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Tuesday, June 13, 1995

Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Tuesday, June 13, 1995

The House met at 10 a.m.

Prayers

[*English*]

ACCESS TO INFORMATION

The Speaker: I have the honour to lay upon the table the report of the information commissioner for the fiscal year ended March 31, 1995, pursuant to section 38 of the Access to Information Act. Pursuant to Standing Order 32(5), this document is permanently tabled with the Standing Committee on Justice and Legal Affairs.

Mr. Milliken: Mr. Speaker, I set my document down upstairs. I expect to have it in a few moments. I am sure that given the importance of the documents the hon. members opposite will consent to me reverting to those in a few minutes. Perhaps after the petitions are done that could be done.

The Speaker: Is it agreed?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*English*]

PETITIONS

RIGHTS OF THE UNBORN

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, I have two petitions to present this morning.

The first petition that I have the duty to present is signed by quite a number of constituents from the communities of Meadow Lake, Loon Lake, Rapid View, Makwa, St. Walburg, and Dorintosh in The Battlefords—Meadow Lake constituency.

The petitioners draw to the attention of the House that the majority of Canadians are law–abiding citizens who respect the law and that the majority of Canadians believe that physicians in Canada should be working to save lives, not to end them. Therefore the petitioners call on Parliament to act immediately to extend protection to the unborn child by amending the Criminal Code to extend the same protection enjoyed by born human beings to unborn human beings.

PORNOGRAPHY

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): The second petition I have today, Mr. Speaker, is signed by Canadians who live in the town of Wilkie and the area surrounding the town of Wilkie in northwest Saskatchewan in The Battlefords—Meadow Lake constituency.

The petitioners note that the subject of pornography is a very controversial and complicated one, which poses a great threat to family life in Canada through negative images of women, men, and children, and note that the violent behaviour depicted by various media such as killer cards and video games have the potential of negatively affecting the attitudes and behaviour of children.

The petitioners call upon Parliament to take action toward ending pornography in all its various forms and call upon Parliament to pass legislation that contains clear definitions reflecting the advanced technological and rapidly changing nature of Canadian society and reflecting local community standards of tolerance.

(1010)

INCOME TAX ACT

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, pursuant to Standing Order 36 I wish to present a petition that has been circulating across Canada.

This petition originates from the Surrey and Delta regions of Canada. The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession, which has not been recognized for its value to our society. They also state that the Income Tax Act discriminates against families who make the choice to provide care in the home for preschool children, the disabled, the chronically ill and the aged.

The petitioners therefore pray and call upon Parliament to pursue initiatives to eliminate tax discrimination against families who decide to provide care in the home for preschool children, the disabled, the chronically ill and the aged.

HUMAN RIGHTS

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, I am pleased to rise to present a petition signed by numerous residents of Toronto, Ontario, who call upon Parliament to amend the Canadian Human Rights Act to prohibit discrimination on the basis of sexual orientation and to adopt all necessary measures to recognize the full equality of same sex relationships in federal law.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 137 and 191.

[*Text*]

Question No. 137—**Mr. Breitkreuz (Yorkton—Melville):**

How many full time and part time staff are involved in and what is the total cost of administering the current firearms laws and regulations for all of Canada and what share of the costs is borne by the three levels of government: Federal, Provincial and Municipal?

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): The federal cost of administering the current firearms control program is borne mainly by the Department of Justice Canada and the firearms registration and administration section of the RCMP. Federal expenditures and the number of staff in 1993–94, the last completed fiscal year, are shown in the following table. The provincial and territorial governments and the municipalities should be consulted directly in order to obtain their cost information.

1. Department of Justice Canada

Staff (Full time and term employees)—10

Operating budget (including salaries)—$5.7 million

Money transferred to provinces—territories pursuant to financial agreements—$8.4 million

(2) Firearms registration and administration section, RCMP

Staff (Full time and term employees)—47

Operating budget (including salaries)—$1.4 million

Total federal cost—$15.5 million

1. This figure includes certain one time only cost. Approximately $2 million were invested in the development of the Canadian firearms safety training course: a 1.2 million grant to provinces and territories to initially set up their safety training program and $1.4 million was spent on the development and implementation of the automated system for firearm acquisition certificates and accompanying forms.

2. This amount represents the compensation to provinces and territories for 1993–94 as per new agreements.

Question No. 191—**Mr. Hanger (Calgary Northeast):**

Of all the people travelling in their country of origin and referred by airlines to Canadian authorities abroad for the purpose of document verification in 1994, how many, in each country where such document verification took place, were, (*a*) permanent residents landed in Canada as convention refugees, or (*b*) persons residing in Canada after having made a refugee claim?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Canadian authorities abroad do not routinely maintain statistical information on the number of persons referred by airline companies for the purpose of document verification, although it is true that certain individual missions abroad may choose to compile figures in order to audit their own workload, where such verifications constitute a significant proportion of mission immigration activities.

Consequently, the government is not in a position to provide country by country figures on the number of referrals involving convention refugees or refugee claimants in their countries of origin.

However, we can say that referrals either involve persons whose documents are subsequently found to be inauthentic and who are attempting illegal travel to Canada, or involve persons about whose documents there are doubts for one reason or another but who are later confirmed to be properly documented travellers. This latter group includes foreign visitors, foreign students, permanent residents and Canadian citizens. While some of those who are confirmed to be permanent residents are persons who were landed as convention refugees or are persons who had earlier made refugee claims, others are persons who were landed as independent immigrants, business immigrants or members of the family class. In addition, it must be appreciated that persons holding Canadian permanent residence documents, whatever the category of landing, are also referred for other reasons altogether, for example to establish whether following an extended absence from Canada they are still entitled to Canadian resident status.

We have no reason to believe that the numbers of referrals involving persons who were landed as refugees or who had earlier made refugee claims are in any way disproportionate to their share of the overall immigrant movement.

[*English*]

Mr. Milliken: I note that Question No. 137 stands in the name of the hon. member for Yorkton—Melville. I know that he has been very anxious to get this reply before consideration of third reading of Bill C–68 is complete. I am very pleased that I am able to comply with his request and provide the answer today. I recognize that it is late, but we wanted a thorough, complete, and accurate answer for the hon. member.

While I am on my feet, I ask that the remaining questions be allowed to stand and I ask for consent to revert to tabling of documents for the purpose of tabling answers to certain petitions.

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, I rise on a point of order. I would like to thank the parliamentary secretary for that information. I look forward to receiving it. It may be a little late for the debate today, as I see that Bill C–68 is

on the Order Paper, but maybe we can pass that information on to the Senate.

The Acting Speaker (Mr. Kilger): Shall all remaining questions stand?

Some hon. members: Agreed.

The Acting Speaker (Mr. Kilger): Regarding the unanimous consent of the parliamentary secretary to revert to tabling of documents, is that agreed?

Some hon. members: Agreed.

* * *

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Milliken (Parliamentary Secretary to 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.

GOVERNMENT ORDERS

[*English*]

FIREARMS ACT

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C–68, an act respecting firearms and other weapons, be read the third time and passed.

He said: Mr. Speaker, this morning we embark on the final stage of a process begun over a year ago by which members of this House of Commons have studied and debated questions dealing not only with the regulation of firearms but questions that in a broader sense touch upon the kind of country we want for ourselves and for our children.

It is little wonder that the debate about firearms has at times been spirited, often clamorous, and sometimes divisive. There are many voices that want so much to be heard: the farmers, the ranchers, who must be permitted to continue to use their firearms as the tools of their trade; the hunters and the target shooters, whose choice of sport demands our respect; the outfitters and the townsfolk whose livelihood depends on the success of the hunting season; the sustenance hunter, who feeds a family with a firearm; the police, who like all law–abiding Canadians want the means to deter, to detect and to punish those who would use guns in crime; and Canadians everywhere, who want the government to preserve the civil character of our society and strengthen the values that have always set us apart as a nation, Canadians who have watched the American experience with sadness and who want our national government to chart a different course for our future.

(1015)

I sincerely believe Bill C–68 now before the House has fashioned an instrument that will ensure a future in which we can preserve those unique Canadian values while respecting the legitimate interests to which I referred while also dealing effectively with the use of guns in crime.

[*Translation*]

The government believes that the primary objective of regulating firearms should be to ensure that Canada remains a peaceful and civilized country. Canadians firmly intend to safeguard and strengthen the exceptional civility which has always been their hallmark. Our policies attest to this government's commitment to this objective.

The components of Bill C–68 that we will be focussing on today are as follows: firstly, strict measures to counter the criminal use of firearms; secondly, specific penalties to punish those engaged in the smuggling of firearms; and thirdly, broad measures to define what constitutes the lawful use of firearms in a manner that poses no threat to public safety.

In the case of each component, universal firearms registration is a fundamental requirement for achieving the stated objectives.

[*English*]

The government has been consistent throughout in its defence of Bill C–68 with respect to the core principles of the legislation. We have made changes to reflect our response to constructive criticism when it has arisen and to respond to well founded concerns.

May I today express the gratitude I feel toward members of the Liberal caucus who have through their efforts reflected concerns in their communities and have caused us to make many constructive changes to this proposed legislation. May I also acknowledge the hard work done by every member of the justice committee of the House of Commons. Colleagues from all parties in their painstaking work examined clause by clause every aspect of this bill and brought their own scrutiny to bear. I am very grateful for and admire the work they did.

We have made many changes along the way. We have created a new Firearms Act to take the process of regulation out of the Criminal Code to respond to the concerns of firearms owners. We have changed the rules with respect to the use and disposition of those firearms that are prohibited either as handguns or otherwise so they can be traded within the class of existing owners.

We have phased in the process of licensing and registration over eight years to minimize inconvenience for firearms owners. We have changed the nature and effect of the penalty for the first time a person inadvertently fails to register a firearm under the scheme. That will only become compulsory in 2003.

We have changed the inspection powers to respond to those who saw room for abuse. We have provided for relics and heirlooms to be passed down from generation to generation and kept in families for their sentimental or historical value.

The core principles of this legislation have remained constant: stiff criminal penalties for those who would use guns in crime; the longest mandatory minimum penitentiary terms in the Criminal Code for those who use guns in any one of 10 listed serious crimes; cracking down on smuggling by reinvigorating our efforts at the border, by investing in means to reduce smuggled firearms coming into this country; taking handguns out of circulation that have no place in legitimate sports and target shooting; providing for renewable licences for those who own firearms; and the mandatory universal registration of all firearms. We have done this so that as a nation we might have some meaningful control over guns while respecting the legitimate uses of firearms for traditional purposes.

(1020)

It is the registration of firearms which has attracted the most intense controversy. Many criticisms have been levelled, unfortunately too often without foundation in fact. It is said that before we proceed with such a measure the government must satisfy a heavy onus of proving beyond a shadow of a doubt that mandatory universal registration will reduce the crime rate, that we must establish how many lives will be saved by such a measure.

I reject that false premise. I say it applies no more to this proposal than to any other. The government has by the evidence it has proffered to the committee, to the Commons and to the public, met any reasonable standard of proof required to justify legislation which would regulate the conduct of human affairs.

We tender the evidence of the chiefs of police. We rely upon the views and the opinions of the Canadian Police Association. We put forward the convictions of the Canadian Association of Police Boards. We stand with the victims of violence who have lost family members to crime. We stand with the physicians in the emergency rooms of this nation, with the trauma doctors, with suicide therapists, all of whom contend with one voice that mandatory universal registration of all firearms is nothing more than common sense in the regulation of property in this country.

There are those who attack the concept of mandatory universal registration by trafficking in fictions, and those fictions must be addressed. It is said that registration means nothing because criminals will not register to which I respond: That is the very point. Criminals will not register and by that act will identify themselves. When universal mandatory registration is fully in place as a seamless system for the registration of firearms, the criminals will be identified by exception.

I refer to an anecdote described to me by my colleague, the hon. member for Waterloo. He spoke last week in his riding about an incident where police entered a place on a raid because they had reasonable grounds to believe there was criminal activity going on inside. They found long arms and they were unable to tell whether those long arms were possessed unlawfully or whether they were lawfully in the possession of the people who were arrested. With registration the authorities will have the means to determine just that.

I call to mind the jury in the inquest into the death of Jonathon Yeo who was implicated in the shooting death of Nina de Villiers, the young woman whose life was tragically taken in her youth by crime. At inquest the jury heard months of testimony about those events. Among its many recommendations for strengthening the system to prevent such tragedies in the future, that jury recommended the mandatory registration of all firearms including rifles and shotguns.

While they are trafficking in fictions, those who oppose registration contend this is an effort to solve an urban concern about crime on the backs of the rural part of Canada. I point out that time after time it has been shown that the fatality and injury rates from firearms are significantly higher in rural areas in this country than they are in the cities.

The majority of the people in this country, when they die by firearms, die at the hands of someone they know. Preponderantly firearms are used as the weapon of choice when there is death in the context of domestic violence. On average a woman is shot to death every six days in this country, almost always in her home, almost always by someone she knows, almost always with a legally owned rifle or shotgun.

What has that to do with registration? The police tell us that with a mandatory system of universal registration in place over time they will have the means to enforce court prohibition orders made against people who have shown a propensity for violence. Lives will be saved if those guns are collected in that kind of situation.

(1025)

Those who would oppose this system traffic in fictions by pretending that the cost is an impediment. They throw around numbers like $1.5 billion to establish the system, $100 or $300 per rifle to register. They are trafficking in fictions.

Someone on the west coast did a study for the Fraser Institute pretending that the cost of registration would be $1.5 billion because the cost to register a handgun under the existing system is on average $82. Factoring in the present antiquated system and individual police inquiries about the background of the applicant, it works out to $82 per handgun on average.

That person has taken that number and applied it directly to the six or seven million long arms in the inventory existing in Canada today. However, he has overlooked the fact that in the registration of the existing inventory of long arms we are going

to ask only that the owners mail in a card to identify themselves and their firearms. There will be a simple CPIC check to ensure that there is no order prohibiting the owner from having firearms and then he or she will be licensed and registered. This will cost nothing like the $82 which this man pretends is going to be the cost of registration in Canada. This is trafficking in fictions and not meeting the point on the merits.

It is also said by those who oppose registration that the system has been tried in New Zealand, Australia and elsewhere and has been found not to work. That is not so.

In New Zealand the registration system was established in 1920. It was carried out through handwritten cards. It was abandoned in the early 1980s when the volume overwhelmed the system. In any event, New Zealand does not sit on the border of the world's most gun preoccupied country. It does not have to deal with the challenges we face in Canada. The system in New Zealand was rejected for reasons that have nothing to do with the merits of the argument in Canada.

As for Australia, five of the eight states and territories have mandatory registration of long arms now. In 1990 a national committee on violence recommended it be extended to the whole of the country. Those are the facts. It is time we stopped trafficking in fictions.

Testimony before the House justice committee established that in those European countries where mandatory registration of all firearms is in place, the accident, injury and death rate from firearms is lower compared to countries where that is not the policy.

As to confiscation, those who oppose registration allege that it is the first step to confiscation. To them I respond that in 1940 the government of this country introduced mandatory registration of rifles and shotguns as part of the war effort. There was compliance and no confiscation. To those persons I say that in 1977 when the present system of firearms acquisition certificates was introduced, the voices again were raised that confiscation would be the inevitable result, but there was no confiscation. This is the position of the people who have run out of real arguments against gun control. They are trafficking in fictions.

I would like to spend just a moment on those who have made themselves conspicuous in this House by their opposition to this bill. I speak of course about members of the third party. I bear in mind as I do so that the third party came into this House 18 months ago as the party of the people insisting that the positions its members took, the policies they supported and the views they expressed would reflect the values and views of Canadians in general.

I well recall the days sitting in this place when hon. members of the third party would rise in question period to put questions that were inspired by members of the public. They wanted so much to reflect the views of Canadians in the work they did in this House of Commons.

Some of the members of the third party have stuck to those principles and are going to stick with them. They are going to vote for this bill because they know the majority of the people in their riding support it. To those members I offer my congratulations for their consistency in their principles.

However, the third party, the party of the people, the party of law and order, the leader of this third party and the majority of its members have said they will vote against this bill and against what the majority of Canadians want. As recently as two weeks ago a poll showed that 74 per cent of the people in British Columbia, 58 per cent of the people in Alberta, and 72 per cent of the people in Ontario support registration. Two weeks ago an Angus Reid poll demonstrated consistently that the people of Canada want Parliament to pass the legislation.

(1030)

Mrs. Chamberlain: We represent Canada.

An hon. member: Alberta is 50:50.

Mr. Rock: I call on the third party to stand with the government, with the police, with the emergency room physicians, with the victims of crime, and support this bill in the name of the people of Canada.

[*Translation*]

Mr. Speaker, today we have the opportunity, on behalf of the Parliament of Canada, to speak out on the kind of Canada we want for ourselves and for our children and on the efforts that we are prepared to make to preserve the peaceful and civilized country in which we take pride, and to show just who exactly controls firearms in Canada. Is it the groups who support firearms or Canadians in general?

[*English*]

Today, June 13, I have two little boys who are turning eight years old. They join with their 10–year old sister in wanting to grow up in the kind of country we enjoyed in our youth, a country that is safe, a country that is civil. Those qualities can slip away so easily. They slip away incrementally over time. They require constant reaffirmation of our basic principles as a nation if we are going to keep that unique quality that sets us apart. We must always focus on what is the predominant value for Canadians.

In Bill C–68 we have just such an opportunity to focus on those values. The bill is respectful of the legitimate interests of those who use firearms, but its predominant purpose is to preserve what is uniquely ours. My children, all of our children

and our grandchildren deserve nothing less for their future in Canada.

[*Translation*]

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, it is not every day that a bill before the House generates the kind of public debate that we have seen in the past few months, a debate that will end with the vote scheduled for the end of our proceedings today.

This bill has prompted a public debate because it brings into focus the values that we hold as a society. Before I go any further, let me say—and I am certain there will be no disagreement—that our society is undergoing rapid change, and not always the kind of change we want to see. Violence is on the rise.

This debate is taking place because we are cognizant of the fact that danger threatens our society at every turn. Danger is not a problem found only in cities. It affects people everywhere. It is a problem observed not only here in this country, it also touches our neighbours and friends to the south. In the United States, increasing social problems have led to an upsurge in violence and we are now beginning to witness the same phenomenon here. This is not a trivial matter that we are discussing, nor something that should leave us indifferent. It is an extremely important issue, both for the present and for the future.

Violence can manifest itself in many ways. The use of firearms is not the only factor associated with violence. Very serious social problems can lead to a sense of frustration which in turn, can breed various forms of violence. Psychological, domestic, personal and community problems can all lead to the use, among other things, of firearms.

(1035)

However, there is nothing trivial about firearms. They represent one of the most significant ways of manifesting the violence to which I alluded. I think we would all agree on this, regardless of the party to which we belong, that a society such as ours which claims to be reasonable, vigilant and civilized, has a responsibility to ensure that the use of firearms is better controlled.

So far, so good. I do not believe that even our friends in the Reform Party would oppose legislation that gives the state the ability to control violence and to intervene to stop its spread. If they would oppose it, I am certain that they will let us know. In any event, I would be surprised if the Reform Party opposed some control over firearms, given the social context. In a society such as ours, it is essential that the state be allowed to step in and assume its responsibilities in the area of gun control.

The bill now before us is a reflection of the government's vision of gun control. What course of action is the government advocating? The key feature of its proposed legislation is firearms registration. Many of the bill's provisions relate to registration. Some reforms were introduced in 1992, primarily to ban certain types of assault, prohibited and military weapons. Some administrative controls regarding storage and so forth were also introduced. This series of reforms will complete the cycle of government action in this field. The central element of the reform is the universal registration of all firearms, essentially those used for target shooting, hunting and so forth, since other kinds of weapons are already prohibited.

The debate has, without a doubt, been controversial, since very opposite views have been voiced. I do not think that we can accuse anyone of failing to understand the validity of the other party's arguments. Clearly, we are dealing with a clash of two different value systems. On the one hand, we have an overwhelming majority of citizens who are concerned about violence in society and recognize the need to control guns, one of the instruments used to commit violence. On the other hand, we have those who perceive the intervention of the state and additional restrictions as an unnecessary attack on individual freedoms.

We cannot dismiss the reaction of the second group lightly. Honest citizens own firearms. The fact that they own guns does not make them any less honest. I would even venture to say that the vast majority, if not virtually all, of the citizens who own guns, who use them for sporting purposes and who have done so for generations, are upstanding citizens. The introduction of these measures has made them somewhat uneasy. They are upset to see the state interfere once again in their affairs and this has a great deal to do with their attitudes.

Although this country has existed for several hundred years, ours is still a young society, still close to its roots, to the time when vast territories had to be conquered and people had to tame, colonize and settle this vast land. Obstacles had to be overcome. Wild animals roamed the landscape and people needed to defend themselves. Trapping and hunting were important survival tools.

It is well known that beaver trapping was a very important activity in Canada. It was the basis of the country's economy. In other words, the country's origins are closely linked with firearms. To many, firearms symbolized—and I would imagine this still holds true today—freedom and man's dominance over an often hostile environment. The issue speaks to long–standing, profound values. Then there is the issue of hunting. The hunting instinct is one of the first known to man. Had men and women not been hunters, humankind as we know it would not have survived to this day.

Therefore, this issue is complex and it is understandable that the debate has been controversial and quite emotional. Another reason why opponents have reacted so negatively and have

expressed outrage from the moment the bill was tabled in the House is because the state has already intervened a great deal.

(1040)

Individual freedoms have already been restricted considerably by the administrative and bureaucratic actions of the state, so much so that many citizens are quite fed up with what they view as government harassment and red tape.

Some dream of returning to the free, somewhat bucolic society of yesteryear in reaction to the excessively large public service and the systems and networks springing up everywhere. The bureaucracy has exploded, particularly in the last 20 years. People are very leery about more government intervention, particulary now when they feel that their civil liberties are been affected.

Moreover, many people live on large tracts of land or own farms. That was true of my ancestors and of my father. I myself was born on a farm. These people accept that there is a government, a country and law enforcement agencies, but their farm is their domain. When they are at home on their farm, they cannot fathom that someone should be able to interfere and restrict in any way their right to do whatever they want on their own property, their right to use firearms to hunt and so forth.

