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Monday, March 31, 2003

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, March 31, 2003

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1105)

[*English*]

INCOME TAX ACT

Ms. Wendy Lill (Dartmouth, NDP) moved:

That, in the opinion of this House, the government should celebrate and encourage Canada's magnificent and diverse culture by changing the Income Tax Act to exempt creative and interpretive artists from paying income tax on a percentage of income derived from copyright, neighbouring rights, and/or other income derived from the sale of any creative work.

The Acting Speaker (Mr. Bélair): Today the House will debate the first private member's item subject to the new provisional standing orders. Therefore, I would like to remind hon. members that the length of speeches will be as follows: (a) member moving the item, 15 minutes maximum, and the speech is subject to a five minute question and comment period; and (b) all other members 10 minutes.

Ms. Wendy Lill: Mr. Speaker, it is an honour to be the first person to take part in the new parliamentary system around private members' motions. I guess one could say that I will go down in history today by being at the beginning of the roster.

It is my great pleasure to move Motion No. 293 today. The motion reads:

That, in the opinion of this House, the government should celebrate and encourage Canada's magnificent and diverse culture by changing the Income Tax Act to exempt creative and interpretive artists from paying income tax on a percentage of income derived from copyright, neighbouring rights, and/or other income derived from the sale of any creative work.

I am aware of one amendment that will be proposed by my friend from Quebec City, and I welcome the amendment.

In the last Parliament, my colleague, Nelson Riis, introduced a similar motion calling on the government to give a general tax exemption of \$30,000 for artists. That motion was defeated largely based on an argument by the parliamentary secretary for the minister of finance of the day, who said:

It is not clear that artists, writers or performers have greater needs than any other individuals with comparable incomes. Thus, to provide a special tax exemption to an individual simply because he or she engages in artistic activities would be very

difficult to defend on equity grounds. It would also lead to requests for similar treatment for other groups that also believe they are deserving of special status.

Sadly, the debate rules of that day did not allow for rebuttal on my part, so I would like to take a second to address the notion that artists want special status and how that would be inequitable, or the other arguments from that day saying that the status of an artist is a hard one to define.

On matters relating to who is an artist, the motion I have put forward today gives a much clearer idea of what part of the income would be eligible for income tax relief and what part of the income would be limited specifically to the direct income from the sale of creative works. This would help to define, in my estimation, what income would be allowed as an artistic exemption and it gets to the issue of what exactly is an artist and brings it into the realm of the marketplace, that if a work of art is sold then it becomes income that is eligible under this motion.

In terms of the cost to the treasury, the motion calls for only a portion of income to be deductible and that level would be set by the Minister of Finance. That being said, we know that regardless of the level this measure would not be a great loss to the federal treasury given the fact that the average income of artists in this country is around \$13,000 a year.

What precedents are there for this kind of exemption? We can start with Ireland. Ireland has an absolute exemption for income tax for creators. The total cost to the treasury in Ireland is less than 10% of our expenditure on the Canada Council, a total of less than \$14 million or less than 50¢ per Canadian.

Quebec has also allowed for a deduction of up to \$15,000 on copyright income and that seems to be working very well in that province and has allowed art to flourish in Quebec.

I wish to address some other misconceptions that I have heard about support to our artists in general. A while back I heard from another member of the House who proclaimed that she did not believe we needed any special support for artists, the reason being that personalities and artists, such as Céline Dion and Shania Twain, have been so successful internationally, so why do we need to support our artists?

I would say that unfortunately this kind of mentality presumes that all art in Canada can be judged by commercial success in the international marketplace. It suggests that people who create outside the mainstream, which means less commercial success, are somehow less creative. It views art only as a commodity, only to be judged by its market value.

Private Members' Business

●(1110)

Although the motion involves changes to the Income Tax Act, the motion, strangely, is not about income. The motion is not about money, given the fact that artists are not making very much money to begin with. I would say it is more about recognition and respect for the creators in our country, and respect and recognition within one of the central laws of our country, the Income Tax Act.

The argument about special status put forward earlier by the parliamentary secretary does not stand up in many ways. In one way we have to look at it, sadly, that our current Income Tax Act is full of special statuses for classes of people, mostly people with money. We have special exemptions for family trusts so that wealthy families can shelter huge incomes for their children. We have special rules allowing entrepreneurs to deduct expenses related to their businesses. We allow the sheltering of income made by playing the stock market or making certain types of investments. When artists have come looking for tax recognition the government has said no because the finance department cries special status as if it is brand new concept. The fact is that art and culture in this country are special. Art and culture are special in the life of a nation.

His Excellency John Ralston Saul, one of Canada's most respected writers and philosophers, has had much to say on culture and its place in Canada. In 1999 he made the point that culture has been presented over the last few decades as if somehow it were a marginal adjunct to society. History tells us that this is nonsense. Culture either exists as the core element to society or it really is not culture at all. Culture is the motor of any successful society.

Up until six years ago, when I became a member of Parliament, I made my living as a playwright and filmmaker in this country. Many of my friends continue to be artists, sculptors, playwrights, directors and painters. Most of them continue to cobble together a living without one bit or one wit of security but also with little real choice in the matter because they are driven to create and to express themselves. They believe they have something to say and that they can make people laugh, cry, feel deeply or change their courses of action, that they can make people feel rage about injustice, cry out, feel deeply about humanity, about war, about terror, about deepening their spiritual journeys, about strengthening their connection to kin and community and about their sense of responsibility in their society. In a word, they believe, rightly or wrongly, justly or unjustly, or foolishly, that their tiny contributions and creations can have an impact, positive or negative, on the human condition.

For this faint hope, they labour mightily in the field of culture making on average about \$13,000 a year. They give up a great deal for the special status of being artists. People who have made the choice to be creators often find they have no choice but to live in poverty. To be an artist in this country means to concentrate on creating while worrying about paying the rent and buying food. It means struggling to focus on art while dealing with overdue bills and trying to practise a craft when the basic costs of the tools are sometimes too expensive. It means trying to keep a creative spark alive, a creative work moving ahead over a period of years, while working on jobs which help pay the bills. It often means forgoing family and children altogether. It often means disrupting marriages, families and home lives since people have to travel great distances to work as artists, directors and actors.

●(1115)

We are tremendously richer because of the sacrifice of artists in our country. Our nation would be far worse off without the stout-hearted band of creators who chronicle its course, tell its story, shine light in the dark corners and provide the strength to face an uncertain future.

That is why I take every opportunity to raise issues of culture and creation in the House: because we need to value creation as much as we value money.

I hope that in a few months we will all stand in our places here to pass this motion to start giving creators a limited income tax exemption on their income directly derived from the sale of their work.

Previous debate on this subject in this place has pointed to the organizational support that successive governments have put in place as being adequate and that therefore no extra support is needed for individual artists. People bring up the budgets for the Canada Council, the CBC, the National Gallery, the NFB and Telefilm. They usually use recent numbers, which do not show how the overall cultural supports have been drastically reduced since the mid-nineties. Most important, these moneys do not recognize individual creators' contributions. They are more usually designed to support the amorphous cultural industries.

The motion uses the individual tax return to award the individual creator. It is a strongly symbolic way of saying to the creators that our culture, our society, values their lonely efforts, their creative spirits. But we should also understand who really pays for our collective successes in the cultural sector. In 1982 Canada commissioned a study of our cultural sector; it is called the Applebaum-Hébert report. One of its overall findings was that the largest subsidy to cultural life in Canada comes not from governments, corporations or other patrons, but from the artists themselves for their unpaid or underpaid work.

It looks like things are now worse. In December last year, four months ago, the Cultural Human Resources Council issued its latest report, called "Face of the Future". I would like to read one paragraph from the report, which looks at trends in the cultural sector:

Despite general growth in the sector, visual artists' annual income, which is extremely low to start with, is dropping. Between 1990 and 1995, Canadian craftspeople experienced a 21% decrease in their average annual income, dropping from an average of \$13,480 to \$10,606 per annum. In 1995, visual artists earned an average annual income of \$12,600, which represented only 47.5% of the average annual income of the total workforce that year; craftspeople earned an average of \$10,600 that year, or 40% of the total workforce.

So things are getting worse, and the successes in the sector are not because of government support but because of the sacrifices of individual creators.

Private Members' Business

I hope members of the House will see this motion as an important and constructive step in attacking the obstacles thrown in the way of our creators. I hope they will see it as a small way of relieving the economic grind facing them, perhaps allowing them to work in a more concentrated way on their art, perhaps allowing them to create a book or a play in one year instead of three or four. It would give them some small financial relief, but it would also give them one big boost symbolically in terms of their importance to this country.

By passing the motion we would be saying as a nation that what creators do is special to us. We would be collectively recognizing their contribution. We would be saying that we thank them, that we need them, and that we cannot exist without them.

I thank hon. members for listening to me today and I look forward to the debate that is going to unfold in the next couple of months on this very important issue and this very important recognition of artists in our country.

• (1120)

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, it is a real pleasure to take part in this new version of our private members' business where we actually get to question the mover of the motion.

I am looking back at the member's speech of February 20 of this year in which she was talking about child protection and so on. I would like to quote from that speech, because she made a comment that we must not use the Criminal Code to censor art, but then went on to state:

I worry that the police chief of Toronto has been publicly criticizing the government and has been using child pornography as his reason to ask for more federal money for law enforcement.

The next part is the important quote:

It does not bode well for our freedom of artists if police believe that their funding will increase if they lay more child pornography charges.

With the hon. member asking for tax relief for artists and demanding that the artistic merit principle stand up with child pornographers, the question would be this: Is this an unintended consequence of her bill or does she really believe that artistic merit should be safeguarded and that child pornographers should actually get a tax break? That is unbelievable.

Ms. Wendy Lill: Mr. Speaker, I will continue to say at every opportunity that artistic merit should be safeguarded. I look forward to having that debate in the House and in committee. Aside from that, the comments made by my colleague are not particularly relevant to this debate.

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I would like to ask my hon. colleague a question. From our past work when we sat on the heritage committee in the 35th Parliament, I believe, and dealt with Bill C-32, the copyright legislation, she knows where my belief and conviction lie in terms of helping the artist. I introduced four amendments to that legislation, which substantially tilted the act toward the creator's side of it. I say that as a prelude to my question.

I believe there are two significant pillars to any civilization. In my opinion, arts and sciences are these two pillars. In both of these areas of human endeavour, there is a similar protection for the creator. As the member has identified, on the artistic side a number of legal

mechanisms protect the copyright of these people, whether they be neighbouring rights or actual copyright and so forth. The same thing is true on the creative side for the sciences in that people who invent or innovate can obtain patents to protect their intellectual property.

How are we to determine, therefore, that one should have a tax exempt status and not the other?

Ms. Wendy Lill: Mr. Speaker, the member has raised an interesting issue, one that I think is being addressed in this motion, and that is the idea of recognizing income derived from copyrighted work, a play that has been written or a piece of art, for example. It is the actual product of someone's imagination. Although there are many other ways to recognize somebody's status as an artist, that seems to be the one that is the most understandable or satisfying to accountants and people working in the finance department.

There are many ways to support creation. Our government is doing some very good work at supporting creative institutions such as the Canada Council, the CBC and Telefilm Canada. There are those kinds of vehicles, but we also need to look at how individuals can be supported through copyright legislation and through motions such as this which recognize copyright and the moneys attached to it. These are other methods of supporting creation in this country.

• (1125)

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I am pleased to speak today on Motion No. 293. I do want to say that I have some sympathy for the private member's motion of the hon. member for Dartmouth. The sympathy I have is that I think there is a need for lower taxes in the country, lower taxes for a lot of Canadians, for hard working Canadian families. I also have some sympathy for her ideas that copyright and patent law need to be protected. We are in agreement with that. Intellectual property is an important part of property. Property needs to be rewarded. When people have ideas and want to put them out to the public, they need some kind of protection. We are supportive of that idea although it has caused some disruption in certain sectors, such as schools that want to photocopy material and have difficulty with that area.

In general I would say that Canadians, not just Canadian artists, are overtaxed. All Canadians are overtaxed. If we were to ask hard working Canadian families about it, they would certainly agree with that.

One of the reasons for this is that we have seen a tremendous amount of spending increases by the Liberal government over the last several years. In fact, from 2001-02 to 2004-05, spending rises from \$125 billion to \$150 billion. That is just on direct and indirect program spending. Then when we add on the interest we as a society have to pay for overspending in the past 30 years, we get into the range of \$190 billion.

That interest alone causes me a great deal of difficulty. In fact, Canadian families, and Canadian artists or whoever, happen to be affected by this, with 21¢ out of every tax dollar they send to Ottawa going just to pay interest on debt. That is not good enough. That is money we would have in our pockets to spend as we would like if we had that opportunity, and the past two governments did not commit the sins that brought that about.

Private Members' Business

I recall the Liberal government coming to power in 1993 when the national debt was \$508 billion, a horrific number, but it ran that up to \$583 billion before the Canadian public and others around the world started to get concerned about countries hitting the wall: New Zealand, Mexico and even Canada. Our credit rating was being downgraded by Moody's and others. The message got through in about 1995-96 that we had to do something about it. What did we do? The government actually did reduce spending for a couple of years, but how did it reduce it? It reduced spending by cutting transfers to the provinces. That was the biggest area of spending cuts that it made. It was an easy target, 9% in its own backyard—

Mr. Mauril Bélanger: After we cut our own.

Mr. Charlie Penson: The member for Ottawa—Vanier said that was after it cut its own. Let us just examine that for a moment. It cut its own spending by 9%, but it cut transfers to the provinces by 20%. That was an easy target and of course provinces had to supply municipal services, so they had to be cut as well.

We have to ask the question: Why do we consume so much tax money in Canada to begin with? Why do we need all these taxes? The answer is that we have a government with a spending addiction. As I said, it is going up by \$25 billion in the next three years alone. In the two years prior to 2001-02, under the former finance minister, the member for LaSalle—Émard, we saw increases in spending of 6% to 7% a year. Why would he need that amount of money? Population growth and inflation, put together as a formula, were running at roughly 2% a year. We saw a government that was intent on running up spending, so that was 6% a year.

Why do we have this much spending? I would suggest that there are a bunch of business sector grants that are going out to the aerospace sector, for example. Hundreds of millions and in fact billions of dollars are being spent in grants and subsidies to the aerospace sector: Pratt & Whitney, General Electric, Bombardier and some of the biggest corporations in the world.

Therefore when the member talks about artists, I guess she is just asking for the same kind of treatment that some of our big businesses are getting.

• (1130)

However, members of the Canadian Alliance do not agree with that. To begin with, we do not think that these business sectors should receive that kind of grant. That is the reason we need this kind of tax. The government needs that kind of tax to cover off all of the wasteful and misdirected spending.

Instead of sending those business subsidies out, why not leave that money with Canadians? We will decide how to spend it. If we want to invest in Pratt & Whitney or in Bombardier, which are publicly traded companies, we can do that. I suggest we leave that money in people's pockets, that we reduce taxes for all Canadians, not just certain sectors such as artists, although I agree they are part of the composite that needs that spending reduced as well.

I agree that this is a better approach than we normally see from some of the members in the House where they ask for subsidies for certain sectors. Rather than ask for subsidies, we should ask for tax relief. The member for Dartmouth has done just that. I have

sympathy for her argument, but I would not restrict it to only one segment of society.

We must examine what is happening with Canadian families. We must look across the border to the United States and the people we compete against every day for the product that we are selling and for our very jobs.

I just returned from Kitchener-Waterloo. In that one corner of Ontario \$9 billion of goods are exported mainly to the United States. Those goods must compete with other products from other countries. They must also compete with taxes. George Bush's latest tax proposal, that has recently gone to the United States senate, has made the case that a family of four earning \$40,000 or less annually will not have to pay any federal tax.

What do similar families face in Canada? They start paying taxes at \$14,000. There is a \$26,000 difference. No wonder artists and hard working families are concerned about the tax levels in the country. There are 30 OECD countries and Canada has the highest personal tax levels.

We will get more groups speaking out and saying that we are overtaxed. I agree with them because we are overtaxed. We must make the case for all Canadians, not just those of us in a special sector.

I will examine a little bit further where that kicks in. Basic personal exemptions in Canada on the federal side kick in at about \$9,000. After that individuals begin paying federal tax. Does that make any sense? I think not. Those levels must be raised. In order to allow basic personal exemptions to be raised we must have a government committed to reducing spending and to get some priority on its spending. We must stop the wasteful spending that we saw when the government blew a billion dollars on an HRDC program that moved a Hostess potato chips plant from one place in Ontario to 30 miles down the road to another member's riding. That did not make any sense.

We have other areas where government advertising contracts have blown a lot more money. The gun registry is on its second billion dollars. It does not make any sense. The Auditor General has identified lots of wasteful spending.

We must cut out some of this wasteful spending. Let us get our priorities straight. We should leave money in people's pockets and let them decide how they will spend it. They will make wiser choices than the government of the day.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I thank my colleague from the government for his generosity.

Private Members' Business

The Bloc Québécois is pleased to speak to Motion No. 293, the purpose of which is to improve the living conditions of creative and interpretive artists. I thank the hon. member for Dartmouth for raising this matter before the House, one we will support, of course.

In Quebec there is already similar legislation. All of us here, I believe, acknowledge the inestimable contribution made by the artists of Quebec and Canada. If artists succeed in making a name for themselves internationally, it is because they have already gained recognition here. The fastest growing sector of manpower here is the cultural sector.

We have all experienced magical moments provided to us by one kind of cultural activity or another: a song, a musical creation, a play, a concert, a book salon, a chance to meet a writer. These all provide us with an insight into something new.

Each of us can remember being moved by a Cirque du Soleil performance, or a book by the likes of Marie Laberge or Neil Bissoondath. Let us think of all the creative minds behind Céline Dion's super-spectacular show in Las Vegas, or the fascinating *Légendes fantastiques* presented in Drummondville.

The 1999 report of the Standing Committee on Canadian Heritage, entitled "A Sense of Place—A Sense of Being", stated the following:

From the Committee's standpoint, investing in the arts is no less important than investing in the social sciences, humanities, the pure sciences or medicine. The Committee is also aware of the long-term commitments made to researchers and scholars by other federal government agencies and looks for a similar level of commitment to Canadian artists...The Committee feels that support to individual creators should be increased.

We support the demand for increased assistance to creative and interpretive artists, and Motion No. 293 gives us an opportunity to show this support. The intent of the motion is to exempt creative and interpretive artists from paying income tax on a percentage of income derived from copyright, neighbouring rights, and/or other income derived from the sale of any creative work. Creative artists take the biggest risks and are not paid for the time they spend doing research or project development, only for the distribution of the final product.

What are neighbouring rights? They protect performers, such as actors, singers, and record producers and radio broadcasters. Although neighbouring rights seem similar to copyrights, there is a difference. In general, copyright protects songwriters, while neighbouring rights protect singers. Music performers can produce work subject to neighbouring rights called a performer's performance. Sometimes, neighbouring rights are guaranteed in a contract.

Many artists are self-employed. Being a self-employed artist has some advantages when it comes to being creative, but many disadvantages when it comes to getting paid, and many artists live below the poverty line. Income tax deductions do nothing to improve the situation, since if an artist's income is insufficient, being entitled to deductions does not change anything. Not only do artists make very little money, how much they make can vary greatly from one year to the next.

The federal government, in announcing cuts of \$25 million over the next two years to the Canadian Television Fund, or CTF, in its latest budget, is not helping interpretive and creative artists.

● (1135)

Many artisans spend their lives struggling from one financial crisis to the next, unless they are, or have been, extremely successful in their particular field.

The perseverance of our artists has allowed audiences in Quebec, Canada and around the world to discover the talents that we have here.

In Quebec, the relevant sections of the Taxation Act that affect what is contained in Motion No. 293 are sections 80, 128, 59 and 68. Obviously, Quebec's Union des artistes intervened on several occasions to ask for these exemptions on copyright revenues. The Canadian Conference of the Arts also asked for tax breaks on copyright revenues.

Cultural products are very labour intensive. Many artists live below the poverty level and some of them could become so discouraged that it could prevent them from producing major works.

In its budget proposal to the finance committee in September 2002, the CCA recommended introducing an annual tax exemption on copyright royalties only, as is currently the case in Quebec. Incidentally, this idea had already been the subject of a private member's bill, a few years ago.

In Quebec, artists were eligible for an annual exemption on copyright revenues based on a sliding scale up to \$30,000 at first. This has now been raised to \$60,000.

The third recommendation reads as follows:

That the government of Canada give serious consideration to supporting Canada's professional artists and creators, the cornerstone of Canada's cultural industries and institutions, by exempting up to \$60,000 of annual copyright income.

Other countries have adopted similar measures. Ireland is unique in its tax breaks because there are virtually no taxes at all. However, based on our information, some countries allow income to be carried over into subsequent years, countries such as Germany, Denmark, the Netherlands, Greece, France, the U.K. and Luxembourg. Australia allows artists with unstable incomes to carry them over a five year period.

Given that artists contribute so much to our experience and our quality of life, the Bloc Québécois supports Motion No. 293, moved by the member for Dartmouth. We hope that all of our colleagues in the House will recognize the exceptional contribution that artists make to our cultural life, and that they will also support this motion.

I move, pursuant to provisional Standing Order 93(3) for Private Members' Business:

That the motion be amended by replacing the word "Canada's" with the word "a".

The member for Matapédia—Matane seconds this amendment.

● (1140)

The Acting Speaker (Mr. Bélair): Before I declare the amendment in order, I must ask you whether you have the consent of the mover, the hon. member for Dartmouth, to amend the motion.

Private Members' Business

Ms. Pauline Picard: Yes, Mr. Speaker.

The Acting Speaker (Mr. Bélair): I declare the amendment in order.

• (1145)

[*English*]

Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I would first point out that we certainly will not support the amendment to remove the word "Canadian".

As mentioned, the provision for the government to support or stimulate the creation of Canadian culture product is an important policy of the government. The motion before us for debate proposes a lower tax rate for creative and interpretive artists on income from creative written works, such as royalties and sales produced from copyright and related rights.

The hon. member is to be commended for her endeavour to support the artistic community. I think we all on this side of the House that. Supporting our remarkable and diverse community of artists is crucial to maintaining Canada's identity as a nation. It is absolutely vital that we possess the necessary tools to safeguard our own culture and to tell our own stories.

The government already provides considerable resources to help ensure that our artists and cultural industries remain vital and prosperous, especially as Canada enters the new millennium. These important supports are delivered through a number of organizations and institutions, representing our commitment to continued excellence in the arts.

I would like to take this opportunity to highlight some of the main institutions, programs and policies available to help Canadian artists, writers and performers in pursuing their chosen craft.

For example, the government provides financial support to writers and other artists through the Canada Council, such as grants, prizes and other assistance for the promotion of the arts, as well as some fellowships in the humanities and social sciences. In 2001-02 the Council awarded nearly 6,300 grants, for a total of \$137 million in direct support for Canada's artists and artistic organizations.

Our National Film Board is known throughout the world for its reputation of quality. The Film Board is dedicated to producing and distributing films, audiovisual and multimedia works which reflect Canada to Canadians and the rest of the world. For over 60 years the Film Board has played a crucial role in Canadian and international filmmaking.

The Department of Canadian Heritage also offers a number of important programs, including the cultural initiatives program, which facilitates the involvement of artists from across Canada in over 150 national and international art festivals and special art events. Canadian Heritage also operates a national arts training contribution program, supporting national institutions that prepare young people for professional arts careers.

Turning attention to the tax system, I would note that it too already includes a number of favourable provisions targeted to Canada's cultural sector.

For example, artists may deduct the costs of creating a work of art in the year the costs are incurred instead of when the work is ultimately sold. Moreover, employed artists and musicians are entitled to deduct certain employment related expenses against their employment income which are not available to other employees.

Other important tax provisions in support of Canadian culture include a tax credit for Canadian film and video productions, including the cost of services provided by scriptwriters. This credit provided \$145 million in direct support for Canadian film and television producers in 2001-02. They also include deduction over time of the cost of Canadian art that is purchased by businesses and no taxation of capital gains on cultural property transferred to museums.

Turning to the motion before us today, I once again wish to laud the member for Dartmouth for wishing to provide additional support to our cultural community. However I feel that introducing a tax exemption for income earned by certain individuals, such as creative writers, may not be the most effective tool in achieving this result.

As I have already noted, the tax system recognizes the circumstances of artists and musicians in a number of ways. The special provisions ensure that these individuals are not penalized due to various aspects unique to their professions, such as the necessity of maintain valuable musical instruments or the difficulty in valuing art pieces donated from an artist's inventory.

However, outside of these special cases already provided for, it is not clear that artists, such as creative writers, have greater needs than other individuals with comparable incomes. The tax system should, as much as possible, treat individuals in similar circumstances in a similar fashion. Thus to provide a special tax exemption to an individual simply because he or she engages in artistic activities would be very difficult to defend on equity grounds. It would also lead to requests for similar treatment from other groups who also feel that they are deserving of special status.

• (1150)

When it comes to tax relief, I believe the course adopted by the government of substantial general tax relief is the correct one. The government's five year tax reduction plan provides real and significant tax relief to all individuals whatever their chosen career. These tax cuts are particularly beneficial to moderate and middle income families with children. The plan provided economic stimulus of about \$17 billion in 2001 and \$20 billion in 2002. Canadian writers will benefit from these historic tax reductions along with other taxpayers.

In conclusion, I feel the motion, well intentioned though it is, should not receive the support of the House.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, I am pleased to rise following the parliamentary secretary who just gave us a little speech on the historic tax reductions. What he did not mention was the historic tax additions that the Liberals added on over the last 10 years which have put us in this mess where we find ourselves the most highly taxed country in the world. The historic tax reductions are much less than the additions. That goes for the employment insurance premiums too that we have paid over the years, which are exorbitant and unjustified.

Private Members' Business

However I am certainly pleased to rise today to speak on Motion No. 293 which speaks to tax benefits for the working artists in Canada. It is a very worthwhile motion and actually was first brought before the House in similar form in the year 2000. It is a testament to the noteworthy underlying principle of the motion on which the House once more has had an opportunity to reflect.

As an Atlantic Canadian from Nova Scotia, one of the most culturally diverse regions of the country, we value a tradition of excellence in the arts. In fact there are economic opportunities for all Canadians in recognizing and harnessing the power of arts and culture. These types of success stories are worthy of recognition, however we have to do a lot more to help artists when they are starting off.

The motion is very admirable from the perspective of the hon. member's desire to help but there are some difficulties in the concept and in the eventual implementation. I would like to point out a couple of those difficulties that we find with the motion.

I am not sure how to get around this, but the motion is ambiguous in terms of describing who qualifies and how the term "artist" fits a specific individual, whether that can be defined and the definition defended effectively and categorized as to exactly who is or is not an artist and who qualifies. Where would the government draw the line as to who is an artist? Would it just be the painters, sculptors and musicians? What about the people who claim that their work is art, yet no one sees it that way but themselves? Who makes that decision and how could one make that decision?

One must ask why struggling artists should benefit more than other struggling members of society. Why not give an income tax break to mechanics like Ted Embrie who helps keep the old car of the struggling artist on the road well beyond its normal life, in order that the struggling artist can attend an art exhibit to sell his or her paintings several hundred kilometres away? Ted is an artist too. He not only has the training but he has an inherent ability that is natural to him to make these repairs. In my view, that is an art.

What about the struggling plumber who helps the struggling mechanic? What about a journalist like Darrel Cole compared to an author who would consider himself an artist, who basically writes for a living while the journalist does the same thing? What about a sign painter like Bus Dobson? He truly is an artist. Although he paints signs, he is every bit an artist and has incredible talent.

Again, I would like to reiterate my position that this motion recognizes a problem which should be recognized and dealt with. Also, it is noted that artists are on a financial roller coaster. An artist may go for several years without payment and then receive a lump sum payment, recognizing the contributions he has made over a period of time. However many other trades and professions have the same problem and I have been in some of those.

The average income of an artist in Canada currently is estimated at about \$13,000. The issue raised by the hon. member can be addressed in a more broad based way by significantly raising the basic personal exemption for all Canadians and thereby eliminating the problems of designating who qualifies and who does not.

The Progressive Conservative task force, which reported in January 2000, recommended an increase in the basic personal

exemption to \$12,000. This would help significantly, considering that the average income of an artist is \$13,000. That being the case, we should move, over a period of time, to raise the basic personal exemption even higher. In future days ahead, it will not be unheard of to call for the raising of personal exemptions.

The hon. member recognizes that tax relief can play a very important role in helping artists pursue their chosen fields in culture and art, thereby keeping them in Canada. That is important because it indicates that she recognizes the importance of lowering taxes for all Canadians to ensure that Canadians, regardless of their careers or life pursuits, can choose to stay and prosper here in Canada. Whether it is in dot com, e-commerce, biotech or traditional industries, Canadians can have and should have a bright future right here.

● (1155)

The hon. member clearly demonstrated that she recognized the important role that tax policy plays in encouraging or discouraging pursuits of particular activities. In that vein, she would agree with me that we should continue to be vigilant in ensuring that the tax burdens of all Canadians should not be excessive when compared to those of other countries in comparative trades, professions or the arts.

Whether Canadians wish to pursue careers in the arts, the new economy or the traditional economy, we want them to be free to do so right here. I am sure she would share with me the need to reduce taxes for all Canadians based on her basic premise that decreasing taxes would help encourage people, in this case artists, to pursue and maintain a certain level of activity.

The issue of capital gains also needs to be addressed. We currently tax donations of publicly traded or listed securities to charitable foundations or institutions. Whether it is a hospital, a university, an endowment fund or a cultural activity, we tax the capital gains made through such donations. Inclusion taxes are taxed for donations of publicly traded or listed securities. In the U.S. there is absolutely no capital tax on contributions of listed securities.

Over the years that has led to a significant disadvantage for Canadian universities, hospitals and the arts community. It has created a distinctive disincentive for high net worth Canadians to contribute listed shares of publicly traded companies to the cultural and health foundations in universities.

The Progressive Conservatives, in numerous prebudget, budget and various committee reports, have always recommended the elimination of the capital gains tax on gifts of listed securities. That would go a long way to encourage high net worth individuals and those of relatively modest means who may have done very well in equity investing in recent years to help foster a greater environment for cultural activities in Canada. That is another way that the hon. member's concerns could be addressed.

Private Members' Business

While I may disagree with the particular vehicle chosen by the hon. member to help create a better environment for cultural and artistic diversity, I can assure her that the Progressive Conservative Party remains committed to work with other parties in the House towards this goal. We must seek better ways to support and encourage the arts, and all the types of creative endeavours whether they be graphic arts, the dot com universe, painting, dancing or even playwriting.

One of the things that defines us as Canadians is our unique cultural vibrancy from coast to coast, and with proper support and encouragement we can ensure that our cultural vibrancy and diversity, as expressed through the many forms of artistic creations that adorn Canada today, will remain solidly entrenched through the years to come.

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, I welcome the opportunity to speak to the motion put forward by the hon. member for Dartmouth calling for a partial exemption from tax on the income received by artists from creative written works.

While I respect the enthusiasm of the hon. member in her representation of Canada's creative writers, I must reiterate that the proposed exemption would be unfair to other taxpayers who must pay tax on their total income. It would be difficult for the government to explain to other Canadians why artists, writers and performers should pay less than their share of tax than other individuals with comparable incomes.

The tax exemption proposed by the hon. member would lead to requests for similar treatment from other groups such as athletes or entertainers. It would be difficult for the government to justify restricting the exemption to only creative writers. Expanding the exemption to accommodate these additional taxpayers would be costly for the federal and provincial governments.

Furthermore, while it is easily argued that many low income writers have difficulty in earning a basic living from their works, it is not clear that high income artists are in need of or deserving of tax rate reductions. The proposed exemption would apply equally to both high and low income artists.

As members know, the government already provides direct support to a diverse community of artists. The government provides other support mechanisms outside the tax system to provide this incentive to create Canadian cultural products. Many government organizations, institutions, programs and policies are available to help Canadian artists, writers and performers in their pursuits. Various classes of artists, including writers, are supported indirectly through programs that are targeted to specific forms of cultural products rather than to classes of professions.

For example, grants, prizes and fellowships are provided through the Canada Council. I also note the National Film Board. Other programs that help writers indirectly are provided through Telefilm and the Canadian television fund. The cultural initiatives program helps artists to undertake arts and heritage activities that ensure a wider distribution of works and facilitates the circulation of artists and artistic achievements in Canada. The national arts training contribution program helps independent, non-profit organizations to train Canadians for professional artistic careers.

The tax system already provides support to artists, some of which indirectly supports the creation of literary works. The motion before us today would not be the most effective tool for achieving this result. It is not clear that creative writers have greater financial needs than other individuals with comparable incomes.

The tax system should treat Canadians fairly. A special tax exemption to individuals simply because they engage in artistic activities would be difficult to defend on equity grounds. It would also be difficult to justify any policy distinction as to which creative and interpretative artists should be eligible and which creative works should be tax exempt. Other groups would undoubtedly approach the government with requests for similar special treatment.

