE

Mr. Myron Thompson (Wild Rose, Ref.): In the third petition, Mr. Speaker, the petitioners call on Parliament to reject any proposal of legalized doctor assisted suicide in Canada.

ABORTION

Mr. Myron Thompson (Wild Rose, Ref.): In the fourth petition, Mr. Speaker, the petitioners call on Parliament to exercise its authority and enact legislation halting abortion.

I am pleased to present these petitions on behalf of constituents of Wild Rose.

VICTORY HILL

Mrs. Beryl Gaffney (Nepean, Lib.): Mr. Speaker, I have three petitions to present.

The first is from 25 petitioners in the Nepean. Whereas the property known as Victory Hill was accorded to veterans of World War II in appreciation of their contributions to this great victory, and whereas the National Capital Commission has served notice to the residents of Victory Hill of eviction in order to demolish their homes at a cost to the residents, wherefore the undersigned petitioners humbly pray and call on Parliament to take the actions necessary to reaffirm its commitment to the war veterans of Canada by withdrawing eviction and demolition notices to residents of Victory Hill.

IMPAIRED DRIVING

Mrs. Beryl Gaffney (Nepean, Lib.): The second, Mr. Speaker, is from 50 petitioners, mostly in Nepean, who pray and request that Parliament proceed immediately with amendments to the Criminal Code that will ensure that the sentence given to anyone convicted of causing death by driving while impaired carries a minimum sentence of seven years and maximum of fourteen years as outlined in private member's Bill C-201 sponsored by the hon. member for Prince George—Bulkley Valley.

The third petition, Mr. Speaker, is on the same matter signed by 75 petitioners.

NEWFOUNDLAND

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, pursuant to Standing Order 36, I rise today to present two petitions on behalf of the constituents of Prince George—Peace River and specifically from the city of Dawson Creek.

The petitioners pray and request that Parliament not amend the Constitution as requested by the Government of Newfoundland and refer the problem of educational reform in that province back to the Government of Newfoundland for resolution by some other non-constitutional procedure.

BILL C-7

Mr. Werner Schmidt (Okanagan Centre, Ref.): Mr. Speaker, I rise to present a petition in accordance with Standing Order 36. It has to do with Bill C-7.

The petitioners suggest that although herbs, botanicals and natural extracts and other natural remedies are not explicitly mentioned in Bill C-7, it is ambiguous. For that reason the petitioners herewith call on Parliament and the parliamentary subcommittee to either drop the bill or implement wording that would clearly protect the traditional use of classic herbs and the right of Canadians to use the herbal remedies of their choice.

FOREIGN TRAINED PROFESSIONALS

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, I have three different petitions and pursuant to Standing Order 36 it is my honour to table them.

The first one is regarding newcomer veterinarians and other highly skilled professionals who are shut out of their professions by licensing bodies that protect their market from the entry of foreign trained professionals. Whereas there is no federal or provincial program to assist foreign trained veterinarians to enter the profession where there is a high demand in most provinces, the petitioners call on the Government of Canada to help integrate foreign trained veterinarians into the profession, reduce the power to restrict entry into the fields granted to the licensing bodies, remove all barriers that prevent foreign trained veterinarians from competing in a free and open labour market and create a national body that can assess foreign credentials and grant licences based on its findings.

NATIONAL AIDS STRATEGY

Mr. Jesse Flis (Parkdale—High Park, Lib.): The second petition, Mr. Speaker, is 17 sheets of names asking Parliament to urge the Prime Minister and the health minister to commit to a renewal of the national AIDS strategy. These are in addition to the many petitions I tabled prior to summer break on the same subject.

TAIWAN

Mr. Jesse Flis (Parkdale—High Park, Lib.): The third petition, Mr. Speaker, urges the Government of Canada to urge the Government of China to enter into meaningful dialogue with the Government of Taiwan at the highest levels such as through their respective foreign ministries with an eye toward decreasing tensions and resolving the issue of the future of Taiwan.

BILL C-205

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, I have two petitions today that specifically ask Parliament to enact Bill C-205 introduced by the hon. member for Scarborough West. It is a bill that would prevent criminals from profiting from the heinous crimes which they have committed.

• (1545)

These petitions are from people in my constituency of Macleod and I am proud to present them.

NATIONAL AIDS STRATEGY

Mr. John O'Reilly (Victoria—Haliburton, Lib.): Mr. Speaker, it is my pleasure, pursuant to Standing Order 36, to present a petition calling on Parliament to urge the Prime Minister and the Minister of Health to commit to a renewal of the national AIDS strategy at least at its current level of funding.

CRIMINAL CODE

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present two petitions. They come from people in my riding who are very concerned about the lenient way in which the courts are handling people who choose to drink and drive and as a result kill.

The first petition is signed by several hundred petitioners who pray and request that Parliament proceed immediately with amendments to the Criminal Code which will ensure that the sentence given to anyone convicted of driving while impaired or causing injury or death while impaired does reflect both the severity of the crime and zero tolerance by Canada toward this crime.

The second petition is signed by several thousand petitioners from British Columbia. They basically want Canada to embrace a philosophy of zero tolerance toward individuals who drive while impaired by alcohol or drugs.

The petitioners pray and request that Parliament proceed immediately with amendments to the Criminal Code which will ensure that a sentence given to anyone convicted of impaired driving causing death carries a minimum sentence of seven years and a maximum sentence of 14 years, as outlined in private member's Bill C-201, sponsored by Richard Harris, MP for Prince George—Bulkley Valley.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 29, 33, 34, 40, 41, 51, 54, 55 and 59.

[*Text*]

Question No. 29—**Mr. Wells:**

Have any tenders been awarded in the last twelve months by Public Works Canada, that were not accompanied by a deposit cheque, where the terms of the tender stated ''a certified cheque payable to the Receiver General for Canada in an amount equal to 10% of the price offered must be submitted as a deposit with the offer to purchase'' and, if so, why?

Hon. Diane Marleau (Minister of Public Works and Government Services, Lib.): Insofar as Public Works and Government Services Canada is concerned, no tenders have been awarded in the last twelve months that were not accompanied by a deposit cheque, where the terms of the tender stated that ''a certified cheque payable to the Receiver General for Canada in an amount equal to 10% of the price offered must be submitted as a deposit with the offer to purchase''.

Question No. 33—**Ms. Bridgman:**

With regard to the increasing use of Electric Shock Treatment (ECT) in Canadian hospitals and, specifically, in British Columbia hospitals, what: (*a*) are the numbers by province, by sex, and by age groups of people receiving ECT annually across Canada for the past ten years; (*b*) is the number of patients by age group who died while undergoing the ECT procedure, within fourteen (14) days of treatment, and within one (1) year of treatment; (*c*) is the cost of ECT in Canada including the cost of the shock and all related costs such as anaesthesia, associated pharmaceutical treatment, and hospitalization; (*d*) federally-funded psychiatric research involves the use of ECT especially with regard to senior citizens; and (*e*) psychiatric conditions appear to make ECT the treatment of choice?

Hon. David Dingwall (Minister of Health, Lib.): a) & b) Questions regarding the frequency of ECT use in British Columbia (B.C.), and outcome, should be referred to the B.C. Ministry of Health.

As for national statistics, Statistics Canada keeps information on procedures in general hospitals but not in psychiatric hospitals. They have advised us that:

(1) The information requested is not available ''off the shelf''. A user fee would be levied by Statistics Canada for analysis of the data.

(2) It may be possible to produce figures showing the number of general hospital separations following ECT in the past 10 years, broken down by province, age group and sex.

(3) It may also be possible to determine how many of these separations were discharges of living patients and how many were deceased.

(4) Before 1992-93, the absence of personal identifier data precluded the determination of the link between the number of separations and the number of patients involved: e.g., whether the same patient was (admitted and) discharged 5 times or whether, in the other extreme, five separations involved five different individuals.

(5) The following questions cannot be answered using Statistics Canada data: (i) total number of people receiving ECT annually for the past 10 years (because data exclude psychiatric hospitals, and data prior to 1992/93 relate only to separations, not individuals, as noted above); (ii) number of patients who were given ECT and who died within 14 days or one year of treatment (all that could be obtained are the number of separations of living patients and the number of deceased, in the same year that ECT had been administered in a general hospital, but the causal link could not be established).

c) There have not been any comprehensive Canadian studies on this issue. Statistics Canada have advised that they keep data on the number of separations following the administration of ECT in general hospitals (as above) and the average cost of a day of care in hospital, but the number of hospitals days actually attributable to ECT would not be known. As well, unknown is the cost of a day in a general hospital attributable to ECT administration compared to the average cost of a day in hospital for any treatment.

The interpretation of any cost study should include an estimate of the costs, both direct and indirect, of alternatives to the use of ECT for the severe conditions for which it is administered [see response to question (e)].

d) The only federally-funded research identified by the Medical Research Council (MRC) and by Health Canada's National Health Research and Development Program (NHRDP) was a three-year study at the University of British Columbia, currently funded by MRC, entitled ECT-induced Prolactin Release, the Mechanism of Action of ECT and Clinical Outcome.

e) According to the 1992 position paper of the Canadian Psychiatric Association on ECT, the main diagnostic indications for ECT include major depression, bipolar disorder, non chronic schizophrenia (especially when affective or catatonic symptomatology is prominent), schizoaffective disorder and schizophreniform disorder.

The decision to use ECT in the treatment of an individual patient is a medical one, based on the psychiatrist's assessment of the patient's illness and an evaluation of the merits of ECT versus alternative treatments. It involves a process of informed consent. The decision is based on factors, in addition to diagnosis, such as

the patient's prior treatment response, the severity of the disorder, the relative need for rapid response to treatment (e.g., when the patient is suicidal), the risks and benefits of ECT in comparison with other appropriate treatments and the patient's preferred treatment modality).

Additional questions on this subject may be addressed to the Canadian Psychiatric Association, 200-237 Argyle Avenue, Ottawa, Ontario K2P 1B8.

Question No. 34—**Mr. Althouse:**

Which Canadian institutions or agencies does the government consider to be ''state trading entities'' for purposes of the GATT negotiations which begin in 1999 and have departmental officials received such a list?

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): The Canadian Government considers the following to be State Trading Enterprises (STEs) for the purposes of the GATT 1994, and, in accordance with the requirements under GATT Article XVII, has submitted notifications on them to the World Trade Organization (WTO):

—Freshwater Fish Marketing Corporation;
—Canadian Wheat Board;
—Canadian Dairy Commission;
—Provincial Liquor Boards.

The Canadian Government has not, therefore, ''received'' any list; rather, the Government has compiled its list of STEs as shown above, and has submitted the required notifications to the WTO.

In addition, it has been determined that, in order to complete the list, Canada should also submit a notification on the Ontario Bean Producer's Marketing Board; this will be completed in the near future.

Turning to the 1999 negotiations referred to in this Question: In the Uruguay Round, WTO Members reached an Agreement on Agriculture which establishes binding commitments in the following key areas: market access; domestic support; and export subsidies. There are no provisions in the Agreement on Agriculture relating to STEs. Members agreed to resume negotiations on the Agreement on Agriculture in 1999.

Question No. 40—**Mr. Simmons:**

With respect to the plain and generic packaging component of the Tobacco Demand Reduction Strategy: (*a*) is Health Canada continuing to study the effectiveness of plain packaging in reducing the uptake and consumption of tobacco products; (*b*) does Health Canada currently have evidence of the impact, either positive or negative, that plain packaging of tobacco products would have on tobacco uptake and consumption; and (*c*) when the federal government puts forward legislative measures to ban advertising of tobacco products as outlined in the Blueprint document of December, 1995, will the packaging of tobacco products be subject to control?

Hon. David Dingwall (Minister of Health, Lib.): a) At this time Health Canada's priority is to fill the gap in the federal tobacco control strategy resulting from the Supreme Court ruling. With respect to plain packaging, Health Canada is evaluating the international trade, legal and economic issues surrounding this possible legislative measure.

b) Health Canada commissioned an Expert Panel to conduct a series of studies on plain packaging. The Expert Panel released its report entitled, When Packages Can't Speak: Possible impacts of plain and generic packaging of tobacco products, in March 1995. These studies with other published research on plain packaging are being evaluated.

c) Packaging is an important element of the marketing strategies of the tobacco companies. Measures have been proposed in the Blueprint to control aspects of packaging. Legislative options regarding the control of packaging are being considered.

Question No. 41—**Mr. Simmons:**

With respect to Canada's Drug Strategy: (*a*) has this Strategy achieved its objective of reducing the demand for substances and the associated social, medical and economic costs; (*b*) will this initiative be renewed; and (*c*) what federal actions will continue to be taken for youth, women, seniors, and off-reserve Aboriginal people?

Hon. David Dingwall (Minister of Health, Lib.): The government is now evaluating the results of Canada's Drug Strategy (CDS). This work will be completed in March 1997. In the meantime, the government knows from the results of the second national survey on alcohol and other drugs issues conducted in the Fall 1994, there has been a decrease in the number of Canadians who drink alcohol, since 1989. Similarly there has been a reduction in the percentage of people who drive after consuming two or more drinks in the previous hour, and a reduction in the use of some illicit drugs. The findings of the CDS evaluation will guide decisions regarding future initiatives to reduce substance abuse. The evaluation will look at the harm caused by alcohol and other drugs and at the extent to which the needs of youth, women, seniors and off-reserve Aboriginal people with regards to substance abuse have been addressed.

The Standing Committee on Health is currently undertaking a study to review Canada's drug policy. The Committee plans to study substances that have the potential to cause harm to individuals when abused or misused, including legal drugs such as those contained in alcoholic beverages, tobacco products, solvents and prescription drugs as well as illegal drugs such as cannabis, heroin and LSD.