Along comes this bill which challenges long–standing beliefs and deep–seated cultural reflexes.

Here we must appeal to reason. It is alright for those who oppose the bill to say so. While the vast majority of people support the bill, the Bloc Quebecois included, we must try to convince those who are against it, particularly the hunters who are directly affected by its provisions. We must try to convince them to accept the government's intervention in this area for the sake of higher principles. The citizens of this country are all reasonable people and they will reflect upon this and understand. However, it still comes as a cultural shock.

When the use of seat belts in automobiles became mandatory, I remember clearly my reaction to this announcement. I was a young man at the time, driving my first automobile. All of a sudden, I was required to buckle up. As a young man, owning my first car symbolized freedom. Everyone remembers how important their first car was, what colour it was, how much it cost, and so forth. Not everyone was pleased, myself included, to see the government legislate seat–belt use.

However, I had to learn to live with the law. I have to admit that occasionally, in a moment of weakness, I neglected to buckle up. However, I have been using my seat belt for many years now and it has now become a part of our everyday habits.

This decision was initially viewed and dismissed by many people as government interference. Over time, seat belt use was accepted because it was proven to be in the common interest. Large fines were also imposed.

The same will be true for firearms registration. Registration as such is not something new. People are accustomed to registering their automobiles, their bicycles, even their dogs. They may not have been too pleased the first time that had to get a license for their bicycle—imagine, a teenager having to get a license for his bicycle—but they accepted it.

People have come to accept many things because it is in the common interest and I am confident that this is one such issue. I am confident that the government will work hard to convince people to go along with registration. I have no doubt that the minister, who is an intelligent individual with a good understanding of society, will see to it that these measures are implemented properly, by appealing to people's sense of reason, not by using a strong–arm approach. I am confident that he will proceed in a civilized fashion and be respectful of individuals who have different opinions.

Registration may well be a bother, but fundamentally, this is not a transcendental debate. There are no fundamental principles at issue. The resulting inconveniences will be very minor. After all, people will only be required to register the firearms they own once in their lifetime. Only once! Furthermore, the process will only begin in three years' time. Therefore, we have three years to think about this, three years to discuss the matter, three years to calm down, three years to analyse the situation, listen to others and try to understand the reasons behind this decision. Once the process begins, people will have five years to register their firearms.

In my opinion, this will facilitate the implementation of the legislation and give people time to accept psychologically these measures.

Having said this, I do not believe and our party does not believe that the bill is perfect. On the contrary, we would have preferred something different.

(1045)

We would have liked to have greater power of persuasion over the minister, in order to make changes we thought were required. However, I must acknowledge that some changes we requested were accepted.

We in the Bloc Quebecois tried not to address the issue from an ideological point of view, not to make it a debate on principle or a debate on religion because, in religion, everyone is right and everyone is wrong. We tried to address it from a pragmatic point of view and to make a party contribution, through the parliamentary process, to bringing in a balanced piece of legislation.

We are in agreement with government intervention, and with registration, and we wanted—or at least we tried—to bring a certain balance to the bill tabled by the government.

We were successful with some amendments, including one essential matter, one essential aspect of the bill: decriminalization. We think this aspect is important, because it is essential that good citizens, the vast majority of hunters, for example, not have the perception that the law lumps them together with criminals.

It is important for honest citizens to be sure that the government does not treat them like criminals, and that hunting and using firearms for sports activities do not make them criminals or people who are reprehensible in the eyes of the government or of society. This is a fundamental right which, to this extent, must be respected.

That is why we thought the government had to be persuaded to make a distinction between people who use firearms to commit crimes and people who use them to behave like normal citizens, for sports like hunting. That is where we got the idea of not making failure to register a firearm, in the case of a first offence, a crime as such. We have never claimed that there should be no penalties. We have never claimed that there be no sanctions, that the first offence of failing to register a hunting firearm, for example, should not make someone liable to punishment. That act had to remain something against the law, a reprehensible act to be punished under criminal law. But there is quite a distinction between criminalizing and penalizing that has not always gotten through to the public.

We would have liked the first offence, someone who fails to register for the first time, to be prosecuted—that is summary conviction procedure—and convicted if guilty, but fined. We would have wanted a first offence not to be a crime within the strict meaning of the Criminal Code, but to lead to a considerable fine, say, from $500 to $1,250, confiscation of the firearm, and a requirement to register it within seven days: briefly, something reasonable and severe—quite severe—, but something that indicated this distinction between a crime as such and an offence to be penalized.

The government did not accept the Bloc Quebecois vision but, on the other hand, it did take a step in the right direction. It made a first offence a new, special offence, ensuring that people will be prosecuted under a statute and not under the Criminal Code; the summary conviction procedure will be used, but the first offence will not be a crime as such—although it is not clear what will happen with the criminal record. There will not be a criminal record in the traditional sense, but it does seem that there will be a register in which offences, even first offences, will be noted. Still, this flexibility is welcome, since I believe it will also give the Crown an option when prosecuting. If a person who has not registered a firearm is a habitual criminal, it is not the same thing as if the person were an ordinary hunter; the Crown can prosecute under another statute. There is discretion that could make it possible to eliminate the aspect we criticized.

Another amendment we proposed has to do with that prohibition on a person who wanted to obtain a firearm licence, if the person was an associate of some other person prohibited from possessing firearms. There, the problem with the initial bill was quite far–reaching, since it had to do with association.

(1050)

Basically, it was a problem of guilt by association. As soon as you were ''an associate''—as defined, an extremely vague, very elastic expression that could have led to witch hunts—of a person who had been prohibited from possessing firearms, you could be prohibited from owning them as well.

So, what we proposed was to keep the expression ''an associate'', of course, but to specify an associate living under the same roof. If you live in a house where someone prohibited from possessing firearms lives, it would be rather stupid and irresponsible for you to be given a firearm, when the other person living there, in the same house, could have practically the same access to the firearm as you do—even though elsewhere the bill prohibits that person from possessing firearms. The government accepted this amendment.

By means of amendments we proposed two days before the government's amendments, we also persuaded the government that there should be a grandfather clause, that is, a clause recognizing firearms handling courses people have already taken. We know that Quebec in particular has had a system of firearms handling courses, as a prerequisite for firearms licences, for quite some time now. So these courses that people had taken had to be recognized. We must not require people who have already taken courses in Quebec—very well–designed courses, by the way—to take them again. So the federal government agreed to recognize these courses and not require people to take them again under the bill.

We also requested an amendment to tighten up the bill in order to limit the government's former discretion to make regulations allowing the purchase of non–prohibited ammunition starting in the year 2001, during the transition period. The government agreed to tighten up the bill and make those regulations much stricter.

Another aspect to which we drew the government's attention was the power of inspection contained in the first version of the bill. We were not the only ones to make this point; in our society and in all regions, a great many worries and complaints were expressed about the excessive extent of the power the bill conferred on police officers: they were given practically the power to search and seize, without being required to follow the procedures that limit the action they take in other situations, such as the requirement to obtain from a judge a warrant citing a reasonable ground for carrying out a search. Now, in the bill, no

warrant is required, but police officers' power is limited to places other than dwelling–houses, strictly to places where there is reason to believe that there are 10 or more firearms, and the ground must be a reasonable ground, not just an opinion a police officer might have before taking action.

But there are other amendments with which we were not successful. We regret that, although those amendments are not as significant; the issue of fees is an example. We would have liked the government to provide a legal control, a guarantee of its political commitment to act reasonably and not raise fees unduly. We therefore proposed an amendment adding to the bill a mechanism limiting increases to registration fees. We know that the government is in power and we know the present minister's intentions; but there are the public service, the apparatus of government, circumstances and changes in the situation. In five years, who is to say that a deputy minister will not convince a minister to double registration fees? There is no legal guarantee. We would have liked there to be one in the bill. The minister is showing the best of intentions. We hope they will be repeated, but we really would have liked there to be this kind of control; one possible way of providing it would have been, say, to index changes in registration fees to the consumer price index. But the government did not want any such hindrances, and we regret that that was the case.

We also proposed something we think made a lot of sense: a requirement to lock, to install a locking mechanism on, any firearm manufactured or sold in Canada, so that if you are a hunter and you show up in a firearms store to buy a .12 or a .20 or a .22 rifle, you will automatically be sold a firearm on which a locking mechanism has already been installed, for greater safety. We hear that there is nearly consensus on this point, and that even many organizations representing hunters agreed with it. The government did not agree to this request, and we wonder why not. Would the manufacturers' lobby have been that powerful? We do not know. It would have been advisable for this amendment to be accepted, but it was not.

(1055)

We consider that another aspect of the bill raises an issue of principle, a much more important one: the legality of law enforcement. By means of this bill, the government is giving itself an arbitrary power to make regulations that would allow it, for example, to exempt aboriginal people from respecting the bill and from the constraints the bill imposes on other citizens.

I am not saying that the government will avail itself of that power and exempt aboriginal people but, since the bill includes express mention of this point, we fear that inequitable treatment of citizens under the same law will be set up. It would be a real shame, and terribly irresponsible, to do that.

I do not see how aboriginal people are threatened by the enforcement of this bill. If the bill is acceptable for other citizens, it is acceptable for them, too; they, too, have the right to ensure their safety. The problems of violence exist in their communities, as they do in ours. I do not see how the government can give itself that power. Why is the government giving itself that power?

That point makes me think—in a much less significant vein—of the debate that took place during the referendum on the Charlottetown Accord, when it looked as though the Charter of Rights and Freedoms would not apply in aboriginal communities. I remember that even Mr. Trudeau—on that point alone, I must admit—agreed with the Quebec sovereignists who were saying that made no sense.

We agreed that, under the rule of law, as is the case in Canada, where we favour law enforcement that is equal for everyone, there simply had to be equitable treatment of all citizens, and that it was inconceivable that we could accept that outrageous, incredible, irresponsible concession made by Mr. Clark and Mr. Rae in particular, excluding aboriginal people from the application of the Charter of Rights and Freedoms. We have somewhat the same thing here.

If this bill is so important, if it is so deeply rooted in respect for citizens' rights and obligations, why would aboriginal people be exempted from its enforcement? We were not successful on this point, but we do count on the government, and on the minister, to reassure us and tell us that citizens will be equal under this bill, as they are under any law, as is appropriate in any democracy.

Lastly, we would have liked to have another amendment passed, and we are very worried that it was turned down. We are really upset about that amendment; it raised considerable debate within the Bloc Quebecois. People in caucus took very strong positions on this point, and we understand them. This point is the requirement that any court impose a minimum four–year sentence on any offender who commits a crime with a firearm: a four–year minimum.

I consider that the minister has lapsed into political correctness and let himself be swept along by the lobbies that have sometimes gone too far. We are going to vote for the bill, but we, too, have been buffeted by headwinds. Outrageous things have been said by both lobbies. The pro–gun control lobby itself has sometimes gone too far.

I feel that, in this instance, the minister may not have maintained a balance. I feel that the minister should have resisted those excessive pressures, which are not at all progressive, which will fill up the penitentiaries with 18–year–olds with no chance of rehabilitation and, further, which will introduce inequity and disparity in sentencing.

Let us take the example of an 18–year old committing his first offence. We do not know what incites an 18–year old to hold up a corner store—we are not justifying it, it is completely unacceptable, serious things happen in those situations—but we do know that often these young people are grappling with drug problems, are in withdrawal, are in fact very well brought up—it happens everywhere—; for the first time in his life he goes and uses a firearm to hold up a corner store, and automatically gets four years in prison.

There is no possibility of the judge looking into the case, making distinctions, taking circumstances into account, or trying to give that young man a chance. When you are 18, you can be rehabilitated after a first offence and become a very good citizen. But with this bill, I tell you, I hesitated before taking a position. I deeply regret that the minister, who appears to be progressive in all respects, has made this abusive lapse, which will mean automatic prison sentences.

(1100)

Incarceration becomes the only means of rehabilitating young offenders, of reintegrating them in society. That is serious. That smacks of a philosophical conception which worries me a lot. I am surprised that the gun control lobby would have steered the minister in that direction. I am truly astonished because I believe that the forces which impel us to adopt this bill are progressive forces, but not in this case. In this case, there is something absolutely deplorable and senseless, there are things that defy comprehension.

For example, if a sharp 12–inch dagger is held to the throat of a convenience store clerk to commit the same crime, the offender will get the minimum, not four years. I do not see the difference between a dagger and a gun—the clerk might not have his throat cut. It is the same thing with rape. These are dreadful acts. What is the difference between using a dagger or a gun to commit rape on a young woman? The two acts are absolutely abominable. And yet, in one case, it will be four years, automatically, and in the other not.

It seems to me that the minister in charge of developing the Criminal Code could have had a common sense reflex. It is not too late, by the way. I sincerely believe that this is something that should be fixed.

Some hon. members: Hear, hear.

Mr. Bouchard: I know that opponents have their arguments, I have heard them many a time. All members of this House have been submitted to intense discussions with the lobbyists, but I do not think a bill has ever been better scrutinized, analyzed in such depth.

I know the arguments, for example those of the lobbyists. The arguments of those who oppose this bill are not all ridiculous, but I believe they can be refuted. For example, there are those who say that it makes no difference whether firearms are registered or not because criminals are not forced to use a registered gun to commit their crime. But there are criminals who can use registered guns too. A sawed off twelve–gauge shotgun becomes an extraordinary assault weapon. If the weapon is registered, it is that much easier for the police to conduct their investigation.

Do not tell me that police will not be helped by the fact that weapons are registered, that the owner can be identified, that his name can be instantly retrieved in the central registry, in the computer. This will obviously be a powerful tool in the hands of the police when investigating crimes committed with registered weapons.

Unregistered weapons are already banned. It is just a matter of putting in place the means of stopping the illegal importation and sale of prohibited weapons in Canada. To the extent that there are millions of legal firearms, let them be registered. And if, as happens so often, they are used to commit crimes, their registration will greatly increase the effectiveness of police investigations. That argument does not hold water.

All the more so since habitual criminals are not the only ones who commit violent crimes with firearms. We all know that in the case of family violence, acts of desperation, etc., legal weapons are used most often, weapons that are found in the house. Some will say that it makes no difference whether they are registered or not.

I believe that registration will have an extremely important educational value. If, after this great public debate, the bill is passed, there will be an immediate result in that people will no longer be able to take firearms for granted, to treat them as if they were commonplace objects like a slingshot. The attitudes toward weapons will not be the same, the perceptions will be quite different. People will know that the State treats weapons as dangerous instruments.

Indeed, contrary to cars and bicycles, for example, weapons are made to kill. Except for the few of us who practise shooting as a sport, a firearm, if we keep one at home, is used essentially to go hunting, to kill and it is very efficient at that. It is practically the most efficient way to kill.

(1105)

One must realize that a firearm—and people will become more conscious of this fact, especially if they have to register it—is not an ordinary household object but a dangerous weapon which can easily be used to commit a crime or a violent act.

It is therefore false to say that ragistration will accomplish nothing. Indeed, if such was the case, then why did the powerful lobbies make so much noise? We also heard about costs which would be too high. We have here estimates provided by the minister. There is no reason to question them or to doubt that the minister and his department did their job carefully. The numbers

might vary slightly, since mistakes are always possible. But we are talking here of an average of $24 million a year over five years, for a five–year total of about $119–120 million. Once the registration system is in place and rolling, it will obviously cost less to manage.

Yes, it will cost, but its price does not seem disproportionate to its significance for society, compared to other initiatives which cost much more and amount to very little. Moreover, I was always a bit surprised by the intense opposition, given the benefits for individuals. Let us think about what this act means to an individual, a citizen, for someone who, for instance, goes hunting once a year or keeps three or four firearms at home, maybe a .12, .22 or .20 caliber shotgun. This worried citizen, perhaps made anxious by all the commotion raised by the lobbies, should know what will happen, what this act means.

If the act were passed tonight, what changes does it entail for this person who keeps three firearms at home? There will be absolutely no changes for three years, nothing in 1995, 1996 or 1997, right up to 1998. Then, starting in 1998, that person will have five years to register up to 10 arms all at once, for $10. Now tell me, is it worth putting a country to fire and the sword? There has been much exaggeration. Canadian citizens are used to dealing with much bigger complexities and to co–operate much more with government. This is not a case of undue harassment. This is within reasonable limits, in my estimation.

[*English*]

This debate has pitted people against each other in good faith. Without that, very important principles were at stake, collective principles: the need to address the issue of violence in Canada and in Quebec and, on the other hand, the propensity to protect individual rights. Those are very legitimate questions. All those people are very honourable people and they defend and protect quite legitimate values.

We have to make a judgment, an assessment of those values. In last resort when we think it over calmly and quietly as good citizens, we will have to conclude that it is the right law, the right move to make. It is not the best law. Many things could have been done to improve it. We tried. We succeeded in certain cases; we did not succeed all the time. On the whole there is a balance. If we want to protect our society against the rise in violence we have to do something like that.

For private citizens the negative effects will not be very great. It means that an individual who has three, four, five or ten hunting rifles at home will have nothing to do for the next three years. Starting in 1998 he will have to think about the fact that he will have to register his arms. He will have five years to do it from 1998. Once it is done it will be for life and it will cost $10.

I do not think there is a need for the kind of debate that we have on many other issues in Canada. There will be a much harsher debate this fall. It would be good practice now to accept this as a reasonable question to settle before addressing much more important questions.

(1110)

[*Translation*]

The Bloc Quebecois is not entirely satisfied with the act, but its members believe that respect is a matter of striking the right social balance and that, in the common interest, they must vote in favour of the act. This is what we intend to do tonight.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, we sat here until eleven o'clock last night and voted on the final amendments to Bill C–68. In less than 24 hours we are into our final debate, third reading of the bill. It did not really give us much time to assess the consequences of the amendments which are now part of the bill. It reminds me a little of what happened in the clause by clause amendments that were hurried upon us with such short notice after the final witnesses before the committee had concluded.

I begin my address by telling the House and the justice minister of a firearms court case that was heard in Alberta. The judge was a man by the name of Judge Demetrick. In his decision he said that the definition of a firearm as contained presently in the Criminal Code was so convoluted as to be legal fiction and twice removed from reality. When I read that I was absolutely amazed that the Parliament of Canada was producing legislation that our courts are now declaring to be twice removed from reality. I am satisfied that we cannot have legislation that is twice removed from reality unless we have thinking behind the legislation that is twice removed from reality as well.

The present gun control bill is really not a gun control bill at all. It is not going to control guns; it is simply going to register them. When I looked at the bill I realized that it was not an aberration from the good sound thinking that has run the country for the last 25 years. It is not unlike Judge Demetrick pointed out. What has been guiding the country for the last 25 years? When we examine the debt, the Young Offenders Act, the parole system or the judicial system, and some of the disparities in those systems we wonder whether or not the thinking behind them is twice removed from reality.

How can we be in a situation where we are $600 billion in debt if the thinking behind our fiscal and monetary policy is not twice removed from reality? How can we have a Young Offenders Act when the justice system cannot deal with young offenders under the age of 12 for their criminal misconduct? How can we have

that unless the thinking of the creators of the legislation is completely removed from reality and the people it will impact?

Let us look at the parole system, the latest victim of which is Melanie Carpenter. The prime suspect in her murder, Mr. Auger, was paroled, was released, by way of statutory requirement after serving only two–thirds of his sentence, even though the officials felt that it would be a danger to release the individual into society. We have to ask what kind of thinking has produced that kind of legislation. Judge Demetrick told me a bit about that kind of thinking when he suggested that it was twice removed from reality.

(1115)

This bill is not an aberration from the reasoning that has guided Parliament over the last 20 or 25 years. It is simply a continuation of thinking that is far removed from the impact it will have on the people. I often think the justice minister and his officials do not know what they are doing.

It is an attempt by the government to create the impression it is getting tough on crime and criminals. Yet when the justice minister had an opportunity to vote either for a safer society or against first degree murderers when a private member's bill came up to eliminate section 745 from the Criminal Code, everyone knows he voted in favour of the first degree murderer and against a safer society, in favour of the first degree murderer and against the Melanie Carpenters of this country. We should study carefully the motivation behind this legislation.

We have heard the minister speak today of things such as trafficking in fiction. I have the talking points sent from the Prime Minister's office to members of the Liberal Party on Bill C–68. The first item reads: ''The government has reached an agreement with the official opposition to allocate time for debate on Bill C–68, gun control, and Bill C–41, sentencing''. Is that not nice? They got together and decided to terminate any lengthy debate that would give an opportunity to all members to express the concerns of their constituents on these two very contentious bills.

The second item says: ''Any reasonable person would have to agree that there has been extensive consultation and debate on this legislation''. Let us examine this whole business of consultation for a moment and see who is trafficking in fiction.

In response to questions in the House the justice minister stated that he had been in continuous consultation with the attorneys general of the provinces. That has been directly refuted by the testimony of the attorneys general who appeared before the standing committee. In particular, I refer to the Attorney General of Manitoba. When we asked her, she commented that there was extremely little consultation with the justice minister and officials on the gun control legislation.

We heard from the Attorney General of Alberta. The Attorney General of Saskatchewan led a delegation made up of the Liberal leader, Lynda Haverstock, as well as the Conservative leader. They also refuted the whole concept of consultation. The Attorney General of Alberta indicated exactly the same thing.

We heard from the justice ministers of the Northwest Territories and Yukon. They refuted the whole idea that they were involved in any significant way in consultation with the justice minister in the development and creation of this legislation.

People like the president of the Olympic handgun competitors claimed there was no consultation whatsoever. This statement is supported by the fact that when the justice minister brought in his proposals before Christmas of last year he had such little knowledge of handguns that he was banning those used in world cup competitions. When we asked him if he would consider exempting the .32 calibre handgun, which is one of the handguns used in world cup competition, the record tells how much consultation really went on between himself and those groups of people.

(1120)

He stated he would certainly not consider exempting the .32 calibre. Why? The barrel length was under 105 millimetres and those short barrel firearms are inaccurate and are made only for killing. That is basically the reason to justify the banning of 58 per cent of the legally held and purchased handguns.