The correct approach to dealing with the tax burden of all Canadians is to treat all Canadians fairly. The general tax relief provided by the government and endorsed in the 2003 budget is the correct approach. The government's five year tax reduction plan provides real and significant tax relief to all Canadians.

It is my view that the motion put forward by the hon. member should not receive the support of the government at this time.

• (1200)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I wish to add my support to the member for Dartmouth and the worthwhile issue that she has raised in the House today. I want to thank her for her ongoing and longstanding commitment to the arts and to those who create in this country.

I am disappointed by some of the views that I have been hearing from members from other parties. There seems to be an unwillingness to entertain this idea with the importance we would like to see it given. We believe that some of the hon. members who have spoken are missing the point. Some are using this as a vehicle to raise completely unrelated issues and others are being far too narrow in their scope in trying to view the issue being raised by the member for Dartmouth and in recognizing the importance of arts and culture in our society.

The hon. member pointed out that we live in the richest and most powerful civilization in the world. Yet in Canada, we are not paying adequate deference to the contribution that artists and those who create make to our society.

The point has been made that other worthwhile organizations or pursuits would also be seeking comparable recognition in our tax laws. It is failing to reflect the unique contribution that artists make to the cultural fabric of our society and that is where I believe the arguments put forward by the other parties fall short and fail. I wish the arguments were not so narrow.

The hon. member for Dartmouth pointed out the example of Ireland, where the arts and culture are valued and treasured in a passionate way. That country saw fit to allow the first \$15,000 of copyright income to be a tax deduction. The impact on its economy or revenue base was only \$14 million Canadian a year, a paltry sum in Ireland.

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We believe that showing recognition would be so meaningful to those who create, but so insignificant in the global revenue generating capacity of Canada. We are in a surplus situation. In fact, we are in a \$100 billion surplus situation that the government has seen fit to give away in tax cuts, but in its zeal to provide tax cuts it failed to provide for the important contribution that artists and creators make.

I wish we could see broader support for the motion in the House.

● (1205)

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL CODE

The House resumed from March 21, consideration of the motion that Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be now read a second time and referred to a committee.

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, since Bill C-20 has been thoroughly debated by all parties represented in this House:

[*English*]

I move:

That the question be now put.

[*Translation*]

The Acting Speaker (Mr. Bélair): I declare the motion in order.

[*English*]

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, try to imagine how you would feel as a parent, or relative or neighbour of a child victimized by someone trying to satisfy a depraved sexual desire. Think of the anger, the sadness and the frustration of the physical and emotional damage suffered by the child. Then imagine how shocked and helpless one would feel finding out the culprit would not be prosecuted because the police were unable to muster enough resources to properly investigate this evil crime.

As a mother of two I can say that I do not ever want to have that experience. The reality however is that many parents do face that scenario.

Sexual deviants are preying on our children and in many cases the police are powerless to bring them to justice. Sadly, sexual offences against children have been occurring longer than any of us can remember. Compounding the problem is the commercialization of sexual abuse. Child sex tourism is a booming industry in some countries, and prostitution, pimping and pornography are profitable scourges worldwide.

Bill C-20 addresses several criminal law reforms regarding the protection of children. However today I would like to focus on three areas of the legislation that I find particularly weak: the issues of child pornography and the age of sexual consent as they relate to sexual exploitation and ineffective judicial sentencing.

The government last July implemented new laws to address the growing problem of the use of technology, such as the Internet, to facilitate sexual exploitation. This work is to be commended but, as the very existence of this bill illustrates, there is much more to be done.

As we have heard, the bill eliminates artistic merit as a defence for written and pictorial child pornography and replaces it with public good. The minister was kind enough to explain this vague concept during one of his earlier speeches on Bill C-20. I would like to read an excerpt from that speech:

Bill C-20 proposes to provide only one defence, the one of public good and to eliminate the other provision, which includes artistic merit. By doing so, the availability of a defence would be subject to a two step analysis. First, does the material or act in question serve the public good? If it does not, then there is no defence. Second, even if it does serve the public good, does it go beyond what serves the public good? If it goes beyond, then there is no defence.

Can members think of a single instance in which child pornography could possibly be in the public good? Is there a single circumstance where exploiting sons, daughters, nieces, nephews or any other child could be justified? I cannot imagine any situation that could not be addressed in some way other than by sexually exploiting a child. That is why I question the minister's decision to provide a loophole, no matter how small, for people who prey on children to sidestep the law.

Raising the age of consent is another area in which the government chooses to allow sexual predators room to manoeuvre. Instead of raising the age of sexual consent to better protect our younger teenagers, the bill proposes a new category of prohibited sexual exploitation that the minister says will focus on the other person's exploitive conduct. He says that such a system will protect not only 14 and 15 year olds but also 16 and 17 year olds from exploitation. That is an admirable idea but one that would be more effective if combined with a higher age of consent to protect our younger adolescents from predators who may rely on consent as a defence for their actions.

Detective Sergeant Paul Gillespie of the Toronto Police Service's, Sex Crimes Unit, Child Exploitation Section, outlined to me his concerns about Bill C-20. One of the first things he mentioned was the government's refusal to raise the age of consent. He feels Bill C-20 would force police to more closely examine the nature and circumstances of the relationship in question, including the evolution of the relationship, the age difference and the degree of control or influence exercised by the offending party.

Detective Sergeant Gillespie said:

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This is the law I can never envisage us using. It seems we are inviting intellectual exercises into morality issues, when in fact, this is about children being abused. When I hear such terms as "examine the evolution of the relationship," I cringe.

• (1210)

He also questioned how such a law could be utilized effectively. He said:

The police do not have the resources to adequately investigate these types of cases in the first place, and now the onus is being put on us to "explore" the evolution of a relationship, or determine "trust". How exactly are we supposed to do that?

Our country's police officers, the ones who are out in the field dealing with child exploitation, appreciate the government's attempt to further protect children by putting forth the bill. I think this is a goal that we all share. However, what the police need to do their jobs more effectively is not a convoluted set of rules open to interpretation. They need clarity and they need resources.

Detective Sergeant Gillespie has provided me with a list of simple directives he says would greatly assist the police in successfully protecting our children. I would like to share those ideas with members. I urge members to listen to what he is asking.

First, raise the age of consent from 14 years.

Second, eliminate artistic merit as a defence for child pornography.

Third, include all child pornography convictions as primary designated offences for the purpose of the DNA databank.

Fourth, allow for a sampling of materials seized as evidence, similar to how samples of narcotics are analyzed in the case of a large drug seizure.

Fifth, make it illegal to advertise child pornography.

Sixth, require accused persons to reveal the key or password to encrypted computer files seized by police.

Seventh, require Internet service providers to maintain client information and records for at least 60 days.

Eighth, allow police to obtain client information records and logs from Internet service providers by way of a one page affidavit.

In September the government promised to make child protection a top priority. Yet we find ourselves in a situation where investigators are able to access the names of thousands of Canadians suspected of child pornography related activity but struggle to conduct adequate investigations. There are too many barriers and not enough resources.

Even when authorities are able to gather enough evidence to merit a guilty verdict in court, sentences are often little more than a slap on the wrist and certainly nothing to deter an avid child porn enthusiast.

We have heard that Bill C-20 features tougher sentences for child related offences. Unfortunately, the courts have traditionally been hesitant to mete out the maximum available sentences, rendering this a moot point. In fact offenders often serve their sentence in the community, not in prison.

According to November statistics from Correctional Service Canada, nearly 64% of federally incarcerated male sex offenders had

prepubescent or adolescent victims. That figure rises to 70.7% when we calculate the percentage of male sex offenders serving their sentence in the community.

Think about that: 637 sex offenders who victimized a child or young person were roaming our streets during their sentence. That kind of punishment hardly serves as a deterrent, and without eliminating statutory release and conditional sentencing, tougher sentences will not be effective.

Our children deserve meaningful legislation that will give police and prosecutors the tools they need to halt child predation and bring child predators to justice.

• (1215)

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, I am pleased to rise on this occasion to address the House and Canadians on the matter that has unfortunately captured the attention of the public for a number of years.

Bill C-20, the Liberal answer to the John Robin Sharpe case, has been too long in the making and I am fearful does not go far enough to alleviate the inexcusable production of child pornography.

I will however preface the bulk of my comments by saying that some aspects of the legislation are favourable and under closer scrutiny of the justice committee will no doubt prove beneficial. For example, clause 5, which amends section 161(1) of the Criminal Code to expand the definition of those convicted or discharged on the conditions prescribed in a probation order can be seen as a positive step. The addition of offences under this section will increase a number of offences for which the judge can place an order of prohibition leading to a greater number of victims who will be protected.

We can also view as a positive the amendments in sections 151 and 152 of the Code, maintaining the indictable offence maximum of 10 years while increasing the level of punishment under summary conviction by directing the court to incarceration not exceeding 18 months.

The fundamental question in this debate must centre around the harm caused to those most vulnerable in our society: children. Underlying this we must give thought to the role of the court in the context of judicial policy-making as it pertains to the supremacy of Parliament and we must show how this new legislation will eradicate child pornography within the context of the artistic merit defence. Unfortunately for Canadians the legislation does not go far enough and could once again be subjected to judicial interpretation, again putting our children at risk. There will always most definitely be constitutional challenges.

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There is an inherent danger to society as a whole when we fail to recognize the detrimental effect child pornography can have at a very base level. No one is suggesting that literary works be removed from circulation based on the promotion of sexual conduct with minors. Indeed the Charter of Rights and Freedoms provides sufficient protection for freedom of thought and expression. However the question of what constitutes a reasonable limit is central to this whole debate.

Clause 7(1) of Bill C-20 amends subsection 163.1(1) of the Criminal Code defining child pornography to include any written material the dominant characteristic of which is the description, for a sexual purpose, of sexual activity with a person under the age of 18 years. While the addition of a clear section for the purpose of specifically defining what constitutes child pornography is welcome, I would suggest that the definition be streamlined to remove foreseeable subjectivity.

As a definition, child pornography should not be open to interpretation through intent or any other means. That is to say the thought process behind the writing and whether the work was produced for a sexual purpose should be of no consequence. We need simply state the definition of what is acceptable and what is not. With the clear definition, the judiciary is removed from the public-private nature of the debate. As a remedy to the problems associated with Section 163.1(6) of the Code, clause 7(2) replaces section 163.1(6) with:

No person shall be convicted of an offence under this section if the acts that are alleged to constitute the offence, or if the material related to those acts that is alleged to contain child pornography, serve the public good and do not extend beyond what serves the public good.

While I understand the intent of the minister's legislation, I fear the manner in which it is presented will not be sufficient to protect against the abhorrent creation of pornographic material depicting children. The public, along with child advocacy groups and members of the House, has called upon the government to produce a clear, concise piece of legislation, which would completely remove the chance works of this nature would see the light of day.

Once again the minister has left the door open to interpretation by the courts, a matter that strikes at the very heart of our democracy. The intent of the bill is to protect children from all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect. Unfortunately, definitions of public good will be vague and no level of objectivity exists which will allow a court to decide what is pornographic and what is not. Once again it will be a question of acceptability to the individual. Obviously an argument as to what constitutes the public good will predominate, leaving our children vulnerable.

•(1220)

I ask the minister why it has taken the government so long and how his legion of lawyers could have produced yet again such an obviously flawed piece of legislation which is going to raise more questions than it answers.

The overall effect of the Sharpe decision by Mr. Justice Shaw had many in society recoiling with dismay and shock. That a learned judge would in fact open the door to potential pedophiles and those who take advantage of youth who denigrate images and engage in

writings that have a very corrosive effect on societal norms is a travesty. Works of this nature go against the very fabric of what is acceptable in a moral and just society.

There can be no denial that a direct correlation exists between the fantasies of sick individuals and harm created to children. Why risk the potential danger when the collective will of the people would see this material stricken from existence?

In handing down the Sharpe decision, Justice Shaw effectively broadened the interpretation of the current exemption or defence of artistic merit.

Section 1 of the Charter of Rights and Freedoms guarantees the rights and freedoms set out in the charter "subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". The contention that section 1 limits are justifiable in this case are correct when weighed against the potential harm to children and the intent of Parliament to protect the rights of those most vulnerable.

Simply put, it is my belief that the Supreme Court erred when it favourably interpreted the Shaw decision.

Unfortunately, it seems the minister's lawyers have weighed the rights of the individual against the rights of the child and we are once again left with a mediocre attempt to correct what the Canadian public realizes is a serious problem.

If the Liberals are unwilling to protect the rights of the children and, by extension, their families, I suggest they might at the very least take the opportunity in the upcoming budget to consider supporting victims of crime financially.

The Progressive Conservative Party has been supportive in the past of the law enforcement community, victims' groups and child advocates who are constantly tasked and constantly struggling with the lack of resources available to them. As I have said before, what could be a more fundamental issue?

We know that the lasting impact on victims of sexual abuse is sometimes a life sentence. Very often the mental anguish and the detrimental effect on the development of young people is everlasting. It is certainly incumbent upon Parliament to take every available opportunity to make for a safer and kinder society.

There is a need for victims to have more support, a stronger voice, an ability to be heard in a substantive way by the individuals who ultimately will decide whether a person be incarcerated and, after the fact, whether the person will be released. It talks directly to the issue of respect for and dignity of victims.

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It is clear that there has to be an equitable approach taken by the government. This is why we need a victims' ombudsman's office. We have a budget specifically set aside for the commissioner of corrections to deal with the concerns, some legitimate and some not, of federal inmates. There is a federal budget allocated to ensure that inmates, some of whom are serving time for absolutely heinous crimes and have victimized numerous citizens, have an office where they can go if their situation in prison is not to their liking. Yet victims very often are completely ignored. They have no outlet, no central office in the country, where they can go to find out about important things like parole hearings or information pertaining to response or treatment.

While we debate the merits of the bill, elevating the philosophical discussion of the public good, it becomes evident that this legislation is a far cry from solving the problems associated with the Shaw decision. For the sake of the children the government must do better.

• (1225)

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, it is a pleasure to speak today to Bill C-20. The title of the bill, the child protection act, does not really cover what is in the bill. The speakers before me have pointed out the flaws in the bill.

There has been a huge outcry in my riding over these situations that have occurred that have brought about the genesis of the bill, Bill C-20, child protection. With the advent of the Internet and the world becoming a smaller place we are starting to see more and more abuses.

The concerns that my constituents have is that they are seeing more and more that Canada is becoming a safe haven for the perverts of the world because we will not stand up and protect our children.

There has been this huge public outcry that we need to go further, faster and really put something on the books that protects our kids. This bill does not do that. Unfortunately there are a few things missing.

The government and other governments before it always have these code words that such and such is a priority for the government. We have heard that time and time again.

We only have to go back to 1989 and the Conservative government at the time when child poverty was a priority for the government. It went on and it has been a priority for the Liberal government as well. Guess what? It is worse, not better.

Whenever we hear these code words that it is a priority, citizens beware. Somewhere in there someone will get left out which is what we are seeing in the bill.

There is an accompanying bill that we will be debating later this afternoon I am sure, Bill C-23, the sex offender registry. We see the same underlying so-called priority and direction of the government not really covering the fatal flaws that we have in our legislation now. The biggest concern with Bill C-23 is that it is not retroactive. It will not go back and address the folks who have committed these offences, are habitual criminals and who will reoffend. It does not go back and put them on the list because of privacy and constitutional challenges which is what the Solicitor Generals tells us he is

concerned with. However that flies in the face of protecting someone.

Canadian parents are concerned. They have read the articles on Canada becoming a safe haven. They have seen the court cases that have not been heard, or have been adjourned, or have been thrown out or whatever. Because of the way our laws are written they will not protect our kids. The bill seeks to address some of those missing elements but it does not.

We still have a version of the outrageous argument that there is artistic merit somehow in child pornography. The Liberals have recognized that is not the right way to write that down so they changed it and put in some fuzzy words. Now they call it public good. How can it be for the public good when we label it as pornography and it involves kids?

We have heard arguments from some members of the House. My counterpart, the member for Palliser, stood up and said that there was no victim here. Well, there certainly is. The last speaker, the member for Cumberland—Colchester, made the point, and I agree with him, that there was long-lasting psychological damage. Certainly there is a victim in a sense.

Artistic merit, public good or whatever we want to call it, leaves a huge loophole for these worldwide offenders to come to Canada and say they are artists. Now the member for Dartmouth wants to give them a tax credit. That is how ludicrous some of the arguments are on this example.

We see these types of offenders, the lowest of the lowest, being given community arrest. They are put back into the very community where the crime happened and where the victim lives. There is an instance of that right now in North Battleford. A fellow named Gladue has just been given a conditional release and he is out in the community. The police are not supposed to say anything because of his privacy but, thank God, they have come forward and told the people about the problem. They put forward the usual rules, that he cannot go near a park or talk to kids, but how do we enforce that when he is dropped back into a community where kids live on every block and are on every corner? They walk past the buildings. How do we enforce those types of things? It is an anomaly that my constituents cannot get their minds around. We release this guy because statutory release says that we have to do it.

He has taken no psychological analysis or any programs while incarcerated that say it is safe to release him but they are saying no. His chances of repeat offending are like 80% to 90%. He is a time bomb waiting to go off but he is out in my community. At least the police have acknowledged that he is there and have told people to watch out for him, and rightly so.

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•(1230)

The other loophole in the bill is that we do not see the age of consent moved from 14 years old. Canadians have said that their kids up to age 16 receive a government cheque called a child tax credit. Under the tax system children up to the age of 16 receive a tax credit but at 14 they can have sex? It just flies in the face of any rational thinking that the government would not move that age to 16, and it makes no attempt in the bill to do that.

I remember one day in question period that exact question was put forward by my colleague from Provencher, the former attorney general of Manitoba. The parliamentary secretary stood and said that the government could not make that move because there were cultural groups in Canada that required that age. Can anyone believe that; cultural groups in Canada that insist that 14 remain the age of consent? That is ridiculous. This is Canada. We have our own rules and regulations. We do not need a cultural group dictating that the age of consent stay at 14. It is absolutely ridiculous. It is not in here.

I know some amendments will be brought forward by my colleagues from Provencher and from Crowfoot, our justice critic, to this very bill. We know the chances of those amendments getting through are slim to none but we have to try. People are requesting it.

The police associations were here last week for the lobby day on the Hill. The government made a big hue and cry about how the CPA was all in favour of Bill C-68, the gun registry, and that we should spend the money because it was a useful tool. However it forgot to tell us that on that very same day the CPA said that there was not enough money for child pornography and that it needed more cash and more police officers on the line to fight it.

The criminals who perpetrate this type of thing have gone on the Internet, they have gone global, and our police officers have not been given the resources to fight it. The Liberals forgot to mention that little flaw in their thinking the other day.

It is fine to support Bill C-68. Everybody is welcome to do that in a democracy. However there are two officers in Toronto who have been forced to sit and watch this stuff through their whole shift to prove there is criminal intent here. How perverse is that? They have a psychiatric review themselves after six months but there is no psychiatric review for the people they arrest for this thing. It is craziness. We do a psychoanalysis on the policemen but not on the bad guys. We just shake our heads at how these type of things get in here. Court cases are tossed out. They are unenforceable.

The bill would increase the maximum sentence. It sounds great that the maximum sentence for doing something will be increased. Whether we use that or not has no bearing on the fact. It is the minimum sentence that needs to be increased. If the minimum sentence is 4 years now, let us make it 10 years. It does not matter if we make the maximum sentence 20 years because nobody qualifies for the maximum anyway. There are weasel words right in the bill that say it is protecting our kids by increasing the maximum sentence. It is the minimum that we need to increase, not the maximum. This really fails any kind of a test. There are so many things that are required that are just basic.

What about conditional sentences and the idea of community arrest? Prison time is called for so criminals can get the counselling

and the psychiatric care they need if and when they ever do get released.

We have a lot of concerns with the bill. There is no truth in sentencing when we see the maximum increased, not the minimum. Nobody really tells us that the victims have no rights at all, that the criminals have all the rights. He can be statutorily released into the same community in which he committed the crime. These poor kids who are victims of this are stuck living with this person right in their midst.

This whole idea of minimum sentences not being increased and psychological assessments and analyses not being done on these perverted people in our society just flies in the face of anything called child protection. There is no possible way that my colleagues and I can support a bill like this. I know the committee worked very hard on this. It heard from a lot of community groups and lot of parents who said that these things needed to be in the bill. However we have seen no movement by the government to enforce tougher and harder penalties on these criminals.

We are not able to support the legislation simply because the government will not broaden out the scope of who will be covered, how they will be covered and why they will be covered, and stop this whole influx of the global perverts who come to Canada because it is a free ride. That is not acceptable.

•(1235)

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, I would like to add my voice to those of my colleagues in regard to Bill C-20, the bill that makes amendments to the Criminal Code to safeguard children from sexual exploitation, abuse and neglect.

I would like to make a few observations. This legislation is of course very complex. It has many cumbersome provisions that will not make it easier to prosecute sexual predators. The existing defences of child pornography such as artistic merit, it is educational, scientific or for medical purpose and the public good are now being reduced in this bill to the single broad defence of "the public good". This is simply not sufficient.

First, there is no substantial difference between this defence and the previous defence, the community standards test. That was rendered ineffective by the Supreme Court in 1992 in the Butler case. The community standards test, just like the public good defence, was concerned primarily with the risk of harm to individuals in society. There is no positive benefit in recycling laws that have already been discredited by the courts. That is why I would ask the government to strengthen this legislation.

Second, it is clear that the artistic merit defence which has been eliminated on paper may still apply in practice. The minister has simply renamed and repackaged the artistic merit defence in this bill.

Government Orders

The bill does not raise the age of consent of sexual activity between children and adults as my previous colleague mentioned. The bill creates the category of sexual exploitation with the intended aim of protecting children between the age of 14 years and 18 years. In determining whether a person is in a relationship with a young person that is exploitative of a young person, a judge must consider the age difference between the accused and the young person, the evolution of the relationship and the degree of control or influence by the person over the young person.

It is already against the law for a person in a position of trust or authority with whom a young person, someone between 14 years and 18 years was in a relationship of dependency, to be sexually involved with that young person. It is unclear how adding people who are in a relationship with a young person that is exploitative of the young person will help protect young people. By the Liberals failing to prohibit adults having sex with children under the age of 16 years, the police and parents are still faced with the continuing task to children that is not effectively addressed by these amendments, but a continuing risk of that. Only by raising the age of consent will young people be truly protected under the Criminal Code.

The bill increases maximum sentences for child related offences. These offences include sexual offences, failing to provide the necessities of life and abandoning the child. This is truly meaningless if the courts do not impose the sentences. Currently, sex offenders often receive a slap on the wrist and serve time in the community. What is needed is truth in sentencing, eliminating statutory release and conditional sentencing for sex offenders and putting in minimum sentences in order to deter child predators.

Modern technology has surpassed the legislative provisions that govern the use of evidence in these cases. The bill fails to address those shortcomings and amendments are required in order to deal with child pornography cases effectively and efficiently.

The bill creates a new offence of voyeurism and distribution of voyeuristic material. This is a positive step. This makes it an offence to observe or make a visual recording of a person who should have a reasonable expectation of privacy if the person is in a place in which the person can be expected to be nude or engaged in sexual activity.

As to the impact the legislation will have on the family, we must observe that there are no substantial improvements that will benefit children and their families. The protection of children is of vital interest to Canadian families but this bill fails to take the necessary steps to address pressing concerns in this area.

• (1240)

The Canadian Alliance has called for the complete elimination of the artistic merit defence and for the age of consent to be raised to 16 years from 14 years. The bill does not do that. Bill C-20 falls short of protecting Canada's children. The Canadian Alliance will continue to advocate raising the age of consent to 16 years and will continue to advocate for the elimination of defences that protect sexual predators. I will have to oppose this legislation because it is just not good enough.

I agree with my colleagues in the Canadian Alliance. The bill is a timid first step for Canadian children. It is complex and has

cumbersome provisions that will not make it easier to prosecute sexual predators. Police and prosecutors still do not have the tools to deal with child pornography cases effectively or efficiently. Children must be protected from abuse at the hands of adult predators, regardless of whether that relationship is a so-called trust relationship or not. The Liberals' failure to prohibit all adult-child sex leaves children at an unacceptable risk.

After months of the Canadian Alliance demanding an elimination of the artistic merit defence, the Liberals have finally recognized its danger. Unfortunately, the Liberals have replaced the existing defences with the single defence of the public good. There really is no substantial difference between this defence and the previous defence that was rendered ineffective by the Supreme Court in 1992.

Higher maximum sentences for child pornography and predation will not be effective unless the courts enforce them. The bill also fails to prohibit conditional sentences for child sex crimes. Child predators should serve their sentences in prison, not in the community.

The age of consent for adult-child sex must be raised from 14 years to 16 years in addition to the new category of exploitative relationship. The bill's criteria for evaluating if a relationship is exploitative are vague and very subjective. By not raising the age from 14 years to 16 years, Canada's children are still at risk.

I add my voice to those of my colleagues. I have to oppose this legislation. Even though there are some good provisions in it, it just does not do what it should do.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the motion that this question be now put. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: The recorded division on the motion stands deferred until tomorrow, April 1 at 3:00 p.m., following question period.

Government Orders

[Translation]

SEX OFFENDER INFORMATION REGISTRATION ACT

The House resumed from March 21, consideration of the motion that Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts, be now read a second time and referred to a committee.

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am pleased to address Bill C-23, an act respecting the registration of information relating to sex offenders.

Today, I am speaking as the Bloc Québécois critic on issues relating to the Solicitor General. However, as hon. members have noticed in my previous speeches in this House, I take a great interest in all issues that concern children, directly or indirectly, and this is another reason I am addressing this legislation today.

First, I want to say that the Bloc Québécois supports the principle of Bill C-23. Protecting children and vulnerable persons is perfectly legitimate and advisable. In fact, protecting all members of the public is a legitimate goal. Incidentally, my colleague, the hon. member for Jonquière, introduced Bill C-399, which seeks to protect the public, and specifically children, from sexual predators.

However, even though we support the principle of the bill, we must remain cautious regarding anything that has to do with its implementation and, more specifically, we must ensure that certain provisions of Bill C-23 are in compliance with the Canadian Charter of Rights and Freedoms.

The Bloc Québécois is also cautious about the costs relating to the implementation of this bill, because far too much information is lacking in this regard. The government must absolutely avoid making the mistakes it made with the firearms program, which resulted in a financial fiasco. This time, we want to know what it is going to cost.

I think the government will seize this opportunity to make amends, by providing us with the breakdown of the costs for this initiative. It would be deplorable for the government to miss this opportunity to promote transparency and then tell us, some time later, that it is normal for a government initiative to cost one billion dollars. This is what the Minister of Justice told us. The minister had the nerve to say that it is now normal for a program to cost one billion dollars. As far as the Bloc Québécois is concerned, this is not normal at all.

So, while the objective of protecting society against sexual predators is perfectly worthwhile, since the idea is to provide a means to facilitate criminal investigations, the government must nevertheless act with caution and avoid letting things get completely out of hand. I want to reiterate my position regarding the administrative fiasco of the firearms program.

With regard to other jurisdictions, California was the first to introduce a sex offender registry in 1947. But it was not until the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed in 1994 that the registry was actually used.

The Wetterling act was named for an eleven-year-old boy abducted in 1989. The intent of the legislation is essentially to establish guidelines to require all persons convicted of crimes against minors to register their address for a period of ten years. Under this legislation, the attorney general can also require those convicted of violent sexual offences to register for life with a designated agency.

These guidelines apply in all instances, except if it is determined that a treated sex offender no longer suffers from mental illness or a personality disorder. In short, this guideline does not apply if experts can prove that the individual presents low to no risk of re-offending.

Since the Wetterling act is American legislation, the FBI is responsible for data collection. It should be noted that local police forces help in this collection.

To better enforce this legislation, the United States government even threatened to cut penal system funding to all states that did not comply with the legislation's requirements. As a result, in June 2000, the Wetterling act came into force in all American states.

The Wetterling act works in one of the following ways. First, states can appoint a board to determine the risk level each offender poses to society and apply an action plan accordingly. Second, states can choose to establish categories for sexual predators who must comply with the registration requirements.

• (1245)

A third possibility is to make it incumbent on the offender himself to report his presence to the community. Finally, it may also be up to a community to inquire about the presence of a sexual predator, or to ask for information on such individuals.

Based on the American experience, three groups are directly or indirectly involved with the implementation of the act, namely the organizations responsible for collecting information, the public and the media.

In the U.S., all states have decided to inform schools of the presence of a sex offender in the community. Some states have also decided to warn social housing services, libraries, churches, women's groups or children's groups. As for the media, it is up to local organizations to decide whether they should be contacted and, if so, to determine which ones.

In 1994, the State of New Jersey passed Megan's law, which created the requirement to inform the public of the presence of a sexual predator in a given area. This means that it is now legal to conduct a search by community or by name to find out if a sex offender is living in a given area or neighbourhood. In 1996, a federal version of that law was passed by the U.S. Congress.

The Bloc Québécois feels that the government should be cautious in this regard. We believe that, contrary to what is provided under Megan's law, it is essential to protect the confidentiality of the information. In fact, this confidentiality is recognized by the Canadian Charter of Rights and Freedoms.

Government Orders

So, Megan's law allows the disclosure of information, but the states should decide which groups are to provide that information. The danger with this process is that the names and addresses of some offenders who are absolutely not at risk of reoffending may be disclosed, while those of more dangerous offenders might not be disclosed, because they are not part of a group identified as one that must be registered in the database.

The same goes for the types of information that must be included in the database. The groups of offenders and the types of information are left to the discretion of the states' legislators. These laws have led to a number of challenges. Some have argued that being registered is a form of cruel and unusual punishment, while others have questioned the retroactive effect of the legislation.

It is these latter challenges that have received the greatest attention from the courts. The U.S. courts have ruled that registration in itself is acceptable and non punitive, despite the fact that retroactive legislation is prohibited under the U.S. constitution.

In the case of Great Britain, the Sex Offenders Act was passed in 1997. The registration requirement of that act provides that individuals found guilty or not guilty for reasons of insanity must give their name, date of birth and address to the police. The police can also take a photograph and fingerprints. In December 2001, 97% of sex offenders had registered. In Great Britain, the legislation applies retroactively.

We reiterate our opposition to such retroactivity.

● (1250)

The big difference between the United States and Great Britain is that the British registry is not accessible to the public. Thus, Great Britain has decided to respect the confidentiality of the information provided by sex offenders.

Nevertheless, the British legislation provides for the release of information as part of a risk-management plan to protect children or vulnerable individuals. The British government believes that interventions by popular militias or vigilantes must be avoided, and we are in agreement with this principle.

The British government is also of the opinion that there is a risk that offenders may enter the country in secret to avoid being targeted by these vigilantes. Early this year, the British government presented a bill to amend the 1997 Sex Offenders Act.

The amendments seek to add a category of offenders, that is, those who have been found guilty of a sexual offence abroad, which would cover those who engage in sexual tourism. In addition, offenders would be obliged to register each year.

In Canada, three provinces have enacted legislation: Ontario, Manitoba and Alberta. Ontario's Christopher's Law—Sex Offender Registry, 2000, was passed on April 23, 2001. This legislation resulted from a coroner's report concerning the death of an 11-year-old boy who was killed in 1988. The coroner had been recommending the creation of a registry since 1993.

The registry system in Ontario is intended for released sex offenders. They have to report to the police yearly, giving their name, date of birth, address, photo and the sex offences they have committed. The sex crimes in question are listed. The register is not

open to the public. There is, however, a retroactive aspect and this, I repeat, we are opposed to.

There are provisions concerning the length of time people are registered and the sanctions applied for non-compliance. These range from fines of up to \$25,000 to sentences of up to two years imprisonment, or both. The offender is struck from the list only when rehabilitated with respect to all the sex offences in question.

The OPP has an obligation to maintain the register on behalf of the Solicitor General of Ontario, but it is the responsibility of the local police forces to determine where offenders are to report. It is also up to them to ensure compliance.

As for distribution of the information, the Police Services Act allows chiefs of police to release it when an offender whose presence presents a considerable risk to the community is in the community. It must be made clear that there must be considerable risk to the community, a risk that will be significantly reduced by disclosure of the information.

As I have said, there may be some uncertainty when it comes to provisions guaranteeing the balance of proportionality between the means for implementing the objectives of this bill and their impact on rights and freedoms.

That is why it is absolutely justified to question the methods proposed in this bill for ensuring the objective of protecting society. The principle of proportionality is a fundamental right that is recognized by our courts as far as the legislative means used to attain the objective of the bill are concerned.

As I have said, protection of the public is a legitimate objective. Registration does, however, still impose a constraint on certain citizens. The principle of fundamental justice requires compliance with section 7 of the charter in that the mechanisms adopted must not be disproportionate to the intended objective.

The courts refer to minimal impairment. In the case of the bill at hand, the protection of society is tied to the restrictions imposed on the freedoms of sex offenders. It is therefore up to legislators to respect this requirement of fundamental proportionality.