Question No. 51—**Mr. Breitkreuz (Yorkton—Melville):**

For each of the last 10 years, how many Royal Canadian Mounted Police (RCMP)-owned service revolvers, pistols, rifles, shotguns and tactical weapons have been destroyed by the government, and why is the government planning to destroy approximately 178 rifles, 136 pistols and 22,000 revolvers in 1995-96, and (*a*) what is the fair market value for these firearms as collectors' items or as historical artifacts, and

(*b*) why does the RCMP remove or obliterate the corporate markings, such as ''RCMP'' or ''MP'', which reduces the market value and historical significance of these firearms, and (*c*) why are these firearms not traded-in for newer weapons or offered for sale to individual firearm owners who are authorized by the RCMP to own these types of firearms?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Insofar as the Ministry of the Solicitor General of Canada and its agency is concerned, the answer is as follows:

ROYAL CANADIAN MOUNTED POLICE (RCMP)

Information from RCMP computerized records from June 1991 to June 1995 indicates that the RCMP has destroyed the following types and quantities of RCMP-owned firearms:

Rifles—183
Gas Guns—21
Pistols—35
Revolvers—391
Shotguns—13
Tactical weapons (Submachine guns)—13

The majority of these firearms were destroyed because they were no longer serviceable or were not economical to repair. Information from (paper) files prior to 1991, is no longer available. Files were destroyed in accordance with schedules established for the retention of such documentation. Information was not kept specifically for statistical purposes.

The RCMP is also in the process of destroying an additional 178 rifles, 136 pistols and 22,000 revolvers, which the RCMP considers obsolete or surplus to its requirements.

Current Public Works and Government Services Canada (PWGSC)/Crown Assets Distribution Directorate (CADD) policy governing the disposal of firearms only allows for the sale of serviceable weapons on a government-to-government basis, or destruction. CADD also views the trade-in of firearms as another form of ''sale''. The RCMP did not pursue the possibility of trading in its .38 calibre revolvers or other firearms because it was not clear what degree of control the RCMP would have over the final disposition of those firearms, once they were turned over to the purchaser (in most cases a firearms distributor acting on behalf of a manufacturer).

The Solicitor General of Canada and the Commissioner of the RCMP recognize that both public opinion and government policy strongly support stricter gun control and initiatives that reduce the proliferation of firearms in society. The RCMP chose to lead by example and not pursue the authority to trade-in or sell its obsolete firearms to any firearms distributors or individuals for collection purposes. As no sale or disposal is being considered, it is difficult to speculate on the fair market value of the firearms as collectors items or as historical artifacts.

Question No. 54—**Ms. Meredith:**

Could the Minister of Citizenship and Immigration list all special immigration centres established in Canada and overseas for the review of written applications for entry to Canada and for the determination of entry visas without oral examinations?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): In Canada, there are two case processing centres which deal with applications for entry to Canada. They are Case Processing Centre (CPC) in Vegreville and Case Processing Centre (CPC) in Mississauga. In April 1994, CPC Vegreville became the centralized point of processing for all visitor and immigrant applications from within Canada. CPC Mississauga is the national case processing centre for all overseas sponsorships.

Overseas, the Area Processing Centre (APC) in Buffalo, New York reviews and processes written visa applications from residents of the U.S.A.

By next year, Citizenship and Immigration Canada (CIC) will have less than 30 missions abroad which receive immigrant applications and screen them to determine whether a selection decision can be made solely on the basis of written information provided by applicants. Interviews are conducted only when the information provided is insufficient to properly assess an application or when the reliability of the information is in doubt.

The same principles apply to visitor, student and temporary worker cases, with the caveat that clients often submit these applications in person. Whenever possible, missions screen in-person visitor applications on a priority basis and conduct client interviews, if required, on the spot. Most in-person visitor visa applications are finalized on the day they are received, thus providing optimal service to clients.

Question No. 55—**Ms. Meredith:**

Could the Minister of Citizenship and Immigration explain the circumstances under which entry visas are granted without oral examinations for all immigrant categories and for temporary entrants other than visitors?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Whenever possible, missions finalize immigrant and non-immigrant (e.g. student, temporary worker) visa applications on the basis of objective evidence contained in documentation provided by the client. Interviews are convoked only when needed to deal with more subjective issues such as intention or credibility or to clarify ambiguous issues related to the documentation. Employing risk management principles, the visa office which receives the application determines whether a client interview is needed.

Because some types of cases are more easily resolved through documentation than others, interview waiver rates vary between application categories. For example, interviews are waived in a high percentage of spousal applications. Refugee applicants are systematically interviewed to determine their eligibility as ref-

ugees under the United Nations Convention and their admissibility to Canada as permanent residents.

Interview waiver rates also vary between visa offices. The incidence of fraud and the availability, quality and reliability of documentation vary from place to place.

In 1995, about 45 percent of the immigrant cases were finalized without an interview. Risk management practices are continually assessed and reassessed through quality assurance measures and this percentage will likely continue to increase. In no way, however, are these practices implemented at the expense of the integrity of the immigration system.

Question No. 59—**Mr. Simmons:**

In reference to the Atlantic Canada Opportunities Agency, what action is the federal government taking in response to the claims made by the Auditor General in his November 1995 Report to Parliament, that, (*a*) with respect to the Action Program and Fisheries Alternatives Program, there were ''weaknesses in assessing key economic development criteria—and weaknesses in monitoring project progress and results''; and (*b*) with respect to the COOPERATION Program, ''the agreements—have broad eligibility criteria and objectives that are not clearly linked to program objectives'' and ''information on project activity and results is not maintained in a consistent manner?''

Hon. Lawrence MacAulay (Secretary of State (Veterans) (Atlantic Canada Opportunities Agency), Lib.): Insofar as the Atlantic Canada Opportunities Agency (ACOA) is concerned, a number of steps have been undertaken to respond to the concerns expressed by the Auditor General (AG) in his November 1995 report to Parliament.

—ACOA's multi-year plan emphasizes results measurement in response to the AG report. This will be reflected in the Agency's second five-year report to Parliament. The plan incorporates improvements in the Agency's program information and reporting structure;

—ACOA has commenced the development and application of intermediary indicators which link mandated objectives of jobs and earned incomes to the Agency's program and project activity. The Agency is also evaluating its non-commercial activities to improve knowledge regarding their economic impact. These indicators relate to several key economic criteria which will guide the measurement of Agency programming success;

—ACOA continues to undertake periodic surveys as a means of identifying trends in employment and commercial achievement. The establishment of Economic Benefits Monitoring Policy and Procedures will become a guideline for all of ACOA's program activities;

—ACOA is laying the ground work for successful monitoring and evaluation by developing and implementing evaluation frameworks for all of the Agency's major program activities and by assigning responsibilities and accountability for evaluation and monitoring;

—Quality Assurance Reviews, which are being done annually, will help ensure that monitoring efforts take place and results measurement indicators are applied consistently, and;

—A statistical sampling approach to monitoring projects is also being developed. A pilot project is underway and full application is anticipated for the near future.

[*English*]

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QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if questions Nos. 17, 27, 30 and 50 could be made Orders for Return, these returns would be tabled immediately.

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

Some hon. members: Agreed.

[*Text*]

Question No. 17—**Mr. Harper (Calgary West):**

How much advertising was purchased (in time and in dollars), from which T.V. stations, radio stations, newspapers and/or magazines, located in which hamlets, towns, or cities, by the Department of Defence in 1994 and 1995?

Return tabled.

Question No. 27—**Mr. Allmand:**

With respect to Team Canada's trips to China, Latin America and Southeast Asia, how many contracts for Canada have been thus far concluded, what is the name of the company in each case, what is the subject and value of each case, and how many jobs are created in Canada in each case?

Return tabled.

Question No. 30—**Mr. Schmidt:**

For each of the last 15 years, what grants, contributions, and/or loan guarantees made, either through a crown corporation, department, and/or agency of the government did each of the following companies receive: Air Canada, Bombardier Inc., Canadair, De Havilland, and Airbus Industrie, specifying the source and value of the grant, contribution, and/or loan guarantee, date made, reason(*ros) for providing the assistance, and present status of the grant, contribution and/or loan guarantee (whether repaid, partially repaid, or unpaid-including the value of the repayment)?

Return tabled.

Question No. 50—**Mr. Caccia:**

How many fossil fuel energy projects in foreign countries have been funded by the Export Development Corporation (EDC) and/or the Canadian International Development Agency in the last five years, what is the total amount of funding for these

fossil fuel energy projects, where are they located, and what percentage of the respective organization's total budget do they comprise?

Return tabled.

[*English*]

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

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL CODE

The House resumed consideration of Bill C-45, an act to amend the Criminal Code (judicial review of parole eligibility) and another act in consequence thereof, as reported (without amendment) from a committee; and of motions.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would like to make the following comment. I listened religiously to what both the government and the Reform Party had to say about this amendment to section 745. From what I can see, the government paid some attention to our suggestions, as the speech I heard went, in large part, along the same lines as what we have always said about this amendment.

What baffles me somewhat is the Reform line where they seem to put everything in a jumble and even go in for some disinformation. I do not wish to dwell on this but what I have heard said to spook people was so gross that I must at least give you one example among many. The hon. member said, referring to the Paul Bernardo case: ''It is terrible; he could apply for parole in 15 years''.

I would remind members that this individual was declared a dangerous criminal and, as such, will not be able to take advantage of section 745 of the Criminal Code.

I think that the Criminal Code already goes a long way towards addressing the Reform Party's claims and concerns about public safety. But the Criminal Code must be considered globally, as it applies to parole as well as to the concept of dangerous criminal, a relatively new concept that the courts, yielding to public pressure, will eventually enforce. After all the judges live in the same world as we do.

• (1550)

This concerns me because the Criminal Code forms a whole. And I have a problem with the amendment the Minister of Justice wants to make to section 745 of the Criminal Code. The minister is trying to respond to public pressure or to in-house polls we do not have, which probably show how the population is increasingly moving to the right. Perhaps the minister is thinking: if I want to score political points with the voters in this regard, I should tighten the screw.

I think that the Minister of Justice is acting irresponsibly by simply going ahead and amending section 745, as it is a very important section of the Criminal Code. This section is a link in the chain of the prison system. It did not come out of nowhere. Everything hangs together in the Criminal Code and in the philosophy we have defended in this country, whose evolution Quebecers have done a great deal to bring about. Section 745 is already aimed at protecting the public and rehabilitating criminals.

True, this section was adopted 20 years ago. You may recall that many moving speeches were made in this House during consideration of section 745 as the bill was aimed at abolishing capital punishment. However, the arguments put forward by the minister today to speed up the legislative process are designed to hide his failure to plan a piece of legislation originating from his own department. Instead of thinking about how to muzzle the people of Quebec, which is moving toward sovereignty, the minister should perhaps stop and think for a few minutes about what he could do in his own department to design a bill that provides for the rehabilitation and social reintegration of criminals while at the same time protecting the public.

In this regard, as I was saying earlier, section 745 already protects the public, which is entitled to the protection it seeks. So this is not a real problem. True, it is fashionable today to adopt extremist positions in order to win some votes votes in English Canada, but this must not be used as an excuse.

In fact, if we read documents from the department, and also some newspaper articles, we can see that the proposed amendments to section 745 are primarily motivated by the case of serial killer Clifford Olson who, under this provision, has the right to apply for his release.

The minister seems to be have been caught off guard by this case. Yet, we have known for 15 years that, on August 12, 1996, this criminal would have the right to invoke section 745, but the minister did not do anything. Now, at the last minute, he wants to quickly pass an amendment on the grounds that we cannot allow this criminal to use section 745. We have known for 15 years that this criminal would invoke section 745; all criminals do so. However, not all of them see their application approved.

In its present form, section 745 provides some security and I have no doubt that, if we apply this section and instruct the jury in an appropriate manner, this criminal will not get what he is seeking to obtain through section 745. But the section must be applied. We have to give the jury a proper opportunity to make a decision.

The Bloc Quebecois made a number of observations regarding section 745, including three in particular, which have led us to propose, as did the hon. member for Bellechasse, motions to amend three clauses of this bill.

• (1555)

First, we believe in rehabilitation. However, the amendments to section 745 of the Criminal Code put such restrictions on the scope of the judicial review that this review will exist only in theory. Indeed, the requirement for a unanimous decision by the jury makes it almost impossible for an applicant to get a positive response to his or her application for a judicial review, since a single juror could block the whole process.

The second reason we oppose these changes is that they remove the right of multiple murderers to apply for judicial review. It is completely arbitrary and unfair. In the field of justice, in the field of crime, there is no formula by which someone who has committed a murder has certain rights, whereas someone who has committed two murders does not have those rights. All this must be looked at in its context. It is because of the system as a whole that there is a history to the administration of justice, with the result that if we amend a section here and a section there, we may change the rules of the game, with disastrous consequences.

The third reason we are against the proposed changes is the introduction of a new concept in the Criminal Code, the so-called reasonable prospect that the judge must consider. I think that further study and closer examination of this new concept in the Criminal Code are indicated.

We have nothing against reviewing a section 20 years after it was passed. What we are saying is that we should take more time to analyse the changes, listen more carefully to what the public wants. We should listen to what the experts who will be applying this section can tell us about what direction to take in amending section 745, something the minister is not doing now, in his haste to proceed.

It must be remembered that the first reading of Bill C-45 took place on June 11, 1996. We adjourned for the whole summer, and today, the first day of our return, we are already at the report stage. What is the rush? Why change such an important section in the Criminal Code? Let us take the time to examine section 745 and to listen to the experts who will be applying it.

That is why the member for Bellechasse, a member of the Bloc Quebecois, has at least presented amendments. I say at least, because this point should be studied further. But at this stage, I think that the unanimity rule is the most important rule that must be blocked. We must not vote in favour, and the amendment proposed by the member for Bellechasse changes unanimity to three quarters of the members of the jury, so that nine out of 12 will make the decision on whether or not to apply section 745, instead of the unanimous decision that the minister is calling for.