When we talk about trafficking in fiction, who is trafficking in fiction? I ask the justice minister who really is trafficking in fiction? To carry on with this whole idea that the justice minister has consulted broadly, widely and in depth with people, groups and organizations involved with firearms is a little ridiculous. These consultations did not take place with the justice ministers of the territories or at least with the attorneys general of the provinces.

Several groups of native peoples also appeared before the committee. The James Bay Cree were represented. Representatives from the Yukon Indians appeared before the committee. Ovide Mercredi and a delegation from the Assembly of First Nations appeared. A group represented by Mr. Borin appeared. They all deny that there was any in depth consultation.

I have a copy of a letter which was tabled with the committee from Mr. Ovide Mercredi to the justice minister dated February 17. I will just quote from this. It states:

> Once again your government has acted in a manner that shows a complete disregard for the rights and interests of the people I represent. Your introduction of the gun control legislation without prior consultation with First Nations is a violation of your responsibility as Minister of Justice to uphold the fiduciary trust obligations of your government for all First Nations.
>
> In imposing your plan for firearms registration and regulation, you are breaching our treaties with the crown. You promised a consultation process with First Nations in our meeting on November 14, 1994. Where is that consultation process?

He ends by saying:

> For God's sake, respect our rights.

That is what the Grand Chief of the Assembly of First Nations wrote the minister.

During the committee meetings I asked if there had been consultations in the prescribed manner according to what amounts to the appendages to the Constitution with regard to the agreement that was made with the James Bay Cree. It was called the James Bay Cree and Northern Quebec Agreement. I also asked if there were consultations with the Yukon Indians who recently signed an agreement for self–government. The ink is hardly dry on that agreement. The officials of the department assured me and the committee that consultations had taken place in accordance with the constitutional requirement.

When I asked Mr. Mosley, the assistant deputy minister, to table with the committee evidence of such consultations, he agreed to do so but did not. When he next appeared before the committee I asked him about the agreement and the undertaking he had accepted to table documents from the department that would substantiate the claim that substantial consultations, in the prescribed manner, had been undertaken with the James Bay and Yukon Indians, he said that the minister would be tabling those documents when he appeared on the last day that witnesses were to appear before the committee on May 19.

When the justice minister appeared he tabled a half inch stack of documents. That did not give us a chance to examine them so we could prepare questions for the justice minister.

(1125)

When I did have a chance to examine the documents they did not show evidence of consultation at all. It was evidence, at best, of letters of notification to the 630 bands that these proposals had been presented before Christmas. There was no evidence of consultation.

When the justice minister talks about broad consultations throughout the country with the various groups of people and organizations on which the legislation will impact, I ask, who is trafficking in fiction? There is no doubt in my mind who is trafficking in fiction. It is certainly no one from this caucus when it comes to these kinds of issues.

How in the world was it possible for the justice minister to overlook the requirement to consult with the aboriginal peoples of the country? How could he do that? He understands the law as well as any of us. As stated in the letter by Mr. Mercredi to him, he understands the constitutional requirements to abide by the consultative requirement when legislation is going to impact on the treaties or constitutional rights of aboriginal people or any other Canadian.

I am satisfied that the reason the justice minister and his officials did not first consult with the aboriginal people is because the aboriginal people would have told him exactly what they told the committee with regard to the gun control bill. They would reject the vast majority of it, particularly the licensing and the registration requirements.

Had he gone to them first they would have set the standard for all Canadians. That would not go far enough for the minister because he wanted to impose the restrictions and licensing requirements on law–abiding gun owners. He knew if he went to the aboriginal people first, as he ought to have done, he could not have refuted them and come forward with the kind of legislation he has brought forward today.

Had he gone to the aboriginal people first, they would have set the standard, the benchmark for all Canadians with regard to the manner in which their rights would be interfered with by legislation. He did not want to do that because he knew the aboriginal people would not accept it, as Ovide Mercredi said in his letter.

I refer again to his letter where he said when talking about his own people: ''I know that they will not comply with any legislation that violates their treaty and aboriginal rights and I will encourage this non–compliance''. That is the Grand Chief of the Assembly of First Nations telling the justice minister that they will not comply with these kinds of regulations.

The justice minister of the Northwest Territories told us as well that many gun owners in the Northwest Territories today are not complying with the firearms acquisition certificate requirements. He and his delegation explained in very straightforward and understandable terms why they are not. It is so impractical for them. He talked about isolated communities where there is no facility to obtain the passport photograph required to obtain an FAC.

Therefore, the present laws are not being abided by in those isolated communities. We heard the Grand Chief of the First Nations say that he will encourage his people not to comply.

(1130)

There was no in depth consultation before this bill was tabled, because he would have heard the same thing. He did not want to deal with them before the fact; he wanted to deal with them after the fact. How is he going to do it?

Last night the justice minister put forward an amendment in Motion No. 5. That amendment states: ''For greater certainty, nothing in this act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the Constitution Act, 1982''.

What does that mean? It means that through section 110(t) he is going to be able to go back to the aboriginal people by way of regulations and orders in council and provide whatever exemption he wishes to provide. It is going to result in not all Canadians standing equal before this law. I heard the official opposition leader address this as well. It appears that we may have a two–tier system where there is one set of laws for the aboriginal people and a different set for the non–aboriginal people.

I submit that had he gone forward and obtained the consultation and the input from the aboriginal people first, then based upon those considerations we would all be happy and we could all support that legislation. But it would not have gone far enough for the minister, because he does want to register, he does want to license, he does want to impose those restrictions and those interventions upon the people of Canada.

He has put the cart before the horse and he is trying to finesse this whole thing by going back and saying that through the power of the regulations he has in this act he will be able to consult with aboriginal peoples and address their concerns on their treaty rights and their constitutional rights when it comes to hunting, trapping, and food gathering.

What is emerging here—and I hope I am wrong—is evidence that we are moving toward a two–tier system as far as gun legislation is concerned in this country. I regret that very much. If the minister had consulted with the aboriginal peoples in depth according to what I believe are their constitutional rights, this would not have happened. Now we are going to find ourselves perhaps in a situation where there are going to be constitutional challenges on the basis of discrimination. That is unfortunate. It ought not to be.

My own personal point of view is that in this case the aboriginal people are on the right track when it comes to the control of firearms. They are on the right track. The standard they are saying they want for the use, ownership, and the giving and lending of their firearms ought to be applicable for all Canadians. If that were the case a vast majority of Canadians would agree with it and support it. We should have started with the aboriginal people, used their needs and their requirements as the benchmark for all of our legislation in this bill. I submit that respectfully.

I want to touch on a couple of other points. I want to deal with this whole area of smuggling. I sat in the justice committee when the Canadian Police Association delegates were there. I listened to them carefully. They had basic support for a majority of the contents of the bill, but I remember very clearly what the president of the Canadian Police Association, Mr. Neal Jessop, said. He pointed out that the strength of this bill will be based upon the ability of the government to stop smuggling in Canada.

I have a document here that was produced by the MacKenzie Institute called ''Misfire: The Black Market and Gun Control''. They did an eight–month survey into firearms smuggling in Canada. They talked to police officers, aboriginal peoples, smugglers, taxi drivers, the whole host of people involved in the milieu of gun smuggling and illicit firearms trafficking. They concluded that if Bill C–68 goes through there is going to be an explosion of smuggling in Canada.

(1135)

When I compare this to the report submitted from the justice department on smuggling, their report is a hollow whitewash compared to the information contained in this document. I will not take time to go through it, but it is here. It is here for anyone who wants to look at it.

We have real problems, not with the law–abiding gun owner but with the extent of gun smuggling and the smuggling of illicit firearms, prohibited firearms, these so–called assault weapons into Canada. We have a real problem. The authors of the MacKenzie report are saying that it is going to explode if this bill goes through. I just mention that.

I want to touch on the polls and the support. I do not place much support in polls because they go up and they go down, particularly on a bill like this, where the people who are being contacted really do not know the extent to which the guns are controlled now by way of legislation.

We have over 60 pages in the Criminal Code dealing with the ownership, acquisition and use of firearms. The legislation dealing with firearms in this country is very extensive. So when we have a 124–page document adding to that and we ask people on the phone what they think about gun control, adding more laws to the gun control bill, I am not sure how well informed they are when they respond to that.

I do know that if I received a phone call and someone was telling me the government was moving in a direction to extend greater control over guns, I would say that sounds to me like a good thing to do, because it is going to make the homes and streets and communities safer in Canada. If that were my belief, if I were led to believe that from the question asked, Mr. Speaker, you bet I would support it. I would support it today if I could see it in the bill, but I cannot see it. I can understand why the polls vary, depending on the questions and depending upon the extent of information they have at their disposal about the bill.

We can see very clearly that as more and more information gets to the people, not just about the gun registration but what appears to be the possible violation of civil rights, the extension of police powers in order to inspect or search and to seize and so

on, we see a broadening concern over this legislation and a drop in the support for the bill.

I might add that the clearest indication in terms of polling has to be the result of an election where gun control is an issue. We have had two provincial elections recently. I would like to mention at least the one in Manitoba, where the government headed by Premier Filmon publicly rejected the gun registration portion of this bill, as did the NDP in that province. The Liberal Party embraced it. It is interesting to note that a few weeks before the writ came down in that province for the election call the Liberals were very, very close in the polls to the Tories, the government, and it looked like they could form the government. We saw what happened. They lost over 50 per cent of their seats and the Liberal leader lost his seat.

(1140)

I have an item in the paper here that quotes one of the Liberal candidates. He states that the Liberal campaign was badly damaged by unpopular federal decisions like gun control and budget cuts. He went on to say that it infuriated him to hear the justice minister say after the election that gun control had nothing to do with the Manitoba Liberals' poor showing. ''He has his head in the sand'' is what this defeated Liberal candidate from Manitoba said.

When we hear the justice minister talk about support and trafficking in fiction, we should examine it carefully. I wish the debate would be made on facts. We can look at the polls, but let us be honest about it and look at the real polls. In this country we now have at least five provinces whose premiers have concerns about this bill. We have the Saskatchewan, Alberta, and Manitoba premiers who are concerned about this bill. We have had the Liberal premier from New Brunswick express concern as well about the registration system. Now we have the new premier of Ontario, and I would like to hear further from him. I would like him to have a good look at this bill so that we hear from the premier of the most populated province in Canada. I would like to hear what he has to say now about this bill and whether there will be support from the province of Ontario for the registration system.

I want to end by discussing the cost. Members were accused on this side of trafficking in fiction when it comes to the cost. Let us look at the cost for a moment. The justice minister is indicating $85 million to set up the registration system. That is just to set up the registration system. We first have to register the three million gun owners. We have to license them before we can register a single gun they own. If they are not eligible to hold a licence, what is the point of registering their firearms? They will have to give up their firearms if they are not able to be licensed. What will it cost to license an individual?

Ms. Catterall: Ten bucks for ten guns.

Mr. Ramsay: Ten bucks for ten guns, if we talk about trafficking in fiction. I am talking about licensing the owner, not about registering the firearm. If we look at the cost to license three million gun owners, we can estimate the cost per individual by looking at what the cost is now to process an FAC, a firearms acquisition certificate, because the requirements are similar.

Under clause 5 of this bill, the chief provincial firearms officer is going to have to conduct a review of the criminal record of the individual, a mental health record, and perhaps a neighbourhood background check to see if there is any history of violence. That is not unlike the requirement for an FAC. They go through a similar background check.

The Metro Toronto Police Board analysed the cost to process a single FAC in 1994, and it was $185. That might be high, because it is in Toronto, where the costs are high. But if we take that figure and multiply it by three million gun owners who have to be licensed, what do we get? We certainly do not get $85 million. We get about $550 million. If there are six million gun owners, as some estimate, then it will be well over $1 billion using those figures.

If the Metro Toronto Police Board cost for the application of an FAC is the highest in the country, and we level it out to $100 per FAC across the country and take that as an average—I do not think we can label that as trafficking in fiction—we can get an idea of what the enormous cost is going to be to someone in this country, whether it is the gun owner, the taxpayer, or whoever. That is before a single gun is registered and we come in with the $10 cost to register 10 firearms. What can we register today for $10? It may cost me $10, but what does it cost the taxpayer? What does it cost the organization? What does it cost for the manpower?

(1145)

I do not know what it will cost, but I am convinced it will not be $10. I do not know what can be processed today in that form for $10. My licence costs me more than that. The registration for my car costs me more than that. It cost me $5 to register my children's bicycles and I did all the work. I took it down to the police station where it was filed. That is what it cost me. I do not know what it cost the police to file it, process it and record it.

When it comes to the cost, $85 million may be a fair representation of what it will cost to set up the registration system, but it is not anywhere near the overall cost to set up a full–fledged universal registration system where individual gun owners will have to be licensed and have to bring in their firearms to have them registered. There is absolutely no way. When we talk about trafficking in fiction, who is trafficking in fiction?

The government has not provided a common sense justification for the registration of rifles and shotguns. I asked witness after witness who appeared before the committee how the registration of rifles and shotguns would reduce the criminal use of those firearms, and they were not able to answer. I have never heard a straightforward answer from the justice minister although I have asked him that question.

We have a handgun registration system that has been around for 60 years. We know it has not reduced the criminal use of handguns, because the handgun is the weapon of choice for the vast majority of street criminals. We see that it has been ineffective in this area and we ask why the justice minister would want to expand a failed system to include rifles and shotguns.

We have spent considerable time on the bill, but is it enough time? I say absolutely not. There was not enough time. When members are denied the right to express the concerns of their constituents in the House, those who want to express them, there is something wrong with the system.

I do not think we have had enough time either at the committee stage or at second reading stage. Time allocation was utilized. A deadline was placed on the number of days to hear witnesses. We went immediately from there into clause by clause study. We did not even have time to examine the testimony of witnesses on a day to day basis, because the time lag from the time they testified to the time we received the written testimony was four days. We did not even have time to fully draft our amendments, go over them with legal counsel and present them in proper form. The bill has been rushed and I ask why. If it is not to become mandatory for eight years, what is the big rush?

I make reference to a wonderful set of speaking points. At the bottom the Prime Minister said to his Liberal colleagues:

> The Reform Party says it needs more time to debate gun control, but cops on the beat say they need gun control now.
>
> It is very disturbing that Reformers are prepared to put the safety of police at risk in order to satisfy the gun lobby.

(1150)

Talk about trafficking in fiction. I have not talked to a street police officer who has supported the bill although their political masters do. I have talked with colleagues all across western Canada. I have been all across the country from Kamloops in the west to St. John's, Newfoundland, in the east. I have talked with people who say that the bill is nonsense anyway.

My point is that if the cops on the beat need the bill now, why are we waiting eight years before bringing it in? It is not the Reform Party that is saying we should wait eight years; it is the government that is saying eight years.

As I said the other night, if guns are really dangerous and if this is not a hysterical response from people who do not know anything about guns and fear them, why are we leaving 58 per cent of the handguns that are supposed to be dangerous in the hands of the people? Why are we leaving them where they are?

In conclusion I would like to move the following motion:

> That the motion be amended by deleting all the words after the word that and substituting the following therefor:
>
> ''Bill C–68, an act respecting firearms and other weapons, be not now read a third time but that it be read a third time this day six months hence''.

The Acting Speaker (Mr. Kilger): The amendment is in order. We will resume debate on the amendment and go to the next stage of debate where members will have an entitlement of 20 minutes and 10 minutes for questions and comments.

I ask members to indicate to the Chair if they will be splitting their time.

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, Liberal speakers will be splitting their time.

I am proud to rise in the House today in support of the bill. I believe gun control legislation will make our communities safer and will preserve and help Canada to evolve as a civilized nation where we can walk the streets and drive our cars with greater safety. It says a great deal about the kind of society we want to create for the future. Quite simply the bill seeks to prevent the killing of human beings.

There has been a great deal said about values in the debate. I have been concerned and have expressed my concern about the rhetoric of American values that seems to have permeated the debate. Let me give an example. Recently a survey was done in the United States among school children. When asked how they should respond if somebody tried to take something that belonged to them, the majority of American children said: ''Kill them''. When asked how they should respond to an insult, the majority said: ''Shoot them''.

An American senator on national television not too long ago suggested his mother should take out her gun and shoot if an intruder broke into her home, obviously not aware that in the majority of cases where that is the response to an intruder breaking into a home the home owner and not the perpetrator ends up dead.

As I said, the bill is about preventing death. Reformers have provided the strongest opposition to the bill yet their response is contradictory. They also say they are in favour of greater crime controls and greater punishment for criminals. Those are in the bill as well.

(1155)

Let me just tell the party that says it is so concerned about the victims of crime what Steve Sullivan, a spokesperson for the Canadian Resource Centre for Victims of Crime, says. He believes better gun control laws would prevent similar accidents, for example the deaths of two young children from

shotgun wounds which took place in his community not too long ago. Mr. Sullivan said that many of the cases his organization heard about were crimes committed by ordinary people in nice communities rather than by criminals.

That is one main thought I want to leave with people this morning. While the bill is about crime control, it also deals with the fact that the vast majority of deaths by guns do not occur during the commission of a crime. They do not occur because a criminal, a stranger, shoots and tries to take something from someone or tries to perpetrate some other crime. The majority of gun related deaths and injuries happen in the home and are by someone known to the victim. That is the side of the legislation I want to address.

Let me give some facts. In this community in the last six months seven people have died at the hands of a family member: five of the deaths were caused by guns and two were school aged children. Five of the seven deaths were gun related yet probably less than 20 per cent of homes in this urban area have guns. That tells me a great deal. Of the 1,400 deaths in the last year caused by guns, 1,100 were suicides. That reflects in large part the accessibility of a gun to commit suicide.

Over 200 of the 1,400 deaths were homicides and the remainder were accidents. The majority of homicides, 86 per cent, are committed by family members, friends or acquaintances. Guns are a particularly serious threat to women. Almost half the women were killed by spouses or ex–spouses and almost half the women killed by their partners are shot even though half the homes in the country do not have guns. Also 78 per cent of the guns used in these killings are legally owned. The problem is not only illegally owned guns. The problem is legally owned guns, which is what the legislation tries to address in part.

Domestic and other intimate assaults are 12 times more likely to result in death if a gun is involved. I was serious when I said the bill is about preventing the deaths of human beings. We have significant evidence that a large number of offenders act impulsively, suggesting that the simple availability of a gun determines whether a homicide will or will not occur.

We cannot forget our children. Since 1970, 470 children have died in accidents involving firearms. If we truly believe in the value of our children we should do all we can to protect them, and this is one measure to do so.

The most contentious issue in the legislation is the registration of guns. Seven million firearms are held by approximately three million Canadians. We have no way of knowing how many guns are in the country at any one time, who the owners are, and whether or not the guns were legally or illegally acquired. Registration is designed to change that.

I realize I have very little time in the debate this morning. Crime control is important and the bill addresses that. It is also important to control legally owned guns in the hands of their owners, because those are the guns that are responsible for the majority of gun related homicides and deaths in the country.

A constituent who wrote to me said quite simply that she believed we should go ahead with the legislation and that it was important for people who owned guns to be accountable and held responsible for the use of those guns. Is that not what good citizenship is all about, accountability and responsibility as well as rights and privileges?

(1200)

I urge all members of this House to consider the large number of deaths that occur in this country every year. Consider the role that legally owned guns play in those homicides. I urge members to consider whether they do not want to be part of making this a safer society.

The justice minister referred earlier to how important he feels this legislation is for his children. I want to make the same personal comment. Later this afternoon I am going to the airport to pick up my daughter and my six–week old grandson but I am not going home to have dinner with them. I am coming back here to vote for this legislation. I am doing it for my daughter and I am doing it for my grandson. I am doing it for the kind of society I want him to be able to grow up in.

In Canada, we have never believed either as a nation or as individuals that settling our problems by violence and by power is the way we develop. That is why Canada has become a nation that symbolizes around the world a peaceful resolution of problems. It is why we have evolved a reputation that has made our flag, which we will celebrate again in just a few weeks, a symbol to the world of how people can live in harmony.

It is because we have had a different sense of values than those more American values I have heard expressed in this debate. We have not felt we have to rely on weapons to evolve a civilized society. By peaceful means, by peaceful resolution, by collectively agreeing on control of the criminal elements in our society and by creating a safer environment we will have the kind of country we want to live in and that we want to leave to the next generation.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, I would like to ask the hon. member for Ottawa West why her party decided to change the status quo, stipulating that, in the future, the restricted firearms safety courses mentioned in subclause 7(2) of the bill on firearms will have to be approved

by the federal minister? The way things are now, the attorney general of each province approves the courses. That is how things currently work in Quebec, for example, and I suppose that that is the way things must be working in other provinces. Since latitude was given to one province, it must have also been given to the others.

What I would like to point out to you is that, in Quebec, these courses are very well structured. Of course, I am still talking about restricted firearms safety courses. Our courses in this area are extremely focused. Some are specifically for target shooters. Others are specifically for security guards. The first course is 3.5 hours long; the second, 6 hours. They are really quite specific and have been very successful, up to now.

Therefore, we wonder why the government would not accept the amendment we proposed to have the attorney general of each province continue to approve these courses on the handling of restricted firearms.

Ms. Catterall: Mr. Speaker, I do not know the bill inside and out. I did not have the privilege of discussing the issue for several weeks in committee, as did the hon. member opposite.

(1205)

It is very important, in my opinion, that this act contain provisions which apply uniformly across the country. For this reason, I feel that it is acceptable and important for the federal government to set the regulations, so that we know that they will be the same everywhere in Canada.

I hope that another hon. member from our party will be able to give a more detailed answer to the hon. member's question.

[*English*]

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, as many other members on that side of the House have stated a number of times, the member stated she surely did not want to be like the Americans south of the border.

Many of my relatives live in various parts of the United States. Some live in areas where guns are completely prohibited and some live in areas where the only gun law is simply that no guns are allowed in school or in court. The variance in violence does not seem to make much difference across the country where these relatives of mine live. The violence is there regardless of what the gun situation is.

I would like to know where you get the information that would enable you to stand in this House and say—

The Speaker: Order. I would remind all hon. members to please address the Chair rather than each other directly. Could the hon. member rephrase his question.

Mr. Thompson: I apologize for that, Mr. Speaker.