● (1255)

I believe that Bill C-23 is seriously flawed. As far as I am concerned, it does not respect this fundamental principle of proportionality. In fact, the requirement is there for all sexual offenders, regardless of the gravity of the offence. I want to point out that I do not take these crimes lightly, quite the opposite, but we have to take into account the specific circumstances surrounding each case. Under the current wording, the government makes registration obligatory, without any regard for the gravity of the offence. This bill clearly targets the nature of the offence, and not its gravity. This is one of our key criticisms of this bill.

Government Orders

Given that it is only about the nature of the offence and not its gravity, the burden of proof falls to the offender. He must therefore convince the courts that an order to register is clearly excessive in terms of protecting society.

It would be up to the offender to prove that being registered in the database would have an unreasonable impact relative to the protection it would afford society, and that it would be to the offender's disadvantage. Based on certain statistics available, the recidivism rate is lower for sexual offenders than for other types of criminals. The rate is below 20%.

Of course, some types of sex offenders present a real risk of re-offending, and we are in favour of having a registry for such persons. However, it is impossible to differentiate between these two groups based solely on the nature of the offence. This is why I believe that dangerousness is the key element in determining registration orders.

Once again, I must state that cases before the courts must be subject to regular review. We must avoid generalities, and there is a real danger of these since the Crown is responsible for deciding whether to demand that an offender be required to register. In its current form, the bill would impose a binding obligation on approximately 80% of offenders who do not pose a real threat to society, thereby shedding doubt on the constitutionality of these provisions.

The bill must be such that it avoids excessive measures. This registry must not, therefore, be used to witch hunt; it must not be used by individuals bent on exacting revenge on sex offenders.

The Bloc Québécois insists, therefore, on the confidentiality of the database. We also insist on very limited disclosure to a very specific clientele, namely the police. One of the conditions for access to this registry must be a police investigation of a sexual offence.

There are, therefore, three conditions on obtaining information in the registry. First, does the request come from a police force? Second, is the request being made in relation to an investigation? Third, is it a sex offence investigation?

We must insist on these conditions for obtaining information because not doing so could be used against us. The bill's objective is not to create panic in neighbourhoods nor to incite bounty hunters, far from it. In fact, the sole goal of this registry is to facilitate criminal investigations in a specific area. Protecting privacy is essential and is even the subject of specific legislation. However, this legislation applies to all members of our society.

Applying this legislation to sex offenders too will, of course, prevent such offenders from going underground, and disappearing from our radar screens and those of the police.

The underlying goal of any legal decision is to encourage rehabilitation, not punishment. This is yet another reason why privacy protection is so important. To rehabilitate such offenders, all of society must be protected. We will all be safe if we can avoid forcing offenders into hiding.

● (1300)

The fact that the police force knows exactly where these offenders are located is reassuring enough. That is what we need to look for, not revenge. We must prevent all forms of vigilantism.

The rehabilitation of sex offenders must be part of the measures designed to protect society. There are several organizations that specialize in reintegrating and rehabilitating offenders. These organizations promote community involvement combined with public participation. This cooperation has helped define solutions for problems that affect everyone.

By taking part in the decision making process, the public contributes to the social development of a group, like sex offenders, that has been labelled antisocial. Community groups have established a number of projects to reintegrate sex offenders, such as halfway houses and community service work programs, but we must not stop there. The purpose of these programs is to make offenders responsible.

It would be good to point out that this is similar to how young offenders were treated in Quebec, under the Young Offenders Act. This act, incidentally, was subject to drastic changes by this very same government. We must be very careful if we want to avoid making this type of mistake again. It is somewhat ironic that the current government is advocating a preventative approach for offenders who have been found guilty, when they are taking the opposite approach with young offenders.

As I was saying, public participation is important to prevent uncontrolled and uncontrollable witch hunts. We need to find solutions that are fair, and that satisfy victims, offenders and society.

The Bloc Québécois is of the opinion that registration contributes to this goal, on the condition, obviously, that directives to protect privacy are respected, and that only police forces will have access to the data.

On April 30, 2001, the Government of Quebec released the recommendations from the report on the decision making process and the whole integrated release system for offenders. This report, known as the Corbo report, entitled "Pour rendre plus sécuritaire un risque nécessaire", discusses how to reduce the risks involved in releasing offenders, once rehabilitated. The authors of the report believe that involving community resources in the rehabilitation of offenders, and in their reintegration, is absolutely essential.

They go on to say, "On the one hand, it is first and foremost via these volunteer bodies from within itself that civil society can fulfill its necessary role in the rehabilitation and social reintegration of all its members who are not in compliance with the common standards and have developed behaviours that represent a threat to public safety".

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The report includes the following among its recommendations: “being allowed at large before the end of the sentence, or even once the sentence has been served, represents some degree of risk. The recidivism rate requires some clear thinking to be done about this, but it is a necessary risk. Quebec society really has no other choice but to seek the rehabilitation and community reintegration of offenders. If that objective were abandoned, society would enter into a policy of ongoing repression of offenders. Such a policy would have heavy economic and social costs and would lead to an impasse with no way out except to pile repression on repression.”

Temporary absences or parole are necessary if the goal of rehabilitation and resocialization is to be achieved, but there is an associated element of risk. Ongoing efforts can be made to reduce this, but we must realize it will never be reduced to zero. Thus the core concern in this report is to identify the means most likely to reduce this risk and increase safety”.

The report goes on to state that “our society rightly takes pride in respecting the privacy of its members and protecting their personal information. While this is justified, our society feels equally strongly that its members must be properly protected against those likely to harm their physical or psychological integrity, including in the privacy of the conjugal home.

It is therefore appropriate to define an administrative and legal framework that is suitable to all and strikes a balance with the principles of fundamental justice and our rights and freedoms. The Corbo report states that access to such assessments or other information requires Quebec society and the legislator to design and implement measures which achieve a more finely tuned balance between the protection of privacy and the protection of public safety. Demanding the absolute supremacy of one or the other of these values is liable to compromise the other. That is why the concept of balance is important.

I am still puzzled when I read clause 20 of the bill, which adds section 490.02 to the Criminal Code. Paragraph (a) refers to sexual offences while paragraph (b) does not. We are concerned when a bill with the worthwhile goal of protecting against sexual predators is used to add a general and imprecise provision.

It is of particular concern to me to see that property offences such as breaking and entering a dwelling house are included in this section. I fail to see how that protects against a sexual predator. It would be good to know what the lawmaker's intent really is when it comes to including offences with no connection to sexual offences. After all, the title of this bill does say “respecting the registration of information relating to sex offenders”. The scope of this section goes far beyond that. That an offender could have to be registered for such an offence is cause for concern.

I repeat that this bill has a worthwhile goal of protecting, but only with regard to strict enforcement criteria concerning privacy, the promotion of reintegration into society and the community as well as accessibility of data only to police and only for investigations on crimes of a sexual nature.

We have another concern about Bill C-23, which could become a major one given the bill's constitutional nature. While the

registration requirement is within the prosecution's jurisdiction, it does not in any way guarantee its constitutional validity.

In fact, the Supreme Court recently concluded that the lawmaker giving the prosecution discretion to act does not resolve a potential constitutional problem. In the references *Lavallee, Rackel & Heintz v. Canada*; *White, Ottenheimer & Baker v. Canada*, and *R. v. Finn*, in a recent and unpublished judgment, Madam Justice Arbour stated, “Nor can the provision be infused with reasonableness in a constitutional sense on the basis of an assumption that the prosecution will behave honourably—”

She went on to say that, “The protection of basic rights should not be dependent upon a reliance on the continuous exemplary conduct of the Crown, something that is impossible to monitor or control.’ Even more so, I would add that the constitutionality of a statutory provision cannot rest on an expectation that the Crown will refrain from doing what it is permitted to do”.

At first glance, we might think that the prosecution will act carefully. But we must not forget that we are dealing with a very controversial and hot issue.

I agree that appropriate steps must be taken to deal with sexual predators in order to protect children and any other vulnerable person from abuse. However, we should not go overboard and require all sex offenders to register.

• (1310)

Again, I insist on the notion of gravity in the assessment made by the prosecutor, in his analysis of the need to invoke these provisions. The notion of gravity must be at the core of the decision making process regarding the provision that authorizes the registration of sex offenders.

Another reservation regarding Bill C-23 has to do with the implementation costs of this system. This is a very serious concern. The Solicitor General is talking about investing \$2 million to launch this system and then \$400,000 per year to manage it.

It would be interesting to see the studies that have led to these numbers. It would be perfectly appropriate and relevant to know all the figures that have led to these amounts, particularly after the fiasco in the management of the firearms program, which the government must absolutely avoid repeating. Therefore, I am asking the Solicitor General to provide us with the documents relating to the funding of this registry.

This blatant lack of information raises some questions, namely: who will absorb the excess costs? Quebec and the provinces? Since Quebec and the provinces are responsible for the operation of this system, they should have all the information that is relevant to this program.

Government Orders

It is Quebec that is responsible for getting the orders and presenting the challenges, reviews and appeals. It is also Quebec that must review and register offenders and check the information. Then there are the arrests made when there is a refusal to act. All these proceedings will undoubtedly result in significant costs.

Let us not forget, also, the costs that could result from constitutional challenges. Some measures will have to be adopted to protect and maintain the database. We should also include a gravity assessment procedure. This procedure will of course be costly, because of the complexity of such assessments, and because they rely on expert opinions.

The Bloc Quebecois supports the principle of protecting society against dangerous sexual predators. However, we must first look at what these provisions entail.

So, the constitutional validity of this system and the significant costs that it will generate must be taken into consideration. We must remain cautious and ensure that the measures taken are not disproportionate and that parliamentarians have all the relevant information on the implementation of this system.

In short, we need more information about the costs, as per the economic feasibility studies. In this way, we hope to avoid repeating the firearm registry fiasco.

We must also insist on the guarantee of proportionality in accordance with section 7 of the Canadian Charter of Rights and Freedoms. This is a fundamental right that could cause problems, not just in terms of enforcement, but also credibility, if the issue is not properly addressed. The bill must therefore provide the protections stipulated in the charter.

In closing, the Bloc Quebecois supports the principle of this bill, which is to protect the public from sexual predators. However, we remain cautious in terms of the constitutional validity of some of the bill's provisions, and this is why we want to know more about the costs that will be incurred.

•(1315)

In closing, I would like to reiterate the Bloc Quebecois' support for the principle of this bill. However, we believe that it is reasonable and justifiable to want the full details in terms of provisions affecting how the bill will be enforced, in addition to the effects these provisions will have. These details are what will really testify to the quality of work that we, in this House, will have done.

Therefore, it will be in committee that we will really be able to assess the scope of this bill and make any necessary changes for Canadians and Quebecers, so they can feel assured that they are protected against the threat of sexual predators.

It is in committee, I believe, that we will be able to fully understand the scope of this bill, particularly with respect to the notion of recidivism and the gravity of the offence, but also with respect to the breadth of the scope of the bill and the impact it will have.

It is also in committee that we will be able to see all of the information necessary to determine the costs related to implementing

the registry. As I said before, the goal is praiseworthy, but is this the right approach? This remains to be seen.

The Bloc Quebecois supports this bill in principle, but caution requires that we study it more closely and make the necessary changes. We need to look at the costs involved in order to avoid a fiasco and we must also ensure that the registry is truly confidential, that the information is given only to police forces, and that none of the information is used in any witch hunts, but that it is used under the conditions that I laid out earlier in my comments.

•(1320)

[English]

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to participate in the debate on Bill C-23, the sex offender information registration act, and I am pleased to follow the discussion and presentation by the spokesperson for the Bloc.

[Translation]

As the Bloc Quebecois member has said, it is clear that we are going to support this bill in general, but with some reservations. We are going to ask the parliamentary committee to look at certain things in connection with this very important bill.

We, like the Bloc Quebecois, want to see a balance struck between protection of our children and protection of our rights. This will always be our goal, and time must be taken to hear witnesses when this very important matter is being considered.

[English]

As I tried to say in French, members of the New Democratic Party, like the spokesperson for the Bloc, wish to offer our general support for the bill and indicate that we believe it is a very important initiative. At the same time, as is our wont on all cases pertaining to constitutional matters and legal provisions, we seek to ensure that the rights and liberties of individuals are protected and upheld and that nothing we do by way of legislation in the House takes away those hard fought freedoms.

It is clear that we are dealing with a long overdue piece of legislation. This matter of a sex offenders registry has been before Parliament and in public policy circles for many months. In fact, I think back to a couple of years ago when this place dealt with this subject by way of a motion from Alliance members, I believe. It was subsequently pursued by provincial ministers of justice on a regular basis.

In fact, I think if it were not for the constant push by ministers of justice at the provincial level the bill in fact would not be here today. It is clearly a culmination of a long process and an outcry from Canadians right across this land for action to deal with a most serious and critical matter in our society today.

Government Orders

No one in this place can ignore the agony that families go through when a child or a loved one is raped or sexually assaulted. No one can ignore the fact that in our society there are pedophiles who are at large and will continue to offend and reoffend if serious actions are not taken.

Bill C-23 is certainly one step in the right direction. It is important because it will help police services investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders. It is a tool and a provision that will allow the police to keep track of the whereabouts of those who have offended in terms of rape or sexual assault against children or any vulnerable member in our society. That is very important, because one does not have to follow this issue too far to know the extent to which our children and women in our society today are at risk of sexual assault and exploitation.

The primary objective with the legislation is to ensure the effective protection of Canadians. In this case in terms of Bill C-23, we are concerned about the potential victims of sexual crimes, primarily women and children, who are especially vulnerable.

I will first talk about violence against women. This is a matter that the House must continually come to grips with and I think that through this bill we have such an opportunity. I think we all agree that Canadian women have a right to live without the threat of violence, yet we know that for many women it is a reality. One study shows that 42% of women, and that is in comparison to 10% of men, feel totally unsafe walking in their own neighbourhoods at night. Nearly as many, 37%, are worried about being home alone at night.

• (1325)

We know that much of the violence against women manifests itself through sex related violence. We know that, and we have to continually be vigilant in finding ways to reduce the incidence of sexual violence against women, because we are tired of building monuments to victims.

Let me also talk briefly about sexual violence against children. Understandably, there is a feeling of sickness and rage every time we enter another search for another child's body. This bill actually will help us to channel those justifiable feelings to the positive objective of improving prevention.

There are a few other facts. It is estimated that only 10% of sexual assaults on women are reported to police. In Canada this means that more than half a million assaults occur each year. Another fact: Every minute of every day in Canada a woman or child is being sexually assaulted. Let us not forget in this debate, as in other debates we are having, particularly on Bill C-22, the divorce act, that 98% of sex offenders are men and that 82% of victims surviving reported assaults are women.

Tragically, recent well-publicized incidents confirm the fact that those most often committing assaults are in positions of trust. They are fathers, other relatives, religious officials, doctors, teachers, employers, friends and dates.

There are more facts to be put on the record. There are more examples of the kind of emotional upheaval that families go through when a child, a woman or a vulnerable person experiences sexual assault, but perhaps that is enough for now to highlight the

importance of the bill and why we are in general support of Bill C-23.

There are some problems with the bill. We heard the member from the Bloc speak about some of those issues that we have to grapple with. Some of the provincial governments have raised other concerns with the bill. The concerns before us fill the whole spectrum. They range from those who believe the bill is not tough enough to those who believe the bill may infringe on civil liberties, and that is something we must sort out in the next stages of the bill, particularly when it is sent to the standing committee and witnesses are heard and testimony is received. I would suggest that we take seriously all those concerns.

I want to put on the table some of the concerns raised by the provincial minister of justice of the Government of Manitoba, the Hon. Gord Mackintosh, who in fact was central to the push that led to the bill before the House today. It was Gordon Mackintosh, back in September 2001, who actually presented a motion to the federal-provincial-territorial ministers of justice meeting calling on the government to establish, together with the provinces and territories, a national registry for sexual offenders.

He introduced that motion with the support of many provinces to try to force the Government of Canada to listen and to act. Fortunately today we are in a position where the federal government has listened, has acted and has brought before us a bill that is consistent with the wishes of the provincial and territorial ministers of justice as well as the wishes of many Canadians who are very worried about ensuring that the incidence of child sexual assault and rape of women and children is dealt with on a consistent and effective basis.

The minister from Manitoba, Gordon Mackintosh, has raised some outstanding matters that need to be pursued by the House and by the Standing Committee on Justice and Human Rights. He raised the issue of retroactivity. That is a matter that has been before us throughout the debate. It is a matter of concern. The position of the Manitoba government is that it makes sense to look at a provision that deals not just with those who offend once this bill is proclaimed, but also gives some consideration to the fact that it ought to apply to those who are now serving sentences for sexual offences.

I think we ought to give that some thought. Our caucus has remained open to the question. I know that there are strong views on both sides and I think we need to really grapple with this whole issue of retroactivity and whether or not we are doing a disservice to Canadians at risk by not applying this provision retroactively to some extent.

Government Orders

The Manitoba government has raised the issue of photographs and whether or not the bill will in fact allow for the use of photos. There was some understanding that in fact the federal government has acknowledged that photographs are important and will be introduced at some time in the future. However, there appears to be no mention of the question of photographs in the legislation before us. I think we ought to deal with that issue here and now; otherwise it is clear that the legislation will have to be reopened and that we will have to deal with this issue all over again once the federal government decides to live up to its commitment to the provinces to include the matter of the use of photographs.

A third issue raised by the provincial governments that I think has to be taken seriously as we pursue this bill is the question of financial support for the new responsibilities that provincial governments will face once this bill is proclaimed. It is clear that there will be additional costs because, as we know from the proposals in the legislation, judges must in fact make written application to ensure that a person convicted of a sexual offence is added to the registry. That takes time.

• (1335)

We know that judges are now overburdened with existing demands and provisions. A new piece of legislation does require the government and all of us to look at the question of what resources are required and whether that is being considered as the bill goes through the various stages. It would be irresponsible on our part to pass legislation that in fact puts all kinds of financial requirements on the table and leaves it to the provinces to sort out. That would be irresponsible and unfair. I think it is important for us to now get commitments from the federal government as we pursue Bill C-23 about how it intends to support, fund and finance the new demands placed on our provincial judicial systems as a result of the implementation of Bill C-23.

I think it is clear that the House acknowledges the importance of having a registry that is mandatory and requires the documentation and identification of those who have offended sexually against children and other vulnerable members of our society. I think that there is this understanding. As a House, we are grappling with some of the intricacies of the bill and with how we can ensure that the balance is upheld between protection of the most vulnerable in our society and the adherence to our charter and our constitutional traditions. I think this is the mandate of the committee and I ask that we all take the process very seriously and ensure that the standing committee is given the time it needs to do this work.

For now let me say that my colleagues and I in the NDP support the broad thrust of the bill. We know that it is long overdue. We know there are some problems, but on the other hand we say thank goodness it is finally here and thank God we have such a proposal before us. Let us ensure that we do not lose sight of the objective at hand and that we do everything we can to make this a fine piece of legislation and a law that will actually work. Not only do we have to ensure that we track sexual offenders and ensure that if they reoffend they are picked up quickly, but through the bill we actually have to ensure that we find a way to prevent sexual assault of our children and vulnerable citizens. We have to do everything we can to make our communities safer and more secure for everyone among us.

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I wish to thank the member opposite for her thoughtful comments on Bill C-23. I do, however, have an issue that I would like to discuss with the member, that is, her comments about the Manitoba government wishing there were a provision allowing for retroactivity in the application of the sex offender registry.

Is the member not aware that it is a basic tenet in criminal law and also in labour law that when one establishes a sanction for an act there is no retroactivity? We do not reach back in time in order to capture people who committed those acts at a time when it was not illegal or criminal. Having done a bit of labour law, I know that this is a basic tenet in disciplinary administrative law. For instance, let us say that an employer creates a sanction and says that as of such-and-such a date one must call in sick, otherwise one may be found to have violated the employer's rules and regulations or the collective agreement and could be liable for a three day or five day suspension. It is a basic tenet in labour law that we do not reach back into the past. It is also a basic tenet in criminal law.

Given that the member has said the Manitoba government wants retroactivity in this legislation, how does she feel, as a member of the New Democratic Party, which pretends to represent labour, about the fact that the provincial government wants to reach back into the past?

Ms. Judy Wasylycia-Leis: Mr. Speaker, I appreciate the question and the issue is one that I would like to see thoroughly addressed and pursued at the detailed clause by clause analysis of the bill. There are outstanding questions that have to be put on the table. We have to hear from constitutional lawyers and we have to hear from provincial governments. We have to hear from groups that represent victims. We have to grapple with what is not a cut and dried matter. It is not an easy issue. It is one for which there are different precedents and different constitutional interpretations.

The federal New Democratic Party has not taken a position in favour of retroactivity. We are always very careful to try to find a way to balance the protection of the vulnerable with the upholding of our charter, but at the same time I want us to deal with what provincial governments are asking us, which is this: Is there any constitutional interpretation under which retroactivity in this case would apply and would be upheld?

Comments have been made on both sides of the issue. One such comment made in a recent newspaper article enunciated the view that there cannot be retroactivity if someone has been sentenced under the old rules. Offenders have to know what the playing field is before they offend. I think we should hear what that means and how it can be interpreted in terms of this law. I do know that at the same time this argument is being made there are those who say there are people who already have been sentenced or who are about to be sentenced for sexual offences against children and vulnerable people, people who will be released at some point and who will not be included in the registry, and therefore there are questions about safety and security that have to be dealt with.

Government Orders

Again I will say that there is no easy answer to this. We have not taken a position. We would like to hear all the facts and all the constitutional arguments. That is why the bill needs to get to committee for that kind of thorough vetting and process.

• (1340)

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, on the question of the retroactive effect of the registration system, I did not hear that sort of enthusiasm from government members when they brought in the firearms registration act on the technicalities of a retroactive effect of the legislation. However when it comes to sexual offenders who cause a lot of damage to a lot of people, they get on their high horse on the issue.

We deal with registration in our society. We register motor vehicles. We have to register with the government so we can file our income tax returns or we will get into trouble. If people want to sell wheat in the country, they have to register with the government.

There are rights that are trampled because of this. We can get into an argument on rights but someone on the government side says that the public good is more important than the individual rights involved.

When we take into account the high rate of recidivism among sexual offenders and the position of trust that so many hold in our society and when we look at their record and the devastation they have caused to people, both women and children, surely the protection of the children, women and people who are abused by people in trust are more important than the offender's right not to be registered.

It seems to me it is a fairly clearcut question when we put it in the perspective of all the other registration regimes we have, that we have a very compelling public reason to make this retroactive. If it is not retroactive, it is not really worth very much because the vast bulk of offenders already have a record and they are the menace to society.

Could the member from Winnipeg address this concern? It seems to me it is such a compelling argument in favour of registration, so overwhelmingly compelling, that we make it retroactive. If we do not, it is virtually useless. I would like to have the member's comments on that.

Ms. Judy Wasylycia-Leis: Mr. Speaker, I appreciate the question. I think there are compelling arguments to be made on both sides of the issue. That is why the bill needs to be sent to committee where we can hear from constitutional experts and from organizations trying to help the victims and from the families of victims who must get through these difficult incidents of sexual assault. Therefore I would really like to see that happen.

In addition to the question of retroactivity, we also must in the spirit of balance look at the question of ensuring that there are provisions for being taken off the registry if the person has been pardoned or if there has been a complete rehabilitation process undergone by the offender.

We have to be really careful on both sides. We have to ensure that we are upholding the Charter as well as looking for the utmost ways in which to protect the victims of sexual offences.

My colleague, the critic for justice for our caucus, has indicated in the debates earlier that he will be proposing an amendment to ensure an automatic review of the registry list, which I think is important. He will be recommending that we deal with provisions to ensure that the burden of removal from the database is placed on the people granting the pardon whereas currently a pardoned sex offender could have his or her criminal record cleared but would not be on the automatic review of requirements to register the database.

There are a number of suggestions that have been made by our caucus critic. Others are on the table from provincial ministers of justice. We need to review this at the committee and come up with the best possible legislation.

• (1345)

[*Translation*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it is always a pleasure for me to rise in the House and to address this very important matter. For once, this is a very positive bill, one aimed at protecting children. That is a major priority for Canadians.

[*English*]

This legislation, as has been stated several times already, is long overdue. It is one that certainly we in the Progressive Conservative Party support. We have long been calling for a stand-alone sex offender registry that would have a very practical and immediate impact on the ability of the police to protect and enhance existing systems of protection for children and for communities generally.

The implementation of the legislation will be important. It comes from an incredibly sound idea, the concept that has been in public debate for some time. The introduction of the legislation represents a departure from the government's normal routine of doing very little.

Bill C-23 would require sex offenders to be registered in a national database, which would make changes to the Criminal Code and help police investigate crimes of a sexual nature. The registration itself is of certain information relating to sex offenders and would have no doubt a positive impact on the timeliness of investigations and, more important, would add a much to the needed element of public protection.

I am glad to see we are bringing this forward at this time. Our party has long been an advocate of action of this file and on a number of occasions we have called for the immediate implementation of such a registry. It boggles the mind to think that we would be spending so much time and effort on a long gun registry, as was alluded to already, that has cost the country a billion dollars, with more millions being poured into it as recently as last week, when we would have an opportunity to bring forward such a practical response in empowering police to do their investigations to protect children.

While we agree that this is a very important step in the process, having the opportunity to debate the particulars of the legislation, there remains a number of problems that I would like to point out. In particular, clause 20, subsection 490.03(4), provides convicted sex offenders with the opportunity to have their names removed from the registry if they can prove that it would impact on their privacy or liberty.

I am very concerned, and I would not put too fine a point on the analogy, with the loophole that already exists with respect to child pornography, which in essence gives a great deal of discretion in the area of what has been described as artistic merit. This is a similar type of loophole. The clause reads:

—if the order were made, the impact on them, including on their privacy or liberty, would be grossly disproportionate to the public interest in protecting society...

I find this to be such an anomaly. When it comes to protecting children from sexual offenders, how can there be any disproportionate public interest? What could possibly trump the interests of protecting children?

My fear is that with this loophole, or setting up of a loophole, for sex offenders who do not wish to have their names included, who would define the grossly disproportionate impact? Who would define the public good? Even if there is an acceptable definition that we could all agree with for each of these terms, which I doubt, who then would decide which took precedence? Obviously, it would be the courts which would result in a long antiquated process that ultimately would not protect young people.

Let us hope we get it right in the first instance. Let us hope that judges will make that proper call. Then we would know that there is an appeal process. We know that there is a review process.

I am not suggesting that the balanced approach is not the correct one. My fear is we are deliberately putting in place a loophole which will result in immediate litigation.

Unfortunately, there are other changes which I believe need to take place within the scope and parameters of the bill. The bill, if it is to live up to its intention of public protection, not the least of which will be the need for a separate and stand-alone database, will have to be revised.

Police officers, provincial attorneys general and other people working in the field will verify that the current CPIC system does not allow for a mandatory registry of information pertaining to sex offenders, contrary to what the solicitor general and previous solicitor generals have said for years. This is exactly what is needed.

What is needed and what is imperative to protect children in particular and what would be very useful is to have a stand-alone system. If we could have a stand-alone system to register guns that does not work, surely we could have a stand-alone system to protect children. When one compares the two on balance, there is no comparison. We are pushing for a stand-alone system and continue to do so.

I have talked to members of the victims' services, to police officers, to those involved in child protection, to lawyers, Steve Sullivan and to many others who are concerned about having a system that does not quite fit the bill and really creates a false sense of security.

● (1350)

The information provided is only as good as its accessibility and its accuracy. In fact the Auditor General, on previous occasions, has outlined the inadequacies of the present CPIC system in terms of the data that it already holds.

Government Orders

To make the case, the current system, which was designed in 1966 consisting of one main computer, a communications network and the local hardware and software that provides users with access, has been near collapse at times. Despite efforts to update the system, I would suggest that simply adding or piecing together another element of the system would put further strain in place. What we have seen in the past is times when CPIC has been actually inoperable and police officers have been unable to access that important information.

It was originally designed to handle 11 million transactions annually and to accommodate 1,500 points of access. In 1998 the system handled 114 million transactions, 10 times its original design volume, and it currently handles more than 15,000 points of access, serving a current 1,285 police departments and government agencies.

Just to put that in context, what we are seeing is a system that is so overloaded. What we need, I would suggest and what provincial attorneys general, police and other interested parties are calling for, is a separate stand-alone system. The Canadian Police Association, as I mentioned, the Victims Resource Centre and many other concerned citizens suggest that the system needs to be stand-alone. The government is aware of that. It needs to show some leadership in this regard. If the political will exists, it can happen and happen quickly.

I do not want to mix messages on this point, but I must bring into the debate again the issue with respect to the gun registry on which a billion dollars plus, and counting, has been spent with no correlation to public safety. That is the misnomer the government and members opposite have tried to perpetrate now for years, that there is an actual connection, a nexus, between registering the long guns and public protection. This is a complete fallacy and a farce that has been exposed repeatedly.

Liberal members of caucus were told that they had to toe the party line last week and, as a result, voted for supplementary estimates and another \$68 million or \$69 million into this Liberal sinkhole to really demonstrate again the face saving over lifesaving element behind this.

This is not the first time it was done, of course. We have seen numerous examples, such as the EH-101 helicopter cancellation, hundreds of millions of dollars spent on faulty advertising, HRDC programs and Pearson airport cancellation, all resulting in a lack of common sense and a lack of accountability and practical responsibility when it comes to governance.

What I am getting at is that here is an opportunity to take the existing infrastructure of the gun registry, the computer systems, the personnel, the effort that has been put into this flawed system, and apply it to a sex offender registry for a practical application that would work, that would protect children and that would put it back in line with the priorities of Canadians. I strongly suggest that this would go a long way to restoring some faith.

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Currently, convicted offenders may be released into the community and change their residences, or their appearances or their names to avoid discovery. We know that sex offenders prey upon those least able to defend themselves and they do so by deceit, by disguise and by subterfuge. These types of nefarious activities are done intentionally so that they might go undetected.

Clearly there is a need to have accurate information that is current and available. Without an actual sex offender registry that is timely and accurate, we are putting children's lives at risk and I do not believe that the government in any way would want to put a price tag on that.

Coupled with the information that is currently found on the CPIC system, it is impossible to sort out in such a way the police and those in the law enforcement community can access and use this information for prevention. In my view, the addition of a sex offender category on the antiquated, overloaded system is destined to fail. We know that recidivism is extremely high with sex offenders.

• (1355)

In the event of reoccurrence, such heinous acts of abduction and sexual assault, valuable time is lost in trying to identify the suspect who is oftentimes not known to the local police or to the community, or because of the issue of mobility or nefarious means to change an appearance or name. This is a very prevalent occurrence.

A stand alone system would provide police with an enhanced ability to protect society and carry out this critical task of enforcing a safe and orderly society. It would give police better access to information about the specific whereabouts of offenders and all previous convictions of a sexual nature that have been registered through the courts.

Sadly, not all offenders make it onto the CPIC system. When the offence has occurred, for example, in British Columbia there may be a delay in entering that information into the system. If individuals then find themselves before the courts in Nova Scotia or Newfoundland, it is difficult to ensure that the information is accurate.

Colleagues from Nova Scotia, South Shore and Cumberland—Colchester and members of the Progressive Conservative Party support this initiative. Let us ensure we get it right and let us ensure, when we bring this to the justice system, there is a common sense approach taken to amend this process to ensure that it works for all Canadians.

STATEMENTS BY MEMBERS

[*Translation*]

EPILEPSY AWARENESS MONTH

Ms. Yolande Thibeault (Saint-Lambert, Lib.): Mr. Speaker, I am pleased to inform the House and the people of Canada that March is Epilepsy Awareness Month. Epilepsy is a serious disease of the brain affecting more than 300,000 Canadians. Its symptoms include seizures, uncontrollable trembling, convulsions and confusion.

Many persons suffering from epilepsy are hesitant to admit that they have this disease and even to seek treatment. The goal of Epilepsy Canada is to raise public awareness about this disease and remove the stigma that has been attached to it.

I strongly encourage Canadians to make an effort to learn more about this disease. Together, along with medical research, we can improve the quality of life of all who suffer from this disease in this great land.

I congratulate Epilepsy Canada for its remarkable work and offer my best wishes for its success in the future.

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[*English*]

CANADA-U.S. RELATIONS

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, Liberal anti-Americanism is having shocking consequences for ordinary Canadians. A message of intolerance and lack of respect for others from leaders in the government is being picked up by some individuals.

A disabled woman wrote to tell me that she has been spat on and suffered verbal threats. Why? Because she chose to put U.S. and U.K. decals on her vehicle. She did so to “support their efforts regarding security, freedom, peace and humanitarian actions“.

Leadership matters. Sadly, Liberal bigotry has spilled out to harm society and our citizens, and to shame our great country.

* * *

• (1400)

LIVER DISEASE

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, the Canadian Liver Foundation has designated March as Help Fight Liver Disease Month.