If the minister wants to be clear about what he is doing, if he is against section 745, then let him follow the lead of the Reformers and make up his mind to repeal it. But if he believes in rehabilitation, if he believes in section 745, I think that he should at least receive the amendments proposed by the member for Bellechasse to change the requirement from unanimity to three quarters of the members of the jury.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I rise today to speak against the motions which have been introduced. These motions are for the purposes of amending Bill C-45, an act to amend the Criminal Code, judicial review of parole ineligibility and another act.

There are six motions on the Order Paper. Three have been introduced by the hon. member for Bellechasse and three have been introduced by the hon. member for Kingston and the Islands.

However, as I am sure the hon. members will have observed, all six motions come down to the same thing. All of them seek to change the proposed amendment in Bill C-45 that would require that a section 745 jury be unanimous in order to grant an offender a reduction in his or her parole ineligibility period.

• (1600)

As anyone who has followed the debates on this issue will know, at present section 745 allows a review jury to reduce an offender's parole ineligibility period with a two-thirds vote, or 8 members out of 12 on the jury. In Bill C-45 the government proposes to change that standard from two-thirds of the jury to unanimity so that all members of the review jury reviewing section 745 applications must agree in order to reduce the ineligibility period for parole.

The motions before us today seek to do is to replace the government's proposed standard of 12 votes out of 12 in order to reduce the parole ineligibility period, with a lower standard of 10 votes out of 12, in the case of the motions introduced by the hon. member for Kingston and the Islands, and 9 votes out of 12 in the case of motions introduced by the hon. member for Bellechasse. These motions then would provide a standard that is somewhat higher than that under the current law but is still significantly lower than the standard proposed by Bill C-45.

When the government introduced Bill C-45, its aim was among other things to strengthen the role of the community jury in section 745 proceedings by strengthening the statement made by the jury in making their decision. In those cases where the jury decides to reduce the offender's parole ineligibility period, under the government's amendments it could only be done by unanimous decision,

the strongest possible statement by a jury of ordinary Canadians drawn from the community.

In addition, the government's intention was to return to the time honoured standard in our criminal justice system that a jury's verdict must be unanimous. The standard for conviction or acquittal in the Canadian justice system is and always has been that the jury must be unanimous in their decision. Why, I would ask, would the standard be anything less for a section 745 application?

Perhaps it would help to recall that section 745 is an exceptional mechanism under which a person convicted of the most serious offence in the Criminal Code may obtain a grant of clemency with respect to their parole ineligibility period. Why should an offender not have to convince all members of the jury that he or she deserves to have his or her parole ineligibility period reduced in order to obtain such a grant of clemency? A unanimous decision by the review jury is a clear statement that the offender deserves clemency.

I have already noted that there is a difference between the hon. member's motions with respect to this bill in terms of the number at which they would place the standard. One set of motions would establish the standard at 9 while the other set of motions would establish the standard at 10. The current standard is at 8.

More than anything else it seems to me that this difference points to the complete arbitrariness involved in establishing a standard short of unanimity. Should it be the current regulations which is 8 votes, or should it be set at 9, 10 or even 11? What possible rationale is there for establishing any of these standards?

In the face of this conundrum the government has proposed in Bill C-45 that we utilize the only sensible standard, the time honoured standard of our criminal justice system: the standard that requires that the verdict of the jury be unanimous.

For all of these reasons the government cannot accept these changes to Bill C-45. Therefore, I would ask that hon. members defeat these motions.

During my comments made with respect to these motions which are restricted to reducing the proposed standard for the jury at unanimity in reaching a decision to 9 or even 10 votes, I have restricted my comments very specifically to those issues. I will be speaking again in general terms with respect to Bill C-45 and particularly section 745 of the Criminal Code at third reading.

● (1605)

In wrapping up, we cannot accept these changes as proposed in these motions. I ask hon. members to defeat these motions.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it gives me pleasure to rise today to speak to this bill and its amendments. I hope I can reflect something that has never been reflected in this House by the opposition party or by the party in power, that is, the concerns, the worries and the cares of the victims of crime.

We do a lot of concentrating. We hear a lot of messages about rehabilitation, all the good things we need to do for the criminals of our land, but we do not hear much about the victims. I hope to speak on their behalf first of all by opposing the amendments to this bill and later by opposing the bill in total.

I could never support any amendment to Bill C-45 unless it was the total and unequivocal repeal of section 745 of the Criminal Code. Over the years we have asked ourselves what is a fair or just penalty for the murder of an innocent person. In my opinion, the answer of a mere 15 years is not a just penalty. The problem is there are a select few out there who do not agree and they have proposed legislation in the form of section 745 and Bill C-45.

I find it appalling to hear a comment that if a person has taken the life of another on purpose, in cold blood and planned it and is put behind bars for life, that it is a wasted life. May I remind members of the House that the wasted life is the victim of that individual and the victim's family and friends. They are the victims. That is what we need to be addressing here.

Until now the Canadian people trusted those they elected to make proper decisions in their best interests when it came to the justice system. Unfortunately, Canadians have started to realize that their trust has been misplaced and that some of the decisions are not made in their best interests.

All we have to do is look to the many relatives and friends of murdered Canadians who say they thought that when an offender was sentenced to life that meant life with no chance of parole for 25 years. That is what they thought.

I cannot imagine the tremendous pain a family must endure when they learn that the criminal who took their beloved family member is now eligible to be released from prison after a mere 15 years.

We now know that in the next 15 years, over 600 families will encounter this same pain. Under Bill C-45 this pain will continue. Bill C-45 ultimately still provides a glimmer of hope for murderers for early release before serving their full life sentence of no parole for 25 years.

Which murderer ever provided his victim with a glimmer of hope? Why on earth do we extend that same hope to them? There is no hope for the victims, none at all. They have lost someone and

that someone will not be back. Where is their glimmer of hope? Their glimmer of hope lies in the fact that the people of this place will wake up and realize the value of life and make those who take a life pay a price so that they wish they had not done it.

There have been many times in history when we as legislators thought we had all the answers to the world's problems. It takes the Canadian people speaking out to remind us that we have lost our way. And they are speaking out.

I see petitions tabled here with over two million signatures asking us to do something about this justice system. I see the Darlene Boyds running across the country and others bringing in thousands and thousands of names—probably millions by now—to repeal section 745. Can we not get the message? It is not what can we do for the criminal, not what can we do for the cold blooded killer, but what can we do for the victims of our land. That is the question we had better start answering. What can we do to prevent this from happening in the future?

• (1610)

Last spring when many families of murder victims launched this campaign to alert the public about section 745, the petitions began flowing and they are continuing today.

Darlene Boyd's daughter Laurie was abducted, raped and murdered in January 1982 by Jim Peters and Bob Brown. These men were also found guilty of the abduction, rape and beating death of Debbie Stevens of High River, Alberta in December 1981. Brown committed suicide in prison but Peters' parole review is now set for February 1997.

Mrs. Boyd stated back in February of this year that even the possibility that her daughter's murderer could be considered for an early release after 15 years in jail is a travesty, referring to it as a 40 per cent killer's discount. Because Mr. Peters killed two women she figures that if he were to be released next year he would be getting the equivalent of only seven and a half years for each murder. She said that nothing short of the repeal of the early parole provision would ease her concerns. She said that she is serving a life sentence and questioned why can the killers of her daughter not serve the same.

The problem is that Darlene Boyd's family, like many other victims' families, will be traumatized again as they are forced to relive the tragedies that caused them so much pain with each section 745 review.

It is good for the industry. The legal industry will flourish. We will have lots and lots of court cases. It is a chance for parole for killers. I am sorry, I cannot buy that. It is time to cut that industry down. Let us get rid of some of these things. That is a good area in which to start.

Revictimizing the survivors is cruel. It is unjustified. That is why nothing short of repealing this section would be the only humane thing to do.

I cannot understand why the government does not recognize the fact that victims should be the ones at issue. To have a family member murdered is one of the most horrendous crimes committed in Canada. They will never forget and the hurt will never go away. Unfortunately the new legislation shows no regard for the victims and does not allow them any way in which to fight back.

This weak action by the government gives into the bleeding heart Liberal philosophy of protecting convicts instead of victims. The watered down amendments to section 745 are not even going to come close to satisfying Canadians.

The people spoke back in June. A petition calling for section 745 to be repealed was presented by my hon. colleague from Crowfoot. It contained more than 20,000 signatures. The Calgary *Sun* last spring received an astonishing 35,000 coupons signed by readers to protest the existence of section 745. Some of the signatures even came from guards who work in a central Alberta prison. When the front line workers speak out, how can they not listen? If they do not listen to the front line workers, why would they listen to the victims' families?

There are so many examples and they are growing every day. Look at the past. Constable Brian King. Remember him? He was a 40-year old father of three when he was lured into a trap and executed with two shots to the head on a river bank in Saskatoon in 1978 by Greg Fisher and Darryl Crook. They had boasted openly that day that they were going to kill a police officer. Already Mrs. King and her family have been exposed to and have had to endure two judicial reviews for Fisher to hear his application for early release.

What about Calgary police Staff Sergeant Keith Harrison who died in the line of duty back in 1978? One of his murderers, John Nichols, applied under section 745 back in 1994. The Calgary parole jury decided to let him out after just 17 years of his sentence. Mrs. Harrison said that the only thing that made her feel even a little better was knowing he was serving 25 years. I can only imagine how she feels now knowing that he is roaming around free and living in a halfway house in Vancouver.

Then there are the present victims. A day does not go by without thinking of the Rosenfeldt family and the other 10 families affected by Clifford Olson's application for early release this past month. Gary Rosenfeldt stated on a number of occasions that section 745 is nothing but an insult to victims.

• (1615)

There are the future victims. I recently received a letter from the mother of Tanya Smith. I am sure everybody remembers her, the 16-year old girl from Abbotsford, B.C. who was snatched off the

street by a man with a baseball bat. Tanya Smith was later found bludgeoned to death and dumped in a river. One thing is for certain, the pain for Mrs. Smith will never go away. It is only intensified by knowing that Tanya's murderer will have the right of a section 745 hearing.

I would like to read the letter from Mr. and Mrs. Smith in the time I have left, which is one minute, but I will read it as fast as I can. I would like people to listen carefully. It is addressed to the House of Commons members:

> How many more children are going to die at the hands of these monsters before you listen to us? Our daughter has been snatched away from us and we will never be able to touch her again. Do you know how she died? Do you care? Actions speak louder than words.
>
> We are left behind now to ask these questions and we had better start getting some answers. Our daughter's life was worth more to us than anything in this world and now our lives are empty and worthless. Tanya's baby brother asks when Tanya's coming home every day. Her sister cannot sleep in the room they shared together.
>
> When we finally are able to start going to the cemetery this animal comes out from under his rock and takes our daughter's headstone, leaving it on top of a car in the middle of a town. When all of this happens to us we are told that we are not technically the actual victims here.
>
> Our daughter has been murdered. Her headstone has been desecrated and this thing is still walking our streets and you say we are not victims.
>
> We live in fear every day. Tanya's father cannot work because of what has happened and I cannot sit still all day, enraged with what has happened. Our family are now prisoners of our own home and community because of this. Our torment is now someone else's big story. It sickens us and only adds to our hell on earth.
>
> One person has changed our lives and took our precious Tanya's life forever. If this does not make us victims then you tell us what does. Our greatest joy taken from us and for what?
>
> I will tell you this, if we ever find out that this person was jailed at one time or another for violence and then set free, we will hold the government responsible for Tanya's death. Maybe others will follow until you finally wake up and get the message that the government is making us, the innocent people, prisoners and the prisoners the victims, and that is wrong.

I encourage members of the House, let us get rid of section 745 in total. It is something Canadians do not want, and it is our duty to serve Canadians.

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, thank you for recognizing me in this debate on Bill C-45, a bill that would substantially amend article 745 of the Criminal Code.

Many members of the public might ask what is article 745 of the Criminal Code. This provision was introduced in 1976 at the time when this House abolished capital punishment. At that time, with the abolition of capital punishment, the House decided that the penalty for murder would be a life sentence, but it also provided that those convicted of murder would be eligible for parole at 25 years for first degree murder and a period not less than 10 years for second degree murder.

At the same time, the House also provided that these convicted murderers, if they had a parole eligibility date of more than 15 years, could apply for a review of their parole eligibility date at 15 years by applying to the court in the province where the murder was committed and where there would be a judge and jury appointed to review the reasons the individual would give for reducing the parole eligibility from 25 years.

In the law it stated that the judge and jury in considering this application would have to have regard to the character of the applicant, his conduct while serving his sentence, the nature of the offence and other matters as the judge would deem relevant.

Therefore, after looking at all this evidence the jury, by a vote of two-thirds, which would be eight of twelve, could decide to reduce the parole eligibility date from 25 years to 20 years or 17 years or something like that.

• (1620)

Once they would have done that, if they made such a decision, the individual would then have to go to the parole board. All the judge and jury would do is consider a change in the parole eligibility date. For the individual, if his parole eligibility was reduced from 25 years to 20 years, then when 20 years arrived he would have to go to the parole board and prove he was no longer a danger to the public and that he was rehabilitated.

If he convinced the parole board at that second step that he fulfilled those conditions then he would be released, but he would not be released if he could not demonstrate those conditions. There is no suggestion by any of us who support section 745 of the Criminal Code that anyone who is still dangerous to the public or who is not rehabilitated be released. We would be completely opposed to the release of those individuals.

It is a two step process under section 745. First you apply to have your parole eligibility date changed to something less than 25 years and if that is agreed to by the judge and jury then you must go to the parole board and prove that you are no longer a danger to the public and are rehabilitated.