Where does the member receive her news about the violence that occurs in the states? Where does she get her information that things are so terrible throughout the U.S. when I know for a fact that in many places they are not?

Mr. Catterall: Mr. Speaker, it is perfectly true that many places in the United States are not the same. However, for anyone who has spent any substantial amount of time in an American city, I know people who have come from the United States to live in Canada who are thrilled by the fact they can walk around a city at night. It was something they had never done before in their entire lifetime. Guns were an important part of that. The fact is that the rate of deaths by guns in the United States is 10 times what it is in Canada. In general, the right to own guns is sacred in the United States and is reflected in the laws.

There has also been substantial international research by the International Association of Police Officers. It shows quite clearly that the more stringent the gun control, the much lower the death rate from homicide and the much lower the rate of violent crime. I will be happy to provide the member with that research.

The Speaker: The hon. parliamentary secretary to the minister of Indian affairs is going to address the House next.

I wish to inform the House that the hon. parliamentary secretary is going to address the House in his language. I was apprised of this and there is no impediment to using a language other than the two official languages in the House. The hon. member has taken care in this sense and has provided the interpreters with a complete translation of what he is going to be saying to the House. The hon. member has informed me that he will be strictly adhering to the text.

(1210)

Therefore, I see no impediment to this, providing that all the steps have been taken so that all of us will know in either of the two official languages what is being said to the House.

With that I recognize the hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development.

Mr. Jack Iyerak Anawak (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.):

[*Editor's Note: Member spoke in Inuktitut, translated as follows:*]

[*English*]

Mr. Speaker, I am pleased to have this opportunity to speak on third reading of Bill C–68, an act respecting firearms and other weapons.

The proposals contained in this bill have generated a lot of discussion throughout the country. A lot of misinformation is out there. I will use my time to dispel some of that misinfor-

mation, particularly as it affects my constituency and the people I represent. I will tell this House what I have been telling the Inuit hunters in my constituency.

No hunter is going to kill one less caribou or one less seal on account of this bill. I know that. The ability and right of the Inuit to hunt will still be there under the provisions of this bill. It will always be there.

No piece of legislation can take away the Inuit way of life. This bill does not take away the Inuit way of life, nor can anything else unless the Inuit themselves choose to let it go. That way of life is protected in the Nunavut land claims agreement and in the Constitution of Canada.

The Constitution of Canada is the supreme law of the land and all the other laws of Canada have to be consistent with the Constitution. Section 35 of the Constitution states:

> 35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
>
> (2) In this act, ''aboriginal peoples of Canada'' includes the Indian, Inuit and Metis peoples of Canada.
>
> (3) For greater certainty, in subsection (1), ''treaty rights'' includes rights that now exist by way of land claims agreements or may be so acquired.
>
> (4) Notwithstanding any other provision of this act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Article 2 of the Nunavut land claims agreement is clear on the constitutional status of the agreement. It states: ''The agreement shall be a land claims agreement within the meaning of section 35 of the Constitution Act, 1982''.

Mr. Speaker, the most basic aboriginal and treaty rights are the rights to hunt, trap and fish for sustenance. While there are many disagreements between aboriginal peoples and government on the exact scope and content of all aboriginal and treaty rights, there is at least agreement on harvesting rights. There is no question that aboriginal and treaty rights include hunting, fishing and trapping rights. Even the courts have said so.

Harvesting is central to the aboriginal way of life. It is at the heart of our being, who we are, who we have been, and who we want to be. We do not want to lose our connection with the land. It has sustained us for thousands of years. It has kept us alive. It sustains us still.

Most Inuit and most other aboriginal people who live in remote communities still make a living from the land. It is a proud thing and an honourable thing for us to go out on the land and come home with food for our families and neighbours. That is why there is such worry in aboriginal communities about this bill. There is a deep fear that the bill is affecting our core identity and will take away our ability to buy, possess and use firearms. Some people have been exploiting that fear. I want to address this issue now.

The government is well aware that aboriginal and treaty hunting and trapping rights exist. Some very specific provisions exist in these agreements concerning these rights.

(1215)

For example, the Nunavut land claim agreement has a whole chapter on wildlife. That chapter recognizes that Inuit are traditional and current users of wildlife and that the legal rights of Inuit to harvest wildlife flow from their traditional and current use.

Under the Nunavut land claim agreement a wildlife management system has been created that reflects the traditional and current levels, patterns and character of Inuit harvesting and avoids unnecessary interference in the exercise of the rights, priorities and privileges to harvest. Subject to the terms of the chapter, an Inuk with proper identification may harvest up to his or her adjusted basic needs level without any form of licence or permit and without imposition of any form of tax or fee.

In addition, the agreement states that where there is any inconsistency or conflict between any federal, territorial and local government laws and the agreement, the agreement shall prevail.

Those provisions in the Nunavut land claim agreement offer protection. Other land claim agreements offer similar protection.

It will be necessary for the government to work out with aboriginal peoples an accommodation between existing aboriginal and treaty harvesting rights and the provisions of Bill C–68. There must be discussions, there must be consultations. There must be a dialogue so the various provisions can be reconciled and integrated. The government knows this and intends to carry out these essential discussions.

For this reason, the government put section 110(t) into Bill C–68. Section 110(t) says the governor in council, or cabinet, can make regulations, and I quote:

> Respecting the manner in which any provision of this Act or the regulations applies to any of the aboriginal peoples of Canada, and adapting any such provision for the purposes of that application.

This section recognizes that the government and aboriginal peoples have to work together to implement this bill in ways that are respectful of and sensitive to aboriginal and treaty rights. These discussions will occur. There will be opportunities for aboriginal peoples to have a say in implementation.

By the way, aboriginal peoples should know that both the Reform Party and the Bloc Quebecois tried to remove this clause from the bill during the committee hearings.

During the committee hearings on this bill, aboriginal representatives asked for something more than section 110(t). Some groups, like the Inuit Tapirisat of Canada and the Grand Council

of the Crees of Quebec, specifically requested the inclusion of a non–derogation clause.

I am very pleased to say that the minister and the government responded positively to this request. The minister has brought in an amendment to Bill C–68 that adds a non–derogation clause to the bill. It reads like this:

> For greater certainty, nothing in this act shall be construed so as to abrogate or derogate from any existing aboriginal or treaty rights of the aboriginal peoples of Canada under section 35 of the Constitution Act, 1982.

While the government's position is that the bill does not abrogate aboriginal and treaty rights, this non–derogation clause has been included in the bill to provide greater reassurance. I pushed for this amendment and I thank the Minister of Justice for responding.

The minister and the government have also made another very important change to Bill C–68. It is a change that I also pushed for and it affects the lending provisions of the bill.

When the bill was drafted initially, it stated that when someone loaned a firearm to another person the registration certificate for the firearm had to be loaned along with the firearm. I expressed my concerns to the minister about this provision. Both aboriginal and non–aboriginal groups who appeared before the justice committee also raised the lending provision as an issue. They talked about the impracticality of lending a registration certificate along with a firearm when someone is out on the land hunting for food.

Again, the minister and the government responded to the concern. The amendment made to the bill by the minister removes the requirement to transfer the registration certificate along with the firearm when the firearm is being loaned to someone who will be hunting for sustenance purposes.

This is a practical change. The government is acknowledging a way of life in rural and remote communities. Lending firearms is a common occurrence in the north, where I come from. Lending your firearm in the north is as common as lending a lawnmower to your neighbour or borrowing a cup of sugar from your neighbour in the southern parts of Canada. In northern communities, when your neighbour needs something you have in order to put food on the table, you help out in whatever way you can. Sometimes you lend your skidoo, sometimes gas, and sometimes your gun.

The change the minister has made to the lending provisions of the bill responds to the very real circumstances of all sustenance hunters, aboriginal and non–aboriginal. It is a positive change and I welcome it and I thank the minister for his consideration.

(1220)

There are some other issues related to the bill that will need to be addressed and worked out between the federal government, the government of the Northwest Territories and aboriginal peoples.

The firearms safety training course has to recognize northern circumstances. In the north it must reflect and be adapted to the northern reality. Accommodation should be made for the aboriginal languages. I encourage both the federal and territorial governments to continue working on this matter.

The issue of traditional gun giving is also one I am sure will be addressed in discussions between government and aboriginal representatives.

I am confident these issues can be worked out satisfactorily. Reasonable people working together in a spirit of good will can sort these things out.

I support this bill. It is better now following the committee hearings and report stage. Many changes have been made to the bill to improve it.

I had some concerns, which the minister has gone a long way to address. Protections for the Inuit way of life are contained in the Nunavut land claims agreement and the Constitution of Canada. The bill contains a clause that says the government will discuss with Inuit how the bill is to be implemented in Inuit communities. Our communities will be able to have their own firearms officers. Sustenance hunting is recognized in the bill and we are doubly protected now with the addition of the clause that says that nothing in the bill can take away or limit aboriginal and treaty hunting rights.

I have never had any problem with the principles of this bill. I have no problem with gun registration. I am a hunter. I am an aboriginal hunter. I am not afraid of registering my firearms. I may experience some inconvenience with registration, but I support the principles underlying it.

The overriding objective of gun registration is public safety. I am prepared to do my part.

[*English*]

The Speaker: During the question and comment period I would ask if the hon. member would consider that in whatever official language the question is asked, he would consider answering in one of the official languages.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I would like to thank the hon. member for Nunatsiaq for his comments.

I notice that he spent his time reassuring his constituents that the bill would not be too harsh on them. I know that even the use of his language was an effort to better communicate that to his constituents.

I also have made an effort to consult and to try to get the feelings from my constituents as well. I had a town hall meeting to discuss this bill in an open forum. I could not get a representative from the justice department to present the government side. No one would come. I could not get anyone from the police chiefs to come to put their spin on it. I just could not get them. I could not get a representative from Wendy Cukier and her gun control group. They would not come. Frankly, I could not get anyone to come to defend the bill in a public forum.

A dentist got up at this public meeting and said that he wanted to shoot recreationally. He said that he wanted to shoot a handgun. He was pretty nervous. He said: ''This is my first ever public presentation, but this is what I have to go through already. I decide that I want to take the course and it takes me a year to get a handgun. I have to get an FAC. I have to go through the course. I have to spend money. I have to have a background check. I have to allow them to question my neighbours. They do a criminal check on me. When I finally get a firearm, I can only transport it in the trunk of my car. Any other guns I might have are locked up; they have a trigger lock and the ammunition is separate.''

(1225)

This is already the case in Canada. In Canada we do not allow sawed off shotguns; we do not allow automatic weapons; we do not allow machine guns. This just is not allowed. People watching should know these things are already not allowed. The gun owners by and large say they are willing to go through the hoops, that it is a pain and they question its effectiveness, but they are willing to do it because they are law–abiding citizens. But they also say that there comes a time when they do not know what they are going to do any more: ''I can't do more than I'm doing. I am not the problem''.

The constituents of the member for Nunatsiaq are not the problem. The problem is the criminal element. This bill does very little to clamp down on the criminal misuse of firearms. This dentist who gave a speech and the other gun owners I have talked to say that when we find a criminal misusing a firearm, using it in the commission of a crime, we should throw them away for the rest of their lives: ''I don't care, because they're not part of us. They're not law–abiding citizens, so throw the book at them''. The problem is this bill is primarily concerned with the law–abiding citizens.

My question to the member is how will the universal registration portion of this bill make my constituent, this dentist, feel any safer? He has already jumped through a full year's worth of regulations trying to be a totally law–abiding citizen. Now he finds out that is not enough. He is exasperated, and I share his exasperation.

Mr. Anawak:

[*Editor's Note: Member spoke in Inuktitut.*]

[*English*]

Mr. Speaker, do you know what the problem is? The problem is we are too much of a me, me, me society, rather than we, we, we. We should be looking after the interests of Canadian people as a whole. Instead, what is happening with the gun control lobby is ''You're going to take away my right to have a firearm''. This is not a right; it is a privilege to have a firearm.

A little bit of inconvenience in registering a rifle should be no big deal. I really do not have a problem with the registration.

By the way, I should also thank the House for its indulgence in allowing me to speak Inuktitut earlier.

It is too much of a me, me, me society, rather than one that considers what is good for the country. I would like the members from Reform to support us on the issue of a non–derogation clause. Yesterday they did not support us after the hon. member for Crowfoot said: ''I find it unacceptable that the government will make agreements with our aboriginal people and then violate those agreements. This is unacceptable. What's the purpose of the agreement and where is the honour in the agreement if it's simply going to be violated? No wonder the aboriginal people come forward. I admire your patience. I can't get over your patience in the face of this kind of treatment''. This was from the member for Crowfoot. Then last night he voted against a non–derogation clause, which recognizes our rights under section 35 of the Constitution.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, everyone has an opinion on Bill C–68. From Lutselk'e in the Northwest Territories to Blanc–Sablon, the bill has been discussed in our homes, in our communities and especially in this House. The debate continues down into the last stretch. Yesterday again we talked about it for hours in this House.

(1230)

The main source of controversy in Bill C–68 is undoubtedly the proposal for a national registration system.

This universal registration system will consist of a computerized registry listing the names and addresses of firearms owners and a description of the firearms in their possession. The system will be operated by the RCMP.

Firearm owners have to apply for the new ownership licence starting in January 1996 and will have until 2001 to register. Firearms will have to be registered starting in January 1998, and owners will have until 2003 to do so.

Reform Party members, the pro–gun lobby and several Liberal colleagues of the Minister of Justice are pleased about the fact that the minimum sentence for using a firearm in the commission of an offence has been increased and that existing owners of

firearms have a grace period of nearly eight years to comply with the national registration system proposed by the minister in Bill C–68.

I am convinced that registration of firearms plus ownership licences will have a positive impact on homicide and suicide rates and on controlling the number of firearms in circulation.

We cannot ignore the statistics on deaths caused by the use of firearms. Guns are used in more than one third of homicides in Canada. In the past ten years, the majority of homicides were committed using shotguns or hunting rifles.

In their presentation to the Standing Committee on Justice and Legal Affairs, the Conférence des régies régionales de la santé et des services sociaux du Québec gave a telling summary of the situation in Quebec, and I quote: ''In Quebec, firearms claim at least one victim per day or 420 deaths annually, of which 7 out of 10 are suicides. During the same twelve–month period, 400 people in Quebec died of AIDS, 400 died due to accidental falls, 900 in car accidents, 100 by drowning and 80 of accidental poisoning. The number of deaths caused by firearms is comparable to many other health problems that have raised the concerns of the public, the media and government. The annual economic cost of the wrongful use of firearms has been estimated, in 1993 Canadian dollars, at $6.595 billion in Canada and $1.659 billion in Quebec alone. The vast majority of deaths caused by gunshots occur in the home, with legally acquired rifles''.

These are the depressing facts, and we cannot ignore them. Gun control is necessary in a society that wants to curb violence and enhance public safety.

The Bloc Quebecois is in favour of gun control that does not however, discriminate against those who use guns responsibly. The Bloc Quebecois and 90 per cent of the people of Quebec support firearms registration. That is the kind of society we want.

The bill is well received by Quebecers who are looking for ways to keep our society peaceful and secure and to combat smuggling more effectively. Like women across the country, women in Quebec support stricter gun controls. This is not surprising since they also have the highest rate of deaths due to gunshot wounds.

In all opinion polls, women and the more highly educated were 88 per cent in favour of a registration system for all firearms. On the other hand, men in general were only 78 per cent in favour of gun registration.

I have upset some people by saying that gender had a lot to do with this debate on the future of our society. The statistics show I was right, for the following reasons: The first is obvious; the statistics speak for themselves as regards women's support for gun registration. The second is that men are generally the aggressors, while women are more often than not at the other end of the barrel.

(1235)

Even the Minister of Justice agreed with me, when he cited disturbing statistics. On the average, a woman dies through the discharge of a firearm every six days in Canada. Three times out of four, the murdered wife was shot with a rifle or a shotgun. Firearms control, whether we want to admit it or not, is a matter of gender: that of the victims and that of the women who support Bill C–68 by an overwhelming majority.

For reasons I set out earlier, I believe the establishment of a national registration system is a positive step. I must repeat, however, my considerable regret that the Minister of Justice yielded to the gun lobby.

By spreading the registration of owners and their weapons over eight years, the minister is making it clear that he does not want the system implemented while he is around. He should have shortened the registration period for firearms by two years. The system would have been in place next year.

There is no justification, either logistic or political, for firearms registration not to begin at the same time as licensing for ownership. Registration could have begun on January 1 next year and ended December 31, 2000.

We must remember that firearms are registered only once in the owner's lifetime. The certificate need not be renewed. The operation is a very simple one, requiring little of owners.

Lives could be saved if all firearms were registered quickly. What are we waiting for? I have chosen to live in a responsible society, and I hope my colleagues will make the same choice.

Allow my to express my delight at the end of fruitless debates and of the ineptitudes of the Reform Party. Bill C–68 will soon become a law that all Quebecers and Canadians will have to observe.

The Minister of Justice received a passing grade, barely, in this examination. His marketing operation proved a complete failure.

I have been interested in the matter of firearms since 1989 and I have never looked back. From the first, I fought for tightened gun control. As early as 1989, I asked that firearms sold in Canada be equipped with a safety locking device. I participated in the debate on Bill C–17 until it was passed in 1991.

Thank God, Reform members did not take part, and the pro–gun lobby had to find other allies in this House.

I am happy that the firearms bill will be adopted today. Although flawed, it represents a kind of social reform toward the safe and peaceful society I want.

Whatever Reform members may say, legislation on gun registration is not limited to New Zealand and Australia. If the Reform Party likes to use these examples, it is because the experience was a difficult one for these two countries. New Zealand had an obsolete, manual system that had been introduced after the first world war.

Like Canada, Australia is a federal state, but gun regulations come under the jurisdiction of the states and territories. It seems difficult to standardize a national registration system, when it comes under the jurisdiction of states with different sets of laws.

In any event, for the information of my Reform colleagues, I would like to talk briefly about other countries in the world that have introduced gun control measures. I welcome the idea that we will soon be part of this responsible community.

(1240)

In China, a non–professional hunter can obtain a licence allowing him to own a weapon, but he cannot own more than two.

In the Czech Republic, an applicant must specify the reasons why he wants a licence and attach recommendation letters as well as a medical certificate vouching for his physical and mental health. The licence is valid for a three month period only. After obtaining his licence, the potential gun buyer must receive authorization from the district police. He must then, in the following days, take the gun he bought to the district police for registration.

In France, the registration data includes the buyer's name, place of residence and birthplace. Firearms must be registered with the gendarmerie. In France also, certain individuals are not allowed to purchase firearms, for instance those convicted of a crime or sentenced to prison for more than three months; those who are mentally disabled; those on probation; and finally, violent alcoholics.

In Germany, manufacturers and gunsmiths are required by law to apply various procedures, such as record keeping, labelling and notifying. These procedures are designed to help the authorities keep accurate records on firearms and ammunition belonging to private or business interests.

In Great Britain, anyone who has a firearm, whether they own it or not, must register it and get a licence.

In Greece, to be eligible to hold a licence, applicants must be 21 years of age and substantiate their need to have a firearm for personal safety, guarding a public building or target shooting. Firearms registration is mandatory and the licence to possess firearms must be renewed every three months.

These are a few countries around the world where firearms control was a societal choice. India, Israel, Sweden, South Africa, Poland, the Netherlands, Mexico, Malaysia, Japan and others also have similar legislation.

As you can see, contrary to what the third party would have us believe, responsible governments are not only found in Western Canada.

In addition, Bill C–68 as amended by the Standing Committee on Justice recognizes, in clause 7, long gun safety courses approved by the provinces. In Quebec, safety courses were approved by the Minister of Public Security in 1969 and have been offered ever since.

Quebecers who have undergone training in firearms handling in recent years should not have to take the course again to comply with the new legislation. Therefore, the Bloc Quebecois supports clause 7, as poorly worded as it is, since people who have already taken the safety course will not be compelled to take it again.

In closing, I would like to thank the Standing Committee on Justice and the 70 organizations and individuals who have travelled to Ottawa to express their views on Bill C–68 at the committee hearings.

Let us bear in mind that every major social project has raised controversy. Bill C–68 is one of those. Our efforts will not have been in vain.

[*English*]

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I appreciate the opportunity to ask a couple of questions and make a couple of comments on the member's statement.

I am not sure what suppositions she starts from but I would like to comment on two or three. She mentioned that if we register weapons we must register guns because often rifles are used in suicides, murders, domestic disputes or whatever. I do not see how registering them makes any difference. If a person is crazy and is going to shoot somebody, does it matter if it is a registered weapon or an unregistered weapon hanging on the wall? I do not see how it really makes any difference. If someone is crazy enough to shoot somebody, he or she will do it anyway.

(1245)

I want to show it is not the registry that controls crime but other factors that can help to control crime. For example, Florida relaxed its gun laws in 1987. The murder rate has fallen

20 per cent and is now lower than the American national average.

Great Britain introduced tougher, more restrictive laws in 1988 which lowered the number of guns by 22 per cent and its violent crime rate has doubled.

The hon. member mentioned, for example, Israel, Switzerland and Sweden, that have firearm registration. I am not that familiar with them except to say that in Israel every able–bodied male of military age has an assault rifle in his house, not just a shotgun. He has a weapon with which to go to war.

For my relatives in Sweden every single man must go through military training and keeps the gat right in the House. Registering them is not a factor. It is other things and what we do to prosecute and persecute those who are involved in the criminal use of firearms.

Concerning the suicide argument, in Japan for example virtually no guns are allowed. They are banned in Japan. The suicide rate is much higher than Canada's. Just banning guns will not necessarily do away with suicides or domestic violence.

It is a horrible thing but men, not that we take any comfort in it, are assaulted at probably 10 times the rate of women by other men. Men glory in shooting other men too. Some people are crazy and we cannot legislate against that. Registering weapons will not do away with those people. We need an absolute clampdown on the criminal misuse of firearms.

I had a case in my riding. A guy sneaked across the American border in Columbia valley. He had with him a totally unregistered firearm, a .357 magnum, shoved in his jacket. He was stopped by a police officer. He knocked the police officer down. He stuck the muzzle of the gun in the female officer's mouth and said: ''I'm going to kill you''. He had plastic bullets which are only used for destroying people.