Liver disease is the fourth leading cause of death in Canada, striking men, women and children indiscriminately. The foundation's mandate is to reduce the incidence and the impact of liver disease through research and education.

Canadian researchers have long been recognized internationally for their breakthroughs in the diagnosis, prevention and treatment of liver disease. The foundation is proud to be able to support their efforts by awarding research grants to leading liver specialists as well as to new researchers who are so important to this field.

I wish to ask my colleagues to join me in honouring the Canadian Liver Foundation and all of its volunteers during Help Fight Liver Disease Month.

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[*Translation*]

RÉMON LECAVALIER

Mr. Serge Marcil (Beauharnois—Salaberry, Lib.): Mr. Speaker, today I would like to acknowledge the remarkable community involvement of a constituent in my riding, Mr. Rémon Lecavalier.

Mr. Lecavalier has been working in the scouting movement for many years. His energy and his determination to transmit time-honoured values to the youth of Beauharnois—Salaberry are precious assets.

On March 21, 2003, the Lieutenant Governor of Canada presented him with the gold medal of merit of the Quebec scouting federation in recognition of his exceptional commitment to the scouting movement.

On behalf of all the young scouts in the Beauharnois—Salaberry area, I thank Mr. Lecavalier and congratulate him on this well deserved honour.

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GRANDS PRIX DU TOURISME DE L'OUTAOUAIS

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, the 18th gala for the Grands prix du tourisme de l'Outaouais was held Saturday evening, under the theme "Outaouais, Live it!".

Today, I would like to congratulate the winners of this award. They are: Keskinada Loppet; Aux Berges des Outaouais; Camping Cantley; Auberge Viceroy; Chateau Logue Hotel-Golf-Resort; Ramada Plaza Manoir du Casino; Réservations Outaouais; Cartographie informatisée de l'Outaouais; Les Fougères Restaurant; Laurier sur Montcalm Restaurant; the Hull-Chelsea-Wakefield Train; the Canadian Museum of Civilization; the Gatineau Hot Air Balloon Festival; Expéditions Eau Vive; Gatineau Park; Mawadoseg Kitigan Zibi; Michel Sancier, of the Western Festival in Saint-André-Avelin. In addition, the Keskinada Loppet won the Canada Economic Development's international marketing award.

These winners are testimony to the energy and vitality of the tourism industry in our beautiful region. I want to congratulate Gilles Picard and Jean Tiffeault, respectively director general and president of Outaouais Tourism.

Congratulations to the winners and good luck at the next Quebec tourism industry gala.

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[English]

SASKATCHEWAN

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, last Friday Saskatchewan's NDP government tabled a budget that would be considered voodoo economics from any credible source. Residents of Saskatchewan are again trying to decipher the half truth in this year's government initiative.

The NDP in Regina continue to pretend its crown corporations are not part of the government books although they represent 40% of public business in the province. The NDP claims Saskatchewan will grow at an unprecedented rate of 6.8% next year. That is amazing considering the economy shrunk by nearly 2% last year and experts are predicting another difficult year for agriculture.

The NDP promised to put more police on the streets during the last election. Instead, it wasted over \$110 million on a land titles scheme that failed to deliver anything. In "next year country" we are used to holding out for a better tomorrow. The NDP refusal to

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address rural property tax reform or tax relief of any kind until after the next election is ridiculous and just crass politics.

Next year's election will bring sensible economic planning because a new government in the form of the Saskatchewan Party under Elwin Hermanson will be elected.

* * *

VETERANS

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, I wish to bring to the attention of my hon. colleagues a special presentation made this morning to a very special Canadian. Earlier today the Minister of Veterans Affairs was privileged to present the Queen's Golden Jubilee Medal to Mr. Paul Métivier, a veteran of the Great War.

Throughout the years, Mr. Métivier was very involved in the celebration of veterans' accomplishments and in the commemoration of their sacrifice. He represented veterans at commemorative ceremonies at home and abroad. Mr. Métivier participated in several documentaries, providing oral accounts of his personal experience on the western front. He continues to provide invaluable personal glimpses into his experience during those terrible years.

Canada is privileged to have 13 surviving veterans who are firsthand witnesses to the Great War. Each of them will receive a Queen's Golden Jubilee Medal at ceremonies across Canada and the U.S. These veterans served our country during its time of greatest need. They helped build Canada, the Canada we love.

We wish to thank them from the bottom of our hearts. Lest we forget.

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●(1405)

[Translation]

CAREGIVERS

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, a growing number of people are leaving their jobs to help a family member who has a disability or an illness, or who is elderly. These individuals known as caregivers make a difficult choice in staying with a loved one 24 hours a day, seven days a week, without pay.

More often than not, they are women. Indeed, 80% of caregivers are women.

Sadly, last week, this House did not pass Bill C-206, which would have provided caregivers with financial support. Sadder yet, in voting against this bill, the Secretary of State for the Status of Women ignored one of the demands made by the International March of Women.

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[English]

WORLD FIGURE SKATING CHAMPIONSHIPS

Mr. John Harvard (Charleswood—St. James—Assiniboia, Lib.): Mr. Speaker, last Friday evening in Washington, D.C., Canada's ice dancing champions Shae-Lynn Bourne and Victor Kraatz capped an impressive amateur skating career by winning the gold medal in ice dancing at the World Figure Skating Championships. This is Canada's first ever gold medal in the 51 years since ice dancing has been competed at world championships, making this achievement all the more impressive.

Chatham, Ontario, native Shae-Lynn Bourne and Victor Kraatz of Vancouver have been skating together since 1991 and have won 10 Canadian championships. They have also won 6 medals at world championships, including this year's gold medal performance. Throughout their amateur career these athletes have epitomized the beauty and elegance of their sport with poise and grace, both on and off the ice, and have proven themselves outstanding role models.

I wish to invite all Canadians to join me in congratulating Shae-Lynn Bourne and Victor Kraatz on this outstanding achievement and wish them all the best in their upcoming professional career.

* * *

IRAQ

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, on Saturday at noon about 5,000 proud Canadians gathered in a cold rain on Parliament Hill to show their support for our traditional allies.

Their opposition to the follow-the-polls style of Liberal leadership was very evident from their placards, signs and chants. They wanted their government to know loud and clear that they believe our troops should be in Iraq under the maple leaf, not as foreign exchange soldiers under other nations' flags. Along with my leader and a few others I was proud to have been asked by organizer Debbie Jodoin to say a few words.

This rally was not a pro-war event, as some have stated. It was an appeal to our government that it is never too late to do the right thing by standing with Australia, Great Britain and the United States against the continued sadistic rule of Saddam Hussein.

Instead, the Liberals have chosen to position Canada on the sidelines with France, Germany, Russia and China. Is it any wonder our allies feel betrayed and Canadians feel ashamed of their government?

* * *

NEWFOUNDLAND AND LABRADOR

Mr. Bill Matthews (Burin—St. George's, Lib.): Mr. Speaker, March 31 is a historic day for the province of Newfoundland and Labrador and indeed for the country of Canada. It was on this day in 1949 that Newfoundland entered the Canadian Confederation as its 10th province.

On this day we all celebrate 54 years of Newfoundland and Labrador as a province of this great nation and all the benefits that come with being a citizen in the best country in the world in which to live.

Canadians look upon Newfoundlanders and Labradorians with great fondness. This has never been more evident than with the recent show of support for those who have suffered due to the terrible flooding in the small Newfoundland community of Badger.

As well, Newfoundlanders and Labradorians have given so much to Canada: their infamous screech rum, the Torngat Mountains, Gross Morne National Park, Joey Smallwood, rich musical culture and their unmistakable sense of humour and brightness of spirit.

Of course the people of Newfoundland and Labrador did us all proud with the way they welcomed the passengers from diverted flights on September 11. They welcomed those people into their homes and into their lives.

On behalf of all members of the House, I would like to extend a heartfelt congratulations to the people of Newfoundland and Labrador.

* * *

• (1410)

NEW DEMOCRATIC PARTY

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, after a very successful federal council meeting of the federal NDP held in Montreal this weekend, I am proud to say that we are the first federal party to retire our election debt, and not by borrowing from riding associations, as was done by the Canadian Alliance. Our debt is put to bed and we are ready to go.

We are ready to tell the Canadian people that there is a real alternative to the Liberal-Alliance agenda that has harmed so many people. We have put our fiscal house in order and, with our new leader, Jack Layton, we are on the move. We know that investing in our local communities, stopping the privatization of health care and standing up for the environment are the real priorities of Canadians, not fighting an illegal and unnecessary war.

We know where Canadians are at. We are there with them and we are ready to go.

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[Translation]

GILBERT CORNIGLION

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I would like to highlight the work being done by one of my constituents, who is getting ready to take part in a major humanitarian operation in Iraq.

Gilbert Corniglion is currently working for the Red Cross. After spending a year in Sri Lanka, he arrived in Jordan at the beginning of the year, where he worked providing vital assistance to communities living in zones of conflict.

In an interview published in a riding weekly newspaper, he said, and I quote, "Arab-Palestinian opinion is massively and staunchly anti-American, and is flaring up in favour of Saddam. The same thing is happening in Amman, where the regime is walking a tightrope because of its support for the United States".

Oral Questions

Since there is a war being waged, we will have to look after those who pour into the refugee camps. How many will there be? Hundreds? Millions? No one knows. However, Mr. Corniglion said that one thing that is sure, unfortunately, is that there will be a great deal of work.

I applaud the work that Mr. Corniglion and all of the Red Cross workers are doing.

* * *

[English]

HEALTH CARE

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, in February of this year Canada's first ministers agreed to a new health plan to improve access to quality care for all Canadians. Canada's health care renewal accord of 2003 is an important step to improving universal health care for all Canadians.

The premier of the province of Ontario recently stated that the \$2 billion they expect to get for Ontario's share of the anticipated increase in federal health care dollars will be used primarily to reimburse the province for what it already has spent on health care rather than to provide new services.

My constituents of Erie—Lincoln support the Romanow report and have called on the Governments of Canada and Ontario to ensure accountability in provincial health care spending. They fear Mr. Eves is scheming to use new federal health care funding for his tax cuts and other unrelated expenditures rather than to improve the medicare system.

I urge the Government of Canada to ensure that federal dollars given to the provinces for health care spending is used for its intended purposes and nothing less.

* * *

CANADA CUSTOMS AND REVENUE AGENCY

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, it is time to review the power of the Canada Customs and Revenue Agency when it comes to imposing its heavy hand on Canadian taxpayers.

CCRA has the power to freeze bank accounts, the power to take funds from Canadians and the power reassess accounts and impose its decisions. No bank, no business and, in fact, no creditor has the power of the CCRA which can determine that Canadians are guilty until proven innocent. CCRA can reassess the account of any Canadian, then apply extremely harsh measures. The onus is then put on the Canadian taxpayers to prove their innocence, no matter what it costs in accounting and legal fees.

The CCRA concept of guilty until proven innocent begs these questions. Will the minister bring in legislation assuring that no penalties will be applied to a Canadian taxpayer until a third party has heard both sides of the story? Will the minister bring in regulations requiring that Canadian taxpayers be compensated for costs incurred defending the charges by CCRA if, in the end, the charges are proven incorrect?

FIREARMS REGISTRY

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, in February 2002 the justice minister sent reports to my office confirming that they had already lost track of more than 38,000 licensed gun owners. It is still happening.

I ask members to listen to this story from B.C.:

Two years ago, I contacted the CFC to tell them I was moving and to arrange the paperwork to move my handguns. I duly received my temporary ATT that was issued for the day of my move and subsequently received the full time version at my new address a week later. Sounds very efficient so far. 18 months later when I got around to registering my long-guns I contacted CFC to find out why I hadn't received the registration paperwork. They said they had already sent out several reminders to me and a final warning letter. When I said I hadn't received the paperwork we established they had been sending them to my old address. I find this a little concerning given that they are threatening gun owners with jail if they don't report change of address within 30 days.

So much for a system that is supposed to tell police where all the guns are. It seems like it takes a billion dollars for the Liberals to make a real mess.

ORAL QUESTION PERIOD

● (1415)

[English]

IRAQ

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, for generations Canadian prime ministers fought for the recognition of our independence, including the right to have our troops fight under the Canadian flag and Canadian command.

Now we have Canadian military personnel in Iraq, but under the Liberal government our personnel are fighting totally under the command, direction and flags of other countries.

Why does the government insist on embarrassing us by having our soldiers fight a war only under the flags of other countries?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, how ironic that the Leader of the Opposition would be talking about independence so soon after he told *Newsworld*:

There has never been a time in our history where we have not been more dependent on the United States and its allies...So the government cannot claim independence now.

We are much less willing to concede Canadian independence than the Leader of the Opposition.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, not only did the government sacrifice our independence, the government's only explanation for not standing behind our allies is that it could not get approval from the Security Council of the United Nations, a body on which Canada does not even have a seat. It is shameful.

Let me ask the government a very clear question. We have troops in the war against Saddam Hussein. Do our troops in the war against Saddam have the unconditional support of their government? Yes or no.

Oral Questions

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I would think it is high time that people put down their partisan tools for just a moment and sent a clear and united message to all the troops that are today in the region of whatever the country and whatever their mission. The message is simple: We are behind them 100%. We thank them for putting their lives on the line. We wish very much that before too much time has gone by they will have completed their mission with honour and be home again with their families.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I thank the minister for that commitment assuming that is meant for all our troops, including those who are fighting Saddam. If that is the case, how can the government so unconditionally support our troops and be behind them while they put their lives on the line when it is not with our allies who fight right along beside them? How can the government be taken seriously with a position like that?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, our position has been clear, if the Alliance members would listen. They speak of the importance of our alliance with the United States over many decades. That continues. These exchange relationships are part of that alliance with the United States, the U.K., Australia and other countries.

The government is satisfied by the fact that none of these people are in direct combat situations. None of them have been authorized to use force except in self-defence. We are very pleased to honour these longstanding exchange agreements with our allies.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, for months the allied coalition has alleged a link between Saddam and terrorism and finally Saddam's regime has pleaded guilty to that charge. Iraqi vice-president, Yassin Ramadan, has announced that suicide killers were preparing in Baghdad terrorist murder, he said, and I quote, "is routine military policy".

Will the Prime Minister now admit that the war against Saddam is also part of the war on terrorism and that we should be there?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we are part of the war on terrorism. We have made it very clear, with our ships that are in the gulf, with our commitment to go to Afghanistan and with our complete and utter determination to support our allies in every respect in the war against terrorism. We will continue those efforts.

I agree with the Minister of National Defence. Let us not politicize this issue here in this House in a way which confuses things for the Canadian public. It may be to the advantage of the opposition but it is not to the advantage of the long term interests of Canada and our development of peace in the region.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, what is political about Fedayeen Saddam terrorists deliberately shelling Iraqi locations? What is political about him executing unarmed Iraqis? What is political about innocent women being murdered, shot in the back as they try to escape?

The Prime Minister now has legitimate reasons for Canada to join its allies to protect innocent people and our friends from terrorists. Has the Prime Minister even thought about the powerful effect on our allies and the discouraging effect on Saddam if Canada were to

announce that it would now join the war on terrorism and be there with our friends?

• (1420)

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we are part of the war on terrorism. We have been part of the war on terrorism. The way in which we sought to avoid this conflict, we worked hard to avoid this conflict. We sought to avoid the conflict and to have the very things that the member seems to take pleasure in describing to the House today.

Let us not take pleasure in these events. Let us work on trying to prevent them from happening in the way we have in the past, through the multilateral efforts for peace in the world and the way Canada has stood up for it in the past and will continue to stand up for it.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, on Wednesday we asked the Minister of Defence whether the Canadian soldiers lent to foreign units in the past had taken part in armed conflicts without Canada being at war. We got no reply. We asked the same thing on Thursday, still with no answer, but the minister said he would look into it. On Friday it was once around again, this time with the parliamentary secretary, who said it was still being looked into.

If the government refuses to respond, is this not because it wants to hide the fact that the situation in Iraq has set a precedent, because it wants to conceal the fact that this is the first time Canadian soldiers are fighting within foreign units while Canada is not officially at war?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, it is true that the research is still going on. Our historians are looking into this, and there is still no answer for the moment. As I have just told the Canadian Alliance, our soldiers are there in an exchange with the Americans. Such exchanges have been going on for decades. They are not in a direct combat role. The government is satisfied with this situation.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I understand why he is asking the historians. Any minister who did not know the location of Dieppe and confused Vimy and Vichy would be well advised to consult the historians.

The minister also told us in this House last week that the Canadian soldiers were playing what he termed "a support role" and were not involved in combat in Iraq. Now we understand that Canadian Lieutenant Angie Little is taking part in the siege of Bassora and is involved with demining and explosives within a British unit.

Will the minister admit that, when a Canadian soldier is handling explosives, there is a good chance that person is involved in a war?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, as a student of Canadian history, I feel justified in saying that I have nothing to learn from the Bloc Québécois about Canadian history. Its version of Canadian history is not at all the same as mine. I have always answered its questions.

Oral Questions

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, when the Iraq conflict began, the Prime Minister assured us that Canada would not be taking part. However, Canada is taking part. Canadian soldiers were not supposed to go to Iraq. But they have. Their role was supposed to be limited to providing support, but some are directly at the front.

Will the Prime Minister admit that, had we been satisfied with his initial answers to our questions, we would be far from knowing the truth about Canadian participation in Iraq?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, it seems that the Bloc Québécois has forgotten about the participation of France. It has forgotten about France for a few days, although it is true that French ships are there with us. The Bloc has forgotten about France, while Americans are now calling French fries Freedom fries. What does the Bloc want? For Canada to be more French than France? That is not Canada's policy.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I did not ask about France, but about the 31 Canadian soldiers currently in Iraq. It is time the minister answered our questions.

There are 31 Canadian soldiers in Iraq. Can the Prime Minister tell us if other Canadian soldiers will be among the additional 120,000 soldiers that the U.S. intends to send to Iraq? Can he confirm that more soldiers will be going? This is what we want to know, not the history of France.

• (1425)

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, mentioning France is relevant because that country is fighting terrorism along with Canada. That is the relevancy of what I said and what the Bloc Québécois always forgets. Canada is an ally of the United States in fighting terrorism. We have been there since the beginning, and we are there now with France and other countries. We are proud of our role in fighting terrorism now when the risks are higher. That is our position, and I am proud of it.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of National Defence.

The Minister of Foreign Affairs accused the opposition of sowing confusion. It seems to me it is the government that is sowing confusion about its own position with respect to the war in Iraq.

We understand, for instance, that troops on exchange in the past did not deploy to the Falkland Islands or to northern Ireland when they were attached to British units that were involved in those areas. We wonder what is the difference now between those conflicts and Iraq? Why is the government complacent about its own rules being broken with respect to the deployment of troops when it comes to the war in Iraq?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, our historians are looking into these matters. We do not have all of this information from years back computerized. There may be cases in which these exchanges did occur in the Falklands or there may not. We are currently looking into it.

As to what may have changed since then, one thing that has changed is September 11. September 11 marked a turning point. From that point we have been shoulder to shoulder with our friends

in the United States in the war against terrorism. We are with our friends in that war in the gulf—

The Speaker: The hon. member for Winnipeg—Transcona.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, with the other breath the government would argue that September 11 did not change its commitments to multilateralism or to the United Nations. The government cannot have it both ways.

This is not a history project. It is not history 101. The rules are right there, under the Canadian Forces exchange and liaison programs:

Should the host nation become involved in hostilities in which the parent nation is not a party...they shall not engage in combat, enter a combat zone, or deploy with troops—

This is not history. It is the government's own document. Why does he not listen to it?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, the document also makes clear that the ultimate control in this matter rests with the Government of Canada. The Government of Canada has discretion over these matters. The Government of Canada, after careful thought and consideration and given the non-direct combat role of our people, given the importance of our alliance with the United States and with other countries, and given the events of September 11 and our total commitment to the war on terrorism, decided our exchange officers would stay where they are.

* * *

HEALTH

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, my question is for the Minister of Health.

Health Canada is encouraging Canadians not to travel to or transit through Hanoi, Hong Kong or Singapore for fear of coming into contact with SARS, yet the government department has not yet established a policy of questioning travellers coming from these SARS trouble spots upon arrival in Canada.

Can the Minister of Health tell the House why that is and at what stage she would be prepared to question or quarantine travellers who present a health threat to Canadians?

Hon. Anne McLellan (Minister of Health, Lib.): In fact, Mr. Speaker, we are stepping up our surveillance activities as they relate to inbound passengers.

Health Canada has sent staff to Pearson International Airport, Dorval International Airport and Vancouver. We are there to support airport staff. Health professionals have been sent to each airport to help monitor passengers arriving on direct flights from Beijing, Hong Kong and Singapore for flu-like symptoms and to assist those who appear to be ill.

Health alert notices are being provided to incoming passengers arriving from Beijing, Singapore and Hong Kong advising them to see a physician if they begin to—

Oral Questions

The Speaker: Order. The right hon. member for Calgary Centre.

* * *

IRAQ

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, my question is for the Deputy Prime Minister.

Prime Minister Blair has been to Washington to make the case that reconstruction of Iraq should be led by the United Nations. Australia's foreign minister is on his way there today to make the same case. Canada has finally taken a position in favour of the UN leading reconstruction, yet the Prime Minister has cancelled the Washington trip he was scheduled to make next week.

Why is the Prime Minister not taking the case for the United Nations to Washington himself, or does the government believe that he has no credibility with the U.S. administration?

• (1430)

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, as the hon. member will know, the Prime Minister was intending to go to Washington to receive an award for his own personal achievements. It was his decision that it was not an appropriate time for him to visit Washington for that purpose, particularly while American men and women are engaged in a war.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it is hardly a surprise he is not welcome.

I want to follow up with the defence minister. The defence minister admits that our military personnel are in Iraq, in the theatre with our allies. He said they are there. Their lives are on the line but they are not combatants. Could he please explain what he means by that policy?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I said they were not direct combatants.

I pleaded at the beginning of question period for at least a temporary downing of partisan tools. The Canadian Alliance would have us send more people than we have into the region. The other opposition parties would have us send fewer people.

Why do we not for a change focus on those who are there? Why do we not behave in a way that would please them and please their families? Why do we not, all of us, stand behind them and say to the Canadian public that we thank them for their service to our country?

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, we have been saying we would stand behind our allies and our people and that we would send enough people there with the support of the government so they would not get killed and they would win this war against Saddam.

I want to once again explore what the minister means. We know that these people are in harm's way. We know that indirect combatants can get killed.

Lieutenant-Colonel Ronnie McCourt of the British army was asked whether there were any Canadian soldiers at risk of death or injury. His reply was, "Oh yes, they are in combat". Is that true or not?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, they are in a situation of combat around them. They themselves are not in direct combat, as I have explained many times.

Sadly, it is a fact of military life that there is always risk to life in whatever we do. The government has the responsibility to manage these risks against a whole number of other considerations. It is a deep responsibility that the government bears, but I am confident that the government has taken its responsibilities and is managing these risks in a prudent and responsible way.

[*Translation*]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, Canada — and this was made all the more obvious in the exchange that just took place—is in a very peculiar situation where, officially, it is not at war with Iraq, but it has Canadian military personnel who are in a combat situation and who are risking their lives.

Will the Minister of Foreign Affairs admit that, under the provisions of international law, a country whose soldiers take part in a conflict could be deemed to be a belligerent, even though it is not officially at war?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the Minister of National Defence said, our exchanges with our American colleagues go back a long time. We are not going to put a stop to these exchanges, which are very important to us and which have existed for decades. That tradition must not change. We must continue it with our allies, and we will stay there with our ships and personnel. However, this does not mean that we are at war with Iraq. We said that we advocate another solution.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the minister, who used to teach international law, knows that there is a difference for the troops who are over there.

Should a Canadian soldier who is part of an American unit be taken prisoner in Iraq, who would officially represent him: Canada or the United States?

• (1435)

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, we do not want to answer hypothetical questions.

* * *

[*English*]

CITIZENSHIP AND IMMIGRATION

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, members of the House who held discussions last week in Washington heard over and over about Americans' feelings of vulnerability and their determination to prevent another terrorist attack.

Our neighbour needs to believe we are doing all we can to know who is coming into Canada, especially those who may wish the U.S. harm.

Over half the asylum seekers to Canada are undocumented, but most are allowed in with little or no checking. Why is this being permitted in such dangerous times?

Oral Questions

[Translation]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is always dangerous to give the impression that all those who come to Canada without documents are potential terrorists.

Having said that, we must ensure that we have preventive measures. This is why, in Canada, certain individuals are kept in custody. However, we must also use discretion. We must be very careful with regard to what the hon. member is proposing.

[English]

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, there is a problem of confidence between our two countries. Liberal insults give the impression that we are not really working with the U.S. on its security concerns. It is worried about unknown asylum seekers who literally disappear after entering Canada.

Glib rhetoric will not reassure. Clear specifics are needed. What precisely will Canada do to deal with this problem?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, we are very concerned that there are 9 million illegal immigrants in the United States. We are very concerned that there are 314,000 people who are undocumented and we lost track in the United States.

We are very pleased that we have signed a safe third agreement with the Americans. We are very pleased that the Americans who are working on the border are saying that the job we are doing is being well done. We are very pleased the Americans have said, because we are negotiating right now, that the 30 point smart plan at the border is working pretty efficiently. We are doing our job and the Americans feel that we are a great ally.

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[Translation]

CANADIAN FORCES

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, Canada and the United States have not signed exactly the same international agreements. For example, Canada has signed the landmines treaty and the United States has not.

What rules are Canadian soldiers integrated with the American armed forces supposed to follow: the rules to which Canada subscribes or those of the United States?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, as I have just explained, ultimately, Canadian soldiers who take part in exchanges with other countries remain under the control of the Government of Canada and Canadian military personnel. In everyday matters, when we are serving with the British or the Americans, naturally, we obey their orders. But ultimately, the responsibility is Canada's.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, let us be very practical. If a Canadian soldier were instructed to deploy landmines, even though Canada has made a commitment not to do so, would the soldier be required to obey the order or not?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I have just explained that Canadian soldiers remain under the control of Canada. For instance, in Afghanistan, even with the Americans, we Canadians had our own rules of engagement.

* * *

[English]

CANADA-U.S. RELATIONS

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, the United States is considering setting up a second checkpoint at the Canada-U.S. border. The passage of goods between our two borders is currently under strain. These economic uncertainties have been compounded by the anti-American sentiments coming from the Liberal government.

Will the Government of Canada be applying for an exemption to this proposed second checkpoint at the border? Yes or no?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, I will be in Washington shortly to meet with Secretary Ridge to discuss, among other things, the implementation of the entry-exit system that the United States had enacted some time ago.

I hope we can find some ways in which our actions can help facilitate the implementation of the plan which they have a legal obligation to establish.

● (1440)

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, Canadian exporters are now facing a possible second stop and a possible 24 hour advance notice at the crossing. The cost of Liberal indiscretion and inaction could be insurmountable in terms of the costs to our trade and our jobs.

Has the Minister of Industry been contacted by any exporters or by any industries concerning the negative effects on trade of the current Canada-U.S. relationship and what specific actions he is taking to address their concerns?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the hon. member has it a little backwards. It is actually coming into Canada. In other words, U.S. exporters that in the worst case would find two stops.

Canadian exporters will not have to stop leaving Canada. They will continue to face the one stop entry to the U.S. which has been greatly facilitated, I might add, by the introduction of the FAST and Nexus programs.

While I am on my feet, I would note that today the border crossings are moving quite normally, in fact rather expeditiously.

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WORLD TRADE ORGANIZATION

Mr. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, there is concern among Canadians about what we are giving up at the WTO negotiations with respect to services. There is concern that there is no transparency and decisions are jeopardizing Canadian values.

Oral Questions

Could the Minister for International Trade tell me how we can ensure that Canadian values will not be negotiated?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, today, after consulting extensively with the provincial governments and with all Canadians, we tabled our initial offer in Geneva. As promised last June, the government has posted the initial offer on our website for all Canadians to read.

I am very proud to inform the House that some of Canada's closest trading partners, including the United States, Australia and the European Union, have now agreed to follow our lead and release their own initial offers.

We are committed to an open and transparent approach to these negotiations to ensure that Canadians remain the best informed citizens in the world.

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AIRLINE INDUSTRY

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, a multi-million dollar bail out of poorly managed, privatized Air Canada should only be a last resort. Instead the Minister of Transport seems to be reaching for the cheque book before considering the alternatives.

Rather than throwing money at Air Canada, the government should consider other steps to cut costs that will help the entire industry such as reducing Nav Can and airport leasing fees, a reduction in fuel taxes and elimination of the government's security tax on air travellers.

Will the minister commit to all the other alternatives before dolling out even more money to Air Canada?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member would be surprised that I actually agree with her premise. Support from the government and taxpayers should only be a last resort. We are not interested in a cash bail out of Air Canada. However if we can assist in its restructuring efforts, we will do so.

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CANADA-U.S. RELATIONS

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, my question is for the Minister of Foreign Affairs who I hope will step up to the plate for Canada.

Tonight *God Bless America* will be played during the seventh inning stretch of the Jays home opener because major league baseball requires it. Celebrating the U.S. is fine when New York is in town but what about also celebrating the country in which the game is actually being played.

Will the minister root, root, root for the home team and ask major league baseball or the Blue Jays to play a Canadian song too?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, of course we have no jurisdiction over major league baseball. Many Canadians are sympathetic to the peril in which many American armed forces personnel find themselves at the present time. However stretching in the seventh inning has

worked quite well for many decades to the tune of *Take Me Out to the Ball Game*.

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AIRLINE INDUSTRY

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, my question is for the Minister of Transport.

Later today the Department of Transport will announce the Government of Canada's bail out package for Air Canada. Could the minister tell the House whether his department has conducted any analysis at all of the impact of that aid package on regional and discount carriers? If so, will he table that analysis in the House? Or is this information too sensitive for Canadian taxpayers? Perhaps, like the Minister of National Defence, he is consulting his historians. I would not mind having an answer. I am sure the House would appreciate one too.

• (1445)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I reject the premise of the hon. member's question. He must have had a very stressful weekend.

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AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, tomorrow is April Fool's Day and the biggest April fool's joke played on Canadian farmers is the Minister of Agriculture and his agricultural policy framework. Earlier this year the minister said:

—we need to and will have [the APF] completed by April 1st so that farmers know and can plan with what support there is from the government in the next year.

The joke is definitely on farmers. Now the minister has no deadline, no plan and no program. Could the minister tell us when farmers can expect his beleaguered policy framework will come into effect, or will the minister continue to—

The Speaker: The hon. Minister of Agriculture and Agri-Food.

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member knows full well that the last federal-provincial agreement between the Government of Canada and all the provinces expired on the last day of March, 2003. We have said from the start that there has to be a new agreement. If it is not signed by that date, it is to be retroactive to that date.

He knows that there has not been a disaster program for farmers since December 31, 2002. We are working with the industry to develop that. The member is one of the people who said that we should continue to take some more time to do that.

* * *

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, last Thursday we called on the government to follow the World Health Organization's recommendation that air passengers leaving Canada be screened for SARS.

Oral Questions

We understand that Health Canada was still working with their officials yesterday on a plan and that the plan would actually be a program that would just offer pamphlets rather than actual questioning of individual passengers.

Why is the government adopting a passive approach to screening outgoing passengers?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, we are very working closely and very proactively with airport authorities at Pearson. We are working very actively with the airlines and our provincial colleagues.

We have been working over the weekend with local airport authorities in Toronto to help contain the spread of SARS and to respond to the WHO recommendation in relation to outgoing flights.

We will be expanding our measures to inform passengers of the risks and advise passengers who meet certain criteria to defer their flights.

We are increasing our Health Canada personnel at airports to supplement that of airports and airlines, including the presence of health care professionals, to assist passengers—

The Speaker: The hon. member for Yellowhead.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, there is also the issue of incoming passengers. Canadians are very concerned about this outbreak of SARS, which has now affected communities right across the country, from coast to coast. Because this is a very infectious disease, we must take every reasonable step to limit exposure, including detaining incoming passengers with symptoms of SARS.

If voluntary measures prove inadequate, is the federal government prepared to invoke the quarantine act?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, to date let me reassure everyone that anyone identified with SARS-like symptoms entering the country has submitted to voluntary isolation. If that were not to be the case and if necessary, we would most certainly invoke the quarantine act to protect the health of Canadians.

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[Translation]

BILINGUALISM

Mr. Odina Desrochers (Lotbinière—L'Érable, BQ): Mr. Speaker, the Commissioner of Official Languages has recommended that unilingual public employees no longer be hired to fill bilingual positions. The last deadline that was set for senior public officials to become bilingual expires today. There are apparently at least one hundred or so who remain unilingual.

I would like the Treasury Board President to tell me the following: given that the deadline expires today, what is going to happen?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, the member is referring to managers in bilingual positions in bilingual regions of the country. It is not all managers in the public service who have a deadline to reach a certain level of bilingualism. We should have the results soon.