This provision was not a loophole. It is clearly in the legislation of 1976. A suggestion by some members that this is some sort of hidden provision in the law, that it was sneaked in, is completely false.

I had the responsibility of introducing this bill. It was introduced in this House. It was spelled out in black and white like all bills and it was clear to all those who can read and write that it was in the bill. Those who suggest today that it was some kind of hidden provision are merely misleading the public.

The reason we introduced this new process was that the abolition of capital punishment was a free vote matter. Being a free vote

matter the whips were not on and there was a lot of negotiation with individual members in the House as to what they would accept in place of capital punishment. The bargaining went back and forth, we had committees of all parties of the House, those who were for and against the abolition. I dealt with those who were for the abolition and we worked out this very complex solution. It was not my preferred version but that is how it ended up in the bargaining in the House and that is what was legislated.

Mr. Thompson: Let the people of Canada decide.

Mr. Allmand: I listened to the hon. member and I never complained while he was speaking and I wish he would have the courtesy to listen to me.

This provision has worked well. It has not been used irresponsibly, and the record will demonstrate that. Since 1976, 175 inmates have been eligible to apply under this provision. However, up until December 1995 only 74 or 42.3 per cent of those eligible have applied. One might ask why have they not all applied. It has been suggested that if it is such a great provision why have they not all applied? It is obvious that many have not applied because they know they do not have any chance in the world of having their parole eligibility reduced from 25 years so they do not bother. That can be the only explanation. Only 75 or 42.3 per cent have applied.

Of those who have applied, 63 reviews have been completed out of the 74, and 13 of those were totally refused any reduction in their parole eligibility date, and 50 were granted either partial or whole reduction. In other words, they were given some sort of reduction, down to 15, and others were given the total reduction.

There is a suggestion insinuated in the House that once they get this reduction in parole they are released. They are not. They still have to go to the parole board, which takes another one or two years. That has been the record so far and I know of a case where the parole eligibility was reduced three years ago and that individual still has not had a hearing before the parole board.

What has happened with those 50 who had either partial or whole reduction in their parole eligibility date? Only 17 were granted full parole and 8 were granted day parole. Only 25 out of the 175 eligible since 1976 have been granted finally by the parole board either partial or full parole. The rest have either been turned down or have not had their cases heard.

• (1625)

Of those who were granted parole and put on the street, two were returned to prison for breaking their parole conditions and only one committed another offence, and it was not murder.

That is the record. This provision has not been a failure, has not led to massive threats to the public, has not led to repeated murders. On the whole it has worked well.

Bill C-45, now before the House, suggests the decision of the jury in these cases should be a unanimous decision rather than a decision of 8 out of 12. One must ask why when the provision has worked so well.

In any case, there are two amendments before the House, one by the hon. member for Bellechasse who suggests that it should be 9 out of 12 and another amendment by the member for Kingston and the Island who suggests that it should be 10 out of 12. I will support either one of those amendments, although my preference is to abolish section 745 altogether and have parole eligibility at 15 years for first degree murder and parole eligibility for second degree murder at 10 years. Before 1976 parole eligibility was at 10 years and there was no great abuse of the system.

In the minute or two I have left I want to reply to some of the arguments raised by the Reform Party. It suggests that when we support section 745 we are equating the life of a murdered person with 15 years. I heard several members say we are suggesting that the murdered person's life was worth only 15 years. That is nonsense. Nothing can replace the life of a murdered person, whether it is capital punishment or 30 or 100 years in prison. Nothing can replace that life. It is to misrepresent our position to suggest that by having a parole eligibility date of 10, 15 or 25 years that we are equating that number of years with the value of a person's life. That is totally false and unfair.

It has also been suggested that because we support this provision we are inflicting additional pain on the families of the victims. If there is any kind of parole or any kind of application for parole, the case will be brought up once again before the parole board or the courts. I do not think it is correct. I have sat in on some of these hearings. Some families of victims are upset by parole hearings and some are not. To suggest that it is universal is incorrect.

I would say to the hon. members in the Reform Party that their conduct in bringing up these cases over and over again, even when many people are not aware that these cases are before the courts, in the House, on television and radio, is doing much more to bring back to life the horrible events of the murder than the application before the parole board or the court and jury in the area concerned.

The suggestion by the Reform Party that getting tough and having no parole and that life means life will protect the victims and reduce the numbers of murders is again totally false. That has been done in many of the states in the U.S. They have brought back capital punishment. There are high rates of capital punishment and their murder rates are way beyond those in Canada. In other words, the tough actions being suggested do not protect the public, do not reduce crime and it would not help the victims. The murder rate in

Canada has declined for four consecutive years now with the laws we have. It is approximately 2.2 per 100,000 population. The murder rate in Florida and in the southern adjoining states where capital punishment was brought back is about 10 per 100,000, much higher. They are doing exactly what the Reform Party has suggested.

[*Translation*]

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, first of all I want to commend the hon. member for Notre-Dame-de-Grâce on his speech. It is refreshing to hear such comments in the House.

I would like to say that I wanted to speak in this debate not as an expert or a lawyer—God forbid, I do not have those qualifications—but as one who would put this debate into the perspective of a better society. I think that is the objective we have in mind. That is what I heard in what was said by the hon. member for Notre-Dame-de-Grâce and by those of my colleagues who spoke before me, with the exception, of course, of our Reform Party colleagues who see a return to the death sentence, and nothing else, as the only solution in this context.

• (1630)

The Bloc Quebecois is opposed to Bill C-45 now before the House for the fundamental reasons that were explained previously. What we object to in the government's handling of this bill is this eagerness to respond to a section of the population that asks for a stricter rule for conditional release measures, and meanwhile there is no opportunity for genuine debate in which all points of view can be heard and no opportunity to make a decision which, as I said at the beginning of my speech, would have the effect of improving the society in which we live.

This afternoon I heard the hon. member for Wild Rose expose the views of the victims. With all due respect for our Reform Party colleague, who is entitled to his opinion—and he certainly presented a point of view shared by other people and especially by the families of murder victims—nevertheless it does not represent the general view or the consensus that exists among the public and especially in Quebec.

I would like to take the next few minutes to give you the victims' point of view. These are also parents who lost their child in horrific circumstances. On June 30 this year in Sherbrooke, a young girl, Isabelle Bolduc, was kidnapped. Subsequently, it was found that three individuals were involved. For several days she suffered indescribable agony. There is evidence that she was raped, and then finally killed in circumstances I would rather not mention.

Again, she suffered indescribable agony. Nobody will deny it, certainly not her parents, nor her friends. In a similar situation, if my daughter or my son were to meet such a fate, I would be inclined to wish a similar fate on the perpetrators of such a crime. On occasion, I have imagined I could take justice into my own hands, dealing with these individuals the way they had dealt with a member of my family.

But if you give it some thought, do you really want to go back to the wild West, as some would have us do? Are we going to solve this problem once and for all? Are we going to make our society better? Of course not. We are not going to get rid of violence through violence.

To go back to the example we had in our area this summer, the victim's father, Marcel Bolduc, whom I know personally, and who has been and still is devastated by his daughter's death, set up a foundation, the Isabelle Bolduc foundation, together with friends of the family, shortly after these events; this foundation is at work in the Eastern Townships and throughout Quebec, circulating a petition to tighten the parole system.

Mr. Bolduc, in spite of pressure from some people around him and in his area, has refused to consider the death penalty as a solution to such crimes.

• (1635)

The goal of the Isabelle Bolduc foundation is to improve the system. It wants to make a suggestion to parliamentarians, not for their immediate debate, but for their consideration over the coming months. The Isabelle Bolduc foundation would like to launch a pilot project in the Eastern Townships whereby individuals would participate in the decisions of the parole board. It wants to create a watchdog committee comprising ordinary citizens whose function would be to review the decisions, the reasoning, the process and the follow-up on all decisions made by the parole board.

We are certainly not calling for the reinstatement of capital punishment. Let me remind you that one of the originators of this proposal is the father of Isabelle Bolduc, the victim of a crime in our region.

This is what we should be thinking about during a debate like this one. We must ask ourselves what we can do to improve the situation. The Isabelle Bolduc foundation is proposing one means of doing that. I know a request has been presented to the justice minister to have the pilot project implemented as soon as possible. I hope he will agree, because this is the only way to improve the situation.

What the foundation is asking for is very simple. People know, they are convinced that rehabilitation is the best way to go in this area, and I agree. Every effort possible must be made so that these individuals who have committed odious crimes—let us not mince our words—can hopefully go back into society one day and live normal lives.

Sure, there are hard cases. When we refer to the example that was used to introduce this bill, the Clifford Olson case, that is a hard case. It is about monsters that no one wants to see out, on the street.

Several murders were committed for a variety of reasons, but several of these murderers were able to be rehabilitated, with some support and supervision. That is what parents of victims wish for. That is what is happening now, in our region.

I want to point out, I repeat and I insist upon demonstrating that there are not only individuals who wish to get their revenge in our society. There are ordinary people, no law experts—I have nothing against these—who are thinking and want to propose their own solutions.

Mr. Speaker, since you are indicating that my time is up, I will conclude simply by expressing the hope that the government will take into consideration the suggestions that were made by the official opposition to improve its bill, and also the suggestions made to it by the Fondation Isabelle Bolduc to improve society.

[*English*]

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, it is my pleasure to rise in support of Bill C-45, at the same time to ask the House to reject the six amendments that have been proposed.

I would like to take this opportunity to signal the sensitiveness of the government to debate in this House. It is worth recording in respect to two private members' measures that came before us which touched, somewhat peripherally in one case but nevertheless in the spirit, on the bill now before the House. The member for York South, if members remember, had his own private member's bill in relation to section 745 of the Criminal Code.

● (1640)

I and government members supported this private members' bill as a vehicle for conveying to the government the feeling that in striking the balance among conflicting interests, the balance had shifted perhaps a little too far away from the protection of the community, and that it was time to make a correction.

We have all moved a long way, of course, from those antique conceptions of the 19th century when the only aim of criminal law was to punish the offender. It was not a very effective measure of social control and we have moved to other methods that more closely study society.

In this sense the government has recognized that in spite of the statistics showing crime is on the decrease, there has been an increase in the intensity of certain types of crime; mass crime, serial crimes and that a tightening of community controls is warranted here. This explains the elaborate screening devices that have been set up here. It is a response to the sentiment that this House expressed.

By the same token, the member for Saint-Hubert brought forward an excellent private members' bill in the spring which I and other government members supported. It was addressed, really, to the issue of protection of witnesses or victims in criminal trials.

It has been noted that many of the accused took the opportunity of further harassing their victims by vicious forms of cross examination. I would have thought, as a jurist, that could have been corrected by judicial action. A judge, after all, is there to protect the community, which includes the victims. Nevertheless, the bill meets this problem.

I am interested to note the debate in Great Britain in the last week on a very similar problem with exaggerated circumstances. Here, in this bill, it is certainly a design of the government to prevent persons who have been convicted and who are using the system under section 745 as an extra form of harassing victims' families.

There have been such cases noted and it is good that the government has tried to close the door on that type of situation. It does represent a response to the spirit the member for Saint-Hubert brought forward in her excellent private member's bill.

In another way also, we have responded to the situation of victims of crimes. This is not the 19th century. It is certainly not the earlier pre-common law period in the history of our law in which vengeance was the motive of the criminal law and the victims had the right of exacting sanctions. Not at all. It is a recognition that the viewpoint of the victims is a legitimate factor in considering the issue of sentencing, that it is a legitimate factor in considering the aspect of parole.

I am reminded that years before I entered this Chamber as a lawyer, as a sometime juris-counsel, I was approached by the family of one of the victims of a mass murderer in the Vancouver area, the Rosenfeldt family, the husband, the wife and their lawyer. They raised the agonizing tribulations they had been through while their child's fate was unknown. They have devoted a life since to attention to criminal law and attention to protecting society and at the same time ensuring that victims' views are properly presented in a way compatible with our legal traditions and our legal spirit.

I notice here that in a very proper and balanced way, the attitudes of victims' families can be presented in the government's bill.

There is a response by the government to a feeling as expressed in this House on both sides, that the shifting balance in criminal law needs correcting in terms of a stronger protection of society based on the increase in intensity of crimes, if not in the actual percentage of crimes. I think this is recognized in the structured

system that introduces the judge, the jury determination and the insistence, which is the history of the common law, of unanimous jury decisions before a parole board can operate. This is a good response again to the sentiment expressed in this House.

● (1645)

As for the point I have made again that the parole application should not be used by a vicious criminal without repentance as a method of further harassing victims' families, this is contained and overcome by the structured system of preventing purely frivolous applications for parole. Finally allowing the victims in a way that is sensitive to the duties of all us to society to express their opinions on criminality on the particular case before the court, I think this is reflected in the bill.

For these reasons I suggest with respect to those members who have taken the care to offer these amendments that the amendments be rejected and the bill as presented be adopted.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, when I spoke earlier on Bill C-45, which would make changes to section 745 of the Criminal Code, a provision which allows murderers to apply for early parole, I gave seven reasons why I did not believe this bill should be passed by the House.

To my utter amazement those very cogent and well argued reasons were ignored by the House and by the government, and this bill is back before us today. There are a few amendments proposed, most of which would water down the bill even more. Because I believe this bill is a bad bill and not in the interest of Canada, I do not think it should be passed at all, amended or not.

I would like to place even more reasons, more thought and more argument before this House to try to persuade my colleagues to vote against this terrible piece of legislation.