Thankfully someone intervened and was able to talk him out of this incident, although he threatened to kill two people. He had two firearms because he stole the police officer's firearm as well. He stole the police vehicle, took it up into the mountains nearby and torched, to the tune of about $40,000.

He had committed illegal entry. He had an unregistered illegal firearm. He had assaulted a police officer. He had threatened to murder two people. He had some drugs on him. On and on it went. Finally they tracked the guy down and caught him. What did he get? They dropped the firearms offences and for all of the incidents he got 15 months in jail.

That guy should have been thrown in jail for 25 years. That is how we should handle misuse of firearms. That guy will be on the streets by June, I suppose with a totally unregistered illegal firearm waiting to threaten to kill the next person.

My question for the member is this. Is it not true that what we need in Canada is not more control of law–abiding citizens but stricter control and stricter sentences against those who misuse firearms?

(1250)

[*Translation*]

Mrs. Venne: Mr. Speaker, I would like to give an answer to the member who asked why firearms should be registered, since it will not serve any purpose, etc. We heard his speech. I want to tell him that the purpose of registration is, first and foremost, to make people realize that a firearm is something designed to kill. It is not a toy.

Some may claim that westerners are born with a gun in each hand, the fact remains that these guns were made to kill. This is the message being sent to the public right now. People must be aware that a firearm is dangerous. Once they realize that, they will give more thought to registering their guns, since the registration process requires that some steps be taken, through the mail or otherwise. People will ask themselves: Should I keep that firearm in the house? Is it necessary? Do I really need it, or am I just keeping it in some corner without taking real care of it, without being concerned about it and about the fact that anybody could use it to commit an offence?

So, people will ask themselves if they need a firearm. I personally have firearms in my house. I am a hunter, but I have not gone hunting since 1992. As you know, the hunting season is in the fall. In 1992, we had the referendum on the Charlottetown Accord. In 1993, the federal election took place. In 1994, a provincial election was held in Quebec. And in 1995, we will have a referendum in our province. I had to give up hunting over the past few years, and I now wonder if I should keep my guns.

I discussed the issue with my spouse and he agreed that, indeed, if we do not go hunting any more, then we should consider getting rid of these guns. I should add that, this year, my name was randomly selected to go goose hunting in Cap–Tourmente. This is an exceptional opportunity but, of course, I will not be able to make it because something more important will take place in Quebec, that is the referendum, and I will have to be there of course.

So, we have to consider whether we want to keep our firearms at home, since we no longer use them. Do we really want to keep hunting? Can we still go hunting? Do we still have time for that activity? The fact that we need a license to own a gun, and that we have to register guns, makes us think about the whole issue and, as far I am concerned, promoting this kind of awareness is the purpose of that legislation. The other goal is of course to make our society safer, but the primary purpose is to make people aware of the fact that a gun is something that kills.

[*English*]

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, although there is so much to add to what has been said already, I will keep my remarks very specific and short.

The hon. member talks about awareness. I would like to bring to the attention of the House some other information and ask for her support at the same time.

The hon. member was here earlier in the day when the member for Ottawa West commented that later today she was going to drive to the airport to pick up her daughter and grandson and return to the House to vote.

If we can believe the statistics that have been collected, if the hon. member for Ottawa West or any other member were to drive to the airport in Saskatchewan, the chances of being injured or killed on the way to or from the airport or on the way to or from any community in the province would be much higher than being injured or killed by a firearm.

According to statistics collected regarding the Trans–Canada and Yellowhead highway in Saskatchewan, let me briefly put three statistics on record. The number of accidents, injuries and fatalities over five years in the province of Saskatchewan, average per year accidents are 1,026 injured; 389 fatalities; 24 on the highway.

Firearm statistics: the five–year average in the province of Saskatchewan gives number of accidents with firearms, 18; number of injuries, 16; number killed, 2.6.

(1255)

The third statistic, five–year average, the total number of homicides in the province of Saskatchewan are 28.2. The five–year average, number of homicides involving guns, 5.4. The average number of people killed on the highways in Saskatchewan average 24 a year. The average number of people killed in gun related homicides, 5 per year.

This year the federal government has withdrawn all support for the national highways program. There is no commitment of federal funds to support the upgrading of highways in the province of Saskatchewan yet it is imposing increase costs on the people of Saskatchewan for safety reasons, to register firearms.

I wonder if the representative of Canada's official opposition can tell us in the interests of safety whether she is as committed to national highways funding as she is committed to the national gun registry?

[*Translation*]

Mrs. Venne: Mr. Speaker, I will be very brief. The member wonders what difference there is between a car and a firearm. It is very simple: A car is used for transportation purposes, while a firearm is used to kill.

Mr. Patrick Gagnon (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I would like to share my time with another government member.

Bill C–68, as drafted, has certainly raised a great deal of interest throughout Canada, particularly in the western provinces. One thing we can say is that this bill does in fact have the approval and support of a large number of Canadians.

First of all, let us be clear that almost 80 per cent of Canadians are in favour of this bill, including 90 per cent of Quebecers, and I have also learned that 68 per cent to close to 80 per cent of Albertans back the government's gun control bill.

Throughout this debate, we have listened to the opposition describe for us their vision of Canadian society. It is not a vision I share, particularly the vision of the members of the third party, who accuse us of daring to compare Canada and the United States. They would have us believe that the Canadian government wants to limit the rights of its citizens. Their allegation that the Canadian government, and especially the justice department, is violating the most fundamental rights of Canadians, is simply not true.

I would also like to tell you that I come from a small community where rifles and hunting are part of everyday life. My grandfather was and my own father to this day is an avid hunter. With him, I explored the forests of this country, especially those in the Gaspé area. My father also taught me how to handle a firearm and I can only say I am most grateful. He did, however, instill in me a certain respect for firearms and the danger they can represent for society and for the individual.

[*English*]

It is important to make the statement that never did the government ever intend to withdraw the right to hunt. That is a fundamental right we all share. However, it is the view of the government to make sure that people understand that owning a gun is a privilege. It is an item, a tool which we use that requires a lot of respect, requires some amount of control.

I will not on any further about my personal experiences. A number of people testified in committee over the course of the past few months and without any doubt there is a definite need for gun control.

(1300)

There are all kinds of reasons; social reasons such as health and safety which require some kind of control in order to maintain the Canada we know, the kind of society that regrettably some of us might take for granted.

We were also told through allegations made by the opposition that the registration of guns would cost approximately $300 million. That is absolutely false. We have to make it very clear to all Canadians that the registration of guns will basically cost $10 up to a maximum of 10 firearms.

We are not confiscating weapons. We are asking Canadians to register their guns. We register dogs and automobiles and all kinds of things. It is very important to underline the cost and not to pursue the exaggerations put forward by the third party.

The Minister of Justice said the cost of this program will be approximately an $85 million disbursement over the next five years. However, having listened to the testimonials from various health groups we were also told we would probably save $100 million a year in various incarceration costs because there would be fewer Canadians either murdered or facing justice, fewer Canadians in the courts. The cost savings are quite incredible.

Health officials from Quebec and other provinces estimated that in terms of lost productivity, economics, trauma care, the general cost to society once one has been either a victim of crime or a family member of a victim, close to $6 billion a year is lost in total Canadian productivity. Six billion dollars is an incredible amount of money. These stats which were brought to our attention we must use in order to demonstrate to the opposition and to the Canadian population that in the end with the registration of guns we are actually saving Canadians money and we are also obviously saving lives.

Other aspects of the bill I find most interesting. Violence seems to be more and more of a preoccupation of the general public, and with reason especially in terms of guns. It was well explained to us by the opposition this morning, by the hon. member from Saint Hubert, but I think it is worth repeating. A statistic provided to us by a number of our witnesses states one stands twice the chance of being injured or killed by a firearm in rural Canada compared with any other urban area. One stands twice the chance because of the prevalence, the existence of firearms in these communities.

We are also told according to the New England *Journal of Medicine* that with the presence of a gun in a home there is five times the chance of someone committing suicide. With the presence of a gun in a home there is three times the chance of a homicide.

We also know guns are often the weapon of choice in domestic violence. Let us discuss domestic violence. I think it is a preoccupation shared by all parliamentarians regardless of their political stripe. We are told 87 per cent of victims of violence know their aggressors. We also learned 84 per cent of victims are women. Sixty–one per cent of the weapons used were long guns legally acquired. There is obviously a certain correlation with a weapon in a home and violence in the family. We must address that.

(1305)

I could go on and speak more about the police who would like to know when they go to a home following a call on conjugal violence what they will face. Does a police officer not have the right to know what is in the home, 12 gauge, a .22, whether there is a history of conjugal violence? Is the person in possession of a gun at a certain address posing a problem to his family and does he have a history of causing problems to society? Those are legitimate questions which police officers must ask every day. We are not only doing it for them, we are doing it for the families. We are doing it for the victims, for society as a whole. These are the questions we must ask.

I would like to conclude on a positive note but regrettably I cannot. I am thinking of my brother who was at l'École polytechnique in December of 1989 and tells me the story of a young women he knew very well. She was in her late twenties. She had the courage to return to school and was on her way to write her final examination. My brother had bade her farewell, wishing her the best of luck in her work, in her new career. On that dreadful day in December of 1989 he was to learn a few hours later that she was the victim of one of the most cruel crimes ever committed in Canada.

The passage of this bill will keep in mind the victims and will keep in mind those who regrettably could have been protected had such a law existed. I am hoping to pass this law for the victims of l'École polytechnique and above all to make sure fewer crimes and fewer deaths will result in the years to come.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, all of Canada heard it from this hon. member and the hon. member for Nunatsiaq who preceded him. Let it be known the Liberal government has made a statement today on two occasions that it is not a right to own a firearm but rather a privilege. Liberal members have made the judgment that a citizen is privileged to own property. Will they extend that philosophy to the right or privilege of Canadians to own cars, houses, boats, to go on a vacation, to vote freely? Is it a right or a privilege?

I would like the hon. member to stand in the House, look right into the television camera and tell every aboriginal person it is not a right for them to own a gun but a privilege.

The member said that in rural Canada a person has twice the chance of being injured by a firearm, that where firearms are present there is five times the chance of suicide and that where firearms are present there is three times the chance of homicide. We have asked the government time and time again during this debate and I ask this member now to give us one substantive, specific piece of evidence that if a firearm were registered these statistics would be different.

(1310)

We have asked the government on many occasions and it has not supplied to the House one substantive piece of evidence to support its claim that registration of firearms will cut down on accidents, crime or suicides. Registration will not affect this.

I have talked to many law enforcement officers across the country specifically about officers attending the scene of a domestic disturbance. They have told me to the number that any police officer who attempts to enter a residence where there is a reported domestic disturbance and who does not first and foremost assume automatically there could be a firearm in there will not be on that beat tomorrow.

The member told about this grand plan that the police officers would know in advance whether there is a firearm there. Now they automatically assume there is a firearm and have been doing that for many years. Many of police officers have told me the reason they are staying alive today is they assume and take precautions which is part of their training.

I ask the member to stand up, face the cameras and tell all of Canada including aboriginal peoples that owning a firearm is a privilege extended to them by the Liberal Government of Canada.

The Acting Speaker (Mr. Kilger): I caution the hon. parliamentary secretary that he has only one minute remaining to respond. I ask members to be aware that when members are speaking for only 10 minutes there are only five minutes of questions and comments. Accordingly, if a member uses the entire five minutes there will be virtually no time to respond.

Mr. Gagnon: Mr. Speaker, in the United States one has the right to bear arms. In Canada it is peace, order and good government. This is what we are attempting to do.

We will defend the right to hunt but like anything else sometimes there are privileges and owning a gun is one of them. This is not the United States. This is Canada. We are Canadians. We have lived and abided by this philosophy. One thing the bill will certainly prove is that the rule of law will prevail.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is not a right to own a firearm in the United States either. The Supreme Court of the United States stated the second amendment to the U.S. constitution giving the right to bear arms applies to state militias in their wish to defend against an arbitrary national government. That was the point of view of the amendment, not to give individuals the right to bear arms. This is a misunderstanding many Americans and certainly a great many Canadians have. However, the subject is not the United States.

Bill C–68 is at third reading now. We wanted to create a bill which will be fairer to lawful gun owners and which will offer additional protection to Canadian citizens and reduce crime.

Members opposite ask how we will reduce crime and how many lives will we save. I have to agree there is no common denominator that is going to give us that figure. Certainly with the information available from witnesses who appeared before the committee we have every reason to believe a good many lives will be saved.

(1315)

I want to talk about what we are going to require from a firearms owner who has 10 or fewer long guns. We are going to ask that person to register his or her firearms. The registration will take place between January 1, 1998 and December 31, 2003. The cost for registering the firearms will probably be nothing to begin with or for the most part will be $10. One will also be able to register 10 firearms for the amount of $10. Toward the end of the five year period that figure may go from $10 to as high as $18 for the registration of 10 firearms.

For someone who has 10 long guns there will not be an inspection of that person's home. If there are 10 or fewer firearms there is no inspection whatsoever for safe storage. If in any case an inspector requires verification of a serial number or other information, that verification would take place outside the home or perhaps the owner could be requested to bring his or her firearm to the inspector's office.

Mr. Hill (Prince George—Peace River): Or they might come to the home.

Mr. MacLellan: They do not go inside the home. If it is more beneficial for the individual to have the inspector come to the home, the inspector could wait outside the door while the individual brings the firearm for verification. There is no right of that inspector to go into the home.

We are saying it will cost a maximum of $18 but more likely $10 for the registration of 10 firearms for life. Those firearms do not need to be registered again unless they are sold to someone else. That is the situation.

If an individual wants to gain a possession licence then that registration will take place beginning January 1, 1996 and will continue for five years until December 31, 2001. The cost of the possession licence will not be anything to begin with. There will be a fee after the system has been in operation for a while during the five year period. For those who want to renew their firearms acquisition certificate and gain a possession licence toward the end of the five year period, it could be as much as $60. That would give the person a possession licence for five years.

There is going to be a training course for those who want to purchase a new firearm. This requirement is in place at the present time. However, if someone wants a possession licence,

already has firearms and has no intention of buying new firearms, then the training course will not be required.

There is nothing here that is going to dreadfully harm the lawful gun owner. Sure there is going to be an inconvenience and there are going to be other things in the regulations which may be an inconvenience.

The member for Saint–Hubert talked about trigger locks. The regulations are going to require that new firearms purchased at retail dealers have a trigger lock on purchase.

(1320)

That is not going to be a major inconvenience. It is going to be a safety factor. What we want to do is to create safety in the homes, to ask for and require safe storage, not to unduly interfere with the rights of the individual. By registration and requiring safe storage, we hope people will realize what a firearm can mean in the hands of someone who would use it improperly, whether that is someone who steals the firearm from the home or someone who is intending to commit suicide.

We have heard time and again in this House and in committee that in Canada on average there are 1,400 people killed by firearms every year. Approximately 1,100 of those are suicides. If the gun is not readily available, the chance of that suicide taking place has diminished. If there is a locked door, even if it is a glass door, and the key is somewhere else, it is going to be somewhat of an effort to find that key. If the ammunition is somewhere else, it is going to be a deterrent.

Many people have told us that some people fail to plan a suicide well in advance. Sometimes it is an instant decision. Some people decide they want to use firearms. If they do not use a firearm, they will not use anything else. Psychiatrists have told us that in committee.

We made very important amendments to this bill in committee. I think personally it is a much better bill now than it was before it went to committee.

We have taken the first offence for the non–registration of long guns out of the Criminal Code and put it in the firearms act. We have changed the inspection provisions, an example of which I gave earlier.

For those who are veterans, those who have heirlooms and relics, handguns which would otherwise be prohibited and only sold to those who have similar firearms, they can pass them along to members of their family. These handguns are mementoes of a very important time in some people's lives, perhaps when they served overseas. This is extremely important and is the sort of thing we want to do. We did it because we heard witnesses and because the members of the committee worked together.

This bill is going to be a good act. It is not going to be a perfect one but it is going to be a good one. Along with the other things this government hopes to do, it will reduce crime in Canada.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, I am very interested to hear the hon. parliamentary secretary is already changing the bill. It has not even been passed yet. I wonder if this comes under section 110.

Bring the guns to the door indeed. We know better than that. It is not in the bill and the hon. member should not say things like that.

He talks about the right and privilege question again. I wonder, when did the common law die in North America if what the hon. member says is true. I believe the hon. member is a lawyer. I hope he has read his Blackstone. If he has not, I might refresh his memory.

Blackstone's chronicles state that any Englishman has the right to possess personal weapons. Without those personal weapons, no other rights of Englishmen are effective. They are void. That is very clearly spelled out. It is a long and ancient tradition in the English speaking world.

Now that it has been declared by the Liberal government that firearms, a piece of property, are something we are privileged to own, what other types of property does this government intend to declare a privilege, seditious literature perhaps? Where do we go from here?

The hon. member mentioned the question of veterans and their heirlooms. I do not know how many letters I and other members have received that begin with words: ''I carried a gun for my country for three years and now my country does not trust me with a gun. What is happening to my country?'' I would like to hear the hon. parliamentary secretary's comments on that. That is a very common observation I have run into. In fact the most vociferous opponents to this legislation or gun control legislation in general actually are the veterans.

(1325)

Mr. MacLellan: Mr. Speaker, I will deal with the last point first with respect to the veterans who have a lot of firearms. In Atlantic Canada a great many of the veterans have Enfields. That is a long gun which is neither prohibited nor restricted now, nor will it be after this bill is passed. It will not be restricted in any way. It will have to be registered but it can be utilized as it was before. It can be passed on by the owner to anyone he or she wishes. Other than registration there is no further change in the ownership for that individual. The firearm will have to be licensed.

Mr. Morrison: That is the point.

Mr. Gouk: What about the 600,000 you are taking away?

The Acting Speaker (Mr. Kilger): Order. Clearly this is a serious matter the House is deliberating. All interventions must be made through the Chair. We are certainly feeding on each other's time. With the little time left for the hon. parliamentary secretary I would ask him to be succinct.

Mr. MacLellan: The only difference will be that there will be registration, the possession licence for the owner and a registration certificate for the firearm. Nothing else will change.

With respect to the owner of the firearm coming to the door to show and give pertinent information to an inspector, that is exactly what can happen with an agreement between the two parties. That is not a difficult situation.

With respect to the right to bear firearms, the hon. member is talking about the bill of rights in the U.K. which was passed in the 17th century and gave the right to bear arms. He will also note there has been very meaningful gun control in the United Kingdom. If it applied to the right of every individual to have any kind of firearm he or she wanted, then certainly that gun control would not have taken place.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, the rest of the Reform speakers will be dividing their time.

[*Translation*]

I am pleased to have the opportunity to present my arguments regarding Bill C–68. I would like to begin by reading excerpts from a letter which was read in the House in 1976 during the debate on Bill C–83.

I quote: ''The proposal to give bureaucrats the authority to determine who may or may not possess a firearm is an alarming example of the philosophy that ''all that is not compulsory must be prohibited''. If this measure is to become law, it is not difficult to predict that within a few years firearms in Canada will be restricted to a privileged few and that these arms will all be registered with their serial number. Subsequently it would be easy for a megalomaniac government to seize all rifles under the pretence of emergency measures and therefore secure the submissiveness of the people. If you think that the present government's policy is indeed very moderate and my fears exaggerated and unjustified, or even paranoiac, let me remind you that fascism is like cancer: if they are not restrained from the very beginning, they can completely destroy our system.

''There is no proof that firearm control can effectively reduce the rate of crime except in a totalitarian state. Of course, with a total lack of freedom and with the support of relentless police forces there is not much violent crime''.

(1330)

''But having lived and worked in some of those peaceful paradises I do not hesitate to take the moderate risks and responsibilities involved in living in a free society even if it is armed.''

''If my government is not afraid of me, in return I will have no reason to fear that same government. If this moderately repressive measure becomes law, I will start to become alarmed''.

I wrote this letter and Réal Caouette, the hon. member for Abitibi, read it. Things have not changed: the Liberals are still proposing repressive laws and I am still defending the rights of individual citizens.

I am, I always have been and I always will be opposed to the registration of firearms used for hunting, searches without warrants, the confiscation of private property without compensation and a minister being invested with the power to issue regulations without the approval of Parliament. A reform government would put an end to all of this; we promise.

Currently, Quebecers in rural areas and in the north—farmers, lumberjacks, trappers, etc.—are not being represented by their MPs.

Liberal, Conservative and Bloc members all refused to support the hundreds of thousands of members of a seven–group coalition from Quebec who are opposed to Bill C–68. Ultimately, the Reform Party decided to represent their interests in Parliament.

[*English*]

Réal Caouette knew that I was not one of his supporters, but he presented my letter here for the same reason that we Reformers are representing the people of rural Quebec. He was a genuine populist and he despised the unnecessary heavy hand of government.

We here are all aware of the threats to civil liberty in clauses 99 to 112 of Bill C–68, even with the feeble conciliatory amendments made in committee. These clauses have been discussed in detail, both in the House and at scores of information meetings and mass rallies throughout the country. And they were at least partly reflected in the recent landslide won by Ontario politicians who came out and strongly opposed Bill C–68.

Instead of further addressing those clauses, I would like to draw the attention of the House to some little–known historical information. I have been studying the weapons laws of pre–war Germany, and they are very closely parallel to existing and proposed laws in Canada. I will read a couple of examples. ''Firearms acquisition permits must only be issued to persons of undoubted reliability, and only upon proof of need''. Here is another: ''Firearms can only be professionally sold or otherwise transferred domestically if they bear the manufacturer's or

dealer's company name or registered trademark and a consecutive manufacturer's serial number''.

The legislation also provided for confiscations without legal action and without compensation, for the prohibition of certain types of weapons, and for arbitrary changes in regulations and fees.

In fact, the justice minister could have saved a lot of money by dismissing his high–priced legal help, getting a copy of the Reichtag legislation and running it through a photocopier, except that this document contains no search and seizure provision. Of course, outside of the English–speaking world search warrants are of as little consequence as they are to our Minister of Justice. And the penalties for non–compliance were much lighter than those proposed in Bill C–68. O Canada.