For managers who do not meet the standards, we will have to consider with them training options, as well as horizontal transfers and transition measures to ensure that all public employees are able to work in the language of their choice.

Mr. Odina Desrochers (Lotbinière—L'Érable, BQ): Mr. Speaker, the deadline has been pushed back several times, and we know what the consequences are. Not only are there some one hundred officials who do not meet the requirements for their positions, but the problem is being perpetuated because unilingual anglophones are still being hired.

Can the President of the Treasury Board assure us that this time is last time and that from now on only bilingual persons will be hired for bilingual positions?

• (1450)

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, let me make one thing clear. The deadline has not been pushed back. The deadline is today, March 31. Therefore, as of tomorrow, measures will apply for those who have not met the standards required for bilingual positions in bilingual regions.

That said, we want Canada's public service to be accessible to all Canadians. That is why we are maintaining some flexibility to allow public employees to learn the second official language if needed.

[English]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, the President of the Treasury Board is saying that she does not know how many people meet and do not meet the language requirements. She has had lots of time to prepare for this.

She is saying that she does not know what measures they will take to deal with people who are not meeting the language requirements of their posts.

I think it is reasonable to ask that the minister stand and answer these questions. Will they be fired? Will they be demoted? Will they be transferred to different shops? What are the punishments the government has in mind? It had a lot of time to prepare them, why does it not share them with us now?

[Translation]

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, I have said the deadline is today. First of all, I feel it is only right for me to have until the end of the day to produce the figures.

Second, I have been saying for some time, and it still holds true today, that for those who do not meet the bilingualism criteria we will have to contemplate a penalty relating to the performance bonus, or a horizontal transfer.

What is very clear is that we must allow all employees in bilingual regions of the country to be able to use the official language of their choice in—

The Speaker: The hon. member for Lanark—Carleton.

Oral Questions

[English]

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, yesterday the Commissioner of Official Languages proposed ending the 20 year policy under which unilingual Canadians could become bilingual on the job for bilingual posts. Ending this policy would amount to adopting a policy of systemic discrimination against the 24 million Canadians who do not speak both official languages and who cannot apply for any of the 56,000 public service jobs, including all management positions.

Will the minister today state—and this is an easy one—that she firmly, absolutely, and resolutely rejects that kind of systemic discrimination?

[Translation]

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, there is no discrimination whatsoever at the present time.

The fact is that, within the Public Service of Canada, 38% of positions are considered bilingual. Another fact is that we provide access to language training for those wishing future promotions.

It is very clear that the government's priority is to have linguistic duality as a value integrated into the Public Service of Canada, so that it has the capacity to serve the public in both official languages. We will continue to implement our action plan.

* * *

[English]

FOREIGN AFFAIRS

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, between March 18 and 21 the sixth session of peace talks between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam were held in Hakone, Japan.

Would the Secretary of State for Asia-Pacific update the House on the results of those most recent discussions and negotiations, and indicate how Canada is helping to bring peace to that region?

Hon. David Kilgour (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, regarding the ceasefire, the two parties have reaffirmed their commitment to peace by strengthening the mandate and capacity of the Sri Lankan monitoring authority.

While progress made to date has been impressive there remains a long way to go before a lasting peace can be achieved. Canada continues to support the process through ongoing humanitarian aid, and support to the Forum of the Federations is being made available to both sides in order to find models of federalism that work practically around the world.

* * *

AIR CANADA

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, the transport minister has not denied that the government, and he himself, is considering giving tens of millions and maybe even hundreds of millions of dollars to Air Canada. Robert Milton, CEO of Air Canada stated in *Wings* magazine that: "I want to be clear we are not asking for a bail-out or rescue package".

Why will the Minister of Transport give tens of millions and maybe even hundreds of millions of dollars in corporate welfare when the corporation receiving it does not want it?

● (1455)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, who said that was the truth? I would draw his attention to my earlier answer and he would learn the true position on this matter.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, here is the opportunity for the transport minister.

Eight air carriers have died on this transport minister's watch in the past six years. I want him to stand up and unequivocally say that he will reject any corporate welfare for Air Canada, and that he will say the buck stops with him. Will he say no to corporate welfare for Air Canada when it comes and that it will not get any money at all from the government.

Will he say that Air Canada will not get a dime from the government?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, in the answer I gave earlier, the fact is that the government is not interested in a cash bailout of Air Canada. We have said that we would be prepared to help in the restructuring process, if necessary.

* * *

[Translation]

BILINGUALISM

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the Commissioner of Official Languages says that all bilingual positions must be filled by people who are bilingual, rather than by unilingual anglophones who promise to learn the other language within two years of being hired.

Does the President of the Treasury Board intend to adopt the Official Language Commissioner's recommendation, and does she intend to recruit only individuals who are already bilingual at the time of hiring, instead of asking unilingual anglophone public servants to become bilingual within two years? This would be much easier.

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, the Official Languages Commissioner also said that, to implement such a policy, the government must be able to provide all public servants with access to fair, very open and very transparent language training, which is not currently the case.

So, a much more gradual approach will be considered. Our preference will be for public servants to be able to learn a second official language early in their career and for this to be included in their career plan, instead of deferring training until they are appointed to a bilingual position.

[English]

FOREIGN AFFAIRS

Mr. John Harvard (Charleswood—St. James—Assiniboia, Lib.): Mr. Speaker, since March 18, in other words in the last two weeks, the Cuban government has arrested approximately 72 Cuban dissidents in almost every province in that country.

Can the Secretary of State for Latin America, Africa and Francophonie, explain to the House what is Canada's position on those arrests?

Hon. Denis Paradis (Secretary of State (Latin America and Africa) (Francophonie), Lib.): Mr. Speaker, Canada is raising serious concerns with the Cuban authorities regarding the recent crackdown on several dissidents.

We believe that engagement is the real way to promote Canadian values and share our perspective on economic, social and political issues with Cuba. Canada has and will continue to have frank and honest discussions with Cuba regarding human rights concerns.

* * *

FIREARMS PROGRAM

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, last Tuesday the justice minister tried to keep Parliament in the dark again when he told the House that the firearms program would cost \$113 million next year.

On Thursday, the justice minister's report on plans and priorities tabled in the House said the expenditures for the next fiscal year could actually be as high as \$128 million.

Why did the minister give the House the lower number? Did he not know what was in his own report?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, the hon. member knows full well that the \$15 million that is talked about over and above the \$113 million that is outlined in the main estimates is a contingent liability flagged in the report on plans and priorities that is due to the alternate service delivery contractor. He has indicated that is the scope of the work necessary to complete the first phase of the contract that could exceed the budget provisions.

* * *

[Translation]

AGRICULTURE

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, my question is for the Minister of Agriculture.

The minister stubbornly insists on implementing his net income stabilization program, which is angering farmers throughout Canada and Quebec.

With less than 24 hours before the federal-provincial agricultural safety net programs expire, will the minister show good faith and indicate his understanding of the agricultural situation by delaying implementation of the strategic framework he is currently proposing?

Routine Proceedings

[English]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the agriculture policy framework is the result of concerns raised by opposition members in the House, the government and the industry that the government needed to have a long term program for Canadian farmers for the production of food. Farmers can now plan rather than, on an ad hoc basis each year, not know whether the money would come or what the amount would be if it did come.

The government put that in place last June. We have been working with the industry and the provinces. We will continue to do so because farmers deserve it and the money will be there for them.

* * *

• (1500)

CHIEF ELECTORAL OFFICER

The Speaker: I have the honour to lay upon the table the report of the Chief Electoral Officer of Canada on the administration of the Bonavista—Trinity—Conception, Calgary Southwest, Gander—Grand Falls, Saint Boniface, Saint-Léonard—Saint-Michel, Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles, and Windsor West by-elections held on May 13, 2002, and Berthier—Montcalm and Lac-Saint-Jean—Saguenay by elections held on December 9, 2002.

[Translation]

This report is deemed to have been permanently referred to the Standing Committee on Procedure and House Affairs.

[English]

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HUMAN RIGHTS TRIBUNAL ANNUAL REPORT

The Speaker: I also have the honour to lay upon the table the 2002 Canadian Human Rights Tribunal annual report.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to five petitions.

* * *

CRIMINAL CODE

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance) moved for leave to introduce Bill C-424, an act to amend the Criminal Code (consecutive sentences).

Routine Proceedings

He said: Mr. Speaker, this bill is in response to the Inderjit Singh Reyat case, where somebody who was convicted of a violent crime did not receive consecutive sentencing, but rather received concurrent sentencing for being involved in the deaths of a number of people.

This bill calls for the changing of concurrent sentencing to consecutive sentencing for those who commit violent crimes, so that those who do commit violent crimes will be held accountable under law.

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

Mr. Paul Szabo: Mr. Speaker, last week the House dealt with Bill C-13 at report stage. This morning I have asked for a copy of the bill, as amended, and understand that Bill C-13 is not to be reprinted. Notwithstanding that there were seven or eight motions to amend, I would ask for the unanimous consent of the House that Bill C-13 be reprinted so that members could understand what they are speaking to at third reading stage, which is scheduled to start this week.

The Speaker: Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

* * *

[*Translation*]

PETITIONS

IRAQ

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, in the aftermath of the many demonstrations which have taken place in Quebec, denouncing the Government of Canada for its reluctance to get involved in any way in the war in Iraq, I have a petition to present.

I am presenting a petition signed by 1,011 persons, calling on the Canadian government to ask the United Nations to remove the harsh economic sanctions imposed on Iraq, because these sanctions are contrary to the interest of the Iraqi people and even constitute a crime against humanity.

Will we ever know how many Iraqis have died because of these sanctions?

• (1505)

IMMIGRATION

Ms. Christiane Gagnon (Québec, BQ) Mr. Speaker, I have a second petition to present to the House, concerning Lornécia Jeune Sylvain and Érilus Sylvain, two people originally from Haiti, who are requesting the intervention of the Minister of Citizenship and Immigration.

Since 1999, the Sylvains have been receiving training at Lis-moi tout Limoilou, a literacy organization, which shows their desire to become part of Quebec society.

It would be difficult for them to return to their home country, since they no longer have any family there.

The 3,537 persons who signed this petition have done so to show their support, and to request that the Minister of Citizenship and Immigration intervene.

The Sylvains have shown courage and determination in integrating into Quebec society. I have had the honour of meeting them, and I want these people to be able to live in Quebec.

[*English*]

CANADIAN EMERGENCY PREPAREDNESS COLLEGE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, today I am presenting a petition on behalf of the people of Canada, in particular from the Stittsville, Braeside and Arnprior area, asking that Parliament recognize that the Canadian Emergency Preparedness College is essential to training Canadians for emergency situations; that the facility should stay in Arnprior; and that the government should upgrade the facilities in order to provide the necessary training to Canadians.

PARTHENON MARBLES

Mr. John Cannis (Scarborough Centre, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the honour to present petitions signed by over 2,000 Canadians representing various ridings across our country. There were other petitions on the same issue presented in the past.

The petitioners today call the attention of the House to the most important issue of the Parthenon Marbles. They are asking that every effort be made to return the marbles to their rightful home in Greece where they were taken without the consent of the Greek people almost 200 years ago and, hopefully, to arrive in Greece before the 2004 Olympic Games hosted by Greece.

Therefore the petitioners call upon Parliament to urge the United Kingdom to return the marbles to where they belong, with their rightful owners and the Parthenon in Athens.

[*Translation*]

PERSONS WITH DISABILITIES

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, I am pleased to submit a petition signed by 321 people.

The petitioners are calling upon Parliament to oppose any plan to limit access to the disability tax credit and to ensure that the government does not pass any measure in the House of Commons without prior consultation of organizations representing the disabled and of health professionals.

[*English*]

CHILD PORNOGRAPHY

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, pursuant to Standing Order 36, it is my pleasure and duty today to present, on behalf of many constituents of Edmonton Southwest and the surrounding area, a petition of great concern to them about the creation and use of child pornography.

The people who signed this petition call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia involving children are outlawed.

Routine Proceedings

It is my pleasure to present this petition.

[Translation]

PERSONS WITH DISABILITIES

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I am pleased to submit two petitions signed by a total of 170 people.

The petitioners are calling upon Parliament to oppose any plan to limit access to the disability tax credit and to ensure that the government does not pass any measure in the House of Commons without prior consultation of organizations representing the disabled and of health professionals.

[English]

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition signed by a number of Canadians, including from my own riding of Mississauga South, on the issue of stem cells.

The petitioners would like to draw to the attention of the House that hundreds of thousands of Canadians suffer from debilitating illnesses and diseases and that Canadians at large support ethical stem cell research which has already shown encouraging potential to provide cures and therapies for those illnesses and diseases.

They also want to point out that non-embryonic stem cells, which are also known as adult stem cells, have shown significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

The petitioners, therefore, call upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and diseases of suffering Canadians.

[Translation]

MIDDLE EAST

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I want to submit two other petitions from my riding.

I am submitting in the House a petition signed by 35 people opposed to the Israeli army's occupation of Palestinian territories.

The petitioners are calling on Parliament to adopt a motion explicitly demanding Israel to immediately cease massacres in Palestine and withdraw without further delay from the territories its military has occupied since 1967, in compliance with UN resolutions.

There is now a war in Iraq for non-compliance with UN resolutions, according to the Americans, although they continue to support Israel, which has not respected UN resolutions since 1967. This is a case of double standards. It has gone on far too long and the Palestinians have suffered enough.

● (1510)

PERSONS WITH DISABILITIES

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I wish to present another petition from my riding, signed by 2,225 people

from Quebec who are calling on the House to oppose any projects that could limit accessibility to the disability tax credit.

Poverty is a scourge. The Standing Committee on Human Resources Development and the Status of Persons with Disabilities tabled a unanimous report in March 2002 asking the government to reform the administration of the disability tax credit, in order to improve accessibility.

I am therefore asking Parliamentarians to ensure that no measures affecting the disability tax credit be taken without first consulting with advocacy groups and health professionals.

* * *

[English]

QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 156, 157 and 159.

[Text]

Question No. 156—**Mr. Stockwell Day:**

Has any government of Canada department or agency provided any international assistance, either directly or indirectly, to the China State Shipbuilding Corporation during fiscal years 1993-1994 to 2002-2003?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): I am informed as follows: According to the Government of Canada, no department or agency provided international assistance, either directly or indirectly, to the China State Shipbuilding Corporation during fiscal years 1993-94 to 2002-03.

Question No. 157—**Mr. Stockwell Day:**

Has any government of Canada department or agency provided any international assistance, either directly or indirectly, to the China Shipbuilding Industry Corporation during fiscal years 1993-1994 to 2002-2003?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): I am informed as follows: According to the Government of Canada, no department or agency provided international assistance, either directly or indirectly, to the China Shipbuilding Industry Corporation during fiscal years 1993-94 to 2002-03.

Question No. 159—**Mr. Garry Breitkreuz:**

With respect to the following statement in paragraph 10.29 of the Auditor General's 2002 Report to Parliament, "Further, in its Regulatory Impact Analysis Statements the Department of Justice did not provide Parliament with an estimate of all the major additional costs that would be incurred. This disclosure was required by the government's regulatory policy. The costs incurred by the provincial and territorial agencies in enforcing the legislation were not reported. In addition, costs that were incurred by firearms owners, firearms clubs, manufacturers, sellers, and importers and exporters of firearms, in their efforts to comply with the legislation were not reported.", what is the total amount for each of these unreported costs since 1995?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): The government's regulatory policy requires a regulatory impact analysis statement, RIAS. A RIAS is prepared in accordance with a prescribed format, although the information in a RIAS will vary depending on the context of a specific regulatory proposal.

S. O. 52

Regulations made under the Firearms Act must be tabled before both Houses of Parliament and may be scrutinized by House of Commons and Senate committees. There are three circumstances when such scrutiny is not required: (1) When an altered version of a proposed regulation has already been considered; (2) in cases of urgency, such as the amendments affecting the fee waiver in 2000; and (3) when “the Minister is of the opinion that the changes made by the regulation to an existing regulation are so immaterial or insubstantial” that committee review is not necessary.

In this case, the original set of regulations was considered by the House of Commons Standing Committee on Justice and Legal Affairs and Senate Standing Committee on Legal and Constitutional Affairs. Both committees heard evidence from numerous witnesses. Witnesses provided information on a wide variety of subjects including the cost impacts on their particular interests.

The RIAS stated that the regulations were in accordance with the government’s response to the committee report. Ordinarily, consultations are conducted by officials and reported to the public in the RIAS. In this case, the consultation was conducted by parliamentary committees and the entire body of evidence, including cost impacts, heard by the committee was readily available to both Parliament and the public at that time.

In light of the recommendations of the Auditor General and as indicated in the 2003-04 Report on Plans and Priorities, the program will report all revenues collected and refunds made in the future.

* * *

[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Questions Nos. 146, 152 and 155 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is it agreed that Questions Nos. 146, 152 and 155 be made orders for returns?

Some hon. members: Agreed.

[Text]

Question No. 146—**Mr. John Williams:**

With regard to vehicles purchased for the use of the Prime minister, Ministers of the Crown and Secretaries of State: (a) what type of vehicle is currently being utilized; (b) when were they purchased; (c) how much did each vehicle cost; (d) how many vehicles are there; (e) how many kilometers are on each vehicle; (f) is there a plan to purchase new vehicles for the Prime minister, Ministers of the Crown and Secretaries of State; (g) if so, for what reason(s) is the government planning on purchasing new vehicles; and (h) do Canada’s commitments under the Kyoto Protocol have anything to do with the purchase or planned purchase of new vehicles for the Prime minister, Ministers of the Crown and Secretaries of State?

Return tabled.

Question No. 152—**Mr. Stockwell Day:**

Has any government of Canada department or agency provided any international assistance, either directly or indirectly, to: (a) any Chinese government agency or business such as Jiangnan in Shanghai, China, and if so, what were the amount and purpose of the contribution; and (b) any other business in the cities of Shanghai and Ningpo?

Return tabled.

Question No. 155—**Mr. Richard Harris:**

For each year from 1993 to 2001 what was the total amount billed to the government and its agencies by Pollara research associates?

(Return tabled.)

[English]

Mr. Geoff Regan: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

REQUEST FOR EMERGENCY DEBATE

SEVERE ACUTE RESPIRATORY SYNDROME

The Speaker: The Chair has notice of an application for emergency debate from the hon. member for Cumberland—Colchester

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, in my notice to you I indicated that the Minister of Health has yet to make a comprehensive statement in the House about the outbreak of severe acute respiratory syndrome. I do not know why she has been reluctant to bring the House up to date, but the members of the House and the people we represent deserve to know what the situation is.

The standing order requires that the application must relate to a genuine emergency calling for immediate and urgent consideration. We respectfully submit that this is. SARS is a deadly disease that has entered all regions of Canada now, notwithstanding the protections that are supposedly in place by the federal government concerning international travellers.

SARS has claimed the lives of several Canadians. The spread of SARS has closed hospitals, has required the deployment of an emergency health system, has caused shortages of medical equipment and has disrupted international travel.

There is evidence that SARS is now present in several provinces and this has caused serious concern in the many Canadian communities.

There has been significant economic disruption as well. The fear of economic loss may cause people to breach isolation orders which in turn would cause further risk of spreading the disease.

One of the functions of the House of Commons is to focus public attention on serious issues. An emergency debate would give the government an opportunity to inform the House just what is being done to protect the health of Canadians during this time. It would allow us to ask the questions that Canadians want asked.

Should you grant the application, Mr. Speaker, we would be willing to see the debate take place tomorrow evening so that the ministers and officials would have adequate time to prepare a full statement to the House.

SPEAKER'S RULING

The Speaker: The Chair has carefully read the submission the hon. member forwarded this morning. I have had an opportunity to hear him this afternoon. In the opinion of the Chair, the request for the emergency debate does not meet the exigencies of the standing order at this time, and I stress those words. I know the hon. member may wish to renew his application at a later date.

GOVERNMENT ORDERS

[English]

SEX OFFENDER INFORMATION REGISTRATION ACT

The House resumed consideration of the motion that Bill C-23, an act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other acts, be read the second time and referred to a committee.

The Speaker: When the House broke for question period, the hon. member for Pictou—Antigonish—Guysborough had the floor. I understand that he has nine minutes remaining in his allotted time.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, like you, I am very appreciative of any allotted time and I hope to make good use of it here this afternoon.

Prior to the interruption for question period I was speaking about the national sex offender registry and the need to implement it in such a way that the information would be both accurate and readily available, that is to say, that the information would be recorded in the first instance and would be available through a stand-alone system so that the information collected, for example, in British Columbia would be equally available to courts in Newfoundland or Nova Scotia. It would be coast to coast.

I know that ministers like Tim Olive, who is here today, and John Hamm, the Premier of Nova Scotia, appreciate the fact that we need to have a national system in place that will allow policing services, victims services, the courts, the justice system generally to function with information that is accurate, that allows the system to protect, which is what it is supposed to do, at its most basic level.

The harm of a sexual assault is life-lasting. I would suggest that a failed prosecution or unsuccessful investigations can exacerbate the harm caused by these heinous crimes. It can further undermine the faith in the system. Again, the importance of having a stand-alone sex offender registry to ensure that information is disseminated across the country in a timely fashion and allows police to get this information and protect the public cannot be overstated.

Seriously, flaws can occur when the full picture is not before the court. I know you, Mr. Speaker, having practised law yourself, can appreciate the importance of evidence being accurate. If a person has a previous offence and has shown a previous proclivity toward sexual aggression, that necessary information must be available.

Under the current system and under a system that is combined with the existing CPIC, I suggest there is a reasonable expectation that the information will not be available. With critical pieces of the puzzle missing, it may result in an entirely different outcome at trial

Government Orders

or perhaps an important element at the sentencing stage of a conviction if that information is not there.

Not unlike the taking of DNA at the time of arrest, which was a shortcoming of previous legislations, I would suggest that there are inherent flaws in the current bill. When the bill is sent to the justice committee we will have the opportunity to make the necessary corrections through amendment.

Those shortcomings have been pointed out by previous members. I would call the inability to have a stand-alone system as the most serious flaw in the bill before the House. The result is, of course, that a critical bit of information, a critical piece of evidence, may not be brought forward which might result in the police not having the ability to protect a young person from a serious assault.

A national system would also allow police greater access to this information and a greater ability to protect. This is the bottom line. It is a simple, good idea that would work and would require an investment of resource. Much of that resource, I suggest, already exists.

Again, to state it clearly, we should follow the infrastructure of the gun registry, which is used to register millions of inanimate objects with a purpose that does not work and will not protect the public, and apply that to a registry of some tens of thousands of sex offenders. We could then make that information available to the police, the courts and the justice system generally. We would then see a profound impact on the protection of the public.

The United States has registries that are currently up and operating. Ontario was the first Canadian province to establish such a registry of convicted sex offenders. It has, very genuinely, put forward the presumption that we can work together in using its system as a model. It demonstrates again where the initiative and the origin of goodwill is coming from in this instance.

Far too often we have seen the federal government demonstrate an arrogant, dismissive attitude toward the provinces. We have seen it with health and certainly with justice. This is another example where the provinces have said that we should take an existing system and apply it nationally.

What on God's green earth could be more important and more fundamental than protecting children from sexual offenders? I would suggest that this should be a top priority. I am quick to point out that the government has finally brought the bill forward but there are ways in which we can improve it and, sadly, the way in which it is presented is flawed.

Government Orders

•(1515)

The technology to create a stand-alone registry is available. It must be one of the government's top priorities. We have had upgrades to the CPIC system that allow for the flagging of pardoned records of sex offenders, so clearly there are inherent protections available. We have a system that hopefully will monitor those who are currently on probation and who have conditions of parole to adhere to. Yet a national sex offender registry, set up in a comprehensive national computer system and made available to police, is what is critical to improve the way in which we deliver the services today and monitor those who are currently under conditions of the court. The community has a right to know, I would suggest, and this leads me to the important issue of retroactivity.

I support the concept of retroactivity in this instance, as do attorneys general across the country, as do many police, victims' services and individuals working in the justice system who want to see that this system is working properly.

It is not double jeopardy, as has been suggested by members of the Liberal government. It is not a double punishment for those who are currently serving time for sex offences set out specifically in the Criminal Code to suggest that information about them be made available through a protected system of this registry to police and to the community in certain instances. There are safeguards that the government is aware of, yet there is some suggestion that for heinous criminals who are currently there, having conducted themselves in an abhorrent way and abused children, making it retroactive somehow would violate their rights, that it would violate their rights to have this information made available to certain individuals who are tasked specifically with protecting children.

There is a suggestion that there would be a constitutional challenge. Of course there would. As sure as night follows day, when there is a new bill from the government there is going to be a challenge. That goes without saying. Let it happen, but let us hope that it happens quickly. I would suggest again, for emphasis, that the importance here is that the proportionality test, which is always applied when it comes to issues such as this, the balancing of the rights of the individual versus the rights of Canadians to be protected, clearly is going to be weighted in favour of protecting children. It would be saved by one, so to speak, under a charter challenge.

For those who are currently convicted of sexual offences, who are currently serving time, who had the benefit of due process and appeals that have been exhausted, I would suggest that this would not be an infringement of their rights. To not do so, to not make that information available, I would suggest, is offensive not only to common sense but also offensive to the rule of law when one considers the benefit that comes from having information about those offenders and the threat that may be posed to young children.

Clearly it is always easy to criticize, but when there are easy, practical solutions, why would we not act? Why would we not do the right thing? Again I commend the government for having brought forward this legislation, finally, and having made this a government priority, but it is clearly not enough.

In terms of the practical solutions and many of those issues that we will revisit at the justice committee, I would suggest that the government could go a long way to restoring lost public faith in efficiencies and in priorities of government by simply scrapping the long gun registry and using that infrastructure to apply to a national sex offender registry. We could tailor existing infrastructure, that is, computers, personnel and systems, in a stand-alone way that is separate from the CPIC system to effectively have a registry that would protect Canadians.

Ontario, as I mentioned, was willing to put forward a plan that would apply the system it is currently using to the federal system in the hopes of encouraging the government to adopt this.

I want to suggest as well that there are many other ways in which we can tailor the existing criminal law to help protect young people. I have a private member's bill which would expand the probation orders to allow judges to make orders to protect young persons in dwelling houses, which is where most sex offences occur, sadly, by persons known to young individuals.

•(1520)

In conclusion, I want to say that with the bill we have an opportunity here to do something very significant and substantive to protect children and to at the same time restore faith if the government will in fact adopt a stand-alone sex offender registry and treat these occasions with the greatest of seriousness in bringing in a registry system that will truly protect young people in the country.

•(1525)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I welcome the comments of the hon. member. This subject matter has been with us for some time. My constituents have contacted me on a number of occasions asking me to try to express to them why it is that the RCMP system has not been able to fulfill the role and why some provinces, like the Province of Ontario, had to do it themselves.

Now we find ourselves looking for some consolidation. I wonder if the member could comment on whether or not this has the foundation of being a good start rather than another false start. Second, could the member, from his point of view, explain to Canadians exactly how such a registry would in fact be of assistance in preventing crimes against children as opposed to simply finding those who have already perpetrated them?

Mr. Peter MacKay: Mr. Speaker, I thank my friend from Mississauga for his question. I know he has a longstanding interest in this subject and in particular in protecting children.

The short answer is "be warned and beware". A system that allows police, community service workers and individuals who have access to the registry to identify who those individuals are, and to be cognizant of the fact that they obviously have demonstrated a proclivity, having been convicted of a sexual assault against a child and incarcerated and having found their names on that registry, allows those persons tasked specifically with protecting children to know who those individuals are within the community and to take necessary steps to keep a barrier, a distance, between individuals who might be so inclined.

Government Orders

That information being available, obviously the member would understand that, first, the information has to be accurate, it has to be timely and available, and it has to be broad based, because if offences have occurred on the west coast or the east coast the information must be available to all communities in between.

On the member's first question, I am not trying to be chippy here but these are the types of questions he should be asking his own government in regard to why it has taken so long to get the legislation to this point. Because he is right. He is certainly correct to suggest that for years there has been an outcry for a system such as this. The Province of Ontario took the initiative, largely because of frustration, in enacting a provincial sex offender registry. It is now offering co-operation and collaboration with the federal government to see that the system is applied nationally. I would hope, and in fact I know, that the hon. member is supportive in regard to seeing that happen, and so is the opposition, but let us get it right. Let us not make the mistake that we made, sadly, with current legislation dealing with child pornography, which does not go far enough and does not close loopholes.

My fear is that this legislation in its current form opens several loopholes. Yes, it is always better to take some rather than none, but I hate the feeling of pushing a rock up a hill, getting it to the top and having it roll back on us, which is often what happens with legislation such as this.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, I listened with interest to the address of my colleague, the hon. member for Pictou—Antigonish—Guysborough. He made mention of the long gun registry and the horrendous amount of money that has gone into it and is not really making anyone safe.

I know that when the Canadian Police Association members were on the Hill the other day, they were asking for help on a sex offender registry. They want to see one developed. The hon. member may have been lobbied as well. The government makes a big deal out of the support that the CPA gives it on the gun registry, but it forgets to mention that the CPA is asking for a commitment on a national sex offender registry. I wonder if the member would care to comment on that.

Mr. Peter MacKay: I sure would like to comment on that, Mr. Speaker. Sadly, I think the police are sometimes played in a very political way. We know that they were asking for a DNA registry at the time of arrest in exchange for having a system that would actually work. What they got was far less than that and it was contingent on their support for the gun registry.

They have sold their souls again a little bit to continue that support, although I know that many of the rank and file do not support the gun registry and were quite adamant about pointing that out when they were here in Ottawa last week, because they know it does not work. They know there will be no accurate, timely information available on that system. They know it targets the wrong persons. Clearly not only will criminals not register their guns, they will not give their fingerprints before they break into a house either. It has been presented to Canadians in a disingenuous, flawed and completely inaccurate way from the very beginning by the minister at that time, who is reminiscent of Otto Lang, once described by John Diefenbaker, from the member's province, as a person who

walks through a cow pasture and if there are five cow patties he will step in every one. That accurately describes the previous minister of justice who introduced this legislation.

Directly to the point, the Canadian Police Association is very anxious to have a system that will work. It is very anxious to put in place a registry system that would enhance public safety and give police accurate information that they could act upon to protect the public, just as, I suggest, we should have a national registry for missing persons. For individuals who are currently missing, that system would allow us to log on to a national databank which would provide information that would help locate persons and those who are, sadly, often victimized and who have been missing for years.

There are many practical ways to address this, as opposed to a system that we know does not work, that has been a sinkhole, that has been just an absolute briarpatch of disingenuous government propaganda versus practical systems that in fact enhance public safety.

I know that this member and all members of the House want to see a genuine attempt to bring forward national databank systems that in a practical way will help protect Canadians' lives, will help protect children from sexual predators and will give information to police and allow them to do the important job that they are tasked to do. I thank the member for his question.

• (1530)

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I want to pose a question to my hon. colleague from the Progressive Conservatives in light of the questions put forward by the member for Mississauga South.

It seems to be the Liberal way to put forward some half-baked idea after years and years of study. Then the opposition is supposed to fall all over itself applauding the government's initiatives when, especially after taking as long as it has to come up with the sex offender registry, we would think it would be able to do it right. I refer especially to the issue of retroactivity.

As my hon. colleague from the Progressive Conservatives knows, and he referred to it briefly in his remarks, the fact is that roughly 4 out of 10 who are convicted of sexual assaults are repeat offenders; in other words, they will do it again. The whole notion that the government would bring forward a sex offender registry and not make it retroactive out of fear that it might be challenged on constitutional grounds is so completely ludicrous that it has Canadians from coast to coast to coast up in arms over it. They just do not see the sense to it and, quite frankly, neither do I. I do not see the sense in bringing this forward without making it retroactive.

Specifically on the fact that the recidivism rate is 40% for sexual offenders, which is my understanding of it, I would like my colleague from the PCs to address that point.

Mr. Peter MacKay: Mr. Speaker, I do not know if my colleague from Mississauga South would have been quite so scathing in his condemnation of his own government, but his point was the same.

Government Orders

The government has brought forward what may be a half measure. The issue of recidivism is extremely serious when it comes to pedophiles and when it comes to those who have demonstrated a propensity toward sexual aggression toward children. For that very reason, those who are currently incarcerated for those offences, as I referred to earlier, should be included in this system. The retroactivity of this would cut in half the information that needs to be put forward if we do not include that element of the legislation.

The fear the government has of a constitutional challenge is one that I often refer to as constitutional constipation on the part of the government. There is some kind of blockage every time there is a suggestion that there may be a challenge in the courts. That is ridiculous. Of course there will be a challenge.

Let us just get on with it. Let us make the bill proper in its first instance and get it into play so the police can do their work, communities can be protected, and most important, children can be protected. This is exactly the very pith and substance of what we are trying to do. I know the member supports that. Members of the Progressive Conservative Party have been adamant in insisting on a stand-alone retroactive system and we will continue to push for that.

I look forward to working on the justice committee with the hon. member.