I remind the House of the forgotten lives which we really should be considering as we talk about what should happen to convicted killers. A lot of these families and loved ones of murdered Canadians are asking who really got life. Of course the answer is the victims but not just the victims. For the families, friends and those who cared about them who were left behind their privacy and emotional well-being is being discarded by the consideration and the tender concern for giving hope and giving every consideration to cold-blooded premeditated murderers. We have to ask why these shattered family lives are not higher on the priority list of people in elected positions who consider and call themselves compassionate.

The wife of a murdered policeman said: ''He took away our future when he shot my husband. My daughter has been without a father. The last review was quite hard. We had to relive his death. It was like losing my husband all over again. The pain is unbearable. I have been worrying about this since he became eligible to apply again''.

The system allows brutal killers to continually cause havoc in the lives of the families left behind and extra pain and suffering beyond the murder of a loved one. We need to put a stop to that.

● (1650)

This bill violates the truth and justice, which we should demand and expect of our justice system. The people who loved and cared for murdered Canadians really believed the sentence that was handed down, life in prison with no possibility of parole for at least 25 years.

Then they come to find out that in fact it is not life in prison, it is only 25 years maximum, and rather than there being no eligibility for parole before 25 years, murderers are eligible after only 15 years. They feel betrayed by that and they have a right to expect transparency in what is said by the courts and in the sentences and penalties that are handed down.

The justice minister has been saying for months that section 745 was under review, leaving many people who had been asking for greater justice to believe that something substantial was going to be done to respond to their demands that murderers not be let out of prison early. The net effect of this bill is to continue to allow convicted killers to walk our streets after only 15 years if their application for early parole is successful. Only multiple murderers will actually serve 25 years. That is just a few years for each of the people who were brutally killed by that person.

Of the 70 killers who have applied for early parole so far—and remember that the section has only been in effect since the seventies—75 per cent of the applicants won early parole. These killers also have the right to apply more than once.

We have to ask if we treat murder lightly, why should not criminals? If only a few years is the result of taking somebody's life, in the view of most Canadians that is not a sufficient deterrent.

The emphasis should not be on the accused, the convicted person or the criminal. The emphasis should be on the protection of society, law-abiding citizens, our families and our communities. Section 745 is costly for law-abiding citizens. The estimates range anywhere from half a million to a million dollars for a single review.

Now, of course, there will be more layers of appeal laid on top of the ones already available because a superior court judge must now hear everything and decide whether the applicant has a chance for success. Then, if the criminal does not like the decision of the superior court judge, that can be appealed and appealed again. It is all at taxpayers' expense. All of this is at the expense of hard working, decent Canadians who are looking for justice and safety for their families.

The bill provides hope for those least deserving. It has no business being placed before Canadians who are asking for the opposite.

Using taxpayer funded legal aid resources in a bid to have debts to society reduced is simply not acceptable. No amount of time served is enough to replace or to pay for a precious, innocent life ended in pain and often in utter terror.

The public is demanding greater assurances for public safety. In my home city of Calgary, in just a few days the Calgary *Sun* collected over 35,000 coupons urging the justice minister and the Liberal government to repeal section 745 of the Criminal Code. Those appeals, like thousands and thousands of others from across the country, have fallen on deaf ears.

Here we see the Liberal contempt for victims. The Liberals have always said they have great compassion for people who have been victimized. There is a bill which will come before the House in the near future to prevent sexual assault victims from having to disclose their private writings and diaries in sexual assault cases in order to spare them the embarrassment, pain and further trauma of having to be further invaded.

• (1655)

However, under this bill there seems to be no compassion at all for the families and the loved ones of murdered Canadians. Over and over there will be these hearings, reviews and applications for early parole. One of the Liberal senators has actually written a newsletter to convicted killers telling them how they can best be successful in getting out of jail early and having the penalty they might have to pay for brutalizing other Canadians reduced. That is absolutely repugnant and reprehensible but that seems to be the attitude.

One of the members opposite said nothing can replace a life. Is he implying somehow that there should be no penalty at all? Is 25 years too much? Is 15 years maybe too much? Maybe it should be five years or maybe one. Maybe we should say ''gee, you should not have done that. That was not very nice. Do better next time''.

What actually is the government's attitude to protect the people of this country and the innocent, brutalized victims? There have been young women who have been sexually assaulted and actually burned alive and their killers are out applying for early parole after only 15 years. This is a disgrace. For the government to stand up and say it supports that and it is going to allow that to continue is absolutely reprehensible.

I think Canadians have a very clear choice. It is between a Liberal government, which believes that all the compassion, breaks and considerations should be given to brutal killers in our society, and the Reform Party, which states that we have to send a very strong message from our society that if someone violates the rights, freedoms, safety and lives of innocent, law-abiding citizens they will be punished. They will pay a price for that. They had better be deterred from that because society is going to take that very seriously.

For the families of murderer victims there is no hope. Section 745 gives hope to criminals, to cold blooded, brutal murderers. However, for their victims and the families of victims there is no hope for peace, for a sense of closure and no hope for justice under the Liberal government.

I urge the Canadian people to think about their choices in this matter when they vote in the next election.

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, I rise to support Bill C-45 and oppose the suggested amendments.

I congratulate the justice minister for the courage of bringing in Bill C-45 which, rather than rejecting outright section 745 of the Criminal Code, provides at least some alternative to absolute rejection of section 745.

Section 745 is a very bad bit of legislation. There has been a lot of talk in the House that it lets criminals sentenced to 25 years out on early parole when the victims of crime suffer the the chance of additional offences by these people if they do get out early.

What is missing in the debate is the suggestion of accountability. Section 745, as we heard from the member for Notre-Dame-de-Grâce, has not led to an increase in crime. I reject the Reform Party suggestion that it has somehow caused fear in the victims of crime that these people will get out and again commit offences against them.

The real problem with section 745, if the members of the Reform Party will listen for a moment, is that it lacks accountability. It was created in an age in which governments in every way rejected basic accountability. In 1976, 20 years ago, governments ran up deficits. It was a time of unlimited welfare. It was a time when kids went to school and instead of demanding they produce good marks, they got a pat on the shoulder and were told: ''It is not so bad. You still have other potential''.

• (1700)

Section 745 is bad because it does not demand the accountability that society demands today for the actions of everyone. When they talk about victims of crime, they are complaining about those who have been harmed. When after 15 years they have an easy option for early parole, then they are not being held accountable for their crimes. That is the problem.

Added to that is the way that section 745 operates by permitting early parole. It allows a community jury to review the record of a criminal who has been sentenced to jail for 25 years without parole. Unfortunately, this jury of ordinary citizens is allowed to come to a decision by consensus rather than by unanimity. A jury of ordinary

citizens is asked to make subjective judgments rather than to decide the issue on a matter of fact.

Consider that when an accused is convicted of a crime, that accused is convicted by the unanimous decision of a jury based on fact. The fault with section 745 is that it requires consensus and asks a jury of laymen to be subjective in their assessment of criminals.

I can say that someone who has committed a heinous crime is very often capable of deceiving the most clever individual because he or she can dissemble. A person from the community who is not used to the way some criminals can disguise their real feelings is liable to be lured into a sense of compassion which would lead to a decision which may not be in the public interest.

If 25 people have been granted early parole in the lifetime of section 745, it is too many.

Why should the justice minister not do what the Reform Party is suggesting and reject section 745 altogether? I can tell the House why. It is because there must always be hope. We humans live together and we have a strong tradition in the Judaeo Christian culture where we believe that there is at least some possibility of redemption.

If in any law that we create we believe absolutely in the dark side of human beings, if we do not believe that there is some opportunity, however rare, that a miracle may happen and that one or two may be saved, then we are much less for it. I believe that the justice minister has allowed for that miracle.

Rather than rejecting section 745 entirely, he has brought in certain provisions that make it very difficult for a person who has been sentenced to 25 years without parole to gain an early parole.

Let me cite the ways in which that has been done. First, he has eliminated absolutely serial killers and multiple murderers. They are eliminated. They have no chance whatsoever.

Second, he has initiated a screening process where a judge will intervene first and consider the character of the person applying for early parole. This is an excellent provision. Previously the case was brought to the community jury automatically when the application was passed. A very serious problem was that the victims of crime were required on occasion to go before the jury to argue against a person being let out on early parole. I suggest that this caused needless suffering to the victims of crime.

However, when a judge first considers whether the application has any merit before it reaches the community jury, I think that would be the kind of check to make Bill C-45 work.

Finally, the best part of the bill is the fact that it requires a unanimous decision of a community jury to finally allow the applicant for early parole to have the application heard by the National Parole Board. That is as it should be.

● (1705)

If it takes 12 honest men and women to convict and sentence a killer to 25 years without parole, it takes a unanimous decision. Why should it not be the same way with a jury of 12 to decide whether or not 25 years should be lessened or changed in any way?

This is an excellent bill in every way. It addresses the fundamental flaw in section 745 which makes it too easy for people to seek early parole. At the same time it provides exceptional circumstances where all of us as human beings would want to see a miracle occur. Perhaps some person who has committed a major crime is worth saving. The system should somehow recognize this and do something about it.

This is an excellent bill and I congratulate the minister for his courage in introducing it.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I am pleased to speak on this bill to amend section 745 of the Criminal Code.

At times I have been kind of hard on the hon. member for Notre-Dame-de-Grâce, but I want to congratulate him for giving us, earlier today, the background of section 745 of the Criminal Code.

I also listened to the hon. member for Vancouver Quadra, for whom I have only had praise so far, but I must say that I was a bit disappointed to hear him continue to defend the indefensible, to support the untenable, to attempt the impossible, and let me explain what I mean, with all due respect for my colleague from Vancouver Quadra, whom I remember as a law professor at the school I attended.

Section 745 does not come out of nowhere and I want the members of the Reform Party who are bringing back the threat of capital punishment, because that is what we are in fact talking about here, in a roundabout way. I want them to be able to sleep as if nothing happened. However, history has taught us that the people who claim to speak on behalf of the majority, even those who talk until they get flushed with emotion, as we saw earlier, do not always have a monopoly of truth.

We do not have to look at foreign governments. Just look at what the Canadian government has done. My friend and colleague, the hon. member for Vancouver Quadra, must surely remember the act that was passed during the last world war to intern Japanese Canadians. Not one of the members sitting in this House at the time—and I know the Reform Party did not exist back then, but there were other similar parties—not one of them said: ''Wait a minute. We are making a horrible mistake here and passing very

harmful legislation that may have some totally unforeseen impact on the lives of our fellow citizens''.

Nobody asked this question. Some 35 years later, we have had to correct the situation, if money can be used for such a purpose, by passing redress legislation to make up for the mistake made by the members of Parliament 35 years earlier.

I think we may be making a similar mistake by hardening our views on section 745. When capital punishment was abolished, section 745 was seen as—mind what I say—a kind of release for people who had committed odious crimes and were under sentence of death. That person's safety inside could be ensured for a certain period of time. That person would generally accept his or her fate and be convinced that it would not be for long.

Since capital punishment was abolished and replaced by a 25-year term imprisonment or more, people who had been sentenced to death and were locked up for 25 years would lose all hope.

● (1710)

They would say to themselves: ''This is unbelievable. I cannot take it. I expected to die, not to spend 25 years behind bars. This is unacceptable''. Basically, what the law makers wanted to do was to reassure them by giving them some hope and telling them that 25 years is a very long time but it is possible to survive it.

We must give them some hope to control them and be able to keep them in prison without constantly having to face catastrophes, riots, rebellions, all kinds of crises inside our prisons.

That was the purpose of section 745 of the Criminal Code. There was a 25-year parole ineligibility period which, under section 745, could be now reduced. That was clearly explained to us by the member for Notre-Dame-de-Grâce.

The present government—and this is one criticism I have to express to my learned colleague from Vancouver Quadra—is ''reforming'' itself. In western Canada, it is important not to lose too many votes to the Reform Party, so the government has to have a ''western'' platform in the west and a more social platform in the east. How can it be done? The government comes up with solutions that are totally preposterous, things that we know will never happen.

The danger in that is that we can have two different kinds of justice in one country. I will elaborate on that because my colleague from Vancouver Quadra does not seem to understand what I am saying. Let us take the 12-person jury for example, where in Quebec, since people are generally a bit different, as we have heard and seen many times, it would not be impossible to find a jury that would be 9 to 3 in favour of a reduction of the ineligibility period whereas in western Canada, particularly in areas where the Reform Party is very strong, we might find a jury that would be unanimously against such a reduction.

Even with similar or identical crimes, we would see that the tendency would not be the same in one part of Canada as in another. My friend from Vancouver Quadra is smiling, but he knows that I am right, and so do you, Mr. Speaker, and I suppose this is why you are not interrupting me.

The Acting Speaker (Mr. Kilger): I will take this opportunity to stretch a little and simply say: ''Never take anything for granted.''

Mr. Lebel: However, I detect here a bit of hypocrisy. If you mean to tell criminals that there is no hope, that there will be no hope, and never will be any, go ahead and say it and simply strike down section 745. If what you want to do is say there is hope, it is that you want to flirt a little with Quebecers, but you are setting such conditions that nobody will meet them.

One has to present a written application to convince a judge. Oral or verbal presentations are not allowed and one cannot appear before a judge. A written application is needed to ask a judge to convene a jury. The judge can deny the request, it is his right. If he agrees to it and convenes a jury, the jury has to be convinced that you are right and that requires unanimity.

If you manage to succeed, the jury allows you to go before the Parole Board, step number three. And then you have to convince these people too.

● (1715)

If we start the process after 15 years as it is stated in section 745, with the speed of the whole process, I fear the 25 years of the sentence will be over before the guy is even heard by the Parole Board.

We did a good job. The Quebec government cannot be accused of a lack of compassion for people in a bind or for those who made a mistake. There will be no grounds for accusing the government of facilitating the release of criminals, dangerous persons, monsters or whatever else they many be called, because this is how they describe them in the West. We are talking about the same people, but we simply do not identify them or define them the same way in eastern Canada and western Canada. This is one criticism I have of the government.