(1335)

Some friends have suggested to me that I should not talk about these matters because by drawing attention to the recent past I am going to somehow destroy my credibility as an opponent of gun control by being too strident, too extreme. I disagree. After all, I am only the messenger drawing attention to irrefutable historical fact. Anti–gun people, above all others, should not shoot the messenger.

The laws are essentially the same. What I want people here to understand is that governments often chip away at civil liberty little by little by little. A common destination can be reached by many different roads. I am certainly not suggesting that the self–righteous authoritarianism of this government places it on the same level as the Third Reich. In fact I am satisfied that everything the Liberals and Conservatives have done and propose to do regarding guns reflects a sincere belief that gun control will somehow reduce violent crime.

The fact that this is not logical and has not worked anywhere else where it has been tried does not deter them, because they are driven not by logic but by their elitist prejudices. And prejudice is a very weak foundation on which to build the laws of a nation.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I have been listening to the debate now for the last couple of hours and I find it very, very interesting to listen to the doublespeak and the doubletalk and all the rhetoric that has been going on.

I listened to the first speech given by the justice minister, and he made a statement that I think all of Canada ought to know. It is one of the most ridiculous statements I have ever heard. He said that criminals will identify themselves because they will not register their guns. Criminals will identify themselves. I am not taking that statement out of context. If that is not doublespeak, if that is not one of the most ridiculous things I have ever heard! By targeting law–abiding citizens, he said we will somehow flush out the criminal element.

The people of Canada ought to know what debate is taking place here today. He says the cost will be minimal. He says that we have too many guns in society and this will simply be a minor inconvenience. The contradictions are there. We have too many guns in society. We have to get rid of them, but this will only be a minor inconvenience. It will not really restrict law–abiding gun owners. Right there are the contradictions. They are talking out of both sides of their mouths. I have a difficult time sitting here calmly listening to this debate.

One of the things they say is that it will make society safer, and then they go on to explain how they are going to tie up the police and all of our resources. How does that make society safer when you are dealing with 99.99 per cent of the people who are not a problem and you are going to tie up your police behind their desks dealing with these law–abiding citizens rather than being out on the street dealing with the criminal element? That defies logic. That is speaking out of both sides of your mouth. That will never work.

They are going to increase our taxes. They are saying it will not cost very much, $10 for 10 guns, et cetera. Who is going to pay for it? The finance minister has admitted that the increase in taxes is destroying jobs. If they destroy jobs in this country, the first people who are going to suffer are the young men of this country. Do not tell me that is not a risk or will not increase crime in this country. They cannot have it both ways. They are actually doing the opposite of what they are leading us to believe in their speeches. This is really a problem.

(1340)

We have repeatedly stated that the registration system will provide information to the wrong people. It will fall into the wrong hands. A senior RCMP officer admitted that. He said there is no way we can prevent criminals from obtaining the information. We have a problem.

They talk about Great Britain and how much safer it is there. In Great Britain 59 per cent of the attempted burglaries are committed while someone is at home and the lights are on. In the U.S.A., less than 9 per cent of burglaries are committed when people are at home and the lights are on. Why? Because a criminal will not put himself at risk. I do not have time to go through the whole argument, but research shows that victims of attempted robbery and assault are less likely to be injured if they can defend themselves.

There are so many statements that contradict themselves. For example, the government proposes to ban .25 and .32 calibre handguns and handguns with barrel lengths of less than 4.14 inches, implying that will make society safer. What does that do? Does that restrict the criminal element? No. They will simply go to the guns that are larger and more effective.

Mr. Stinson: More killing power.

Mr. Breitkreuz (Yorkton—Melville): Yes, they will have more killing power, as my colleague has suggested.

This is convoluted logic. He says that over 500,000 handguns are dangerous and they need to be banned, but they are not dangerous if they leave them in the hands of their owners right now. There is a contradiction in what they are doing.

I wonder if my colleague would like to comment on some of the doublespeak, some of the contradictory statements we have been hearing today that somehow this will improve public safety. I rather doubt it will.

The Acting Speaker (Mr. Kilger): I do not doubt that the hon. colleague would like to respond, but the member has used up the entire five minutes for questions or comments.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, what is the alleged purpose of Bill C–68? To listen to the Liberals, Bill C–68 is somehow magically supposed to keep our homes and streets safer. However, simply put, Bill C–68 will not prevent the criminal misuse of firearms.

There are two principal parts to the bill to which many people object. The first is the registration of rifles and shotguns. Criminals will not register their guns. Even the Liberals admit that. Therefore, the legislation will do nothing to prevent premeditated crime. Criminals do not rob banks with hunting rifles. If shotguns are used they invariably use a barrel that has been sawed off, which makes it illegal and not registrable. Consequently, Bill C–68 will not effect any positive change.

The second part involves the banning of hundreds of thousands of currently legal sports firearms. I speak of .25 calibre, .32 calibre, and handguns with barrel lengths of 105 millimetres or less. According to the minister, the reason for the ban is the fact that these firearms are inaccurate and ineffective and therefore there is no justification for owning them. What is really inaccurate and ineffective is the minister's research that came up with this whole rationale.

The .32 calibre is the World Cup and Olympic calibre. Canada has won many cups and medals with this so–called inaccurate and ineffective firearm. Linda Thom, who used a firearm proposed to be banned under Bill C–68 to win a gold medal for Canada in an Olympic competition, said that she represents the minister and stated that the firearm she used was so inaccurate and ineffective that her winning that medal for Canada must have been a fluke.

Many people who have never used a gun assume that recreational shooting involves only buying a gun and a box of ammunition, going to the range, pointing at the target and pulling the trigger. If that were true it certainly would suggest that there is little sport involved in the activity. The truth is that real recreational and competitive shooting involves much more. The firearm itself requires much consideration and work, both in the selection and refinement of its use. Purchasers must consider barrel length, sighting radius, the type of sight, type of action, type and fit of grips, trigger pull, as well as many other considerations. Many of these items require changes and modifications to suit the type of shooting gun as well as the style and ability of the individual.

(1345)

Ammunition is rarely bought at the store but instead is custom loaded by the individual. Custom loaded ammunition is much more accurate than store bought. The actual loading is a specialized activity in itself. Each firearm shoots differently and the development of the best ammunition is an activity that requires time and dedication to the sport.

When one gets down to shooting, it involves much more than pointing at the target and pulling the trigger. Each club competition is rigidly controlled for both safety and enjoyment. The objectives of each shoot are designed to be both challenging and enjoyable. Participants compete against both their own abilities and those of other competitors.

Shooting involves the development of a series of skills, a great deal of practice and friendly competition, just like any other sport. Stereotyping of the sport of competitive shooters is not justifiable. Enthusiasts range from labourers to office workers, mechanics to doctors, men and women.

The minister claims, in rather vague terms, that registering rifles and shotguns will prevent crime and thus save lives. A total of 1,354 people died from firearm related incidents in 1992. This includes suicide, homicide, accidental death and legal intervention. The minister has not given any figures on his projections of lives to be saved as a result of the legislation or even demonstrated that any lives will in fact be saved. At the same time, he implies this is the principal reason for his action.

Many of the current supporters of the legislation do so with the rationalization that if it saves any lives at all then it is worth whatever it costs. Let us have a look at these costs. In doing this, I am going to use the minister's own figures despite the fact that I believe them to be inaccurate and misleading.

According to figures tabled by the minister at the justice committee it will now cost $118.9 million to set up the registration system. This is up from the original estimate of $85 million. What the minister avoids talking about is the actual cost of registration.

All handguns are registered now so we know the cost to the system to register a firearm. That cost is $82 per firearm. The minister and his advisor, Wendy Cukier, have estimated the number of rifles and shotguns in the country to be about six million, which is curious given the auditor general puts the figure around 18 million. Using the six million figure and the known cost of registration, puts the actual cost of registration at $492 million. If the true amount is halfway between the two

estimates on the number of firearms then there goes another billion dollars in bureaucratic spending.

Somehow I think that if we really worked at it we could find something better to spend that money on.

One in nine women will develop breast cancer during their lives. This year alone 17,000 women will be newly diagnosed with the disease and over 5,400 of those will die of breast cancer. If cancer of the testicles had statistics like this the men on the other side of the House would cross their legs and pass $500 million worth of funding for research and prevention before the end of a single day. They would tell the women on their side of the House how to vote as is the Liberal procedure.

However, as it stands now, they would rather spend $118.9 million setting up a registration program for rifles and shotguns without any evidence that it will save a single life.

I have done some research into the use of $118.9 million for the detection and treatment of breast cancer. The results were very interesting. This $118.9 million could double detection screening of women in the appropriate age group. Experts tell me that this would prevent about one–third of the current deaths from this dreaded disease. That amounts to 1,710 women a year. That is more people than the total number of firearm's related deaths and we have not heard one single word of evidence that even a single life would be saved through following the minister's ill–conceived legislation.

There would be those who would point out that this expenditure for breast cancer treatment would be an annual cost whereas the setting up of the registration system is a one time cost. Ignoring the fact that setting up the registration system does not include the cost of registration itself, which is many times the initial cost, I looked at what a one time funding of $118.9 million would do for the problem of breast cancer in the long term.

(1350)

As we all know, each disease has an associated health care cost. The cost of a terminal breast cancer patient for hospital time, chemotherapy and other expenses averages about $100,000. This does not include the human cost of the victim or her family. If we could prevent the death of 1,710 women a year with an associated health care savings of $100,000 each we would reduce health care expenses by $171 million.

Although the initial $118.9 million spent on the real saving of lives versus the minister's wild fantasy of forcing his values on others would be a one–time expenditure, 70 per cent of the health care system's savings would provide this amount each year while continuing to save the health care system an additional $52 million a year. In light of this, the minister's fantasy does not seem very supportable.

We are at a very troubled time in our country's finances. The government is talking about many cuts in federal spending. The cuts are necessary but it means the government has to learn how to set priorities in order to preserve the quality of life while addressing the financial problems we face.

It seems the government, particularly the Minister of Justice, has some very mixed priorities. It is time to tell the minister that restricting the activities of law–abiding citizens is not a priority. Its legislation is a waste of the taxpayers' money at a time when we have none to waste.

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, I am pleased to enter the debate on this matter.

I was here this morning when the Minister of Justice gave his presentation. He talked about the members of the third party trafficking in fiction. If the member who just spoke had been here he would have been the beneficiary of some of the information, in particular the cost of registration.

The minister was very clear in pointing out we cannot compare the registration cost of handguns to long guns because with handgun registration there are police investigations, et cetera involved which makes it much more expensive.

We also had the member for Wild Rose telling the House there is no difference in crime rates between the United States of America and Canada. Let me tell the Reform Party that is trafficking in fiction and Canadians will not buy that line.

Members of the Reform Party say we have had registration of handguns which has not lowered the crime rate. Let me suggest to them that when a police officer arrests an individual who is carrying an unregistered handgun and he does not have a permit to carry that gun, the police officer can now arrest that individual for the possession of a restricted firearm. He can take him to the police station and no doubt the investigation will reveal that many crimes have been committed.

Let me also use another example that was cited by the Minister of Justice this morning. It relates to an incident where police officers can raid a motorcycle club where they will find 20, 30 or 40 long guns. Under the present legislation there is no way for the police to determine whether those are illegal guns.

It is important to get all the facts. This legislation is trying to move toward maintaining the kind of society Canadians have come to accept. We do not believe in mirroring the Americans and their crime rate.

(1355)

On Tuesday, June 6, an article Second Opinion appeared in the Kitchener–Waterloo *Record*. The author of this article was John Dadds of Kitchener who was an OPP police officer for 20 years

and previously was with the metro Toronto and London, England forces.

This former police officer took aim at the Ontario Handgun Association which produced an 84 page booklet called ''Politics of Panic''. In his article he says that what he wanted to do was to make sure that the police have the ability to control the spread of guns, the police have the ability to control the use of guns and to make sure that the United States does not become a model for this country.

In closing, I have a question for the member. We have heard often enough from members of the Reform Party about commissioned 1–900 calls to hear what their constituents have to say. With the exception of three members who are a bit more enlightened than the rest, when are they going to come clean and actually start listening to their constituents and not say to us, as was said earlier on by the member for Crowfoot, that they do not believe in polls. You guys promised to represent—

The Acting Speaker (Mr. Kilger): Order. Thus far we have had a good vigorous debate, meeting all the criteria of good parliamentary debate. I hope that will continue after question period. I would caution also all members that all interventions must be made through the Chair, otherwise we know what can happen.

With one minute remaining, the hon. member for Kootenay West—Revelstoke because the Speaker will want to get on with members' statements.

Mr. Gouk: Mr. Speaker, in response to the direct question that the hon. member finally asked, I sent out a questionnaire in my riding. The question was: ''Do you support the mandatory registration of rifles and shotguns, as expressed in the government's Bill C–68?'' It is a fair and honest question. The result was 84 per cent no; 16 per cent yes.

As far as the hon. member suggesting that the Reform Party, the national opposition party, is trafficking in myths, I would suggest to him that he might look to his own party when he talks about cardboard registration. The government is going to keep the cost of registering rifles and shotguns down by giving everybody a simple card to fill out and mail in and the firearms will be registered.

I suggest to you, Mr. Speaker, that if the government is actually stupid enough to do that, we are going to have neighbours registering other neighbours, enemies registering enemies, pro–gun people registering people opposed to firearms. Everybody in the world will have an Uzi because that is the way those cards will be filled out.

The Speaker: It being 2 p.m., we will now proceed to Statements by Members.

S. O. 31

STATEMENTS BY MEMBERS

[*English*]

BATTLE OF STONEY CREEK

Mr. Tony Valeri (Lincoln, Lib.): Mr. Speaker, recently I attended the annual Stoney Creek battle re–enactment in my riding of Lincoln. For all of us the war of 1812 was a war we learned about in history books. There are no pictures, videos or films of the battle.

Therefore the annual re–enactment of the battle of Stoney Creek takes on an even greater significance, not only as an educational experience but more important it portrays the realities of war and the struggles suffered by our countrymen.

Many who attended the re–enactment voiced their concern over provisions of Bill C–68 which might jeopardize future re–enactments. The British North America Living History Association presented a brief to the Standing Committee on Justice. I am sure committee members have taken into consideration the points made to ensure re–enactments can continue unobstructed.

The Stoney Creek battle re–enactment is a community event and a source of pride for the city. The quality and performance of the re–enactment has earned Stoney Creek praise throughout North America. Let us not lose the opportunity to continue to provide—

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[*Translation*]

2002 WINTER OLYMPICS

Mr. Philippe Paré (Louis–Hébert, BQ): Mr. Speaker, the name of the city chosen to host the Winter Olympics in 2002 will be announced officially this Friday in Budapest.

Many factors point to Quebec City as the ideal location, including the city's outstanding record for organizing major events, the many sports facilities that are already in place, the region's cultural and tourist attractions, the solid and enthusiastic support of the entire community and the civic pride of all Quebecers.

If we add to the flame burning inside every Quebecer, the torch carrying the Olympic flame for the 2002 Winter Olympics, the whole world will witness a joyous outburst of enthusiasm and pride.

The caucus of the Bloc Quebecois joins me in wishing Quebec City the best of luck in its bid for these games, which will be truly exceptional.

Good luck, Quebec.

S. O. 31

[*English*]

TELECOMMUNICATIONS

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, increased competition in broadcasting by telephone companies will increase consumer choice and result in lower prices.

The people of British Columbia are in danger of losing these benefits because B.C. Telecom is partly foreign owned and therefore prohibited from holding a broadcast licence.

I urge the government to remove the relevant foreign ownership restrictions altogether to maximize benefits for consumers.

As a second best policy, I urge the government to permit B. C. Telecom to own a broadcasting licence by a special waiver of the foreign ownership restriction just like it has for the company's other activities.

The people of British Columbia would be sure to benefit greatly.

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INTERNATIONAL FINANCIAL INSTITUTIONS

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, today the Sierra Club announced that a coalition of 12 Canadian environmental organizations will be in Halifax during the G–7 summit later this week to urge G–7 leaders to keep their promise to review international financial institutions.

The coalition's five point plan includes a review of the policies and practices of the Bretton Woods institutions, a Tobin tax on speculators, ending world bank lending to environmentally and socially destructive megaprojects, measures to reduce multinational debt and the end to structural adjustment programs.

The draft G–7 final communique leaked last week shows the G–7 countries are interested only in protecting the interests of international speculators and investors.

It is the people's summit that will be discussing fundamental reform of the Bretton Woods institutions to move us toward a more stable, equitable and sustainable international financial system.

I congratulate the Sierra Club for taking the lead in this important initiative.

* * *

WORK SAFETY

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, I rise today to draw to the attention of the House that this week is Canadian occupational safety and health week, a week designated to focus public attention on the importance of preventing injury and illness in the workplace.

This year's slogan, ''Communicating: Open the Channels'', stresses the need for co–operation. The importance of prevention is clear when we look at the figures. In 1993 alone 733 Canadian workers were killed and nearly 830,000 were injured while at work. This translates into more than 15 million work days lost with direct and indirect costs of more than $10 million.

I commend the people trying to reduce these numbers by increasing awareness of the problem. I urge all members of the House to work with business and labour to stop this tragic waste of human and economic resources.

* * *

MARITIME PROVINCES

Mr. Ron MacDonald (Dartmouth, Lib.): Mr. Speaker, the leaders of the world's wealthiest countries are meeting in Halifax this week for the G–7 summit to discuss greater economic and political integration.

In this climate of global change we are witnessing the dismantling of barriers to commerce regionally, continentally and globally. This coupled with the changing nature of federalism in this country offers the maritime provinces the opportunity if not the necessity to redefine their role within Confederation.

For too long the common concerns of maritimers have been diluted on the national stage by far too much local parochialism. If the maritime provinces are to re–establish their economies in the context of the national or international marketplace strong leadership must be shown now to arrive at a true economic and by extension political union of the maritime provinces.

I call on the maritime political, business and economic leaders to take up the challenge to place the maritime provinces in the position to succeed as Canada continues to undergo profound periods of restructuring.

* * *

(1405)

BOSNIA

Mr. Julian Reed (Halton—Peel, Lib.): Mr. Speaker, I call on all members of the House to join me in welcoming Mr. Kresimir Zubak, president of the federation of Bosnia–Hercegovina, and Mr. Vladislav Pogarcic, deputy minister of foreign affairs for the Bosnian federation.

The federation of Bosnia–Hercegovina was created last year in Washington, D.C. Its creation signalled a small step toward peace in what has been a tragic and lengthy war. The federation is currently comprised of Bosnian Croats and Bosnian Muslims who have agreed to work together toward a lasting peace.

The tragic events in Bosnia have touched us all. Television images have haunted us, as have our concerns for the safety of the hundreds of Canadian peacekeepers currently in Bosnia.

We pray for an end to the fighting in Bosnia–Hercegovina and we wish Mr. Zubak much luck in his endeavours to find a lasting peace in his homeland.

The Speaker: Colleagues, Mr. Zubak is here now with us in the gallery.

Some hon. members: Hear, hear.

* * *

[*Translation*]

LABOUR RELATIONS

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, soon this House will be asked to debate the anti–scab bill presented by the Bloc Quebecois. The purpose of this bill is to end the inherent injustice in the Canada Labour Code that allows federally–regulated employers to hire scabs, which tends to delay dispute settlement and penalizes workers.

I ask members to recall the case of Ogilvie Mills, where a strike has been going on for more than a year, because the new employer wants to impose a collective agreement. Although the Minister of Labour has done nothing about this case, the Bloc urges the government to support our bill. Several Liberal members,including the present Minister of Human Resources Development, voted in favour of a similar bill in 1990.

To our Liberal colleagues I say: you now have a chance to show whether you are prepared to defend the interests of the workers.

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[*English*]

BACKBENCHERS

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, over the past few weeks it has become obvious that ministerial arrogance is sky high. I will suggest a few pranks backbenchers can play on cabinet to bring it back to reality, the rookies.

The first trick is to pose as maintenance staff and remove the name plates off the doors of the ministers of health, national revenue and Canadian heritage. When asked what you are doing, simply reply you are getting a head start on your summer job.

Another idea is to call on the Deputy Prime Minister on behalf of Shady Acres retirement homes. Tell her an amount is still owing on her room deposit as she forgot to include the GST. Remember that promise?

How about phoning up the minister of defence and asking him if DND cleans windows too.

Finally, backbenchers, send the Prime Minister a clear message that the strong arm, disciplinarian tactics of the past no longer wash in today's world. Vote the will of your constituents even if it bucks the party line.

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[*Translation*]

PARTY FUNDRAISING

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, since launching its fundraising campaign, on January 23, the Bloc Quebecois has been boasting about the fact that it was complying with the Quebec legislation on political party financing, by only accepting donations of less than $5,000, and only from individuals.

Yet, the preliminary data just released by the director general of elections concerning the 1993 election campaign show that dozens of corporate donations were accepted by Bloc Quebecois candidates and MPs, and that these donations amount to several thousands of dollars.

Now we understand why the Bloc Quebecois relied for such a long time on the Canada Elections Act clause which allows parties not to release the list of their contributors.

* * *

[*English*]

G–7 SUMMIT

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, Halifax is ready. World leaders will begin to arrive tomorrow in beautiful Nova Scotia for the Halifax Summit.

They will discuss issues that will affect all of us. Reform of the World Bank and the International Monetary Fund can help to build peace and economic stability throughout the world. Better co–operation to fight organized crime is key to all of our security whether we live in Tokyo or Timberlea.

(1410)

I thank everyone who has worked so hard to make this Halifax summit a great success.

The summit action is not just around the table. Mount Saint Vincent University will bestow an honorary degree on Hillary Clinton. Halifax West will welcome hundreds of international media to see a few of our fabulous sites and we will show off our cultural industries and have a Ceilidh on the Cove in Hubbards. We welcome the world for a fabulous summit.

[*Translation*]

REFERENDUM ON QUEBEC SOVEREIGNTY

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, the Château Frontenac was all lit up. Those in charge of the protocol had been at work since the early morning; everything was ready for the big ceremony. Mr. Parizeau himself, also known as ''Vibrant Weasel'', was presiding and the excitement filled the air.