● (1535)

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, it is my pleasure to share my time this afternoon with my colleague from Battlefords—Lloydminster.

I am pleased to contribute to the important debate on the national sex offender registry. There cannot be more than a handful of people who would be opposed to such a registry in Canada, but I know there are millions of Canadians who do not know how ineffective the registry will be as it is proposed.

Sex offences are unlike any other crime. They are attacks on the person, not on a person's property. They violate the person in unimaginable ways. These crimes change their victims for life and the victims' families and communities. They violate the most basic level of trust we have between ourselves and our neighbours.

Canadians have demanded that their government take these crimes more seriously than others. They have demanded that we protect them from rapists and pedophiles, especially when we know who the criminals are. They have demanded that we put partisan politics aside for the safety and security of their families and themselves.

I was optimistic at first when the Canadian Alliance proposed the registry and the Liberals agreed to implement one. Unfortunately, the devil is in the details.

If an average Canadian were to put together a registry, one would expect that all known sex offenders would be included. Their whereabouts would be updated regularly and the list would be comprehensive. Unfortunately, the list will not contain the name of one known sex offender when it begins. Their whereabouts are updated annually and there are a number of loopholes that will allow rapists and pedophiles to remain off the registry.

Do registries work? I believe they do when there is full support and compliance with them. Other registries prove ineffective because they are not enforceable, are unreasonable or serve no purpose.

Let us take a look at the handgun registry. This registry, requiring all handguns in Canada to be registered, has been in place since 1932. In 71 years it has not proven effective in preventing a single crime. Even worse is the fact that handguns remain a serious problem across Canada.

What did the Liberals do in response? They said that guns should be registered. Canadians rightfully questioned the initiative because of the proven ineffectiveness of the handgun registry. If a purpose cannot be shown for a registry and if it cannot be made comprehensive, people will not adhere to it.

If we look at other registries, they have proven more effective because they are enforceable and people see a purpose in registering. The registration of cars, telecommunications devices and fishing permits come to mind.

What can Canadians expect the first day the sex offender registry is in place? What will be better than the day before? Unfortunately, the answer is nothing. The registry will not be grandfathered, meaning that known sex offenders will not be included. Only those who are convicted after the registry is in place will be included. It is unbelievable that the Paul Bernardos and Karla Homolkas of the world will not be placed on the list. If we can grandfather the firearms registry, why can we not grandfather the sex offender registry?

Who are the real criminals? Why are the Liberals trying to protect rapists and pedophiles? Every living person who has been convicted of a sex crime should be included on the registry for life. I am looking forward to hearing the Liberal reasoning why they should not be. The intention of the registry is to keep track of those deemed to be a potential threat to the public. That way if there is a sex crime committed, police have a headstart in tracking down potential suspects.

To be effective, the registry must accurately know the whereabouts of those individuals. While we are not suggesting they each call in by the hour to let us know where they are, I feel an annual update is too infrequent to be effective or reliable. If we called our families once a year to update our addresses, how much would that reveal about our whereabouts for the other 364 days of the year?

● (1540)

Most provinces have strict rules about updating one's driver's licence and address within days of moving. Why should the requirements of convicted sex offenders be any less stringent? I think a lot more could be done to keep track of these individuals. If they leave a prescribed region, they should have to report. If they want to leave the country, they should have to report and get permission.

If anyone has a problem with the rules, they simply should remember that they chose to put themselves on the list by committing a serious crime.

Government Orders

Many may wonder what the serious penalty must be for not keeping one's listing updated or reporting every 365 days. It is punishable by a maximum, yes as maximum, of six months in prison. The penalties for not registering a firearm, a car, a first fishing permit and a number of other things are much worse. Once again we have to ask, what message are we sending?

Shockingly, not all of the convicted sex offenders would be required to remain registered for life. Sex offenders would be required to remain registered for one of three periods: 10 years for summary conviction offences with two to five year maximums; 20 years for offences with 10 to 14 year maximums; and lifetime for offences with a maximum life sentence or where there has been a prior conviction for a sex offence.

But wait, it gets even more interesting. These registration periods are not ironclad orders. These criminals can get off the list, or even avoid getting on it in the first place, if they can successfully argue that being on the list will do them more harm than public good.

We could imagine the lineup of sex offenders who will try to get off the list through this loophole. I can imagine that our traditionally soft judicial system would be more than happy to comply with the wishes of rapists and pedophiles.

With such soft requirements and such large loopholes, is the registry going to do anything? Will it be worth the effort? Unfortunately I think that the registry in its proposed form will be ineffective. It will be a great Liberal public relations exercise but will do nothing to protect the public. It will do little to track sex offenders and will tie up the courts with pedophiles and rapists trying to get off the list. It will frustrate police and give the public a false sense of security. It will end up being another Liberal boondoggle.

This is very unfortunate because we are wasting an opportunity to really make a difference, an opportunity to make necessary changes to protect Canadians, especially our children.

If we would put half as much effort and resources into the sex offender registry as were put into the firearms registry, we would be much further ahead. Why is the government not putting as much effort into registering known criminals as it is in registering law-abiding citizens?

I have trouble telling my constituents that the registry will start with a blank page and may or may not have the names of known sex offenders. I also have a problem telling them that a rapist or pedophile is roaming in their community and is only required to report once a year. But I will tell my constituents that the Liberals did not seize the opportunity and the chance they had to protect them, that the Liberals tried to pull the wool over their eyes, that the Liberals misled them into a false sense of security. I will be honest with my constituents even if the Liberals are not honest with theirs.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, it is a pleasure to rise today. I spoke earlier on Bill C-20, the child protection bill, and I talked about a parallel bill that would come in later today. Bill C-23 is that bill.

Bill C-23 would put in place the national sex offender registry. The national sex offender registry has been called on for a long time in the country. There have been several different stabs at it. However it has never really happened. I guess the genesis of this came out of a

Canadian Alliance supply day motion put forward by my good friend, my colleague from Langley—Abbotsford. On March 13, 2001, over two years ago now, the House of Commons voted in favour of that motion. The motion, which was very simple, read:

That the government establish a national sex offender registry by January 1, 2002.

We have missed it by a year and some. It did not happen. The Liberals ignored it. At their own peril, they walked away from it, yet there was a groundswell of petitions and support. People from our ridings across the country questioning what had happened to it. They asked where had it gone because they had not seen it this place. Finally the Liberals were pushed to act, and we have Bill C-23. Unfortunately, as many of my colleagues have pointed out, it is a half measure. There are some terrible flaws in this legislation as well.

A lot of it started back in 1988 when an 11 year old boy was murdered by a convicted pedophile who was out on statutory release, another wonderful thing that needs to be changed. The Liberals at that time started thinking about a national sex offender registry. That was 15 years ago. There have been a lot of problems and a lot of convicted felons since that time. A lot of folks who have been released on statutory release back into the very communities have reoffended and gone back to prison.

It is timely that we are finally getting around to this legislation. However there is a huge flaw. It is not retroactive. As my colleague from Saskatoon—Rosetown—Biggar pointed out, it starts off just like that, a white, blank sheet of paper. There is nothing on it.

How can that be when our prisons have these types of people incarcerated now? They are being let out. I had one on the streets of my riding a week or two ago. I have talked about this a couple of times in the House but it bears repeating. A fellow who is a multiple convicted felon, been away many times, keeps getting out and doing the same dastardly deeds. His victims are young girls ranging in age from 11 to a one and a half year old. How bad is that? Yet his name will not show up on that registry. He is a multiple convicted child predator.

There is a huge hole in this type of a document. That alone has called for amendments to make it retroactive and the government will not go there. There have been questions in the House to the Solicitor General and the Minister of Justice and they say that they cannot make it retroactive because of privacy concerns.

Government Orders

How much privacy do the victims have? They wake up screaming at night. These nightmares will continue on for their life. Yet the legislation, which is supposedly there to protect them and to help them get past this, is not retroactive. It does not take that burden away from them. It keeps them reliving those problems every time this clown is released back into society to reoffend.

Other colleagues have touched on the rate of recidivism. It is huge and unbelievable. These people do not even take any kind of counselling while they are incarcerated. They can say that they do not need it and walk away. They cannot be forced to take counselling. Their constitutional rights supercede the victims and the nightmare they continue to leave. It is absolutely upside down and backwards here.

The government says that it cannot make it retroactive because of privacy concerns and it will be constitutionally challenged. My good colleague from Pictou—Antigonish—Guysborough who used to be a public prosecutor in Nova Scotia said that any new law would be challenged. They always are to test how strong it is.

Our courts need to have the backbone, and maybe we need to put it there from the House of Commons. It is the top court on the law. Maybe we need to inject that backbone into our judges right from here, with the toe of our boot if need be, and say, “Here is the crime and this is the time that they need to do”. Get on with it.”

We see maximum sentences being extended and enlarged. However maximum does not mean anything. It is the minimum time that they serve that counts. It does not matter that the maximum is doubled, or tripled or maybe it is 16 life sentences. Nobody serves those sentences. They go to the minimum term. They get statutory release. They are up for parole at two-thirds of their time and all sorts of things. There is a huge amount of work that needs to be done on our whole justice department. This retroactivity totally negates the whole purpose of the bill.

● (1545)

The government will not implement retroactivity on the sex offender registry. It will not implement retroactivity on the DNA database. It will not go and get DNA from a lot of these bad guys because of their constitutional rights and the privacy laws. Then it implements something like Bill C-68, a firearms registry, which has forms that really invade my privacy. It set up a database that is a shopping list for every other criminal in the world who wants to find out what I have and where to come and get it, and my constitutional rights are challenged.

A good friend of mine, Dr. Ted Morton, has done an indepth study on the constitutionality of Bill C-68. He said that the government did not have a leg to stand on in regard to that bill, and he has listed it out. This fellow is a constitutional lawyer. He knows about what he is talking. That really starts to ring true when we see the people who have tried to become arrested under Bill C-68 and the government will not charge them because it knows it will get thrown out of court and totally destroy the whole premise of this public safety Bill C-68 hides behind.

We see those type of things implemented in here.

Even if a sex offender is put on the brand new list, there is another loophole. Through the courts, he can apply to not have his name

listed if he feels that it would be detrimental to his health and safety. How absolutely ridiculous is that? Nobody in any court of law or at any kitchen table would ever agree with the premise that a criminal, a convicted felon, can apply to not have his name on there because it is injurious to his own privacy and safety. That is a loophole that nobody can believe.

Provinces have started to develop these registries. They have had to do it ad hoc because the federal government will not come forward with the proper legislation and funding to help them out. We can have pedophiles listed in Ontario who move to Saskatchewan and we lose them because there is not that continuity. This would address that if it were done properly, but we do not see that here. The big problem is the funding.

As I mentioned in a question to my colleague, the Canadian Police Association was here on Hill the last week and it probably lobbied him like it did everybody else. Its stand supposedly is pro Bill C-68. Maybe at the top end it. However ordinary folks who came to see me said that it was not a good thing. They want to see a DNA database. They want to see a sex offender registry that is retroactive. The government tends to not mention the CPA stand on those issues but it will give the CPA credit for being in favour of Bill C-68, at the upper end.

There are a lot of things wrong with this. The biggest issue that we take umbrage with is the retroactivity. To that end, I would like to propose a motion. I move:

That the motion be amended by replacing all the words after the word “that” with

“this House declines to give second reading to Bill C-23, an act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other acts, since the bill fails to require retroactive registration of sex offenders who have a 40% recidivism rate in order to avoid needing another offence before a repeat sex offender is added to the registry”.

● (1550)

The Acting Speaker (Mr. Bélair): Debate is on the amendment.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, it is a pleasure to listen to my colleague from Saskatchewan lay out a representation of the concerns of his constituents with Bill C-23. I am struck with the fact that it does not seem to matter in what area of criminal law the Liberal government finally is pushed to react, it invariably does a half-assed job of bringing forward the legislation. Bill C-20, which it brought forward to deal with the issue of child pornography, is very similar to Bill C-23. It tries to do half or less of the job.

I cannot imagine the Liberals would bring forward legislation that would not make it retroactive to ensure that existing sex offenders would be included on the registry. Good grief, what good will the registry be if all the hundreds of sex offenders, who are currently incarcerated, will not be on the registry? It just boggles the mind.

Government Orders

I know in conversations that I have had with constituents from one end of Prince George—Peace River to the other, they are appalled that the Liberals take years, not weeks, not months, to react to the pleas of Canadian citizens to protect our children, the most vulnerable people in our society, and then they bring forward legislation that will not do half the job.

I represent a huge rural riding which covers over 200,000 square kilometres with about 10 communities, from Prince George in the south to Fort Nelson in the far north, getting up close to Yukon, and I have heard it in every community big and small. Is my colleague from Saskatchewan hearing similar concern being expressed by constituents in his riding?

• (1555)

Mr. Gerry Ritz: Mr. Speaker, I would like to thank my colleague from Prince George—Peace River for his summation and his great question.

He is absolutely right. This is one of the issues that people rally around. I know his e-mails have lit up. I know the petitions alone, which have been presented in this place, should convince the folks on the other side that this legislation does not go half far enough. There are too many loopholes built into it. It is bound to fail from the way it is done.

I know my colleague's riding and mine are very similar. We have been back and forth in each other's ridings speaking. What is lacking in this legislation is common sense. Our folks out there can see through this and say that it is a smokescreen. It is never going to hold up. We are designing laws for lawyers and constitutional challenges. It does not help victims in the least. As I said, there is no common sense.

Even if the registry does get up and running, there may never be a name placed on it. There is no retroactivity and there is no guarantee that all sex offenders will not apply for the loophole that says that it will be harmful for them to be on the list and win that argument, or tie it up in court for so long that people finally throw up their hands and decide this is not the way to go. It will never work.

It has been over two years since our colleague brought forward the motion and counting, and we still do not have anything on the books. Even when we do get this one, it in no way resembles what that motion intended to do. We are getting a half measure.

Now the government is in a hurry. It has to win the political spin war out there that somehow public safety is paramount but people see through this type of legislation. They know this will in no way address any type of public safety.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, I appreciated the comments that my colleague made with regard to the registry. If this was some sort of hypothetical, alleged infringement of the law that these individuals had perpetrated, that would be one thing. However we have people who have been convicted of a sexual offence. We know what kind of people they are.

I remember so clearly that one of my colleagues in the Rotary Club came to me one day. He told me that he and his wife knew there was a sex offender in their community who had been convicted. They wanted to know why they could not know where

that person was. It is absolutely ridiculous that we should have some kind of a provision that makes it impossible for a young mother and her husband, the father, to protect their children.

Is that not what this is all about?

Mr. Gerry Ritz: Mr. Speaker, my colleague from Kelowna is absolutely right. That is what this should be all about. If we were working in this place to that end, I would not feel as frustrated as I do now. I know my colleague from Langley—Abbotsford has torn his hair out literally trying to come to grips with not being able to put this type of safe legislation out there on the streets for people.

An hon. member: Is that what is happening to you too?

Mr. Gerry Ritz: It is happening to me, too. This place is frustrating at times. Mr. Speaker, I know you wring your hands too.

We do not see the end result matching anywhere near the need that was driving it from the end.

My colleague is absolutely right. People see right through this as they look at their daily lives and say, "There is no safety here. There are too many loopholes. The bad guys still get away with things. Are their rights taking precedence over ours?" Yes they are and it is very unfortunate.

• (1600)

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, it has been said many times today that one of the flaws in this bill is primarily the fact that there is no retroactivity. The list will come out on the national sex offender registry and it will be completely empty and being completely empty, it will also necessarily be completely useless.

Just in case, as time goes forward, this thing actually does a tiny bit of good, and I do emphasize the word tiny, at some future point someone is going to commit one of these heinous acts and that person's name will be put into the book. However, because the government wants to keep not only all the people who have already committed offences of this nature out of the book but also wants to provide an opportunity for people who commit these offences in the future to be kept out of the book, it put in a provision which says that if this does more harm to the poor person who sexually molested a young child than public good, then that person's name does not have to go in the book either.

Let us consider for a minute why on earth the Liberal government would do this type of thing. There are two reasons.

One I almost hate to use because it gives the government the credit of being clever in a very sinister sort of way. The first reason is that we have to consider the people who make up the primary front line of the Liberal government starting with the Prime Minister and working down through the cabinet to junior cabinet ministers. The vast majority of them have listed "lawyer" as their former occupation. They are lawyers. They have that background and training. They have that strange kind of mindset. I do not necessarily wish to attack other lawyers. At least they have had the dignity to continue to do what it is they do and not come in here and combine it with politics. It seems that combination brings out some really twisted ideas.

Government Orders

The other reason is a more Machiavellian look into the psyche of the Liberal mind. This is the kind of psyche that produced the non-position the Prime Minister has taken on Iraq. The Minister of National Defence cannot even decide if we are there or not there, if we are there but are invisible, if we are visible but it is not because we are really there because we are not. That is the kind of mind spin that comes out of this.

The Machiavellian approach goes like this. The Liberals say, "We know the Canadian Alliance received a great deal of support when it came out with this push for a national sex offender registry. We know that the public is demanding this. What we want to do is come out with something that makes the public think we have actually done something. We want to take the pressure off, so we will do just the tiniest bit. No one who has already committed an offence will be in there, so we will not lose any support from the pedophiles, child rapists and molesters who have already committed an offence. After all, we went to a great deal of trouble to make sure they were able to vote while they are still in jail. The last thing we would want is to do something that would offend them".

"We finally got this new cache of votes, so we certainly do not want to do anything that offends convicted people by telling them, just when they are able to start voting for a member of Parliament, that we are going to put their names in a sex registry. They might be offended by that and gee, we do not want to do that. Let us make sure that those who have already committed offences do not go in the book. We are going to put some other people in jail in the future and we want their votes too, so let us make sure they have the opportunity of not getting their names into the book either. We will leave that little loophole for them and make sure they understand where it came from. It came from us Liberals, so they will want to vote for us when they get to cast their vote in a federal jail".

The other is an even more Machiavellian part of the same thing. That is where the Liberals actually want to come out with this and then have all the people who pushed and worked so hard to have this brought in and who put pressure on the government say, "See? We were not so bad not having brought it in because now we have brought it in and it really is not doing any good. A big fuss has been created over nothing. People were kind of looking down their noses at the Liberal Party because we would not bring this in. Now that we have brought it in, nothing has really changed. Everyone was wrong and we were right and therefore, people had better start thinking better about the Liberal Party because we know what we are doing when we do not bring in these laws that others want. They are not going to work".

Certainly the laws are not going to work the way the government brings them forward.

• (1605)

I do not know how much time I have, but I can assure members that this is something on which I could talk at length. It is something which resonates strongly in my riding. It has been asked already here by a couple of my colleagues how this resonates in different ridings.

I represent a western riding, as do most of my colleagues. I have to assume that people in eastern ridings feel as strongly about this as we do in the west, that they are just as appalled at a government that

brings in legislation for which people have been calling, then emasculates it in such a way that it has no real impact or effect.

I have heard people talking about judicial activism. That is where people are complaining about decisions made by the judges in this country. In this particular case, we are going to get into a situation where the government will say that if it starts putting people's names retroactively in the book, the judges may not like it. The judges may decide that it is not constitutionally fair, that we have not been reasonable to those terrible criminals and we have to uphold their rights. They would challenge the government.

I talked to a judge some time ago about the concept of judicial activism. He said to me, "I am not going to stand here and say that there is not a judge anywhere who makes a bad decision. We are human. We are like every other group. But before you start coming down on judges, start writing better legislation. When Parliament writes sloppy legislation, judges have no alternative but to consider the ramifications of what is written. Fix the legislation. Write better legislation. After doing that, if you still feel you have a problem, that is when you need to start looking at the judges".

Let me give an example of this. I have a private member's bill on conditional sentencing right which tries to fix what the government itself admitted was a problem but would not do anything about. Conditional sentencing is something brought in by the Liberal government which says that judges can consider if jailing a person is not necessarily in the public good. If there is nothing to be gained from it, the judge may, at his or her discretion, decide to sentence a person to serve time in the public, not to have to go to jail, to serve no jail time whatsoever.

After the Liberals brought this in, not surprisingly we found that some people who committed violent offences, in some cases very violent rapes, were being let go with a conditional sentence. People who heard this were absolutely outraged, as well they might be. They wrote to the government. Certainly they wrote to us asking for our help and we raised it in the House of Commons.

The Minister of Justice said in defence that it was never his intention that it should apply to violent offenders. We said, "Then it is an easy fix. All you have to do is bring in a simple amendment that says it does not apply to violent offenders. We can pass it in the House in a day and we can take that loophole out".

I believe that the minister said that in 1995. It is 2003 and it has still not been brought forward. I have now put it in a private member's bill. Hopefully with the new system we have managed to bring in, I may get to bring that bill before the House one day and hopefully the government will recognize the wisdom of passing it. That is just one example.

Government Orders

Another one which is a little different situation is statutory release. Statutory release is where someone, and in this case we are talking about child molesters, pedophiles, and people who commit sex offences, in some cases very serious ones, serve two-thirds of their sentences. They gave no cooperation inside prison. They did not take any kind of courses that would help them deal with whatever makes their minds so twisted to do those type of things. Maybe they have had some offences inside the prison, they have had problems with other prisoners, they have been disruptive. They have served two-thirds of their sentence and they automatically get out. It is not even subject to review by the parole board.

These are the kinds of things we want to change but the government says no, it cannot do that, that it is the prisoner's right. In fact, the Liberal government believes that prisoners retain every right and privilege of law-abiding citizens, except obviously the ability to keep them incarcerated. I fundamentally disagree with that.

●(1610)

If people want to hear more about this and particularly about statutory release, they should feel free to look at my website. There is a great deal of information on it. If the Liberals would like to raise questions, I would love to hear what they have to say about this.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the motion that triggered this part of the debate was driven by the issue of retroactivity. I want to focus on the aspect of retroactivity.

I would think from the discussion that has been held that generally speaking all relevant information that is known with regard to sex offenders should be readily available.

I noted in some of the briefing notes that there is some concern about principles of justice and also charter rights issues. Obviously whenever we deal with legislation this is important to deal with. As the member knows, it also lays out substantial provisions whereby a judge's order is necessary in a hearing, there are appeals and other things et cetera. The retroactivity concept in light of the current bill would be in conflict. That does not mean members at the committee could not look at transitional provisions or amendments to the bill which would take into account current reviews of the Ontario situation which is looking at retroactivity. That could be incorporated. These options are available.

I wonder if the member is aware of the justice principles and charter issues that might come into play with regard to retroactivity.

Mr. Jim Gouk: Mr. Speaker, it always amuses me when I hear a Liberal member, albeit one who has some compassion in some areas, use the term justice principles. Principles and justice just do not seem to go together with the Liberal government.

I suppose one question might be, why would we want to have this bill ticking away instead of going to committee and putting in amendments. There are two reasons. First, there is the word maybe. We do not believe the Liberals would put in amendments on this. Second, we are not talking about a little tinkering. We are not talking about a bill that is fundamentally good and to which we have to make a little correction or two. We are talking about a bill that is fundamentally flawed.

It is an absolute farce to bring in the bill in the manner in which it is now. Are there problems of how judges would deal with this and

interpret it? We have to start realizing that we are not people who draft some little thing for judges to consider. We are legislators. We write the laws. The job of the judges is to enforce what we write.

We have to start writing it a lot better. If there are problems, we had better find ways to fix them. What is happening right now is an absolute farce of the justice system. The victims have no rights at all. We bend over backward for the criminals and say that we do not want to step on their rights. What about the rights of the people who they violated? Those are the ones to whom we have to start paying a lot more attention than we are doing right now. The bill certainly does not do that.

Mr. Paul Szabo: Mr. Speaker, perhaps the member would address the motion itself which basically says that the bill not be read because of that issue. In other words it would kill the bill. I am not sure that would be in the best interests of Canadians and those who are abused by sexual predators.

I do not believe the member can have it both ways. Maybe he could explain how we move this forward for the protection of all Canadians.

Mr. Jim Gouk: Mr. Speaker, the member will probably recall that when I made my speech I talked about the Machiavellian mindset of the Liberals where they come out with something that gives us just a little bit and we are supposed to think the thing is fixed.

Is this going to do any good if it moves ahead? No. The bill is so flawed it has to be scrapped. We need to go back to the drawing board. If the bill goes through in the manner in which it is now, even with a little tinkering, the Liberals are going to say they lived up to what the people asked for and brought in a national sex offender registry. It is absolutely useless but people would have their sex offender registry.

I say to scrap it, take it back. We would not have one. They would still have to answer to all the people who demand that they have something. They would have to come back with something that actually worked and dealt with what the people asked for in the first place instead of pretending they have done something when they have not. They should go back and get it right. Maybe we could start fixing some of the problems in the country if we brought in new bills that had real teeth, that were not open to interpretation and which actually answered what the public was demanding.

●(1615)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, this is a topic where the rights of Canadians are at stake and until we get it right we need to keep on pushing the government. I will quickly reiterate the main points that some of my colleagues have indicated. One of them is the importance of such legislation and also the tardiness of the government in bringing it forward.

Government Orders

For a long time, our policy has been that there should be such a registry for the protection of society, which is the main goal of our justice system. We would ensure that the registry is used to prevent the criminal from reoffending which in the case of sexual offences, unfortunately, is one of the higher rates or recidivism. It is important that these people be held to account for the safety of our society.

Our party moved this motion on a supply day a little over two years ago and the House voted in favour of it. The motion said that such a registry be established by January 30, 2002 and it is now March 31, 2003. We really need to wonder when a government is that slow on such a relatively simple bill that it would first of all take so long to do it and then do such a colossally bad job of it.

When I was an instructor, if my students asked for an extension of time it was because they wanted to do a better job on their assignment. The government has taken an extension of over a year and it still fails the assignment because it does not accomplish what it was intended to do.

I will not reiterate all of the points that my colleagues have made. The bill is not that large. Sometimes we get bills which are a couple of inches thick. This one is relatively short.

I would like to make a few comments from the bill as I read it. First of all I am struck by the fact that the principle in the bill is not to protect society, innocent victims, or women and children who are usually victims of sexual offences. It states in clause 2(1):

The purpose of this Act is to help police services investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders.

The purpose is not to protect society; it is to help the police investigate after it has happened. The government has it backwards. We must work to prevent these crimes. We must protect our women, children, and young boys who are sometimes the object of sexual predators. Instead, what the government does is introduce a bill and make it like it is a big deal when its purpose is only to investigate after the crime has occurred. The government has a failing grade on this particular bill.

Just as an aside, and I hate to accuse the Liberals, the justice minister and others of improper motives. I hate to do that, but I see politics written all over the bill. The Liberals have introduced a bill entitled "An act respecting the registration of information relating to sex offenders..." Therefore, it would be a sex offenders registry.

•(1620)

At the next election I can see the Liberal candidate in my riding running around and telling people not to vote for me because I voted against the sex registry. Saying so does not make it so. This legislation has the label, but the contents are devoid of any effectiveness in solving the problem. I would be remiss to vote in favour of the bill because it has serious flaws. Yet, because it has the label this is how the government is going to use it. Can members imagine using an issue like this for political purposes? I object to that very strenuously.

If the next part were not true it would be funny. The bill begins by requiring that there be a registration of accurate information. We know how accurate the government's registration system is with the gun registry. I sure wish the government more success here.

The bill goes on to say that the privacy interests of sex offenders would be protected. I have a small amount of sympathy for that. I do not believe in making a public spectacle of a person who has wronged society, but I sure believe in ensuring that the public is aware of who is in their midst. It is an error in the bill to put the privacy rights of the offender at such a high level without balancing it with the important rights of a community to know who is living there.

There is another serious flaw in this legislation and it reminds me of a story I heard. A man took his young boy to the post office where there were pictures of individuals who were wanted. These posters indicated that if anybody had information on the whereabouts of these individuals the police should be called so they could be arrested. This little boy, who was probably four or five years old, asked his dad why these men were not kept by the police when their picture was taken. That is funny in a way. Obviously, the police had the individuals because they had their pictures.

Bill C-23 would not require police officers to report into the database anything they know. Instead, it would require offenders to report. In other words, the bill says that when offenders are convicted of a crime and when those individuals are released they must show up at a registration centre within 15 days and provide accurate information. That is wonderful. It is in the bill. *Hansard* does not record cynicism or sarcasm, and I must say here in brackets that the member "was dripping with sarcasm" when he said that offenders had so much regard for the law when they forced other persons into a sexual act against their will at gun point or at knife point.

That is a very serious crime. That is how much respect those individuals have for the law. We now expect them to show up within 15 days to register and tell the registry person everything in order to have accurate information. This begs the question: Will the persons show up at all? Will they give accurate information? We certainly hope so.

I must draw the House's attention to another clause. As a mathematician and one who plays a bit with logic games, clause 3. (2) blows me away. It says:

For the purposes of this Act, a crime is of a sexual nature if it consists of one or more acts that (a) are either sexual in nature...

That is a circular argument; it is a circular definition. It is like saying that a circle is round because a circle is round. One cannot engage in that type of flippant definition in a bill that is so serious and be taken seriously by Canadians.

•(1625)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I think Canadians would have better understood the member if he had read the entire clause into the record. It does not say that if it is sexual in nature. It says that it is sexual in nature if it consists of one or more of the following acts: either sexual in nature or committed with the intent to commit an act or acts that are sexual in nature. It is also the concept of intent and it is there for a specific reason.

The member also made the statement that the bill was flawed. He said that it had omissions and that he would vote against it.

Government Orders

The bill would create a national sex offender registry that would include information on convicted sex offenders. The information would be available to assist police officers across Canada in their work. This is precisely the purpose and the bill addresses that purpose. Although there may be questions about issues, such as retroactivity, which are currently before the courts with regard to the Ontario registry, this matter is something that can be dealt with at committee in terms of either transitional provisions or subject to the disposition of jurisdictional proceedings with regard to the justice practice or the charter challenges.

Is the member satisfied that the matters he has raised are sufficient to simply throw the bill away or does he believe that there are matters in the bill that could be appropriately addressed at committee where substantive amendments could be discussed and made at committee stage?

Mr. Ken Epp: Mr. Speaker, of course, if there are amendments, and there will be amendments from our party, if those amendments are taken seriously and are accepted as being reasonable amendments to improve the legislation, if sufficient work is done on it to improve the bill to make it palatable, I do not have a closed mind on this. I like to look at bills and motions and evaluate them for what they are.

Where the bill is right now, I cannot support it, anymore than when I was in trucking and my boss would pay me to go from here to a place 400 miles away and return with the same empty truck. We were paid to pick up a load, not just to drive there and back. This is what the bill does. It has the label and the pages but the words on the pages do not do what they should be doing. Consequently, yes, I am forced on principle to vote against the bill because it does not do anything. It only has the labels.

I would like to encourage the member and other members in the Liberal Party, when they work on the bill in committee, to put partisanship aside and if amendments come across from our party or other opposition parties, as well as their own backbenchers, that they will listen to them. The member in particular knows how open the government is to seriously considering amendments that are made in committee. He has learned that very well in Bill C-13 in the last little while.

I am not very hopeful. It just does not happen around here. It should but it does not. However that is my answer to the question.

• (1630)

Mr. Paul Szabo: Mr. Speaker, regarding the member's last reference to Bill C-13, I think we all recognize now that we must make 43 amendments to get 3. Maybe we have some opportunity.

Should the bill, as presented, be defeated, I would ask the member to advise the House on what specifically he would like to see in a new bill that would be different and that would make it acceptable to him.

Mr. Ken Epp: Mr. Speaker, first, I would like to see in the principles a statement that the primary purpose of the bill is to protect innocent people, to protect the citizens of our country from sexual predators. I would like to see the bill have a clause in it that says that any known sexual offenders in our country, and there are many of them who are known, would automatically go into the registry.

What is the point of having a registry if all of the present offenders are not in it? That is the purpose of it, is it not, to identify people who have offended before? If we break it down to just the bare bones purpose stated in this bill it is to help the police do their investigation. How does it help them if it is an empty registry, until it slowly grows over the next years?

I have many more. Could I have another minute? Mr. Speaker, could you ask for unanimous consent?

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Windsor West, Automobile Industry.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the purpose of debate in the House is to have an exchange of ideas. I just asked the hon. member a question about what he would like to see in the bill, a new bill coming forward if this one is defeated, and what could be changed to make it acceptable to him. He said that he wanted to see the principles and that it was there to protect Canadians. I am not quoting him directly but I think the intent of his statement was that the registry would be there to protect Canadians from sexual offenders.

Let us look at Bill C-23, clause 2, "Purpose and Principles". Subclause 2(1) reads:

The purpose of this Act is to help police services investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders.

Subclause 2(2) reads:

This Act shall be carried out in recognition of, and in accordance with, the following principles:

(a) in the interest of protecting society through the effective investigation of crimes of a sexual nature, police services must have rapid access to certain information relating to sex offenders;

I could go on but I think the second clause of the bill addresses precisely what the member said he would like to see in it. It is there to protect the interest of the public.