There is another point I must mention and that is the ineligibility of anyone guilty of multiple crimes, that is two or more, would not be covered by the new provision of this section, which I find unacceptable. Let us take the case raised by my friend the member for Mégantic—Compton—Stanstead, who spoke about Isabelle Bolduc but refused to explain in details what really happened, and I will follow his example, because it was simply horrible. According to this new provision, the criminal involved would be eligible for

the process and might even be released a few months or a few years earlier than the initial sentence provided.

On the other hand, some others commit multiple crimes accidentally as we saw in the case of Florent Cantin, who started a fire in a bar during the Christmas period. It was a bad joke that went wrong and killed 37 people. This young man was not a criminal. He wanted to play an innocent joke as many do without consequence. This one had tragic consequences, as it killed 37 or 38 people. If you are not too busy, Mr. Speaker, you can tell the hon. member about actus reus and mens rea. The hon. member for Vancouver Quadra knows what I am talking about. Both are required for a crime to be committed. In Florent Cantin's case, I am not sure if mens rea was present, if there was criminal intent. The act was certainly there. These are elements that must be considered in this bill, but the criminal aspect has been swept under the carpet.

I therefore ask the government and my colleague from Vancouver Quadra to exert some influence on the Minister of Justice—who is an authority on legal matters—to get him to be a little more flexible, to admit that making it tougher for inmates may lead to more intolerance and crime in Canadian prisons, and I am not sure we will win.

I think the Reform Party is on the wrong track as it starts playing with life and death issues. Grandstanding is all very well; it is terrible indeed to lose a loved one to a violent or heinous crime, but basically, if life has a price—

The Acting Speaker (Mr. Kilger): I am sorry. I realize that, during our time back home, in our ridings, we have had plenty to say, but many members want to take part in the debate and I am trying to be as fair as possible to everyone.

Mr. Lebel: Unanimous consent can still be requested, can it not?

The Acting Speaker (Mr. Kilger): The hon. member for Chambly is asking for an extension of one minute or so to complete his remarks. Is that agreed?

Some hon. members: Agreed.

Mr. Lebel: Thank you, Mr. Speaker. I just wanted to say that, in a society, one has to have a minimum of compassion for others, try to understand their point of view and take to have real debate in this House. I was going to make the suggestion to the hon. member for Vancouver Quadra and the Minister of Justice.

[*English*]

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, I am pleased once again to have the opportunity to represent the voice of the Canadian people in this debate on Bill C-45.

I am amazed listening to the separatist Bloc members and the Liberals across the way. I am amazed at how far removed their thinking is from the average Canadian on the street.

• (1720)

I sit here in utter astonishment as speaker after speaker stands up and basically says that the Canadian people out there do not count. They think this is good and they are going to do it their way. So much for democracy. So much for what the Canadian people think about this.

As a Reformer I will speak on behalf of the Canadian people. Although my words may fall on some pretty deaf ears in the House, at least the Canadian people deserve a chance to be heard and the Reform Party and I will speak on their behalf.

We are talking about Bill C-45. The majority of my constituents and millions of Canadians believe that section of the Criminal Code should be abolished because it serves no purpose. It is no deterrent for people who go out and ruthlessly take a life.

Bill C-45, the minister's pride and joy, introduces a few cosmetic changes at best.

Victims of Violence, CAVEAT, the Canadian Police Association and millions of Canadians want the section repealed. However, the Minister of Justice, just like the separatist Bloc members, have ignored their pleas and are pushing Bill C-45 through the House. It is a shame that a Liberal minister of justice cannot hear or chooses to ignore the cries of the Canadian people.

The bill makes a few amendments to section 745. First, the right of multiple murderers to apply for a judicial review for early parole will be removed. However, instead of making this provision retroactive so that it would apply to serial killers such as Clifford Olson and Paul Bernardo who are already incarcerated, it will apply only to those convicted of multiple murders after this bill comes into effect. If a person killed a bunch of people before the bill comes into effect they still have a chance. They can still apply. They are exempt from the bill.

Does the minister believe serial killers who are already incarcerated should have a better chance than those who will commit multiple murders in the future? Is that his logic? Considering what we have heard in the House today, as he sends speaker after speaker to support the bill, I suppose that is the philosophy of the Minister of Justice.

The minister has done nothing to prevent serial killers who are already in jail from getting their day in court and a chance at a reduced parole ineligibility period. He has done nothing. The bill is a sham.

Second, the bill would ensure that the murderer will have to convince a superior court judge that their application has a reasonable chance of success before they would be allowed to proceed before a jury. This sounds like a good measure. However, considering that applicants have had a 72 per cent success rate since May 1994 in having their parole ineligibility reduced, it is unlikely that a judge will find fault with a majority of the applications and dismiss them. In short, the new hurdle the Minister of Justice so proudly stands up to defend, which the Bloc so quickly supported, is really no hurdle at all. We will continue to see far too many section 745 hearings.

Last, Bill C-45 stipulates that a section 745 jury will have to reach a unanimous decision before the applicant's parole ineligibility is reduced. At present only two-thirds of the jury need to find in the applicant's favour.

The bottom line in all of this stuff is that section 745 should not exist at all. This is nonsense. This bill is nonsense. It does not reflect the wishes and the cries of the Canadian people in any way, shape or form. It is typical Liberal touch it up and they will not notice.

• (1725)

This bill was introduced as part of Bill C-84 in 1976 by the member for Notre-Dame-de-Grâce who was serving as the solicitor general for a Liberal government at the time. Bill C-84 abolished capital punishment and established two categories of murder, first and second degree. However, not too many people—and this is Liberal trickery—noticed the inclusion of section 745 review in the original bill,

As a result, Canadians have had to wrestle and deal with this provision for 20 years. Many Canadians believe that 25 years before being eligible for parole is not a suitable sentence for first degree murder. The polls have consistently shown, and this government will not admit it, that Canadians favour a return of capital punishment for those who are convicted of first degree murder, consistently. Right now almost 80 per cent of Canadians would welcome a binding national referendum on capital punishment.

These Liberals do not hear that. It is not in their philosophy. People are outraged that murderers are given a glimmer of hope after serving only 15 years. What glimmer of hope did these killers give their victims?

Speaking of victims, section 745 does them an incredible disservice. The whole judicial review process causes the revictimization of families and at times of entire communities. Gary Rosenfeldt, whose son was murdered by Clifford Olson, said the whole of section 745 is an insult to victims.

What do we have coming from this Liberal government? Simply window dressing with respect to dealing with section 745. As I said before, this comes as no surprise. The Liberals are constantly promoting the rights and privileges of criminals, constantly mollycoddling the very worse people in our society while victims are completely ignored. If the Liberals had any simple basic understanding of victims' rights, and they do not, they would have abolished section 745. They would not have had to come back to this weak-kneed pointless piece of legislation known as Bill C-45.

I would also like to take issue with this. This really bugs me. Bill C-45, this stupid bill, actually creates categories of good and bad murderers. It actually does that in reality. If you kill one person you will be entitled to a section 745 hearing. These are good murderers according to the Minister of Justice' understanding. If you kill one you are okay.

However, serial killers are not entitled to section 745 review because according to the justice minister's understanding these are bad murderers. It is truly unbelievable that the minister has actually quantified human life in this piece of legislation. He actually has set himself up as a person who can quantify whether one killing is better or worse than two killings. It is unbelievable.

According to this bill a murderer should be given a glimmer of hope if they kill only one person but any more than that and they will not get a review. The minister has set the quota at one life should at a future time they want an opportunity to reduce their parole ineligibility. It is disgraceful. It is reprehensible that the minister would sit down and draft his very own category of murderers, some deserving of leniency and some not.

I submit that one life is as important as two or three or four. If the minister wanted to differentiate between murderers he should have introduced consecutive sentencing. That is the way to deal with it. This would ensure that serial killers like Clifford Olson would never have a chance at parole.

• (1730)

It is time for the government to stand up for Canadians and their desire to have the justice system overhauled. It is time for the government to stand up for victims and against criminals. It is time for the government to stand up and do the right thing and abolish section 745. It should be ashamed that it has introduced such a reprehensible bill. It should be ashamed that it has ignored the views of millions of Canadians, particularly the views of victims' rights groups. I cannot support this bill. My party cannot support this bill. We will stand here speaking for Canadians and will oppose this stupid bill.

Mr. John Nunziata (York South—Weston, Lib.): Mr. Speaker, the issue before the House today ought not to be a partisan issue. We are dealing with the question: what should be the appropriate penalty for the worst crime in the Criminal Code and that is first degree murder?

I have sat here all day listening to Liberals attack Reform members, Reform members attack Liberals as if this is a partisan

issue. It should not be a partisan issue. We should look at this issue on the basis of its merits and what is right and just.

There are those who have argued that the maximum period of incarceration should be 15 years. The author of section 745 spoke earlier today. When he was the solicitor general he brought in section 745. He believes that at the 15-year period all convicted killers should have the opportunity to apply for early release. His views are in the extreme minority. Those who suggest that section 745 can somehow be made better, can somehow be made more acceptable, are in the extreme minority if the views of Canadians are looked at.

The overwhelming majority of Canadians want the return of capital punishment. If you extrapolate from that particular poll result it is easy to conclude that an even greater number want the repeal of section 745.

I first became aware of this section of the Criminal Code when I was elected to this House and sat on the justice committee. We started reviewing the criminal justice system. It became abundantly clear to me that section 745 is an example of what is wrong with the criminal justice system when you allow those who commit the most heinous crime in the Criminal Code the opportunity to be released after serving only 15 years. There are of course other issues within the criminal justice system, whether it is the issue of consecutive sentences or the Young Offenders Act, that cause Canadians a great deal of concern.

In particular, section 745 reflects a bleeding heart attitude toward the criminal justice system that is not in keeping with what is fair, just and equitable in a criminal justice system. The Canadian criminal justice system is not just. Section 745 allows convicted killers to make a mockery out of the justice system.

Take the example of Clifford Olson. Everyone agrees that he will never be allowed to be free again yet he is using this section to revictimize, to repunish the survivors of his victims. This is the section that guarantees all convicted killers, and there will be some 600 of them that will be eligible to apply over the next 15 years, the right to apply to have their parole ineligibility reduced.

Over the last number of years I have worked very closely with families of victims, parents of victims and in particular mothers of victims. I have worked very closely with Darlene Boyd, Sharon Rosenfeldt, Debbie Mahaffy, Priscilla de Villiers and many others who have lost children, who have lost daughters to murder.

● (1735)

These mothers of victims make a compelling argument. I only ask members of Parliament to listen to the submissions put forward by these women and the hundreds of others who are survivors of victims as to the reasons why section 745 ought to be repealed, the reasons why section 745 is an unconscionable provision in the Criminal Code of Canada.

We are not dealing with choir boys. We are not dealing with crimes of passion. I have heard arguments put forward such as ''what about the abused wife who murders an abusive husband?'' We are not dealing with those situations here. Those people are not convicted of first degree murder or for that matter second degree murder.

We are dealing with those people who have characters that say it is okay within themselves to deliberately take the lives of other people, planned and deliberate murder, the worst crime in the Criminal Code.

If we are saying that a period of incarceration of 15 years is an appropriate penalty for first degree murder, what does that say about our society? What does that say about all the other awful crimes in the Criminal Code like rape, the molestation of young children, aggravated assault? All the other crimes become less significant. They become not as bad as murder. If the going rate for murder becomes 15 years, what will the going rate be for raping a child or for raping a woman? What will the penalty be? When we look at the penalty for first degree murder we should look at it in context.

We are not talking about rehabilitation. It really irks me when I hear members talk about rehabilitating a first degree killer. Tell me how. How do we rehabilitate a first degree killer?

Most first degree killers will not kill again. That is fact. Some will, most will not. It is not a question of the protection of society. It is a question of what the appropriate penalty should be for first degree murder.

How does society reflect its abhorrence of this awful crime? We read about them every day. We see them on television. We watch the families of the victims grieve. For them it becomes an unending funeral. To them the pain and suffering never ends.

Section 745 revictimizes them. It retraumatizes them. As one mother told me, it brings back all the awful feeling, the feeling of complete devastation when you are told by a police officer at your doorstep that your child or your husband or your wife has been murdered.

I ask hon. members not to detach themselves from the emotion of what this is all about because it is about emotion. It is about morality. It is about what is right and wrong. Look at this through the eyes of the parents who have lost children to convicted killers.

Is it right, is it just, to drag these families back through the courts after 15 years? Is it right and just and equitable for them to continue to suffer and to allow, whether it be a faint hope or any other hope, for those who have committed these awful crimes?

In my respectful submission, a 25-year prison term is reasonable. A minimum of 25 years is a reasonable period of incarceration in order to reflect society's abhorrence at this type of crime. It

is the moral thing to do. It is right to take away someone's freedom for having denied someone's right to live and for having destroyed not only the life of the victim but the lives of the family and friends those people have killed.

● (1740)

Millions of Canadians support the repeal of section 745: The Canadian Police Association, police officers across the country, correctional workers across the country, the Canadian Association of Chiefs of Police. An overwhelming majority of Canadians want section 745 repealed so that the minimum period of incarceration becomes 25 years. To whom is the government listening when it tinkers with section 745?

We have been elected to the House of Commons to represent our constituents. We are here to represent the best interest of Canadians and what is right and just for the majority of Canadians. To continue to support the inclusion of section 745 in the Criminal Code, in my view, is a breach of the trust that Canadians put in each and every one of us three years ago when they elected us to the House of Commons.

I have tried as an individual member to have section 745 repealed. In fact the House voted to repeal section 745 in principle in December 1994. What has happened to all those members, including over 80 government members, who supported the repeal of section 745 who now will be supporting a bill which merely tinkers with section 745? They will have to reconcile with their constituents their change in vote.