This is how we learned that the leaders of the PQ, the Bloc and the ADQ had signed a document in which they ask that a referendum on the separation of Quebec be held this fall. But, for many observers, there was no need to wait for this so–called signature ceremony to learn that the PQ leader and his two associates want Quebec to separate.

Four months ago today, people in Orford, Sutton, Cowansville, Lac–Brome, Bedford and the Brome—Missisquoi riding as a whole, said no the separatist adventure. They chose Canada. Quebecers do not want separation, and they will make it clear at the referendum.

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UNEMPLOYMENT INSURANCE REFORM

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, in his UI reform proposal tabled last week, the Minister of Human Resources Development strikes a direct blow at young people entering the job market by now requiring first time claimants to have worked a minimum of six months before they become eligible for any government assistance.

This reform proposal is ridiculous, considering the appalling situation young people in Quebec and Canada, a generation with 16.5 per cent unemployment, are being plunged into.

Thousands of young people are being penalized, even those who are qualified. In Canada, 30 per cent of poor families included at least one graduate, a proportion that has doubled in the past ten years.

To continue to add to the burden of a generation that has already undergone great hardship is just plain cruel. The minister must withdraw his proposal and stop attacking the young.

* * *

[*English*]

LIBERAL PARTY

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, tonight's vote on Bill C–68 will be a decisive moment in Ontario politics. Ninety–seven Liberal members will have an opportunity to represent the views of their constituents. We will have a chance to see if last week's lesson in populism renews the desire of all members to do what is right for their ridings and their province.

Time allocation may speed some bills through the House but Ontario members know the final vote on this issue will take place in 1997 on the gun bill, on pensions, on sexual orientation and employment equity. Liberals must choose between supporting their party or supporting their constituents. Will it be Liberal, Tory, same old story? Do not allow your decisions to be Mcleoded. Vote with your constituents.

* * *

REFORM PARTY

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, today is the final vote in the House on Bill C–68.

Just as we faced some tough questions on the bill, it is time for the other side to answer one or two. We know who they are, the new politicians, the great populists, the members who came here to represent the folks back home; the wundekinders who will ignore special interests and stay true to their constituents.

I think their whip said it best when he said a few minutes ago to vote the will of your constituents even if it bucks the party line. The member from Simcoe—Centre was telling us the same thing. In the face of a clear consensus, in the face of the clear wishes of the constituents in Calgary, their leader is kowtowing to the gun lobby, turning his back on his constituents and bowing to the will of his caucus—some populist.

* * *

[*Translation*]

CRIME

Mr. Patrick Gagnon (Bonaventure—Îles–de–la–Madeleine, Lib.): Mr. Speaker, yesterday, Senator Joyce Fairbairn, along with the Solicitor General and members of criminal justice associations, launched ''Between the Lines'', an information kit on literacy and crime prevention which points out ways in which we can make a difference in reducing crime in our modern society.

[*English*]

The answer to crime does not lie only in building more prisons or adding more police. The answer lies also in a combined effort by everyone in reducing and eliminating the social inequalities and injustices that contribute to crime in the first place.

(1415)

We already see the tragic consequences of crime in our federal penitentiaries. The majority of offenders who enter our federal correctional institutions have poor academic skills. Many are unable to read a newspaper or a comic book or follow a simple set of instructions.

The literacy program Between the Lines will make a fundamental and lasting contribution to the prevention of crime and the reduction of illiteracy in Canada.

* * *

PRESENCE IN THE GALLERY

The Speaker: Before we begin question period today, I would like to draw to members' attention the presence in the gallery of fellow parliamentarians, members of the planning, budgetary and public accounts committee of the Mexican congress.

Some hon. members: Hear, hear.

ORAL QUESTION PERIOD

[*Translation*]

UNEMPLOYMENT INSURANCE REFORM

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, with its UI reform, the federal government is preparing once again to substantially cut eligibility and UI benefits. According to today's *Globe and Mail*, Quebec will be the principal victim of the additional cuts to the unemployment insurance plan, which will amount to $1.6 billion.

My question is for the Prime Minister. Would he confirm that, as usual, Quebec will bear the cost of the additional cuts of $1.6 billion in unemployment insurance, since it will assume 40 per cent of the cuts for a total of $605 million as compared with only $255 million for Ontario?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said it yesterday and I will repeat it today: the government has reached no decision yet. The Minister of Human Resources Development is currently conferring on the matter. There will be a reform of all social programs in the fall to enable us to put funds at the disposal of those who want to work and take training courses.

This is our focus—we want to enable workers to find jobs and recover their dignity. The specific program will be announced once consultations have been completed. At the moment, no one can claim that one party or another in Canada is forced to contribute more than the others.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, in other words, if we unscramble the Prime Minister's answer, we may conclude that no decision has been made, the project is in the works and the *Globe and Mail* was right to refer to it today.

I would ask the Prime Minister if we are to understand that he and his government want to put off a decision until the fall, that is after the referendum on Quebec sovereignty, so that the announcement of the cuts, affecting the unemployed in Quebec primarily, will follow afterwards?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first I am pleased to hear that there will be a referendum. We are looking forward to having one.

Some hon. members: Hear, hear.

Mr. Chrétien (Saint–Maurice): I hope that the question will be clear, that they will say ''we want to separate from Canada'' and that they will not try to trick people into thinking that the intent of the referendum, is anything other than separation.

As for us and our UI program, reforming all the social programs requires consultation with the provincial governments. The minister is consulting them now. The papers can only speculate at the moment. This is not the first time articles have appeared in the papers, with the results of the federal government programs differing entirely from what the *Globe and Mail* saying. This is usually exactly what happens.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, I see that the Prime Minister seems willing to talk about the referendum. He told us that he is looking forward to the referendum and to a straightforward question. Quebecers know full well that the only thing the Prime Minister can offer Quebec is the status quo, the same old unfair cuts, and that his only objective is to finish the job started in 1982.

Mr. Loubier: Hear, Hear.

(1420)

Mr. Bouchard: Since he wants to talk about the referendum and wants a straightforward answer—because the answer will be as straightforward as the question—, does the Prime Minister admit that, faced with the decision made by a sovereignist, clearly sovereignist Quebec people, he, as the Prime Minister of Canada, will then have to sit at the table and negotiate on a one–to–one basis with the Quebec government?

Some hon. members: Hear, hear.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, first of all, we would really like to know what the question is. They came up in December with a scheme that the people very quickly got wise to. This whole scheme was nothing but smoke and mirrors. They then tried to change directions, so that the December program was already over by March. Quebecers will probably get wise to the new June scheme by October. Everyone will understand that the opposition leader's question is purely hypothetical, because I know that if Quebecers are asked, ''Do you want to separate from Canada?'', they will always vote to stay in Canada. I am convinced of that.

Some hon. members: Hear, hear.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, the Prime Minister uses the word ''scheme'' to refer to what is the clear and straightforward expression of an economic responsibility initiative in the mutual interest of the people of both Canada and Quebec. He himself will have to take note of that after Quebecers vote Yes to sovereignty.

Some hon. members: Hear, hear.

Mr. Bouchard: I ask the Prime Minister, who is one of the champions of federalism without any ideas, any thoughts or anything else to offer, how he can claim to be addressing Quebecers' desire for change, when he and other federalists have nothing to offer Quebec but the status quo, the federal system that has always been denounced by Quebec federalists, as well as resignation and increasing encroachment on Quebec's areas of jurisdiction?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Leader of the Opposition rose in the House today to explain to Quebecers: You will vote for sovereignty, but you will keep Canadian citizenship, the Canadian currency, the Canadian passport, the economic and political union with Canada. The only thing missing in his bag of tricks is what I said in Trois–Rivières: ''We in the Parti Quebecois and the Bloc Quebecois will keep the name ''Canada''. You can find another one for the rest of Canada, because Canada is so great that we want to keep the name 'Canada' for ourselves''.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, I will take the next two questions.

Some hon. members: Hear, hear.

An hon. member: Interesting.

Mr. Bouchard: Mr. Speaker, perhaps the Prime Minister is not interested in what happens to the economic interests of Quebec after sovereignty. I want to ask him whether, if only for the sake of the economic interests of Ontario and the rest of Canada and the need to maintain trade relations between the parties, he would not feel obliged as Prime Minister to sit down and negotiate with Mr. Parizeau who would have a mandate from the people of Quebec?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am willing to meet Mr. Parizeau at any time to discuss the concerns of Quebecers: job creation, economic growth, and improving the situation with regard to public finances. That is what people want to discuss. I only hope that the Leader of the Opposition will tell Quebecers that their proposal is about separation. That is what they want.

(1425)

They would have Quebecers believe that once they have separated, they will still be part of Canada. This is a mirage, a lot of smoke and mirrors and shows a lack of intellectual honesty.

Some hon. members: Hear, hear.

Mr. Chrétien (Saint–Maurice): Yes, Mr. Speaker. Let the Leader of the Opposition rise in the House and tell Quebecers and Canadians what he told the Americans: ''Please realize I am not a sovereignist, I am a separatist''. Let him repeat that to all Quebecers, and he will lose his referendum.

Some hon. members: Hear, hear.

Hon. Lucien Bouchard (Leader of the Opposition, BQ): Mr. Speaker, with respect, I deplore the fact that the Prime Minister should dismiss as intellectual dishonesty the wishes of a people that for 300 years has been working towards the culmination of its destiny as a nation and will do so democratically and lawfully.

I want to ask the Prime Minister, when this fall the votes are counted on the evening of the referendum and Quebecers, as I hope they will, vote yes, on the basis of our present mandate, I want to ask him how he sees his responsibilities as custodian of the economic interests of the part of Canada he will still represent?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, my position has been known to all Canadians for a long time. I am a federalist, and I believe in a united Canada where Quebec will feel at home.

[*English*]

I am not the one who has to do some virage to try to find words to hide the truth from the people who will be voting. I know the people of Quebec want to stay in Canada. All the polls say that. Mr. Parizeau came with his astuce in December. That was a flop by the month of March. Then came the Leader of the Opposition who tried to hide the truth. He made a virage. Today the virage is back to square one. He is a separatist and he does not have the guts to say that to the nation.

Some hon. members: Hear, hear.

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GOVERNMENT CONTRACTS

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, I would like to change the subject to the separation of one of the government ministers from the cabinet.

When we first raised the issue of the heritage minister's dollars for contracts dinner, we were told that it was merely a routine fundraiser to pay off the minister's campaign debts. This was the story of the organizer, Richard Gervais, and was confirmed by many of the guests who attended the dinner.

(1430)

Now we learn from Elections Canada that the Minister of Canadian Heritage had no election debts to pay. In fact his receipts and reimbursements minus his expenses left him $25,000 ahead. The dinner was held, therefore, for other purposes, which will go undisclosed until the government releases all the information surrounding the minister's dinner.

My question for the Prime Minister: Will the government table the complete list of who was invited to the heritage minister's dinner and who contributed the money for what purposes? The Prime Minister knows full well that Elections Canada documents will not provide the information.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, whether the Minister of Canadian Heritage had debts or no debts is irrelevant.

Some hon. members: Oh, oh.

Mr. Chrétien (Saint–Maurice): We used to have debt, but we do not have debt any more. For the last eight years I raised money to pay the debt. When we raise money it is to pay the debt and to have enough money for the next election. The minister raised money for the Liberal Party that will be used in the next election. That money will compete with the money the leader of the Reform Party is raising when he has his own private dinners around the country.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the Prime Minister's obsession with protecting a party loyalist is clouding his judgment.

The heritage minister violated the federal code of ethics, not once, not twice, but three times. He targeted departmental clients for donations. He rewarded some with heritage contracts and appointments, placing himself in direct conflict of interest. Now there is the question of raising money under cloudy pretences to pay off debts that did not exist. Canadians are right to wonder what kind of example this sets for other ministers.

My supplementary is to the ultimate arbiter of government ethics. Since the Prime Minister is unwilling to discipline the Minister of Canadian Heritage, does this mean that other ministers are free to hold similar fundraising dinners that target departmental clients?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, ministers are advised as I am that they have an obligation, like any other member of Parliament to help to raise money for the next election of the Liberal Party. They have to do it according to the rules, and the rules are very clear by Elections Canada. Every contribution has to be made public if it is more than $100. That is exactly what ministers are instructed to do and they are doing it. It is known by the public.

I had great success in the city of Calgary. Many of the friends of the leader of the Reform Party came, paid, and were happy with the speech.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, according to Mitchell Sharp, the government's original ethics adviser, the heritage minister's dinner may be just the tip of an iceberg.

Mr. Sharp said yesterday the government's code of ethics was clear and tough but that some cabinet ministers are not following it. He went on to say that business should be separate from fundraising to eliminate the appearance of conflict of interest and that cabinet should receive a refresher course on the code of ethics.

Since the Prime Minister has personally assumed the role of ethics counsellor, which other ministers are not following the government's guidelines? And will they be invited to an ethics summer course, which Mr. Sharp advises?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, Mr. Sharp advises me and ministers when we need advice. He is correct when he tells every one of us to be prudent. Being prudent is to make sure that every contribution is paid, a receipt is made, and it is published under the Canada Elections Act. That is exactly what happened in this case.

Every contribution has been above the table and according to the laws of Canada. Unless we pass a law in the House that all political party expenditures are paid by the nation, we will have to raise money according to this law. This law permits ministers and members of Parliament of all parties to raise money as long as they give receipts in accordance with the Canada Elections Act.

* * *

(1435)

[*Translation*]

JOB CREATION

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot, BQ): Mr. Speaker, according to Statistics Canada, net job creation over the past six months has been zero, although the Minister of Finance's budget predicted job growth of three per cent in 1995. In addition, economic growth has literally gone flat in the first three months of 1995, with an annualized growth rate of 0.7 per cent, yet the Minister of Finance forecast in his budget that the rate of growth would hit 3.8 per cent this year.

Since everything points to the fact that the minister's predictions will not come true this year, will he acknowledge that zero economic growth will not generate any new jobs and that he is going to have to review his budgetary forecast regarding the deficit?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, firstly, I would like to congratulate the hon. member for getting his leader to allow him to ask a question.

Some hon. members: Oh, oh.

Mr. Martin (LaSalle—Émard): I know why this is; those hon. members contradict themselves so much.

I would like to point out to the hon. member that over 200,000 private sector jobs were created in the past eight months. This trend even applies in Quebec, where over 50,000 jobs were created in the past year.

There is no doubt that the economy is slow, due to a slowdown in the American economy and to the fact that the economic recovery was based mostly on our capacity to export. This having been said, most economists predict that the slowdown that everybody was expecting next year will hit us this year and that next year, we can expect a recovery.

Mr. Yvan Loubier (Saint–Hyacinthe—Bagot, BQ): Mr. Speaker, instead of spinning yarns, the Minister of Finance would be well advised to take a real look at his balance sheet since coming to office.

Mortgage rates, for example, have increased by 30 per cent, the growth rate for exports dropped 90 per cent over three months and there has been no net job creation over the past six months. That is the real balance sheet of this government, of the Minister of Finance. Therefore, he should have given me real answers and real figures instead of making it all up.

I would like to ask him the following question: Will he acknowledge that a growth rate of close to zero confirms the failure of his economic strategy, which has not enabled us to create any new jobs or to offer Quebecers and Canadians the hope of dignity through employment, which the Prime Minister keeps on repeating?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I have no idea where the hon. member gets his figures. Maybe from the ''Just for Laughs'' festival. Please allow me, Mr. Speaker, to give you the real figures.

The unemployment rate in May of this year was 9.5 per cent, compared to 10.4 per cent in May 1994; shipments in the manufacturing sector were 17 per cent higher this month than in May 1994; the trade balance surplus hit an all–time high of $23.2 billion in the first quarter of 1995; the deficit in Canada's current account, which is normally around 4 per cent, is currently at 2 per cent. We are very proud of our accomplishments.

* * *

[*English*]

BOSNIA

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, since it appears the Canadian hostages in Bosnia are being released, the government now has an opportunity to safely scale down the Canadian commitment to Bosnia, which is scheduled to end in just three months. An orderly withdrawal started now would take about that time to be completed.

Will the Prime Minister end his chronic waffling and hand–wringing and announce the Canadian contribution will not be extended beyond September?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as I said, the Canadian soldiers there are playing an extremely useful role. We have decided to extend our mandate for another six months. We will make a decision at that time. We have to finish the job we started. We will not quit in mid–term. We said we were to be there for six months, and Canadian soldiers and the Canadian people are the kind of people who do the job they say they will do. If we decide to go it will be decided in accordance with our commitments and with our partners in this situation.

(1440)

I have to say to the House of Commons that when we look objectively, before the UN troops arrived there were approximately 200,000 people killed in one year, and it was reduced to 3,000 last year. This means the presence of the UN troops there has saved thousands and thousands of lives. The Canadian soldiers and the others in the UN force have done a very good job.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, talking about Bosnia, the Prime Minister stated in this House: ''We are very far away from this part of the world and in many ways it is somewhat more of a European problem than a Canadian problem''.

If the Prime Minister actually believes what he said, will this be the position the government will take at the G–7 summit?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, of course I said it is more of a European problem than a Canadian problem. But peacekeeping around the world has been a very proud policy of the Canadian government.

We have had peacekeepers around the world. We initiated peacekeeping during the Suez crisis when Mike Pearson created that solution to solve that very difficult war with Great Britain and France versus Egypt.

Since that time Canadians have always been present at peacekeeping operations. We have been in Cyprus; we have been in the Golan; we have been everywhere there has been a need for Canadian soldiers. There is nothing more satisfying for me when I am travelling to meet with the leaders of other countries than to have them tell me that Canadian troops are always the best.

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[*Translation*]

YOUTH UNEMPLOYMENT

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

The first victims of an economic slowdown are always young people in low–paying jobs. The situation has continued to deteriorate, since youth unemployment has gone up from 11.2

per cent in 1989 to 16.5 per cent in 1994, an increase of nearly 50 per cent in five years. In Quebec, more than one out of every three unemployed workers are young people.

When we realize that young people are usually in low–paying jobs, how can the Minister of Finance expect to give them any hope, when he has no job creation policy to offer and on top of that, limits their access to unemployment insurance by making them work for at least six months to qualify for unemployment insurance benefits for the first time?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, we are very concerned about the unemployment situation among young Canadians. We have always been very concerned about this, even before the economic downturn we are experiencing today. That is why at the beginning of our mandate, the Minister of Human Resources Development put in place a number of programs for the purpose of creating jobs for young people, to provide incentives for them to go back to work or start a career.

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, how can the minister seriously claim that his government has given young unemployed workers hope and the dignity of work, when the unemployment statistics fail to reflect a situation that many are experiencing, and I am referring to the fact that more and more young unemployed workers are on welfare?

[*English*]

Hon. Lloyd Axworthy (Minister of Human Resources Development and Minister of Western Economic Diversification, Lib.): Mr. Speaker, if the hon. member looked at the figures he would see that the unemployment rate for young people is now at its lowest point since 1990 when the recession began.

The job creation measures have helped to bring down the youth unemployment rate by three or four points to its lowest level. In the meantime, to recognize the special importance of young people, in this last year we have increased the direct investment for youth training and youth employment programs from $193 million to $236 million, a net increase in this one year alone. At a time when budgets are very limited and we are facing real fiscal restraint we have increased the investment for young people by $43 million. That means this year we will have 15,000 to 20,000 young people enlisted in various forms of internship programs, the youth service corps and other youth–related programs.

Our commitment to young people admits of no question from the Bloc Quebecois. We are committed to helping our young people get back to work.

ECONOMY

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, the Liberals' February budget based its revenue projections on a GDP growth of 3.8 per cent. The actual growth in the first quarter of 1995 was less than 1 per cent. There is little prospect of improvement in the second quarter. The budget did not plan for a recession.

(1445)

Is the Minister of Finance willing to admit that his budget forecasts are wrong and that his deficit targets are being threatened?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, our deficit targets are not being threatened. At the time we made them we made it very clear that we have brought in both prudent assumptions for growth and for interest rates. We also put in place substantial contingency reserves. I can assure the hon. member that we are on target in terms of the deficit.

The hon. member knows as well that a majority of economists projected strong growth for this year with a decline in growth next year in the United States and consequently in Canada. The view today on the decline that was projected, I believe, is that it is going to occur earlier than expected and that it should lead to an increase in growth next year.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, there is speculation certainly in that answer. I do not think the minister can downplay the current poor economic conditions. A lot of Canadians are very concerned. They are concerned about their jobs. They are not buying houses as they did a few months ago. They are not buying cars. Consumer purchasing is down.

Reform has told the minister that the one thing government could do to restore consumer confidence is to lay out a plan to eliminate the deficit. The minister and the government have not taken our advice.

My supplementary question is for the same minister. What is the plan of the government to restore consumer confidence and avert a recession in the country?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, the hon. member knows that consumer confidence is not dependent on whether the government provides, as we have decided to do, rolling two year targets in deficit reduction or a longer target.

The member also knows that the credibility of long term targets by Canadian governments has not been all that great. We are the first government in a long time to not only hit its target but to do substantially better. This is the realization of a

government doing what it said it was going to do which is to re–establish confidence in the country. I am very confident.

Yesterday, Gallup polls found that the Canadian people had more confidence in the government's handling of the economy than any government in the last 22 years. That is confidence.

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[*Translation*]

BOSNIA

Mr. Jean–Marc Jacob (Charlesbourg, BQ): Mr. Speaker, my question is for the Prime Minister. Last weekend, the Bosnian President tried to meet the American President, Bill Clinton, to have the embargo on arms to Bosnia lifted. In the American Senate, a majority of Republicans and Democrats voted in favour of lifting the embargo, but the President is maintaining it for the time being.

Given the importance of maintaining the embargo, did the Prime Minister reiterate the need to maintain it to the President of Bosnia when they met?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I did exactly that on my trip to Sarajevo last June. Speaking on behalf of the French and the English, who knew I was going there, I told the Bosnian Prime Minister himself, in Parliament in Sarajevo, that, for us to maintain our troops there, it was vital the embargo not be lifted.

Our position of last year remains unchanged, and I am pleased to see that the President of the United States respects it.