Canadians can see that in debate the opposition has a role, not only in debate but as an opposition party, the official opposition, and that is to make the government look bad. The opposition tries to pick away and provide information, maybe not all the information, but in a way which will tend to paint a picture. It also does a good job of giving selective information.

Canadians will know that the bill is dedicated to the establishment of a sex offender registry. It is being responsive to the needs of our police enforcement agencies.

I want to go back to the announcement made by the federal Solicitor General and the Attorney General of Canada of December 11 when he introduced the legislation. He announced that the new legislation reflected the consensus reached with provincial and territorial ministers last November.

Government Orders

The first and important point here is that this has been an issue of concern, not only to the federal government but also to provincial and territorial governments. Those jurisdictions have worked carefully and closely to ensure that as the legislation moves forward and goes through all the stages that it actually will deal with the substantive points for which advocates have been calling for some time.

We know there always has been, as long as I can remember, an RCMP registry. Indeed, it includes substantial information on those convicted of crimes, and that has been available for the police to look at for a variety of reasons.

However the issue of a sex offender registry is more focused and more intense so as to reflect the values Canadians have expressed with regard to the whole issue of sexual abuse.

I do not think I have heard any hon. member in this place deny the fact that we abhor sexual abuse, those who would perpetrate crimes or exploit women, children or others in a sexual manner. It is a degrading, offensive act that the House will address, and this bill is one of the tools.

The Solicitor General and Attorney General of Canada, and the Minister of Justice jointly brought this forward to advise Canadians.

• (1635)

We are getting to the point where a lot of posturing or positioning has been made and we are getting a little focused on maybe just throwing the negatives out. We now have an amendment before the House that basically says that we should defeat the bill right now, that we should not pass it at this stage of the legislative process because it does not do what it is supposed to do.

That is a very valid amendment for the opposition to make. It also is important for other members in the House to share their views with regard to whether this is a bill with which we can work. We are at second reading and it means that agreement in principle will be dealt with, but some of the most important work that will be done on the bill will be done at committee.

I believe members will agree that when we can bring a bill before committee, it puts a motion on the floor, as it were. It defines the ballpark in which we are going to discuss things. Rather than the development of the concepts, we will have some things to speak to directly. It also means that we are able then to bring before a committee expert witnesses and testimonies from those who either have been directly affected by the subject matter or who have material and information that they believe is important for members of Parliament to be aware of, particularly those on the committee who are dealing with the bill at committee stage, so that as we move forward in the process and consider amendments, there will be reasoned amendments proposed that will be responsive to the testimony given at committee.

Members will know that with legislation they cannot afford to play the partisan card all the time. They are there to do the best they can to bring forward reasoned amendments that will improve the legislation or correct inconsistencies, errors or matters which do not make the bill as strong as it otherwise could be.

The consensus will be that we need to have a national sex offender registry, but we also need functional and useful legislation so it will do the best possible job with regard to not only the identification of sex offenders but for the purposes of deterrence or identifying where they may be in the event a sexual offence has been committed, that there will be this ready access. I am not familiar enough with the logistics about whether this has preventive measures but I would think that the existence of a sex offender registry will constitute, to some extent, a deterrent situation.

The amendment to which I am speaking was raised specifically because of the whole concept of retroactivity. As I had indicated earlier, it would appear to me that it is in the best interests of all concerned that all information currently known about any persons would be relevant for a sex offender registry. As a principle, I think that makes sense. It is very difficult to say that some information is not as relevant. I know the information but I will not share it because of the timing of legislation or other things.

On its face, one would say that certainly the retroactivity principle seems to be an area where we have to consider whether or not there are ways in which we can effectively get there to make use of important and relevant information. That, from a common sense basis, is useful and important for members to know, but we also have to educate ourselves about some of the practicalities of our laws and whether or not our laws have been written in a way that will withstand a charter challenge or some sort of jurisdictional challenge because they were not written in the right way. It would be disastrous if a piece of legislation were impaired because of a technical problem.

• (1640)

I have looked at the briefing notes. There is a section on retroactivity. I am not a lawyer by profession but I understand some of these principles. Certainly the first point is that with regard to the retroactivity, the fact that it is not there is consistent with the principles of justice. That is a very broad statement, but it is a statement with which the members can make some examination. What principles of justice are there? How can the bill still respect the consistency with established law and precedent, et cetera, and not get into challenges in some jurisdictions?

The second part has to do with the Canadian Charter of Rights and Freedoms. We know that the charter not only brings to us a tremendous protection of the rights and freedoms of Canadians but it also opens us up to defend them in ways which sometimes drag things on. In this regard it is suggested that there are potential or in fact actual charter questions that have been brought to bear. I am told that there is a proceeding in Ontario on its SOR act and it is currently under review by Ontario and federal justice officials with regard to this very issue of retroactivity. As that review and all the activities with regard to the retroactivity provisions within that Ontario legislation are dealt with, they will give members a better sense of the validity of the concerns with regard to either justice practices and principles or potential charter challenges.

Government Orders

The registration system ensures and must ensure the fair treatment of persons subject to the registry through a number of measures. I would suspect that there are some members who will not agree with the premise that those who are convicted of sexual offences are entitled to fair treatment and that they would be entitled to fair treatment under the registry under the bill, because they are convicted criminals. That is not how it works in Canada. All persons in Canada have rights.

I know that there are many cases of habitual criminals or others who have a recidivism rate such that they would be a clear threat to society, and that there are cases in which people may be retained, incarcerated, et cetera, so that the Canadian public can be protected. I am not sure how this works, but there are examples. Although these people have rights, as do others, the Supreme Court of Canada has often made rulings in which it has not rejected the fact that any one party would have rights but has decided in a number of cases that the rights of one person would supersede or override the rights of another person. So there are ways in which even the charter challenges could be dealt with and I am aware of a couple of cases, but I think the members understand my point.

The bill calls for requirements to register and states that can only occur through a judge's order in a hearing where the offender has the right to counsel and the right to be heard. Again, this is to the point: Does a convicted sex offender have the right, that right to be heard and the right to counsel? Under our system, all Canadians do.

It also states that the presiding judge will have the discretion to refuse Crown applications for registration orders based on the "grossly disproportionate" test provided in section 487.05 of the Criminal Code for DNA identification act orders. I am going to have to study that one a little more carefully because it is substantive, but again, it is a specific matter on which the members must take the time to consult with those who are trained and have the expertise to explain the grossly disproportionate test and to determine its applicability here as it relates to the retroactivity concern.

●(1645)

It also states that the Crown must make an application at the time of sentencing and that registered offenders will have the right to apply for a review of their status after 20, 10 or 5 years, and when they receive a pardon. Again, there are prescriptions for the registration. It may not be a forever thing. I think members could make a good argument that the recidivism rate for sexual offenders generally is high and that it would be very easy to apply this to all who are sexual offenders of any type or sort. I am not sure if that is the case. I suspect that some cases are much clearer than others, but this is part of the process and I think that the members at committee will want to satisfy themselves that all either should or should not be painted with the same brush.

The bill prescribes that registered offenders will also have the right to appeal a registration order. Again, right of appeal, in justice practice, is the right of all. I guess it comes down to the point of whether or not Canadians, even those who are convicted of criminal offences, have diminished rights. I know that there are some examples where in fact they do have diminished rights in a number of cases. Members may be able to demonstrate that the diminishment of certain rights is substantively the same and that maybe this would

also be applicable to some provision of this bill as it relates to the concern about the retroactivity provisions.

The registered offenders will also have the right to review their data within the sex offender database and to request corrections. That may seem like a pretty nominal request, but I would suspect that any information that is kept on persons and that is not correct, regardless of what it relates to, could be damaging to a person. Again, the person has rights, so it does make some sense.

The bill contains strict controls on who has access to information in the sex offender database and on how authorized persons may use the data. Now we get into the aspects where it is very important to ensure that the integrity of the system and the integrity of the information are not misused or abused in a way that would affect probably all concerned, I would suggest.

Finally, breaches of privacy rights of the registered offenders would be a criminal offence. For some members I suspect that may be on its face somewhat problematic, in that to say that violating the privacy rights of a particular individual would be a criminal offence. I am not sure what the dimensions of that are on other criteria, but I suspect that there are degrees of disclosure of information covered under the Privacy Act, some of which may not be meritorious of a criminal offence. I think this is probably another area at which members may want to look.

I have been trying to make the point that, notwithstanding the fact that we can all make a case on our concerns about issues related to sexual offenders and to the best interests of those who have been abused, or those at risk of being abused or those in the public who may be exposed to persons with a high recidivism rate, we have to be very careful with the bill. But from what I hear in listening to the debate today, I am somewhat encouraged by the tenacity of members to ask tough questions. This is the way that we make legislation better.

●(1650)

As you know, Mr. Speaker, when we start each day here we have a prayer and we pray for the wisdom to make good laws. This is part of that process. Hopefully we are achieving some wisdom and that wisdom will be carried forward into committee stage.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I have a couple of comments and then a very specific question for the hon. member.

First, he said in his speech that we were very selective, that we showed all the flaws in the plan but did not mention the good stuff, so I am going to correct that. It has a great title. It was a good point to start from and that is where they quit. The government had the title right but there is absolutely no meat in the sandwich. That is what the government has to go back to.

This has to be retroactive from the time it is put in or it is never going to be put in. If this thing passes without retroactivity, somewhere later it will be 10 times as hard. If a bunch of vacillating, fence-sitting, blow in the wind Liberals do not have the guts to do it now, then it is better that there is absolutely nothing and that they just get out of the way and let some new party come in that is going to do the kinds of things Canadians want and will put in this kind of law.

Government Orders

Second, he talked about getting it to committee so we could have expert witnesses. I saw that process already in the justice committee. I saw it with statutory release. I saw where there was unanimity that we would put in a recommendation to get rid of statutory release. What happened? The whip's office or the PMO or someone up there said, "We do not like this. Get back there and fix that". What did the Liberals do? They selectively called more expert witnesses to come in and say that this was bad and that was bad. They reversed themselves and they reversed the arrangements we had already made.

The question I have is this. During his speech, the hon. member said that the bill is in response to the request of police agencies. There are at least a dozen police agencies in my riding alone and there are hundreds, if not thousands, across the country. I would ask him this: Can he name just one police agency, just one of all the thousands in this country, just one police agency that came to him or anybody in his party and said, "Please bring in a bill that has no retroactivity and a big loophole for anybody in the future"? Just one.

• (1655)

Mr. Paul Szabo: Mr. Speaker, the title of the bill is "An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts".

That is one piece. The member related it to a sandwich, but that is one piece. I think the member is very good at giving rhetoric. I saw a sizzle but I did not see the steak. I did not see what exactly is missing. If it is the matter of retroactivity, he would have certainly listened to my speech in which I laid out that there are within the bill some problems with regard to retroactivity, which may be subject to certain charter challenges or justice principles or practices.

I am sorry that he is so cynical about the opportunities we have at committee. Members are all asked to make recommendations for witnesses to be heard. I think that the member will concede that no witnesses are ever denied, unless it is clear that they would be repetitive of other witnesses who have the same or better expertise.

With regard to his final question, I have talked to our own police chief about the sex offender registry. In fairness, he did not raise with me a concern about the retroactivity provision, but he did say that it is important for us to pursue the establishment of the national sex offender registry because it is in the best interests of Canadians.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I was on a roll about all the things that are wrong with this bill and I am not even a critic in this area. I just walked in here, asked a page to give me a copy of the bill so that I could speak intelligently on it and got as far as page two in my speech. I would like to have the opportunity to go right to the end of the bill, there are so many things that are so offensive in it. I do not understand how this member, who generally stands up for the family, for marriage and for the protection of citizens, at least in words, would even contemplate being in favour of this bill.

One of the most absurd things in the bill is that the offender is required to show up 15 days after he is released to tell things like his name, his aliases, if there are any, and any distinguishing marks on his body. He has to tell them. This is not rocket science. They have the guy in custody. Surely they know his name. Surely if he has

some distinguishing marks on his body, they could detect them. Why not have a bill which provides that the police, the officials at the prison where he is being kept or the institution enter this information? Why do we have say he has to register it?

There is also a deal about penalties if the offenders do not register: We have to go find them again. Generally these are people who commit crime after crime of this nature. How many more offences will this person commit before he ever registers and how is that going to help the police to conduct an investigation on those new crimes after he is released?

Mr. Paul Szabo: Mr. Speaker, I heard the member but we are talking about persons who are convicted of sexual offences. I am pretty sure those who are convicted probably go to jail. I thought that once there was a conviction and a sentencing, at that point the Crown could apply to the court for a registration order and registration would occur for sexual offences.

It also says that once a court has ordered registration, notice will be provided to the offender requiring him to register in person at a designated police agency within 15 days after the order is made or upon release from custody. If I read this properly, and I guess it is subject to dealing with the justice officials to explain, this order could be processed during the incarceration of the person.

I also understand though that there may be cases where people are convicted of a sexual offence and they may have served their sentence and are discharged back into society before this period is up. In that case there would be the requirement for them to go to an agency.

I do not think it is as simple as waiting until after people serve their sentence and they go out into the public, then we have to go find them to register. It would appear to me that substantively all this will take place at the time just following the conviction of a sex offender.

The member is not a lawyer nor am I. He has raised a question, which is a good question to ask in committee or of justice officials who are available to him at any time to answer questions on the bill. There is also a legislative summary. However to start to interpret at this point what he thinks it means may not be helpful to the overall bill. I ask him to maybe make the necessary inquiries before he asks his questions.

• (1700)

Mr. Ken Epp: Mr. Speaker, we need to read the bill. I urge the member to read it. It says, "A sex offender shall report for the first time under an order, in person, to the registration centre within 15 days". Then there are different items listed and one of them, part (d) says after "they are released from custody after serving the custodial portion of a sentence".

I looked for the part about actually making an initial registry while they are incarcerated and I cannot find it. If he knows it is there, that is great but I would like to see it. I cannot find it and I do not believe it is there. That is why I was so very much opposed to this.

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Furthermore, it says in paragraph 6(2), "Notification shall be by registered mail or any means authorized by the lieutenant governor in council of the province". Then it says, "a sex offender may not be required to provide notification in person".

Therefore, the bill even states that the provinces cannot pass a law that states that the offender must physically, personally show up. That is wrong.

Mr. Paul Szabo: Mr. Speaker, I thought the procedures were fairly clear. It did say that once a court has ordered registration, notice will be provided to the offender requiring him to register in person. He may very well and probably will be incarcerated at that time but registration is required to be renewed annually. Therefore depending on the circumstances, the bill has to cover the renewal of registration.

It also says that the registration period begins on the day the order is made and re-registration is required once a year and within 15 days of a change of name or residence.

I think the member may not be reading the bill very clearly but it would appear to me that the registration order, in the vast majority of cases, likely will be made at the time when the person is still in custody.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, it has been quite an informative and interesting debate for the last hour or two with members of the Canadian Alliance exchanging views with the member for Mississauga South. Rather than him standing up and trying to blindly defend the indefensible, I wish he would take time to read the bill in its entirety. I see my hon. colleague from Elk Island crossing the Chamber floor to hopefully enlighten the hon. member for Mississauga South. Perhaps in the future his interventions will make a bit more sense.

I would like to start out by addressing some of the comments that the member for Mississauga South raised over the last hour or two, not only during his 20 minute speech but during his interventions when he was commenting on and questioning, not only members of the official opposition but other members of the Chamber. One comment from the member for Mississauga South that I found particularly offensive was his contention that Bill C-23 would somehow be fixed when it went to the Standing Committee on Justice.

I am deeply honoured and pleased to have the privilege of representing the good people of Prince George—Peace River in this Chamber. It is a very unique honour to be given the right to the best of my ability to represent my electoral constituency in this place. It has been my experience though, in the nine years I have been an MP, to see all too often bills not getting fixed at committee. I say that without any particular pride or joy. No one knows this better than the hon. member for Mississauga South. As a Liberal government backbencher, he has endeavoured on countless occasions in the period of time I have been here to bring forward amendments and improve government legislation only to have those amendments duly voted down.

People in the real world outside Ottawa are not aware that the very nature of the committee structure is partisan and that is unfortunate. When we have a majority government with the majority of members elected to the House of Commons, we end up with a situation where

it has the majority of members sitting on all standing committees as well. When ministers bring forward legislation, they get the assistance of the government whip to ensure that the legislation goes through virtually unamended. He or she gets all members of the particular standing committee to vote down any amendments brought forward, unless they are amendments brought by the government department and put forward by Liberal members.

We have seen in past that bills were amended quite extensively but very seldom were they what I would call independent amendments, whether those amendments came from a government backbencher or from an opposition member from any one of the four opposition parties. All too often amendments are dismissed out of hand and voted down at committee. We have seen this happen time and time again with important legislation, and I could run down a very long list of legislation that has been treated in that manner.

● (1705)

I cannot believe, as I sat in the Chamber, that I repeatedly heard the member for Mississauga South say that we should get the bill through second reading, get it off to committee and it would fixed. That is complete nonsense.

I think not only parliamentarians or staff persons who have worked on Parliament Hill but also members of the general public, who follow with any degree of interest what goes on in this place, would know that is complete nonsense. All too often when legislation goes off to committee, unless the government, or the minister or the department says that a technical error was made, all other amendments are voted down.

I have seen bills, which were passed, come back to haunt the government down the road because Liberals do not do their homework and they turn a deaf ear to opposition members. For partisan reasons, they say that they will not even consider a particular amendment.

When it comes to Bill C-23, what could be more important than protecting the most vulnerable members of our society, women and children, boys and girls, from sexual predators? In the nine and a half years I have been here, I have heard over and over again the issue of the need to do a better job of protecting the most vulnerable members of our society.

My colleague from Elk Island pointed out, and elicited quite a round of debate from the member for Mississauga South, that under the section entitled "Purpose and Principles", subclauses 2(2) (a) (b) and (c) did not talk about preventing these types of horrendous crimes. That was the issue he was getting at when the Liberal member for Mississauga South intervened and said that under particular clause "This Act shall be carried out in recognition of, and in accordance with, the following principles: (a) in the interest of protecting society". He focussed on that and said that the bill really was about protecting society.

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However when we read on further, that argument is nonsensical because there is no mention in any of those paragraphs of preventing sexual assault, sexual abuse and the likes of those despicable crimes. It is all about bringing forward a registry in the hopes of helping police solve crimes, which is an admirable goal in and of itself. There is no question of that. We want to assist police and the authorities in any way possible to catch the reprehensible individuals and put them away.

However, as my colleague from Elk Island so eloquently stated, the primary goal has to be to prevent it to begin with. We should try to utilize and put in place all the tools possible to prevent these types of crimes from ever occurring in the first place, especially when dealing with individuals who have shown statistically that the recidivism rate is of the nature of 40%. In other words, on average, four out of 10 sexual offenders that are currently incarcerated in Canada will reoffend again. We can count on it. We know it will happen. Yet the government draws up legislation in Bill C-23 and says that retroactivity is open for debate. It is concerned about it because it might not stand up under the provisions of the Charter of Rights and Freedoms.

• (1710)

Well, guess what? My constituents, and I hear this constantly, do not give a damn about the Charter of Rights and Freedoms when it comes to protecting the most vulnerable people of our society. They do not care. They do not want that argument. They are sick and tired of hearing that argument because it focuses more on the rights of the criminal, of the predator, than it does on the rights of the victims.

My constituents want a government that will stand and say that it will go to any length to protect the most vulnerable people in our society. That is what they want from a government. They tell me over and over again. They do not want to hear the legal mumbo-jumbo, that we better make sure this law is right because it might end up before the Supreme Court of Canada and it will get struck down because it is offensive to the predators and goes against their rights.

As I said, my constituents do not care about the rights of the criminals. They want a government that is going to start focusing on the rights of the victims and do everything within its power to ensure that there are no more victims, or certainly that the number of victims is kept to a minimum.

My colleague from Battlefords—Lloydminster brought forward an amendment which states:

That the motion be amended by replacing all the words after the word "That" with this House declines to give second reading to Bill C-23, An Act respecting the registration of information relating to sex offenders, to amend the Criminal Code and to make consequential amendments to other Acts, since the bill fails to require retroactive registration of sex offenders who have a 40% recidivism rate in order to avoid needing another offence before a repeat sex offender is added to the registry.

Again I do not take any pride or pleasure in this statement, but I think that is a very worthwhile amendment. My colleague from Battlefords—Lloydminster is well aware that if that amendment were accepted and passed, it would kill the bill. The point he is making, the point the Canadian Alliance as the official opposition is making is that this bill might as well be dead as to be the way it is. It is useless.

I said earlier during an intervention that I do not know whether other colleagues, especially government colleagues in the chamber, are getting tired of listening to me make these kinds of statements. I suspect they are. I know that I am getting tired of saying them. I am getting so frustrated with the government bringing forward these half-baked ideas and trying to sell them to the Canadian public as if it actually were addressing a serious issue. I am getting totally frustrated with it.

And it is not just me; it is not just the one member who happens to represent Prince George—Peace River. Members throughout the chamber and across party lines are reaching that same level of frustration. Society is crying out for a government to address these serious issues, especially the ones dealing with protection of children.

Another bill before the House, Bill C-20, deals with pornography and it also does not go far enough to protect children. It redrafts, rejumbles and rejigs the existing laws but we are still stuck with court interpretations that allow for a legal defence of child pornography based upon artistic merit. Whoever heard of such nonsense?

• (1715)

Members should go out into the real world outside the chamber, outside this Ottawa bubble of Parliament Hill and talk to people about protecting children. I can say that for the people of Prince George—Peace River it is not just their member of Parliament who is frustrated. The people from one end of my riding to the other are fed up with this nonsense where the government brings forward this type of legislation and tries to convince Canadians it is doing something to address a serious problem. It boggles my mind.

What will we have if Bill C-23 proceeds? And I suspect it will because the government has a majority. It will vote down the amendment by the member for Battlefords—Lloydminster and it will vote down any other amendments.

The House will ship Bill C-23 off to committee. This is something the Liberal backbencher from Mississauga South says is the answer, to send it off to committee and the bill will be fixed there. I wish I had just a pittance of his confidence that anything would be accomplished at committee, but I do not and I think that will be borne out.

I remember another law that was passed. Maybe my hon. colleague from Mississauga South can remember. It dealt with something called conditional sentencing. I fought against that law back in 1995. The Liberals forced it through and said not to worry about it, that it would be fine.

I think all the opposition parties said they did not have any problem with conditional sentencing if it was used for minor crimes, misdemeanours such as a young person caught for the first time on some minor charge, vandalism, property damage, shoplifting, that type of a crime. The young person would not be thrown in jail with hardened criminals but instead would get conditional sentencing.

Conditional sentencing is where a court will impose conditions rather than jail time. None of us have a problem with that.

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The opposition, at that time it was the Reform Party of Canada, pointed out repeatedly during debate and at the justice committee, ironically enough, that the bill could be abused by the court system. We could end up with a situation where violent criminals got off scot-free or they could have some condition imposed. If they had killed someone while driving while drunk perhaps they would not be able to drive for a while, maybe five or ten years, or sex offenders would end up not doing jail time.

There have actually been cases where people have been convicted of sexual crimes and have not served a day in jail because of conditional sentencing. This is something the government brought forward and said it was a good idea.

The government would not listen to the opposition when we said that it was not the right way to proceed, that we should define which crimes it could apply to and for which the judges could use this new form of sentencing. No, the government would not listen. We are still stuck with it however many years later it is now. I lose track after a while.

I certainly support the amendment by my colleague to not give second reading to the bill if we cannot make this retroactive, if we cannot send a signal to the courts, to the justice system and to the people back home in northeastern British Columbia. They always tell me there is no such thing as a justice system in Canada anymore. They say it is a legal system. It is a system designed by lawyers for lawyers. It is not a justice system. They would argue that there is not justice anymore in our legal system. Some days it is pretty hard to not agree with that argument.

There is no question it has to be retroactive. It is absolutely ridiculous to suggest bringing forward, as Bill C-23 does, legislation to enact a registry for sexual offenders and only have it from this day forward or from whatever day it is actually enacted into law, without placing on it the individuals who are already incarcerated, especially because of the high incidence of recidivism.

• (1720)

I think every member of the House could speak passionately to this issue for a long period of time, but unfortunately, my time is up. I have appreciated the opportunity to voice my concerns and the concerns of the constituents of Prince George—Peace River on Bill C-23.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member concluded by saying that he supported his colleague's motion not to pass the bill but basically to kill it at this stage. If I recall correctly what he said was that if we cannot make it retroactive, we should just kill it.

There is a step missing. The step missing is to take what steps are necessary to establish the retroactivity and to determine whether or not that can be achieved without running afoul of either justice practices or the charter challenges that may occur. We have the Ontario situation which is presently being reviewed.

The member has gone from if we cannot make it retroactive, let us kill it, but he has not gone to the point at which the bill goes to committee to determine whether retroactivity is there. The member will have the opportunity to kill the bill when the committee stage is

finished and the bill comes back to the House at report stage and he is not satisfied.

My question has to do with the member's statement that he does not give a—expletive deleted—about the Charter of Rights and Freedoms. I cannot imagine any member of Parliament actually saying that in this place. I wonder if the member would confirm that is his position and the position of his party.

• (1725)

Mr. Jay Hill: Mr. Speaker, I will begin with the last point first. What I said, if my hon. colleague had not been running in and out of the chamber and would have actually been sitting in his seat paying attention to my remarks, was that my constituents are conveying to me repeatedly that when it comes to protecting children they do not give a damn about the charter. If the charter is the impediment to protecting children or the rights of the criminal, I can tell the hon. member which side my constituents come down on. I do not know what side he comes down on.

It seems to me, in the nine and a half years that I have been here, that the Liberals are more concerned about the rights of the criminals than they are about the rights of the victims. If that is not the case, then why in heaven's name does Bill C-23 even say that there is concern about the privacy of the sex offenders?

One of my colleagues, the member for Langley—Abbotsford, has been trying for nine and a half years, ever since he came to this place after the 1993 election, to have a victim's bill of rights passed by the chamber, but to no avail. If the member for Mississauga South cares so much about the rights of victims, children, women, and the most vulnerable members of our society, why has his party been holding up any drafting, and certainly any passage, of a victim's bill of rights? That is the first point that he made. So that it is clear where I stand on the Charter of Rights and Freedoms, certainly I support it.

The other thing is that I have often heard it remarked that it was too bad that when Mr. Trudeau was designing his Charter of Rights and Freedoms he did not also design a charter of rights and responsibilities to go along with it. I hear that from people out in the real world all the time. Perhaps something the hon. member for Mississauga South would like to consider as well is that in addition to a victim's bill of rights, maybe we should start working on a charter of responsibilities to accompany the Charter of Rights and Freedoms.

The member said a number of times today that he was concerned that we could not include retroactivity without running afoul of the justice practices or the Charter of Rights and Freedoms. Let us try it. That is my point. Is the chamber not in the process of drafting law? Are we the lawmakers or have we, through the Liberal government, handed off that job to the courts? Increasingly, that is what my constituents are saying.

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Why is it that we are so afraid of being overruled by the Supreme Court of Canada that we will not draft and introduce legislation that people are calling upon us to draft, introduce and pass? We seem to be afraid that the Supreme of Court will overrule it or interpret it some other way than what we intended. Why is that? I do not understand it and people in my riding do not understand it. We should be the lawmakers. We should not be saying that we would like to include retroactivity, but perhaps it would run afoul of the justice practices or the charter.

First of all, we should decide if it is the right thing to do. Then we should do it and use all the powers of the Parliament of Canada to ensure that if we do believe it is the right thing that it stands up. If it does not stand up, then we should fix the problem. We should be in control, not the Supreme Court of Canada.

● (1730)

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I have a couple of points that perhaps my colleague could comment on.

The hon. member across the way in his questions and comments said we must give a chance for amendments because that this is how the system works and it is good. He had over 50 amendments to Bill C-13 and I do not think any of them were passed, so I do not know how he can stand and say that we should go the amendment route.

The other point is the question of retroactivity. We are saying it is okay to do this in the future. We are not worried about the Charter of Rights and Freedoms of someone in the future. The only thing we are saying is that if the people who had raped and molested young children or attacked women in the past had only known that their names were going to be written in a book, perhaps they would never have done it.

It is not fair to now come along and say that after everything else that was done to them, their name is now going to be written in a book. They would say that is not fair because if they had known that, they would never have done these things. Does the member think that is even remotely possible? Even if it is, does that not suggest that it is a deterrent, not that I believe that it is the case, but it should not stop it from being put in?

What the government is using as an excuse is an absolute absurdity. It is time we started coming up with solid laws to protect law-abiding citizens in the country instead of being bleeding hearts about the rights of criminals.

Mr. Jay Hill: Mr. Speaker, I could not agree more with my colleague on this particular issue. It strikes me as totally ludicrous. We just came off a two week break from Parliament and the vast majority of members of Parliament did as I did, which was to go back to our constituencies and do tours of the ridings.

I had an opportunity to visit the majority of the communities in my large rural riding and speak with the people. This is one of the issues that I spoke to them about along with Bill C-20, the child pornography law.

My constituents are clear on this. If there is a choice between running a risk, as the member for Mississauga South said, of running afoul of the justice practices or the Charter of Rights and Freedoms, or upholding the protection of society and the most vulnerable

members, my constituents, first, come down solidly on the side of upholding the protection of the citizens of the country and second, worry about protecting the rights of the criminals.

However, it seems to me the Liberals always have this backassward. They look at the wrong situation and look at the rights of criminals rather than the rights of victims.

To sum up, 4 out of 10 criminals incarcerated at present for sexual offences will reoffend. For us to say retroactivity does not matter is burying our heads in the sand and it is ensuring that there will be a lot more victims of these people once they are released from prison.

● (1735)

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, I was not going to speak to this bill today, but listening to what has been going on and listening to some of the questions that some of the members across have been asking, I realize that they just do not get it. They do not understand what a sex registry is all about or why we might want one. Let me take some time to explain to them with some examples of what it would mean to have a sex registry.

I wish to pay tribute to our member for Langley—Abbotsford, who from day one started talking about this issue. It has been front and centre for him. He thought he had a victory when the House voted in favour of having the sex registry. He thought that maybe the government finally got it, that it finally understood what this was all about in protecting those victims.

We are talking primarily about victims, many of whom cannot defend themselves against this sort of crime and we are talking about people on the criminal side of things who are quite often sick. They have mental problems and for whatever reasons they have become sex offenders.

I want to take this opportunity to explain to the members across what it means to real people out on the street to have sex offenders that are not registered running around with police officers admitting that they often lose track of where they are. They come out of prison and often change their names. That is one of the first things they do. At Bowden prison in my riding many sex offenders change their names before they leave prison. They then hope to disappear into society and no one will know who they are. Some of them become truck drivers and drive across the country so they can carry on their sexual deviant activities wherever they happen to be. Some of them move back to the communities where they came from. However, many of them do not want to be identified.

That would be fine if they would not re-offend, but the record for sex offenders is that at least 40%, and some would say even 50%, will re-offend. That is the problem. Psychologists, prison wardens, and the police will tell us about the records. We can check them but that is exactly what happens.

What we are saying is that when sex offences are committed, the names of the individuals should be put into a record and that record should be kept current. The offenders should be forced, when they move to some other place, to take those records with them. If they do not re-offend after a point in time, 10 years or whatever the number, they are removed from that record. That is for the ones who do not re-offend. However, if they re-offend that record continues.

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Let me make it even more real. Let me talk about the sex offender that was in my riding. It was one of the first serious cases that I became involved with.

When we all saw this bill, we thought the member for Langley—Abbotsford had finally won something here. He had the sex offender registry. As we read the first few clauses we thought the government had got it, but then we saw that it would not be retroactive. Therefore all of the federal and provincial sex offenders would not exist. Only the new sex offenders would be included in the registry.

Then we saw the final clause of the bill which said that offenders could apply to not be on the sex registry because it might affect their chances of getting a job or moving into a community or going back home to live with mommy. We would not want to do anything that might affect this criminal who has been charged with a sex offence.

When I saw that I could not believe it. I have been around politics long enough to see the game plan. Canadian Alliance will vote against it, so it does not really want a registry. Yes we do, but we want one that will work.

• (1740)

The registry will not work if it is not retroactive and it will not work if someone can opt out of it. This is the same as criminals who own long guns. They will not register them. Bank robbers will not tell the police to fingerprint them before they rob a bank, as I heard some other member mention today.

Let me give the House an example. A 38 year old man who was a nine time sex offender was about to be released into my community. He was going home to live with his mother who lived across from an elementary school. This was in a section of our city called Oriole Park. When I received this information I felt it was my duty to inform the people in the community. With the help of the RCMP, his name and picture were released. A meeting was held in the school gymnasium across from where he was living and 200 parents of young children attended. Our guest speakers were the prison warden, the chief of the RCMP, a psychologist from the prison and an independent psychologist. Each one of those individuals indicated that the person had refused to take treatment, refused any help while in prison, had served his full term but that they felt he had a 75% chance of reoffending. That was the message given to the parents of young children about this sex offender.