In closing, let me urge the Prime Minister, who has committed himself to parliamentary reform, to allow a free vote on this matter, to allow a free vote on a bill that would repeal section 745. In my view that would go a long way to restoring the trust and confidence that Canadians ought to have in their elected members.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I am pleased but also rather concerned about having to speak on this very serious bill on judicial review and parole ineligibility.

When dealing with these issues, we must be careful not to become excessive, as the Reform Party tends to do, but we must also avoid giving in to what I would call election-related pressure. This is not an issue that must be influenced by election-related pressure or constraints. Rather, it calls for a serious and thorough review that will allow us to see if the measures that have been part of the Criminal Code for quite some time are good. Have these measures been effective? Have they provided interesting results? Do we need to change them?

This is also an issue about which we must be careful not to become emotional but, rather, rational. Let us look at the overall situation in terms of those affected by this measure.

As of December 31, 1995, there were 175 eligible inmates; 76 of them had applied for a judicial review of their parole ineligibility. In other words, these people wanted to have the opportunity to be paroled after the 15th year and before the 25th year of their sentence. Of these 76 applications, 13 are pending, while a decision has been made in the other 63 cases. A reduction was granted to 39 inmates. It is important to mention that only one of them reoffended. And it was not murder, but armed robbery.

One has to realize that this is not all black and white. We need to ponder this issue carefully and make a balanced judgement instead of resorting to anecdotal evidence. It is really a terrible situation when a crime is committed. The impact on the family members and relatives of the person who has been killed is horrendous. We often tend to look for remedy for the guilt and the grief by demanding a severe punishment for the murderer. Maybe not as severe as the crime itself, but a sentence long enough to make sure the murderer is not back out on the street.

● (1745)

It has been proven that families who have this ultimately quite natural reaction do not experience a lessening of their grief because the murderer has been severely punished. It has been proven both in Canada and in the United States. The grief for the lost one remains, and there is no connection whatsoever with the punishment.

We have to get to the bottom of this issue and see whether the steps taken have given the anticipated results. For example, I am told that 39 inmates got a reduction, that 38 have not reoffended and that not one of them has been convicted for a new offence. This means that the vast majority of the people have been able to come back out into society and to make a positive contribution.

Therefore, we now have to determine the real purpose of our criminal justice system. Among the offenders sentenced to 25 years in prison, there are career criminals, but also people who have committed a crime, who have made a terrible mistake under some kind of impulse, an act that was not necessarily premeditated.

We also have to know what direction the system is taking. Is there an increase or a decrease of the crime rate in Quebec and in Canada right now? The figures show that the crime rate is declining everywhere, at least in Quebec.

We need to compare what we have with the other systems where the measures taken are getting tougher and tougher. We can often compare ourselves to the Americans in this regard. The way the

system works in Canada, how it ultimately affects the crime rate, the reintegration of people into the society and the costs of the system. I think our approach, that is, the one which was developed in the last 15 or 20 years, compares favourably with the one that has been developed in the United States. I think we must build upon our successes.

The real objectives of the government can be called into question. When we look at the statistics and see that of the 73 individuals who asked for a review, 63 obtained one and 39 were granted a reduction in their sentence and only one committed an offence subsequently, one has every reason to wonder why the government introduced such a bill.

This bill appears to have been introduced in reaction to pressure and ultimately will not solve much. We can see what has been proposed for multiple murders. This will create terrible confusion and injustice. It is not the fact that a person has taken one or two lives that is important, it is the type of crime that has been committed. The number of victims seems totally irrelevant to me.

The other element concerns the decision committee. Again the government appears to be closing the door completely without having the political courage to say so. It should take a clear stand in favour of abolishing this provision or say that the present system is working well and prove it to all Quebecers and Canadians so they can judge for themselves.

I also think that it is typical of politics nowadays. It is very easy to slip into demagogy. It is very easy to say that we have a typical example, a horrible situation, the kind of things we occasionally see in the newspapers. It is terrible to see and to experience this kind of thing; it stirs up lots of emotions. It is a personal situation that can be very difficult to go through.

We are not here to make a sensation. We are here to pass laws that will have a real positive effect and that will, ultimately, make our society more equitable and less violent, more evolved and more aware of new ways of rehabilitating criminals.

• (1750)

Even if tomorrow we could arrange for nobody to be eligible to have their ineligibility reviewed, we would not have solved the problem. There is no link between murders that have been committed in the past and those that will be committed in the future. People who are in such situations of violence are not calculating whether, if caught and sentenced, they will be able to apply for a review of their situation after 15 years. This is not how it works. This is not what is going through their head. These situations are more likely to arise after a number of years in prison, when individuals have lived through more, and have had the idea that they are capable of reintegrating into society. There is a whole process provided for the assessment of these cases.

I feel that the present model needs more thinking and more study before we come up with measures such as the one the government is proposing or, even worse, such as the one the Reform Party was advocating. If we were to adopt very tough legislation or this bill, we would have the feeling that we had done our job, but with the corrective measures, those that will come in the future, will we, five or ten years down the road, be able to say that we truly improved the situation?

Rather, might we not try to hide things a bit, saying that, in the end, all those measures we took did not settle anything or improve the situation, that the recividism rate cannot really be lower than what it is. We have to make sure that those who must act in these decisions may do so rapidly.

I will conclude on this. It is important that we make a balanced judgment. I encourage the government to do its homework. If there are changes to be made in this section, they should be made after more careful study with no regard to the temptation put in the way by the Reform Party, which wants to create a mockery of justice. I do not think it is in the interests of Canadians and Quebecers that things be done this way.

[*English*]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, in the dying days of the last session of Parliament I stood in the House to voice my opposition to what the justice minister was doing with section 745. I have listened to the justice minister over the summer and I have come to the conclusion that the minister just does not get it.

Instead of talking to my lawyer friends in Calgary and the inmates and criminals that the justice minister wants to coddle, I talked with some of the people that Bill C-45 would affect: my constituents. I sent out surveys to see what my constituents thought and I have never received more responses in the three years I have been an MP, 1,702 to be exact.

Of the people who responded, 85 per cent felt that the people who were convicted of first degree premeditated murder should not have their sentence reduced at all. Eighty-five per cent. Not only that but two-thirds of the people who responded felt that those who committed first degree premeditated murder should be subject to capital punishment. Based on the questionnaire, I believe that a nationwide referendum on the issue is becoming more and more mandatory.

One question asked was: What do you believe should be the penalty for first degree premeditated murder? This does not need much explanation. Most people know what premeditated first degree murder, the taking of a life, is. The response was that 1,144

favoured capital punishment, not the lifetime with parole after 25 years which is being bandied around in the House by the bleeding heart government members.

The second question was: Do you think that people convicted of first degree murder should have the ability to go before a jury after 15 years and present a case to have the time they are required to serve in jail reduced? In response, 1,469 said no. A high number of those responding said no, serve the full time.

• (1755)

The third question was: Should people serving a sentence for first degree murder have their sentence reduced at all? After all, in the wisdom of the House back in the seventies the penalty was supposed to be life. One thousand, four hundred and fifty-three said no, the sentence should not be reduced.

The public is scared. Our streets are not safe. Violent crime is on the rise. Even the justice minister admitted that in the House. Canadians expect and deserve a country where they can feel secure in their homes and communities and where they can grow old without fear. Canada has been shaken by crime and a defective criminal justice system which the Liberal government has been slow to fix. When will the minister get this?

Why does the government place less value on one life than it does on two or 20 lives? Corrections Canada's mission is to contribute to the protection of society by exercising lawful control. The government will send peacekeepers around the world to prevent people from murdering one another, yet it will release rehabilitated murderers onto Canadian streets. Why do two people have to die before the government will step in to lock these criminals up?

Where are the government's priorities? Has it forgotten that its first responsibility is to law-abiding Canadians and that it must do everything to protect their safety? Is it any wonder that people do not trust our justice system?

It is time to place the rights of victims, the survivors of crime, and law-abiding citizens ahead of the rights of criminals. Let us remember that a victim's sentence is forever; it is a lifetime sentence served in a graveyard. The murderer gets life with a reprieve, an opportunity to get out.

The justice minister has never offered the Boyd or Rosenfeldt families compensation for the horrific murders of their children, but the government will give inmates compensation for slipping in a stairwell. The government paid Clifford Olson compensation to the tune of $100,000 and will even allow him to publish books and to make videos while in jail. What a slap in the face to those families. Where is the justice in all of this? There is none. This is protecting the criminals' rights more than the victims'. It is not a strong enough deterrent.

Despite the justice minister's claims, the public interest will not be served by keeping first degree murderers in prison for any less than 25 years, even if they just kill once. The government must repeal section 745. The safety and the lives of Canadians depend on it.

When we were debating the gun control bill, Bill C-68, many members on the government side stood and talked about the justification of the expenditure of hundreds of millions of dollars which will be sucked out of the system in order for law-abiding citizens to register their firearms. The argument was an emotional one which came from the heart: If it saves just one life the gun registration system is well worth it.

If that is the logic the government used to justify the gun control bill, why does it not apply the same logic in this instance and repeal section 745? If by repealing section 745 a murderer must serve the full life sentence with a parole opportunity after 25 years, why not do that? Why not try it to see if it would be a stronger deterrent? Why not implement that?

If the repeal of section 745, despite all the great arguments on both sides of the House, saves one life, then why not? If it saves one single life then why not repeal section 745? Why is the government not consistent? The justice minister speaks about the multiple murderer syndrome. The life I am talking about that could be saved with the repeal of section 745 is that life the murderer would not get a chance to murder.

The member for York South—Weston said that most murderers do not repeat their crime. Notice that he said ''most''. If after the passage of Bill C-45 a murderer who has killed once does it again, if it just saves that one life, the repeal of section 745 is worth it.

• (1800)

I have one other objection to this whole farce and fiasco that this justice minister perpetrates on the House of Commons and the way he operates his department, this business of sending bills after second reading to the House. Even when they come back from the House and the standing committee and they are in his hands, for example, Bill C-41, the so-called tougher sentencing bill and Bill C-68, gun control, it sits in his department and then eight days before we leave or break he has to force it and limit debate for opposition members, not allowing them to fully discuss the issues at hand.

That is not the way you do justice in this country. That is an injustice to Canadians. That is not the way he should be running his department. He did it on Bills C-41 and C-68 and now he will probably end up doing it on Bill C-45. He did it as well on Bill C-33.

There is one other injustice that is being perpetrated by the justice minister of this government. The private member's bill, Bill C-234 from the hon. member for York South—Weston, was sent to committee. That is supposed to come back from the committee and be reported. In the wisdom of the standing committee on justice I

understand it is not going to report it back to the House. It is going to ignore it.

As members of the House of Commons we sent that bill to that standing committee and it is supposed to come back. It is not allowing this member of Parliament representing Calgary Centre to speak to Calgary Centre constituents about the fate of that particular bill, the status that it is at and what this government thinks about it. That is an injustice and this justice minister should be applying what his title calls for, justice, not injustice.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, I am going to offer to the House a personal experience today on how section 745 has affected my life.

Fourteen years ago, one block from my home at a convenience store a young woman about the age of the young pages we have with us in the House was abducted. Her disappearance from that convenience store that night put my small community in a state of panic. No one knew what had happened to Laurie Boyd. She had disappeared.

The panic our community felt was something that touched me personally. My wife was afraid to leave our home and travel the short distance to Calgary. My daughter who was about the same age, within a year, was afraid to walk to school.

Laurie's body was found by a good friend of mine and it was unrecognizable. I was the personal physician of the Boyd family. I knew them well. I had treated them, counselled with them and looked after them in sickness, and so I anguished personally with them over their loss.

There were rumours in Okotoks about what had happened, rumours that some criminals had an undercover police car and a police light they were using to attract and murder individuals. There had been two murders in our community.

One of my colleagues in High River hospital had a patient that tried to commit suicide. Under the effect of the drugs he had tried to commit suicide with he confessed to the two murders. He and his partner were then apprehended. The story of the murder of Laurie Boyd is something I will never forget, the story of how they enticed her to go to the back of the convenience store and clapped her in a van. They took her out to an abandoned gravel pit, forcibly raped her, promised her they would let her go, stabbed her repeatedly with a screwdriver and then poured on her dead body gasoline and made her unrecognizable.

● (1805)

I guess I will never forget it because with the family I went over that specific issue in my mind, in my eye and in counselling with them. When the court proceedings went through the horrible crime, these two beasts—and I say that word harshly but that is how I felt—received the most serious penalty anyone could receive in Canada. They were guilty of premeditated, first degree murder. I and the family felt some small satisfaction in that penalty. Life without chance of parole was the sentence from that judge.

The Boyds then went on to try to recreate their lives, Trevor the son, Darlene and Doug. We stayed in close touch and they did rebuild their lives.

I then found myself as an MP some years later. I had a call from my old friend, Darlene. She said: ''I have to talk to you, Grant''. She came to my office and said: ''Tell me this isn't so. Tell me that Jim Peters cannot get out in 15 years. Tell me that section 745 is not true''. I said to her: ''Darlene, it is true but there is hope. There is a member from another party who has a private member's bill on the table and it received support in the House of Commons to go to committee. There is hope that 745 will be tossed in the dustbin of history. It is at the committee stage. I am pretty sure that because of the unanimity that exists in the House the bill will be passed and we will see 745 gone. The one remaining beast, as the second one killed himself in prison, will not get out''.

Darlene said: ''Thank you, Grant. Thank you for that reassurance. Thank you for that advice''. It was not too long after that when she came back and said: ''I hear that private member's bill is not going to make it. What should I do?'' ''Well, Darlene, campaign for the abolition of 745'', was my advise.

Darlene Boyd resurrected the trauma in her life to do just that. She personally was responsible for the names in the Calgary *Sun*, the chorus of people crying for the abolition of 745. She has travelled at her expense throughout Canada to get 745 abolished.

I have to stand in public and say to her: ''Darlene, I am sorry. I think the government of this day will not do what must be done. Section 745 in my view should be abolished but I do not believe that it will be abolished with this government''.

What happened to the other members who with me said the bill from the member for York South—Weston should go to committee and should be considered carefully? What happened to those individuals who agreed in principle with abolishing section 745 of the Criminal Code? I have listened to some of them speak here and they say Bill C-45 is enough and that it will still provide a glimmer of hope. I have heard them say it does not bother the victims' families to go through this.

My message is simple and clear, as I have counselled again with the Boyd family on this issue. The individual who tore their lives apart, who will have his hearing in February, has torn their lives apart again.

I know the justice minister has compassion in his heart for Jim Peters. Jim Peters, who perpetrated this crime and who was sentenced to 25 years without chance of parole, a major sentence in

Canada, is being treated with leniency. Darlene Boyd and her family are not. I believe that is wrong.

● (1810)

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, after that moving testimony by my colleague from Macleod and the indictment that one has heard against this piece of legislation by the Minister of Justice, one would hope the Liberal backbenchers would think again, talk to their minister and ask him to reconsider what he intends to impose on Canadians.

There is no question in my mind that Canadians from coast to coast are absolutely appalled that the Minister of Justice has decided to water down section 745 a little rather than eliminating it entirely. Therefore I call on my colleagues on the Liberal government bench to do the honourable thing when it comes to a vote and vote down this legislation and call for the return of the private member's bill by the member for York South—Weston. That would be the honourable thing to do.

Take a look at this piece of legislation and how it affects individuals. We have just heard from the member for Macleod how it tears individuals, innocent Canadians, who have suffered horribly at the hands of criminals, how they have been torn apart and their lives shattered and how 15 years later they have to relive the horror and the tragedy; how they have to fight the government that is disposed to defend their freedom and their principles; how they have to fight the government that is supporting the criminal. They feel all alone in society and ask who stands up for them.

It is we, all of us in this House, who are supposed to stand up for them. That is why I think the members on the government side should do the honourable thing and defeat this piece of legislation and call for the return of the private member's bill by the member for York South—Weston which would repeal this section in its entirety.

Looking at the proposals by the Minister of Justice, he is now talking about having a superior court judge assess the situation and the application by the criminal to find out if it has a reasonable prospect for success. If he feels it does he can refer the matter to a jury. That in itself is an insult to the principle of juries in this country where we ask juries, peers of people who stand accused, to judge.

Now we are asking a judge to prejudge what a jury is going to hear. That seems to be turning our whole justice system upside down because juries are the people in this country who are given the right to decide, not superior court judges who will decide what juries will hear and what they will not hear.

Why are we putting the superior court justice in the middle of our judicial system where we depend on juries to pass impartial judgment on people who stand accused? Now we are going to put in the middle the superior court justice who is going to decide whether or not a jury should hear a case.

Of course, his judgment is going to be subject to the potential for an appeal and subsequent appeals all the way up to the Supreme Court. Our whole judicial system has the potential to be totally caught up in the throes of reworking and rehashing something a judge decided at the time the sentence was handed out.

This crime was so heinous, this person should be locked up for 25 years without parole. If the judge decides that based on the evidence presented to him, surely Canadians expect the right to have that judgement rendered and carried through all the way.

Section 745 was introduced as the faint last hope clause and has become the open door clause for convicted murderers. The Minister of Justice should have closed it.

● (1815)

I think of what life sentences mean in other countries. In the United Kingdom for example a life sentence is a life sentence where someone will spend 25 years in jail and when he gets out he is on parole for the rest of his life. If he violates his parole conditions, he is back inside. He is subject to the government and to the parole conditions for the rest of his life.

When I think of Clifford Olson I am appalled how justice failed Canadians. Not only are we going to allow him to appeal his sentence after 15 years, but everybody knows he should have been designated a dangerous offender. However, the law allows such a narrow window for that application to be made that by the time the judgment is rendered and the sentence is passed the prosecutor forgets to apply for dangerous offender status. Therefore Mr. Olson and others like him will be able to walk the streets of this country absolutely and totally free after 25 years, perhaps sooner. Is that the type of justice that we feel Canadians expect? Is that the type of justice that this government feels Canadians want to have? I do not think so. The people I talk to certainly do not want that.

We need safe streets. People need to feel they can walk the streets at night without fear of murder, without fear of rape and without fear of robbery. We seem to bend over backward to help those who have murdered and raped yet we do nothing to help those innocent people who have been injured, who have been terrorized, who have been destroyed by these crimes.

The member for Fraser Valley West has introduced a victim's rights bill where we are going to start recognizing that these victims have rights and these rights should stand before the rights of the criminal. That is the type of legislation we should be talking about in this House.

We should not be talking about whether the person has committed one murder or two murders and one murder is fine and two is maybe a little bit worse. The Minister of Justice talks about good murderers and bad murderers and makes differentiations. Ask any family who has had one of its members murdered if they feel that their hurt is any less because that was the only murder committed by a criminal versus someone who has committed more than one murder. Ask if they hurt any less. I can assure the House that they do not.

The testimony of the hon. member for Macleod showed us that is the case. Therefore why is this government talking about statistics when we are talking about real people? We are talking about individuals who walk on the streets and individuals who should be walking on the streets but are in their graves today while the others are locked up and should stay locked up. Yet this government wants to turn those people lose on society.

I think of the Gingras case in Edmonton where I come from. Because he was a good little boy in prison we took him to the West Edmonton Mall for his birthday party and he escaped from his guards and murdered two more people before he was back in. Is this the justice system Canadians want, where we take murderers out for a birthday party to the shopping mall and to the amusement park in West Edmonton Mall so that he can have a good time while others never ever heal from the hurt and the tragedy?

This government has to think again. This government has to realize that Canadians want justice served. If government members will not do it at the next election, Canadians will find somebody who will do it. That is the point. The member for York South—Weston said to scrap the bill. They used political backroom deals to bury it and to bring forth their own piece of legislation.

• (1820)

Canadians see through that. Very definitely they see through that. They want a government that stands up and is accountable. We see this government. It does not matter if it is crime and punishment. It does not matter if it is the Somalia affair. It does not matter if the chief of defence staff stands up and says: ''Mea culpa. Sure, I broke the spirit of the law but does it matter?'' Of course it matters. Everything matters because we need to have some leadership and accountability in this country. It can start right here with the repeal of section 745.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I appreciate the opportunity to speak to this bill. It gives me no pleasure at all to make some of the points that I have to make today.

I was the one who seconded the bill that the member for York South—Weston brought to this House. I laid aside partisan politics. It did not matter that he was a member of the Liberal Party at that time. I felt the issue was important and deserved to be supported.

I would appeal to every member in this House to do what we have been sent here by our constituents to do, which is to look at every piece of legislation, to listen to the debate very carefully and to decide whether or not it is a good law.

I would submit that the evidence that has been presented, all the speeches that have been given on this would indicate to the members in this House that section 745 should be repealed.

As my constituents have sent me to Ottawa to be their voice, I want to express my complete and utter opposition to the amendments and to this bill. My constituents have told me this: If a criminal is sentenced to life imprisonment without parole, then that is exactly what the sentence should be. I believe that no one can reasonably second guess a decision made by a judge and jury 15 years earlier, nor do I think our laws should ever permit them to do so.

Eighty-six per cent of my constituents say that it is time to return to capital punishment as a punishment option for judges. Eighty-six per cent. At every public meeting I attend, from virtually everyone who deals with criminal justice issues there are demands not only for capital punishment but also for corporal punishment to be reinstated.

These are the things that my constituents are saying. I wholeheartedly agree with them. I have looked at the evidence. I have examined the issues. They are right.

Given my constituents' thoughts on the return of capital punishment, members can understand their determination to ensure that premeditated murderers are required by law to serve their full sentence. Twenty-five years without parole should mean 25 years without parole. Section 745 must not be repealed and not be amended.

The question that I want to discuss very briefly is, why should we be listening to the people out there in regard to this criminal justice issue. Is it important or do we somehow feel we think at a higher level than the people around us? I do not believe we do.

Justice is fundamental to maintaining the fabric of a society. That is why we should listen. The laws that are put in place by a Parliament in a democratic country should reflect the values of that society. If they do not, the very fabric of society begins to unravel.

I want to give an example. The Young Offenders Act has become a revolving door for many young people. I have fairly close connections with the high school in the city of Yorkton. I have had my own children going through that school. The effect of not having a young offender properly dealt with is that it begins to affect everyone else in society. That is what I mean by the fabric of society beginning to unravel if we do not have true justice in

society. If the people do not perceive that justice is being served their whole attitude toward the law begins to decline. That is why section 745 needs to be repealed. The people in our country are beginning to develop a very cynical attitude toward the law.

● (1825)

In the high school in Yorkton that I am referring to, when these young people are not dealt with properly the rest of the young people in that school begin to take the attitude: ''It does not matter what I do. It does not matter. I can do as I wish''. It even goes so far that the quality of work produced by the students begins to decline. Therefore justice does not affect the attitude toward the law but it begins to affect everything else in society.

If we want to maintain a quality of life within our country, we must listen to what the people of Canada are telling us. It is fundamental to maintaining a structured, healthy, vibrant society. That is why I submit that we as politicians, as parliamentarians, should be looking at the overall effect of the laws in our country and what they do.

If we underestimate the impact this section is having, I ask members to please keep in mind this fact. In the next 15 years approximately 600 killers will become eligible for judicial reviews to have their sentence reduced by up to 40 per cent. Six hundred killers will have the opportunity of having their sentences reduced.

Currently section 745 hearings are biased in favour of the criminals. When I went to some of the investigations and some of the prisons across Canada I could not believe the system and how it does not work.

These hearings are preoccupied with the interests and rights of the criminal to the detriment of the interest and rights of the victim and the victim's family. At these hearings the criminal has more rights than the victim. Victims are currently not even allowed to appear as a witness and give evidence at these hearings.

The bureaucrats who are running the prisons get to select what information is given to the judge and jury about the inmate. They say they cannot release negative information about the convicted killer because it would invade their right to privacy. Can anyone believe this? A killer has the right to privacy. I believe that when someone commits a heinous crime like murder, some of those rights are lost. I especially believe the right to privacy is forfeited. They have failed our society. I question the need for killers to have any rights when they are in jail.

I know my constituents are making these demands and it is time for the government to listen to what Canadians are saying. It is so fundamentally important that justice be the thing we focus on in the House.

The hon. member for Macleod gave an example and, time permitting, I will also give the House an example. This is not an isolated case. We must understand that every murder committed in this country has a story surrounding it. Here is another one.

In 1994 an early parole hearing for a murderer was held in Saskatoon. The victim's family was not allowed to appear before the judge and jury. The victim's story was never told. Here are the facts of a premeditated, cold blooded murder.

In 1978 Constable Brian King was working alone in the Saskatoon detachment area. He was married to Marie and had three small children. He stopped a car with no rear licence plate, something he had done hundreds of times. But this time there were two men inside the car that had only one thing in mind: they were going to kill a cop.

Greg Fisher and Darryl Crook had been partying earlier that night and had told people they intended to kill a cop that very night. They removed the licence plate from their car so that the unsuspecting police officer might stop them. When Constable King stopped their car, Crook threw a beer bottle into the ditch. As King went to pick up the beer bottle the two killers got out of the car, jumped King, stole his gun, handcuffed him, forced him into the car, drove him to the bank of the South Saskatchewan River, made him kneel down and shot him twice in the head at point blank range.

They were caught later that night by the Saskatoon city police. Both Fisher and Crook were convicted of first degree murder, which means premeditated murder, and they were both sentenced to life imprisonment with no eligibility for parole for at least 25 years. It was not 15 years, but life imprisonment with no eligibility for parole for 25 years.

This information and all its gory details had to be part of any hearing regarding the possible reduction of the sentence. Every juror at the hearing must feel the horror of Constable King's last minutes on earth. Only in this way would they understand why these killers were sentenced to the maximum sentence allowed by law.

I and the majority of Canadians only wish that capital punishment had been an option for the judge and jury in this case. It should have been.

There is another part of the victim's story that these hearings are denied, the pain and suffering the victim's family had to go through because of the callous disregard for human life that Fisher and Crook had for the victim. The judge and jury in these cases must understand all of the consequences of these senseless murders before they rule on reducing the sentence by even one month.

When Mr. Fisher's hearing came up early this year it was suggested by Mrs. Marie King-Forest that they might just want to stay at home and not even attend the hearings. After all, what could be gained? Mrs. King-Forest said: ''How can it be that my entire family is forced to go through this all again? This is wrong. He was sentenced to life with no parole for 25 years. That is the penalty for killing Brian. There should be no shortcuts''.

To Mrs. King-Forest's credit she was able to mount such a high level of public support for her situation that the judge granted a hearing mistrial because of media coverage and police attendance at the hearing. She later appeared before the federal Minister of Justice to ask him to repeal section 745, but he gave no indication leading toward such changes.

This is one more story to underline that we must repeal section 745.

The Acting Speaker (Mr. Kilger): In order for members to be clear, this afternoon I have been using my clock and there is a difference of approximately one minute. I am going to ask for resumption of debate and whoever that member might be will be the first on the speaking list when this matter returns to the House. If no one is prepared to resume debate we will call the question.

Resuming debate, the hon. member for Calgary Northeast.

With the agreement of the House I will see the clock as being 6.30 p.m. rather than giving the floor to someone for less than one minute. Is that agreed?

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): It being 6.30 p.m., the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24.

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