At that point in time I came to the House and asked the then justice minister what I should tell the parents if that individual were to reoffend. What would I tell them the justice system did for them? I was told that he probably would not reoffend and that because I was a Reform Party member I was jumping to conclusions and saw the legal system as not working, et cetera.

That person was released. The parents and the police were very alert to the situation. In the year after his release he was arrested once and it happened at my office. A fireman and one of my staff members caught him painting swastikas on my door and they chased him down the back lane. The judge refused to hear any of the reasons that he was doing that. The judge fined him \$50 and told him not to do it again.

The man then proceeded to stalk me for a few months but the police could do nothing because he was not harming me. He was just

following me around. I must say that it was not very pleasant for my family.

When I was at home on a Saturday afternoon in June, I received a call from the RCMP in Black Falls, about 15 kilometres away from where I live. At the same time, I received a call on my cell phone from one of the parents in Black Falls. Two five year old girls had been taken out of their backyard by that criminal. One of the fathers, fortunately, saw something strange and with another father tracked down the car. As the criminal was preparing to photograph these young girls the two fathers accosted him. They accidentally pulled down his pants and inside were pictures of naked little girls. We know what he had in mind. These young girls were his tenth and eleventh victims.

The man will be released in June. This is how our justice system works. Everybody knew the man would reoffend. The psychologists, the prison warden and the RCMP are now saying that he will reoffend again.

• (1745)

What will we tell the next set of parents? Will we tell them that we did not bother to do any DNA recording? Will we tell them that we did not bother to have a sex registry that would work? Will we tell them that we did not bother to worry about the victims, that we only worried about the guy getting out of prison and not being harassed by anybody?

That guy will reoffend again and we will do nothing about it. Maybe he will move to another community but does that matter? He likes five year old girls. The scary part of this whole thing is that the psychologist said that the offender will likely get more violent in future offences.

As a parent in any community in Canada we should think about that for a minute. Is the House doing the right thing by not making the bill retroactive so that the guy will be on the list and will not be allowed to go before a court and say that he does not want to be on a list? Are we doing our job here by not having those two things on the sex registry? I do not think so. I could not defend that in front of any young parents. I could not defend that in front of anybody, old or young, who had been sexually assaulted.

Before I finish I want to be sure to mention another case in which I have been involved and one with which the House is very familiar, the case of Lisa and Lisa's two little girls.

Again, it comes back to the victim part of things. On April 17, in Abbotsford, there will be a hearing. The hearing has to do with whether a person should be allowed out into society again. He pretty much has everyone convinced that he is a really good guy. Well, this really good guy raped a 17 year old patient and his 11 year old daughter. He then got a court order forcing his five and six year old daughters to visit him in prison.

Government Orders

Let me tell members about that May afternoon when I accompanied Lisa and her two girls, five and six years old, into a prison on a forced visit with a sex offender, a guy who had raped their eleven year old sister and another patient. He had deceived the RCMP for seven years. Yet we are worried about this guy having access to his kids. Something is wrong here. This guy will probably get out of prison on April 17 but no one will know where he is because he will change his name and we will not have it registered. We will not keep track of this person. This person will use someone else's blood. He has already deceived the RCMP and has raped at least two people.

I will never forget the look of terror in the eyes of the two year old and the six year old little girls as they were forced into that prison. As the psychologist said, "This is just too traumatic for these little kids. This will affect them the rest of their lives psychologically."

The sad part about all this is that after doing talk shows across the country, I have heard about 83 similar cases to Lisa's. No one can tell me that one judge just happened to foul up in Saskatchewan. There are 83 other judges who fouled up somewhere else, and those are just the ones who called and said that they did not want to involve their kids in the publicity. It is a very brave thing that Lisa has done, to put her kids out like this, but she is doing it for the other 83 people. Those are just the ones who have called my office in the course of the two years that I have been involved in this, doing these talk shows and trying to get this into a law.

I have been working with the justice committee and I have to say that it has been very helpful. I hope we will get this into legislation some day, that this type of thing is not forced any more, because those are the victims out there.

Child molesters are sick. They need help. What they do not need is to be released so that they reoffend, go back into prison, refuse treatment, get out again and reoffend. We just keep creating more victims.

● (1750)

Our job here has to be to protect those who cannot protect themselves. Whether they are women, children or whoever it is who is being sexually assaulted, and that can just as easily be little boys as it is little girls, we have to protect them. That is our job here.

We all know how we would feel if it were our kids or our grandchildren who were being attacked by these predators. We need to know where they are and we need to identify them. We need to let parents and other innocent people know where these animals are. Child molesters are sick and they need help. We do not need to release them into society and, if we do release them into society, we need to protect the public by keeping track of them. We need to help our police to know where they are so that when there is a case the registry would immediately show them which offender was in a certain area. They probably could prevent more victims just by that simple thing.

To say that we cannot make it retroactive and to say that we can let people who have been convicted go before a judge and convince a judge that they should not be on this registry, let me tell the House about the guy whose hearing I plan to attend on April 17. The guy is a good talker. He could pretty much convince anyone that the sun is

shining at midnight. He could sell refrigerators to anybody. He is a real salesman. He could easily convince any court of anything. However we cannot let that happen.

There are many other cases. I could talk about the young lady in Toronto who was forced by a judge to visit the father who had raped her. When she returned home she attempted to take her life by slitting her wrists. Her mother, fortunately, was keeping a close eye on her. She phoned for an ambulance and saved her life. She is a victim, which is what victims are like.

I know some members do not like to hear about those things, but those are the people who are shouting out for help. They want us to help them and I do not believe we are doing that.

I also do not believe that this legislation is anything more than just paper. It is worth nothing. It will not protect anyone. It will not register the many sex offenders in the country. It will not register the pedophiles. It will be a political piece of paper that we can say that party was in favour and this party was opposed. This should not be a partisan issue. It should be our job to protect the victims. All of us should want to do that and we should want to make the legislation the best that it can be.

I have often said that I do not really like the party system very much because it results in party politics. This kind of thing should not be party politics. This kind of thing should be the meeting of the minds, putting the best ideas together to come up with legislation that will really protect potential victims.

I am very pleased to speak today because I wanted to bring this to the ground level, to the real people and to where it is really at. By doing that hopefully the members across the way will understand what we should be doing. We should be making it retroactive and thereby including all sex offenders. Hopefully they can get off the registry by never reoffending again.

However they should not be given the option of being on or off. They should be on once they are convicted of a sex offence. That is what a sex offender registry is all about. It would work, it would help the police, it would help the parents and it would prevent future victims.

Ms. Judy Sgro (Parliamentary Secretary to the Minister of Public Works and Government Services, Lib.): Mr. Speaker, I appreciate the member's comments when he talked about the issue of partisanship when it comes to something as important as this.

I would have been very supportive of him if I had not been in the House last week and heard some other comments that were extremely partisan. However I hope we can come together on bills as important as this and work through them together.

When the member talked about the issue of retroactivity, I think we all agree that it would be wonderful to bring that in but how do we do that? The member knows as well as I do how the law works. We cannot bring in a law that is retroactive. Therefore if you want to bring in something that will stay and will be supported—

Government Orders

•(1755)

The Deputy Speaker: Order, please. I just want to remind members to make their interventions through the Chair and not directly across the floor to one another. Sometimes it may not be necessary, but sometimes it is really helpful, so I think it is a good practice to maintain.

Has the question or comment concluded?

Ms. Judy Sgro: Yes, Mr. Speaker.

The Deputy Speaker: The hon. member for Red Deer.

Mr. Bob Mills: Mr. Speaker, I thank the member for her comments and the sincerity with which she brings forward the argument that it should be something that will really work. This is about kids and about people who are victims out there and unfortunately there are so many of them.

It is good that I am not a lawyer. I guess I am just a little too practical for that. I have a little too much common sense. There are those who always hide behind the law and say “We cannot do this because of the law”. For those 83 victims out there, it was the law that made them go to those prisons. Fix the law. There has to be a way to do that. There has to be some way when we are talking about this issue if for no other reason than that psychologists say that 40% will reoffend. If 40% will reoffend, that means that 40% will not be on that list. That is about 4,000 people, as I understand it, so of the 10,000 sex offenders in Canada, about 4,000 are going to reoffend—

An hon. member: And at least 4,000 more victims.

Mr. Bob Mills: And 4,000 more victims. Surely there must be a way to get those people on that list. I am sorry that I cannot give a legal answer because I do not know one, but common sense says that we have to find a way.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, my colleague from across the way said that we cannot make laws that are retroactive, so I would like my colleague on this side to rationalize how the government can make Bill C-68 retroactive. Licensing and privacy and everything else aside, it can make that retroactive. Why can it not make a sex offender registry retroactive? It seems like a double standard.

Mr. Bob Mills: Yes, Mr. Speaker, I got 13,000 letters from people in my riding about Bill C-68 when it came through. There are an awful lot of those long guns that came from great-grandpa yet they are retroactively covered under this law and they have to be registered.

The most interesting part of this, which does not really fit the answer but I want to tell members anyway, is that I know one fellow who has 12 registration certificates. What those registration certificates say is: make of gun, unknown; length of barrel, unknown; serial number, unknown. So he has the registration for his guns and members can tell me how that is going to stop anybody from committing a crime with those guns. The make is unknown, the length is unknown and the registration numbers are unknown. The only thing that is known is the owner of the unknown gun—

An hon. member: It's retroactive.

Mr. Bob Mills: And it's retroactive. It was probably great-grandpa's and did not have a serial number.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I appreciate the member's participation in the debate. It has been helpful. I have a comment and then a question.

The member for Prince George—Peace River indicated that we should go forward with retroactivity built in because we do not care about what the Supreme Court says. I would only suggest that were we to create laws that clearly were going to butt up against and hit a charter challenge or an appeal to the Supreme Court, the time involved for that process to take place would be so long that it would be defeating the whole purpose of the legislation. I think the legislation has to work forward in an orderly fashion, in accordance with judicial practice and with due consideration of the Charter of Rights and Freedoms. I cannot agree with his assessment that different people have different rights under the charter, regardless of one's status.

My question for the member has to do with the retroactivity principle. One of the principles here is the “grossly disproportionate” test provided under section 487.05 of the Criminal Code, which is a discretionary consideration for a judge who may be considering an order under the bill, as the member knows. I wonder if the member could explain to the House whether or not he feels the grossly disproportionate provision is a reasonable provision to apply in terms of the test of retroactivity.

•(1800)

Mr. Bob Mills: Mr. Speaker, I do not think I got through to the member about common sense. That sort of answer would be great in a courtroom. Because we have a Charter of Rights and Freedoms and because we have a Supreme Court appointed by the Prime Minister, people of his choosing and his political belief, we opt for mediocrity. We are just going to put through a weak piece of legislation that is not going to have much of a challenge and really will not do much.

That is exactly what has brought us to the problems we have. That is why there are those victims out there. We opted for mediocrity and said we could not change anything. The status quo prevails. Damn it anyway, we can change things. We have to change things. We need to have a Supreme Court that is chosen by the people, whether it is the Senate or the House of Commons. It has to be one that represents the views and beliefs of the people of Canada. And the views and beliefs of the people of Canada are that sex offenders should be registered, that we should keep track of them, and that if they reoffend we should get them back in jail right away and make the penalties harsher. That is what the Canadian people want and that is where it has to come from.

Let us talk about common sense. Let us not talk about mediocrity and say that we cannot change it and we have to go with the way it is. The status quo is not good enough and the House has to recognize that.

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I have just a slight intervention here. I know that time is just about up for questions and comments and I want to allow my hon. colleague from Red Deer at least some time to respond.

Government Orders

He did mention during his speech the concern that we hear expressed about the potential for persecution in the sense of there being widespread disclosure of the registry. I know that this is a concern. Nobody wants to see any individuals persecuted and their picture on every lamppost no matter what crimes they have been convicted of, and supposedly they have paid their debt to society, and I use that term loosely, by serving time in jail. Nobody wants to see those individuals persecuted and their picture on every lamppost, but I think there is a need for retroactivity.

There was a lot of discussion about this. The case has been made for it and for that information to be available to the local authorities, the school districts, child care organizations and so on, not so that it may be made public but so that it may be made available to those authorities to protect society and hopefully to prevent crimes against children in particular.

Mr. Bob Mills: Mr. Speaker, again we have heard common sense. That is exactly what we have to do. We have to protect against having future victims. That is what it is all about. That is the bottom line and that is why it has to be retroactive. We do not want to see people persecuted. There does not have to be a picture on every fence post, but we have to protect those future potential victims. As the member says, it has to be just in the school system and in the police system so they know where to go when someone reoffends or there is an offender from that list.

Mr. Ted White (North Vancouver, Canadian Alliance): Mr. Speaker, there is that old saying that if something is worth doing it is worth doing well. I think Bill C-23 is probably a very good example of how that particular saying does not apply at all.

For all of the reasons that have just been discussed by my colleagues here, the government has decided that it is not going to do this well. It has decided that for reasons of legality it is not going to attempt to make a meaningful sex registry. It is going to capitulate before it even begins. It will capitulate and say, "We can never make this effective, so we won't even try".

It is not good enough, Mr. Speaker, and I will tell you why: because we have a state of desperation among our police forces out there as they try to enforce the laws that are ineffective. They are trying to put these offenders behind bars and they cannot achieve it.

I will give members an example from just this week in Vancouver. A repeat sex offender was released back onto the street by a judge when he was in the process of being charged and appearing before the court for charges to be laid. The judge released him back onto the street again, even though the police pleaded with the judge to put him in custody. He was a repeat offender; he had gone back to exactly the same place he had been arrested at before. The police said to the judge, "He is going to go back there. He has done it before. Please keep him in custody".

The judge released him. The police were so frustrated they went on television on the six o'clock news on BCTV in Vancouver and publicized the guy's name. They said they had no other option but to warn the public that this man was out there, and they gave the name of the park he frequented. He had done it at least twice before. The police had arrested this man and even had him in jail for a short time. He had been released and went right back to the same place.

There is one of two things happening here. Either the man is very ill and he needs a lot of treatment, and for goodness' sake we need to recognize that and do something about it, or else there is no penalty for what he is doing. In this case, that appears to be what is happening. The man receives a slap on the wrist and a few days in jail and out he goes again. This occurs even when the police in their frustration beg with a judge to keep him behind bars. The judge simply releases him back onto the street.

Frankly, there is far too much of that now. We see case after case day after day in the media. These criminals are being released back onto the street even when the police request that they not be released.

Last week I received an e-mail from a lawyer in my riding who is a very good Liberal supporter. In fact, that lawyer ran for the candidacy in the Liberal Party in my riding. He wanted to run against me in the election when Warren Kinsella actually was parachuted in by the Prime Minister to run against me. That was a wonderful achievement: getting rid of Warren Kinsella in that election.

This lawyer is actually a very nice guy. We get along really well. Obviously we have differences in our opinions on politics, but on a lot of things we agree. In fact, he has been shown in the *North Shore News* in the last few days agreeing with our party's position on the war with Iraq, indicating that he is embarrassed by the Prime Minister and that we really need to side with our traditional allies, but I digress.

The lawyer sent me an e-mail last Wednesday or Thursday saying that he would be in court today. He is probably there right now as I am standing in the House to speak. He is in court today on a case to do with an Iranian refugee claimant who is drug trafficking in North Vancouver. He was arrested and charged. He told the prosecutor that his refugee claim was a scam, that it was only a way of getting into Canada to deal drugs and that he had been schooled and told how to do this.

Of course my first question to this lawyer was whether he advised the immigration department about this. He has, so now the guy is targeted, but it is expected that he will be sentenced to a one year term in prison for trafficking in narcotics in North Vancouver. We all know that means he will be out in just a matter of weeks or months and will be back on the street. The problem is, says this lawyer in North Vancouver who is a Liberal supporter, that he would like to see this guy's feet not even touch the ground on his way to the airport to be deported.

● (1805)

It is not going to happen because the guy will be out on early release or parole. That is considered to be part of the sentence so of course the immigration department cannot deport the guy. There is nothing to stop the guy going back on the street to traffic drugs again, which then creates a new charge, which puts him back into the system again, which further prevents the immigration department from deporting him. That is how stupid these laws are.

The sex registry is much the same thing. It has been done so poorly that the information in it would be relatively useless right at the beginning. It will take an enormous number of years for it to become of any use whatsoever.

Government Orders

I will go back to the case I just used as an example, the failure to properly deal with criminals by the government, the immigration law business. I used to use the example of my 87-year-old mother who lives in New Zealand. If she jumped on an airplane from New Zealand, landed at Vancouver International Airport and said she was a refugee, under our Charter of Rights and Freedoms because of the Singh case way back in the 1970s, I think it was, the case that the government will not do anything about, my 87-year-old mother from New Zealand could claim to be a refugee and we would have to accept her claim.

She would be released on her own recognizance after about a one hour interview. She would be given welfare, a place to live, furnished at taxpayers' expense, medical care and dental care. On average it would take her about a year with legal aid, which of course she would get, before her case came before the Immigration and Refugee Board. The chances are that the Immigration and Refugee Board would say that she was from New Zealand and was not a refugee.

If my mother refused to identify herself, the New Zealand government would not give permission to issue travel papers and we would not be able to deport her. My 87-year-old mother could live forever in Canada on welfare as a refugee claimant. That is what is happening every day under the government's immigration laws.

My riding has the largest Iranian population in the country. At least 40% of all the Iranians living there are refugee claimants. Most of them are bogus. I just mentioned the lawyer who sent me an e-mail last Wednesday or Thursday. He actually put in his email that people in the Iranian community had told him the guy was a criminal in Iran and he is a criminal in Canada and they wanted to know why we had let him in.

I cannot say how many times that comment has been made to me by the decent Iranian immigrants in my riding who came in using the proper system. They see all these, and I am sorry to use the word, scumbags who come in using our refugee laws and claiming refugee status just so they can be criminals here.

There are so many examples of the laws that the government passes, as my colleague said, where the victims are treated with disdain and the criminals get everything they want.

In terms of the retroactivity of the bill, why not use some creativity? Instead of capitulating and giving up and saying it cannot do anything because the Supreme Court will say it is wrong to make it retroactive, for the safety of the kids of our country, let us be creative.

We have a notwithstanding clause in our charter. The government is afraid to use it, but maybe if the government were a little creative, it could use it in this case. What would be wrong, for example, if we decided to use the notwithstanding clause to make the registry retroactive? We could put it to the people of Canada in a referendum and ask them whether they approved of using the notwithstanding clause that way.

What better reason could there be to have a referendum in the country than on such an important issue? Instead of capitulating to a group of politically appointed judges, why do we not ask the people

of Canada whether they would agree that this issue is worth using the notwithstanding clause and to make the registry retroactive?

There is always a way. Why would that not work? Even if the government is too afraid to use the notwithstanding clause, why does it not try a little harder?

• (1810)

I do not think the lawyers in the justice department are trying very hard. At the very least they could have written something into the bill and tried their damndest to make it retroactive. If eventually it was struck down, at least we could have said that we tried. We have not even tried.

If we look at some other western civilizations such as Britain or the United States, they use retroactivity. For example, in Florida the DNA bank was established a few years ago. I remember standing in the House speaking about this when we were debating the DNA bill. When the DNA bank was introduced in Florida, it was made retroactive. Criminals were forced to give blood samples, something the Liberal government would not do as it would be infringing on criminals' rights if we forced them to give a sample when they were arrested. In Florida that is what was done.

The ability to solve crimes in Florida has increased dramatically because now there is such a valuable database of genetic material from those criminals. Meanwhile we here in Canada are struggling along, trying to gradually build a DNA database one person at a time and getting people's permission instead of going into the prisons and retroactively taking blood samples from all prisoners so we can identify them. That is what we should be doing, just as we do for fingerprints. If it can be done in the U.K. and the United States, we should find a way to do it here instead of constantly sitting on the fence.

It is the same situation with the Iraq war. Everything the government does is a half measure. It sits on the fence. It will not make a decision. Instead of joining with our traditional allies to make some things retroactive, to force criminals to provide DNA samples, it capitulates to a nothingness, a failure to make a decision. It upsets people.

The intent of the bill, according to the government, is to establish a national database of sex offenders so that the police will be able to use the database to track the activities of sex offenders, their whereabouts and to be able to provide the public with the information or just to solve crimes. It is a noble intention. As I said at the beginning of my speech, if it is worth doing, it is worth doing well. We should be doing our damndest to make this bill effective and to make it work well.

Instead of that, the government has dragged its feet all the way, kicking and screaming until we have this half measure before us today. If we think about it, the government was really reluctant to even bring in this bill. Let me provide some history.

Government Orders

As mentioned earlier by my colleague from Red Deer, it started with the member for Langley—Abbotsford almost 10 years ago in this place. For 10 years he has been urging the government to establish a sex offender registry. Why did it take so long? If the government had brought it in the very first year that my colleague demanded it, we would already have 10 years of information, even if we had not made it retroactive at that point. We are already 10 years behind where we could have been. It should have responded on day one, instead of being more worried, as the government always is, about the rights of criminals instead of the rights of the victims. Just think how valuable that sex offender registry would be today if we had established it in 1994 instead of still talking about it in 2003.

On March 13, 2001, two years ago, the House voted in favour of a Canadian Alliance motion which read:

That the government establish a national sex offender registry by January 1, 2002.

• (1815)

We are 15 months further downstream from the day by which the House agreed that registry was to be established and we are still talking about it. We have not established the registry.

An hon. member: Stop talking and get on with it.

Mr. Ted White: One of the members opposite says to stop talking and get on with it. We do not have the power to get on with it. They are the ones who are dragging their feet.

In 1988 after the murder of an 11-year-old boy by a convicted pedophile on statutory release, a coroner's jury recommended the creation of a national sex offender registry. That was in 1988, 25 years ago. It is not entirely the fault of the government opposite. I would love to blame the Liberals for the whole thing, but actually they picked up a dead file from the previous government.

Why the reluctance to do anything? We could have had 25 years of information in that registry, but we still have nothing. The Liberals are a disgrace. We look at the people sitting on the opposite side today, getting on with other work, not particularly taking any notice of the debate, doing their duty in the House instead of considering what we could be doing together in a non-partisan way to make the registry really work. As my colleague from Red Deer said, we should be working in a non-partisan manner instead of trying to find ways to make the bill mediocre, which is really what it is right now.

Our recommendation when we discussed this in caucus was that even though the bill contains a half measure, it goes partway toward establishing an effective registry. Over time it will become worthwhile. We decided that we really had to put on the record in this place the objection of the majority of the public to the mediocre nature of the registry, the way it is being set up, and to demand of the government even at this late stage to please show some integrity, creativity and resolve to work on the bill to make it retroactive and to get people on the registry who should be there. Let us get it done.

• (1820)

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I listened with some amazement to the hon. member on the other side. He talked about the fact that after the House adopted an Alliance motion which called on the government to set into place a sex offender registry, the

government was not able to comply with the suggested date of implementation.

Normally the Alliance is the party that talks about grassroots, consultation and in particular consultation with other levels of government. It has scolded the federal government when we have made a decision, taken a position or adopted a policy without, in his party's view, properly consulting with the other levels of government.

In this case the federal government consulted with the other levels of government, the provincial and territorial governments. There was a working group. It was the consensus of all the levels of government that the sex offender registry would not be retroactive. It was agreed that it needed to be charter proof, not to put into play and into jeopardy the entire regime.

I would like to know what the member has to say in particular about making a registry charter proof. It is clear under our charter there is to be no double jeopardy. No individual who has already been convicted and sentenced to a particular sentence is to have that sentence added on to. I would like to hear from the member about that. If he is in favour of changing that, it changes many other things, labour relations and many other domains. I would really like to hear what the member has to say about that.

Mr. Ted White: Mr. Speaker, I have to mention yet again, as some of my colleagues have already mentioned, that making the gun registry retroactive was no problem at all for the government. It did not bother those members that they blew away \$1 billion on it. That side of the House is quite happy to vote the gun registry even more money, and the darn thing is not even working. This has given the privacy commissioner great concern. This may be open to charter challenges.

It does not bother the Liberals when they have one of their philosophical issues to force it through. It does not matter when they have social engineering on their agenda. The government will do anything to get its social engineering through the system. I was in this place when the government pushed through its affirmative action bill. That type of legislation is being struck down in the United States now. Another case is being dealt with tomorrow, dealing with the University of Michigan. The Liberals have no problem doing all sorts of outrageous stuff like that. When it comes to common sense, they do not care.

The member said that the government could not do anything because it had a meeting with provincial and territorial governments and there was consensus that this had to be made charter proof. The word consensus implies that there was some disagreement as to whether it was necessary to make this into such a mediocre bill. We should err on the side of the kids. We should have tried harder.

The member did not say exactly which provinces or territories took what side in the debate. That would be an interesting figure to have, even if it had been just one or two of the provinces or the territories that felt some retroactivity could have been put into this. However we do not know that because we did not get enough information during the time that the question was posed. Even if the number was one, two or zero, it would have been worth trying.

I already gave an example in my speech of a way this could be done by using the notwithstanding clause with the permission of the Canadian people. I recognize that to use the notwithstanding clause is a tremendously serious issue. When using such a clause, a government has to be very careful and ensure that it is not trampling on the rights of minorities or disadvantaged groups. This has to be done with great deliberation and care. This would be an ideal situation to test a procedure using the permission of the Canadian public.

If there were even the slightest chance that we could have done something with the bill to make it more effective, then we should have tried. Any one of us who has ever dealt with lawyers knows that for every lawyer who tells us something can be done, there is another lawyer who is quite happy to go to court to argue that it cannot be done.

• (1825)

Let us play the game. We should have at least tried to make it happen and then waited to see if it could happen.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. Before the time for government orders expires, I would like to ask the Chair if he could assure the House that the reprint of Bill C-13, if it is already printed, reflecting the changes made in the bill for report stage motions which were passed, be made available in the Chamber tomorrow so members can have it for the commencement of debate on Bill C-13.

The Deputy Speaker: For the information of the House, no reprint is necessary. It can only be done by unanimous consent.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

AUTOMOBILE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rise today in the House to once again call upon the government to create an auto policy to deal with the ongoing issue of losing auto jobs to Mexico, the United States and other parts of the world.

I asked a question on December 11 which highlighted the fact that Economic Development Canada, a crown corporation, provided a loan guarantee to General Motors without any conditions on it. What it effectively did was it led General Motors to outsource part of that automotive work by the CAW members to Bombardier, which then

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outsourced down to Mexico, eventually putting up to 800 workers in London, Ontario, out of work. That is a shameful practice. It is certainly not the type of policy we want. We are creating a policy for workers in Mexico but not for Canada.

I want to touch on another part of the question. I asked about getting something concrete in place so we could compete and ensure that we had those plants for the future, especially now that we were looking at new technologies and opportunities to reduce emissions and make Kyoto targets. Tailpipe emissions is where the improvements will be made. However right now that is not happening. Those plants are being lost.

As good example, a Sprinter plant was lost last summer. This plant was to go to Windsor, Ontario. It would involve \$1.2 billion in investment and 3,000 jobs. Windsor offered them "one of the best sites available". It was lost because the Ontario and federal governments balked at providing infrastructure and other training costs. The key obstacle was also training flexibility.

One of the arguments that the government and the Minister of Industry relied upon at the time was not actually correct. I will read from an article. It states:

[The Minister of Industry] said he "was involved in the process" to bring the Sprinter to Windsor, but that the deal fell apart because the van would not have met free trade rules requiring that most of a vehicle's content come from Canada, the United States or Mexico.

The reason was not the failure of governments to come to the table.

That is not accurate. I had the parliamentary library do some research. What happened under that suggestion was we could not do it because of the content laws of production under the North American Free Trade Agreement. However there is a clause in the agreement that when a brand new plant comes to a community, it allows five years to reduce that content. They did not exercise that option.

This plant comes from Europe. The plant has now moved into the southern U.S. It will not do just on time delivery on ships, barges and whatnot to get them across the Atlantic Ocean. Those plants will eventually be built in those communities, and we have lost that.

• (1830)

The Oakville plant, a Ford flexible plant, has 1,500 jobs that could be lost. The Holy Grail in the auto industry is up for grabs right now. In Windsor 3,000 jobs are up for another billion dollar plant from DaimlerChrysler. Navistar in Chatham is losing its last jobs because it is moving to Mexico.

After all this time, why does the government still not have a clear auto policy?

[Translation]

Mr. Serge Marcell (Parliamentary Secretary to the Minister of Industry, Lib.) Mr. Speaker, there has been much said recently about what the various levels of government should be doing to attract new investments to the Canadian automobile sector.

Adjournment Debate

Last year we created the Canadian Automotive Partnership Council in order to find ways of strengthening the Canadian auto sector. It met for the first time on September 4, 2002 and again in December 2003. The next meeting is scheduled for May 30, 2003.

Through this collaborative effort, we are seeking ways to bring auto sector initiatives in line with the government's priorities on innovation, skill enhancement and infrastructure.

The Government of Canada remains determined to create a climate that is more conducive to investment in all Canadian sectors. We will continue, in conjunction with the Canadian Automotive Partnership Council, to address the issues affecting the auto sector with a view to maintaining its viability and prosperity. We will continue to work to create a national auto policy.

First, I must stress the point that I too wish to see Canada attract as much new investment in the auto sector as possible. That is the main reason that the Canadian Automotive Partnership Council was created, in order to enable the industry and the government to work together on joint strategies to ensure the growth and long term prosperity of the Canadian auto sector.

On the council we work in conjunction with auto manufacturers, parts makers, unions and the provinces in order to create a cooperative approach to the difficulties being encountered by the industry.

We have heard it said that Canada ought to offer the same incentives as some of the American states in order to attract new investments in the auto sector. It is too easy to say that Canada has lost auto plants to the competition because there is no direct government assistance.

What we need to do instead is to address the whole range of factors involved in investment decisions, whether these be in the area of economics, public policy or some other area.

All levels of government are important stakeholders in this, and we are working in a number of sectors at the federal level, particularly in connection with programs relating to infrastructure and innovation.

The Canadian auto sector is very strong. It is competitive internationally and productivity is very good. The auto sector has received over \$5 billion in investments in the past five years. All automobile manufacturers have reinvestment plans.

Over the past ten years, average annual growth in the Canadian auto sector has been 7%, compared to just 3% for the rest of the economy. Over the same period, the production of light duty vehicles in Canada has increased by 570,000 units. This figure represents two or three typical assembly plants. I think this is impressive, given that Canada only sells 8% of the vehicles in North America, and that our share of North American production remains around 16% for this period.

Figures on vehicles produced over the past ten years lead me to conclude that Canada's policy of focusing on the fundamental economic issues in order to create an environment that fosters new investment and growth has worked well for the auto sector. The government's objective has been to ensure that the overall business climate attracts investment in all sectors. We have reduced the debt,

interest rates and inflation rates, balanced the budget, encouraged innovation, funded new infrastructure and introduced initiatives to promote trade.

New measures announced in the 2003 budget will also benefit the auto sector directly: eliminating the federal capital tax, as the Canadian Automotive Partnership Council had called for; \$2 billion over five years to implement the Climate Change Plan for Canada; support for the 30 point Canada-U.S. action plan—

The Deputy Speaker: Order, please. I am sorry to interrupt the hon. Parliamentary Secretary to the Minister of Industry, but his time has expired. The hon. member for Windsor West.

[*English*]

Mr. Brian Masse: Mr. Speaker, it still does not answer the question. Why do Canadians not have a clear concrete policy in front of them? We have been asking for that. The Canadian Automotive Partnership Council was formed. It has been meeting but has not produced anything tangible for the public to digest.

• (1835)

More important, it does not address the fact that Canadians right now are producing vehicles less than the ratio they were before and compared to what they have been buying. The ratio now is somewhere around 1:5. If we lose the assembly plants we have in Windsor and Oakville, it will go to 1:2 and by the next year it could even go to 1:1.

The reality is the Auto Pact policy is what has created the past success of our industry. An example is the DaimlerChrysler Pillette Road, which was under the Auto Pact in the 1970s. The DCX minivan plant was in co-operation with the government at the time for Chrysler's restructuring. We also have Bramalea as a result of the FIRA rules. We also had the Ford and St. Thomas plant. Those were also—

The Deputy Speaker: Order, please. I regret to interrupt but the times are structured quite clearly, four minutes and one minute each. The hon. parliamentary secretary.

[*Translation*]

Mr. Serge Marcil: Mr. Speaker, I am certain that the hon. member for Windsor West would agree that public policy should be based on facts and on a solid, in-depth analysis.

Adjournment Debate

In the Canadian Automotive Partnership Council, we are constantly examining the general competitiveness of Canadian jurisdictions in comparison to other North American jurisdictions, in terms of attracting investment to the automotive sector. Our analysis of the situation and the valuable insights of the CAPC will enable us to shed more light on the decision-making process in the automotive industry, which will also help us direct our common efforts to the growth of this key sector.

The government intends to act as rapidly as possible in following up on the recommendations of the Canadian Automotive Partnership Council.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 6:39 p.m.)

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