Mr. Jean–Marc Jacob (Charlesbourg, BQ): Mr. Speaker, while the Prime Minister's position is clear on the embargo, how does he explain the fact that, 48 hours before the start of the C–7 Summit, Canada has yet to decide on its participation in the rapid reaction force, which is to be debated at the G–7 Summit in Halifax?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have expressed the government's position, which is that we are not keen to take part in this new initiative. We have said so to our partners. We are still looking at the proposal.

(1450)

We want to know exactly what form the force will take, what the chain of command will be and what the relationship will be with the UN. We still lack satisfactory answers on many points, and so are not prepared to make a commitment.

[*English*]

GOODS AND SERVICES TAX

Mr. Sarkis Assadourian (Don Valley North, Lib.): Mr. Speaker, my question is for the Minister of Finance.

The government has been restoring hope and prosperity by fulfilling commitments made in the red book. One of those commitments on page 22 involves replacing and eliminating the GST.

Will the Minister of Finance outline the progress that has been made with respect to the GST? Is he any closer to seeing this commitment implemented?

Hon. Paul Martin (Minister of Finance and Minister responsible for the Federal Office of Regional Development –Quebec, Lib.): Mr. Speaker, the member for Don Valley North has shown a great interest in this subject, as has the Prime Minister.

As the member knows, there is tremendous support for harmonization among consumers and among small business. Already there are tremendous savings from greater efficiency.

The problem has been that a number of the provincial governments have not seen the same degree of urgency. I am glad to say that we have had a number of very fruitful meetings with a number of the provincial governments. There is no doubt that we are progressing.

In the last budget in Quebec, there was virtual harmonization realized. We have all seen the public statements of premier elect Harris to the effect of his interest.

When the hon. member for Don Valley North goes back to Toronto, if he sees premier–elect Harris, he can tell him that as soon as he names his finance minister, whoever he or she may be, I will meet them here in Ottawa, Toronto, Nipissing or I will meet the new finance minister in the member's office in Don Valley North.

* * *

TRADE

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, my question is for the Minister for International Trade.

It looks like the Clinton administration may prohibit Canadian companies that do business with Cuba from exporting to the United States. Such a move would infringe on our sovereignty and would violate key provisions of the North American free trade agreement as well as the WTO.

What is the minister doing to ensure that Canadian companies continue to have access to the U.S. market?

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, this matter first came up when the so–called Helms bill came before the U.S. Congress.

At that time, we made our objections clearly known to the United States government. Since then the administration has questioned the terms of the bill in such a way as to suggest it will not go forward in the way that was first anticipated.

On the more specific question the member raises, I have asked our embassy in Washington to inform us of the details of the U.S. treasury's proposed action. We do not have all the details yet. However, I can assure the member opposite we will do everything to make certain Canadian companies have the full opportunity to participate, as they are now doing, in the Cuban economy.

Mr. Charlie Penson (Peace River, Ref.): Mr. Speaker, it is reassuring to know we do not have Jesse Helms setting Canadian trade policy. However Canadian companies like Lantic, Redpath and B.C. Sugar may be targeted as early as tomorrow because they buy raw sugar from Cuba.

What is the minister doing to protect these interests today? These are interests that have to be looked after at this very moment.

Hon. Roy MacLaren (Minister for International Trade, Lib.): Mr. Speaker, as I indicated, we do not have the details and certainly not details on the supposed action that might be taken against Canadian sugar companies in the context that the member mentions.

Our present concern is to ascertain the possible action the U.S. treasury might take against four Cuban Canadian joint ventures led by the Sherritt company. In that instance, we are seeking further information. I hope that I shall have more information I can provide the member in due course.

* * *

(1455)

[*Translation*]

BOVINE SOMATOTROPIN

Mr. Jean Landry (Lotbinière, BQ): Mr. Speaker, my question is for the Minister of Agriculture.

According to an Angus Reid survey, three out of four consumers are concerned about the use of BST. Even the dairy industry is against it. The Dairy Council, which represents processors, rejects this product, deeming it unnecessary and undesirable, while dairy producers have demanded that the minister extend the moratorium.

Does the minister admit that neither the dairy industry nor consumers want BST on the market and that they all want the moratorium to be extended?

[*English*]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food, Lib.): Mr. Speaker, when concerns were first raised about the potential use of rBST, a synthetic product, in the spring of last year, the House of Commons agriculture committee undertook a very useful examination of a number of issues surrounding that question.

It produced a report. That report recommended a number of things, including a delay period during which a task force could be structured to bring forward further information which would be of assistance to producers, processors, consumers and others that are interested in the question.

Over the course of the last year this process has gone forward. The delay period has been in place and remains in place until the first of July. The task force has completed its work. A great deal of useful information has been brought forward which will be helpful to all of those interested in this question so they can understand and appreciate all of the issues and all of the arguments, pro and con, with a little more detail.

The key question is one of health and the efficacy of this product, which is being studied as is required by law by the regulatory and scientific officials within the Department of Health. Unless and until the Department of Health issues a notice of compliance, the use of this product is governed under the controls of the Food and Drugs Act.

[*Translation*]

Mr. Jean Landry (Lotbinière, BQ): Mr. Speaker, less than 19 days before the moratorium expires, the Minister of Agriculture must admit that both the public and the dairy industry expect him to act quickly. Does the minister undertake today in this House to extend the moratorium on the use of BST?

[*English*]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri–Food, Lib.): Mr. Speaker, I understand that many in the dairy industry have expressed the concerns to which the hon. gentleman has referred. There are others in the dairy industry who have advanced the other point of view.

The existence of the moratorium or the delay is not the critical issue, quite frankly. The critical issue is whether this product has a notice of compliance issued to it by the legal regulatory authorities in Health Canada. No such notice of compliance has been issued. Therefore the sale and distribution of this product in Canada remains illegal.

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INDIAN AFFAIRS

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, on May 31 I faxed the Minister of Indian Affairs and Northern Development regarding the Adams Lake road blockade to tell him that both the native spokesman and the lessees behind the blockade urgently requested his personal involvement. As of 9.30 this morning I have had no reply.

In law and in good conscience how can the minister continue to hide behind the bureaucracy and ignore the Adams Lake road blockade which has been in place since March 21?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, there have been two blockades in B.C. in the last month: Upper Nicola and the one at Adams First Nations.

The blockade at Upper Nicola, as the hon. member knows, is down. The other is up. It is more sensitive than Upper Nicola because it was fish and this is an archaeological site. Artefacts have been found which the province has designated. The developer gave an undertaking that he would do an archaeological study, which he has not done. The province has sent him a letter under the B.C. heritage conservation act demanding that he do the study and cease the work. That has not been done.

Reformers said we were going to have three Okas there, which meant military force, if we did not follow their instructions. I would like to point out to the House that two men came forward at Upper Nicola. Their names were Stanley and Belleau. They went to the chiefs, talked to them with dignity, and the blockade at Upper Nicola came down. They were RCMP officers and a proud tradition did the job. Also, they were aboriginal RCMP officers and I want to commend them in the House.

(1500)

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, I understand that the blockade on Douglas Lake was taken down and I appreciate what the RCMP did there.

Adams Lake Chief Ron Jules has confirmed that the band will remove two cattle guards eliminating all vehicle access as of June 15. The RCMP have advised residents to form an evacuation plan. We are talking about private property here.

What recommendation would the minister of Indian affairs make to the Adams Lake residents regarding the evacuation plan which his continued inaction has created?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, as I indicated, this is clearly provincial. I have worked well with Mr. Cashore out there.

Mr. Stinson: It is not clearly provincial.

Mr. Irwin: It is off reserve and it is clearly on provincial property. As hon. members were told last week the RCMP are under contract to the B.C. government and it is their call. If requested we will go in and facilitate.

In the Upper Nicola there was a difference. The member of the Reform Party offered to go in and help. I am hoping this member will take some lessons from his seatmate over there and will do the same thing.

* * *

BOSNIA

Ms. Maria Minna (Beaches—Woodbine, Lib.): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

In Bosnia–Hercegovina innocent lives are being lost every day. Conditions continue to worsen for the people in Bosnia. Our soldiers are doing a magnificent job in their attempt to protect citizens. What action has the minister taken on behalf of the Canadian government to assist those who are fleeing the bloodshed in Bosnia?

Hon. Sergio Marchi (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, in addition to the valiant efforts the member of Parliament noted on behalf of our peacekeepers, the government has seen fit to extend two special immigration programs to try to assist some of the citizens of the former Yugoslavia.

The first has been a family class program that has had its criteria relaxed so that people can be reunited with families living in Canada. As a result of that program, over 7,200 individuals have been reunited with their loved ones in Canada. The second program has been to try to focus on some of the refugee relief work in that troubled area. To date the results indicate that over 8,200 private and government sponsored refugees now call Canada their home.

These programs are working well but it is a modest response to a horrific situation. The only answer, as we all know, is for civility and peace to return to the region. We all hope and pray that it will be sooner rather than later.

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PRESENCE IN GALLERY

The Speaker: Colleagues, I would like to draw your attention today to the presence in the gallery of two outstanding Canadians.

One is an internationally acclaimed author. She won the 1993 Governor General's Award and the 1995 Pulitzer Prize for her novel *The Stone Diaries*. Colleagues, I present to you Carol Shields.

Some hon. members: Hear, hear.

The Speaker: Colleagues, the other prominent Canadian made history in 1984 when he became Canada's first man in space. He continues to be a source of inspiration to many young Canadians and will be returning to space in 1996. I present to you Dr. Marc Garneau.

Some hon. members: Hear, hear.

(1505)

PRIVILEGE

UNAUTHORIZED USE OF PHOTOGRAPH—SPEAKER'S RULING

The Speaker: I am now ready to rule on the question of privilege raised by the hon. member for Saint John on May 30, 1995. For providing me with the relevant facts and documents related to this matter and for their contributions to the discussion, I would like to thank the hon. member and the hon. Minister of Health.

In her presentation, the member brought the House's attention to a photograph of her used in an expert panel report entitled ''When Packages Can't Speak''. The report concerning plain and generic packaging of tobacco products had been prepared at the request of the Department of Health.

The member claimed that the unauthorized use of her picture in a visual impact study included in the report had violated her privacy, was an assault on her dignity as an individual and as a member of the House, had opened her up to ridicule and had stereotyped her in a manner that misrepresented who she was and thus could impede her ability to perform her duties as a member of Parliament. She therefore requested a public apology from the Prime Minister and an explanation from the Minister of Health as to how her picture could have found its way into this expert panel report.

[*Translation*]

On June 1, 1995, the hon. Minister of Health responded to the matter. In her intervention, the minister explained that she, members of the expert panel and representatives of the private company charged with selecting the photographs, when informed that the picture used was one of the hon. member, had immediately issued a letter of apology to the member. The minister then tabled a copy of a letter to the hon. member explaining how her picture had been selected.

This matter has troubled me and I have looked into it carefully. I believe that it is important that I give the House a chronology of certain events which preceded the raising of this question of privilege, for the panel report in question is part of a larger study in which the House, through one of its committees, has been directly involved.

[*English*]

On June 21, 1994 the Standing Committee on Health presented its first report entitled ''Towards Zero Consumption: Generic Packaging of Tobacco Products''. Pursuant to Standing Order 109 the government was requested by the committee to table a comprehensive response. On November 18, 1994 the

Minister of Health tabled the government response to the committee report. In responding to the standing committee's recommendations the government noted that:

> —an expert panel, comprised of specialists in marketing, package design and consumer behaviour, and chosen in collaboration with provincial and territorial partners in the National Strategy to Reduce Tobacco Use, has established a study framework designed to determine what relationship may exist between generic packaging and the taking up of smoking by youth.

[*Translation*]

The Government response also noted that Health Canada would thoroughly review and analyse the evidence assembled by the expert panel and would take into account the study and conclusions of the Standing Committee on Health. Thus, the standing committee could be said to have been anticipating the opportunity to give detailed study to the panel report.

[*English*]

The report dated March 1995 was released to the media and the public on May 19, 1995. To ensure that the committee was familiar with its contents, that morning Health Canada held an informal briefing for the committee attended by members, staff and researchers. Copies of the report were also distributed to all members of the House in the usual manner.

(1510)

[*Translation*]

Photographs of members of Parliament and images of the House of Commons and the Parliament buildings are seen everyday on television and in newspapers and magazines. These images form part of the media coverage of Parliament that we have come to expect. They may be used in a straightforward manner or satirically, but their focus is ultimately on the work of Parliament and parliamentarians.

[*English*]

It is possible however that these same images of members and of the institution of Parliament may be misrepresented. In our history there exist examples of cases where the symbols of Parliament have been used inappropriately. In each instance objections have been raised in the House.

As examples, I would refer members to Speakers' rulings regarding the Sperry and Hutchison Company, as found in the *Journals* of February 16, 1960 at pages 156 to 158, and the Steelworkers of Hamilton Council as found in the *Journals* of March 23, 1965 at pages 1159 and 1160. In both cases, documents meant to look like *Hansard*, a publication carrying with it the image of the House of Commons, were published and distributed by non–parliamentary bodies. The Speaker ruled both matters to be prima facie cases of privilege.

[*Translation*]

As members are aware, *Erskine May's 21st Edition*, at page 69, defines privilege as follows:

> Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals.

Neverthless, not every matter which is seemingly offensive to the House may fall within the strict definition of privilege. As May continues:

> When any of these rights and immunities is disregarded or attacked, the offense is called a breach of privilege and is punishable under the law of Parliament. Each House also claims the right to punish as contempts actions which, while not breaches of any specific privilege, obstruct or impede it in the performance of its functions, or are offences against its authority or dignity, such as disobedience to its legitimate commands or libels upon itself, its members or its offencers.

[*English*]

Most relevant to our current situation, May further points out on page 121 of the 21st edition that:

> Indignities offered to the House by words spoken or writings published reflecting on its character or proceedings have been constantly punished by both the Lords and the Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them.
>
> Reflections upon members, the particular individuals not being named or otherwise indicated, are equivalent to reflections on the House.

My role is to determine therefore whether or not at first glance the circumstances of the question of privilege before me fit the criteria as described by Erskine May. The question is: Has the use and publication of the photograph of the hon. member for Saint John constituted a contempt of the House?

(1515)

The hon. Minister of Health has explained to the House and to the hon. member for Saint John how this incident arose. She has also apologized on more than one occasion, as have others involved in the production of the report.

Based on my research and my understanding of the citations found in Erskine May I cannot conclude the member, although perhaps embarrassed by this event, has been impeded in performing her duties as a member of the House of Commons.

In the absence of malicious intent or any other obvious motive it is difficult to find that a contempt of the House has occurred.

Members of Parliament are public figures and frequently appear in the media. Those who interact with government and with Parliament must remember the use of a member's photograph in a situation totally unrelated to his or her parliamentary duties may well lead to unforeseen difficulties and could cause considerable embarrassment.

In this case I can only go so far as to remind everyone that the House of Commons and its members must be treated with respect and dignity first by its membership and also by all intervening parties. I hope all members appreciate the seriousness and potential dangers of a repetition of a situation such as this.

GOVERNMENT ORDERS

[*English*]

FIREARMS ACT

The House resumed consideration of the motion that Bill C–68, an act respecting firearms and other weapons, be read the third time and passed; and of the amendment.

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am pleased to have this opportunity to offer my support for this vital piece of legislation currently before the House of Commons.

I am particularly honoured to offer my congratulations to the House on its passage of the non–derogation clause as requested by numerous presentations to the justice committee.

Unfortunately I am faced with the irony of the Reform Party which in its presentation in debate and through question period attested to the valid and warranted requests by aboriginal people for their treaty of aboriginal rights to be respected in this matter. Yet it voted against this clause last night in an effort to continue to try to discredit what we as responsible parliamentarians are privileged to support.

Why have we created this clause? Since the government's action plan on firearms control was tabled in November of last year aboriginal people throughout the country expressed their concerns about the impact of the legislation on constitutionally protected aboriginal and treaty rights to hunt and trap. Submissions were made to the Standing Committee on Justice and Legal Affairs by several organizations including the Council of Yukon Indians, the Assembly of First Nations, the Grand Council of the Cree, the James Bay and Northern Quebec agreement hunting, fishing and trapping co–ordinating committee, the Métis National Council and the Inuit Tapirisat of Canada. Submissions were also received from the governments of the Northwest Territories and Yukon.

The federal government recognizes the need to take into consideration these concerns. The government has moved this motion to address such concerns and has thereby ensured aboriginal treaty rights are respected when this new law is implemented throughout Canada.

The legislation will help protect the aboriginal treaty rights and the aboriginal people of Canada. We will see these rights are

reconciled with the highest standards for public safety which is in this firearms act and part III of the Criminal Code.

We must challenge ourselves as people who are wiling to do the best for our country and our fellow Canadians. We have acted responsibly in showing Canadians that in a number of instances we have heard their concerns with respect to this legislation and have acted on them. I am proud we are accomplishing that in the House.

I am a bit disappointed with the Reform Party. It says it is the party that will listen to the people, but it will not. When three of its members will eventually support this legislation I will not mock out of respect because I respect parties and people who keep their word. Reformers said they would listen to the people but they will not. They said they would allow free votes in their party but they are not adhering to that. They ran on the issue of safe streets but they have forgotten that promise. They said they want to come to Parliament and address fiscal responsibilities but they obviously do not know the difference between a bond and a bullet.

(1520)

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, it has been an experience in the House today listening to Liberal members trying to defend this indefensible gun control legislation, Bill C–68.

We in the Reform Party, the hon. member would be surprised to know, understand the recognition of aboriginal rights contained within the Constitution. We certainly can read although he may doubt that sometimes.

Recognizing that in the Constitution hunting, fishing, trapping and gathering rights are protected for aboriginal people, the Constitution does not specifically refer to methods of hunting, trapping or fishing. We are not talking about entrenched treaty rights in the application of Bill C–68 to aboriginal people. We are talking about the use of an implement to carry out their hunting, fishing and trapping rights.

This same instrument is used by many non–natives in northern hinterland areas. I assume these non–natives who hunt for sustenance enjoy the same or similar hunting rights as aboriginals. I find it questionable that the government in its amendments to this bill has not recognized hunting for sustenance activities of non–natives who live in remote northern areas.

I ask the hon. minister of Indian affairs whether his government specifically sees a difference between a remote residential aboriginal hunting for sustenance and a non–aboriginal who lives in a remote district of Canada and hunts for sustenance. Why would one under the proposed legislation be required to comply with all the regulations of Bill C–68 and yet a special provision might be given to another?

Mr. Irwin Mr. Speaker, in broad terms we have populations of aboriginals in Winnipeg, Toronto, Kenora and other areas as high as 60,000 to 65,000. Within these areas aboriginal people are more at risk to violence by all facts right now. It is in their best interest to look at our policies of safe streets, knowing that we are not attacking gatherers or hunters or tourism or farmers, all things the Reform, I thought, stood for.

The hon. member says I would be surprised by some things Reform does or says. Nothing surprises me when it comes from the Reform.

There are provisions in the act having nothing to do with being Indian or not. If you are under 18 and a gatherer there is an exemption. You can use your gun if you are a gatherer of food.

(1525)

The member talks about methodology, and I have said over and over again this does not free any person on methodology. Surely using the test of reasonableness under the treaties no aboriginal person can go hunting with a Sherman tank. By any test of reasonableness we can control and legislate on methodology.

The Deputy Speaker: Before we resume debate I understand the hon. Secretary of State for Financial Institutions wishes to table a motion.

ROUTINE PROCEEDINGS

[*English*]

WAYS AND MEANS

NOTICE OF MOTION

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, pursuant to Standing Order 83(1), I wish to table a notice of ways and means motion to amend the Customs Act and the customs tariff and to make related and consequential amendments to other acts.

I ask that an order of the day be designated for the consideration of this motion.

GOVERNMENT ORDERS

[*English*]

FIREARMS ACT

The House resumed consideration of the motion that Bill C–68, an act respecting firearms and other weapons be read the third time and passed; and of the amendment.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I am very pleased to rise on third reading of Bill C–68 on the final day of debate on this fine bill.

I am very proud to rise as a member of this caucus because I am proud not just of our position on this bill but also of the strength of our caucus in standing up to criticism which, although many times unfair and certainly very emotional, has been strong and relentless. I am also proud of the Prime Minister and particularly of the justice minister who has seen this legislation through from beginning to end.

I am proud also because I know I am representing the views of my constituents in Windsor—St. Clair. We have heard a lot of the importance of representing the views of our constituents today. We heard a lot from the third party about that. There are some very specific reasons the people of Windsor—St. Clair want me to vote for the bill.

In Windsor we enjoy a great deal of American tourism. We are less than a mile from the United States. When thinking where to go for lunch one can actually factor in restaurants in Detroit. One can go there and get back on one's lunch hour. That is how close it is. We have clean, safe streets. We have tremendous cross–border shopping in reverse and we have a casino which attracts 17,000 visitors a day, 90 per cent of whom are American.

People who are active in the tourist industry in Windsor, hoteliers, people at the casino and others, tell us one of the great reasons for the attraction of our community is that it is in Canada and people feel safe there. They tell us clearly and unequivocally that when they canvas their customers, when they talk to the patrons at the Windsor casino, gun control is a factor.

This bill in a very specific economic sense is good for my riding. The people of my riding appreciate it, understand it and want it. That is not my only reason for supporting it and certainly is not the only reason my constituents have for supporting it.

It is my view and the view of the majority of my constituents that the bill is not just about crime control. The people of Windsor—St. Clair and I as their representative suggest the bill is about the kind of Canada we want for the future, in our retirement for our children, for our grandchildren. It is about the values we share as a country.

There is no constitutional right to bear arms in Canada. There is no right to pack a pistol on one's hip or to hide one in one's car; nor should there ever be. On the other hand as a society we value hunting, sport shooting and aboriginal rights and we struggle to find the balance between those seemingly competing interests. In Windsor we know this very well. We also know what happens when firearms as a commodity go out of control.

(1530)

As I said, we live less than a mile from a country with a very different view of this commodity, a country where firearms are indeed out of control. We watch the Detroit news in Windsor, and every night purposeful criminal shootings and accidental shootings are displayed on the air as though they were car accidents or as though they were just another fact of life. In those American cities they are.

I worked in Windsor in the criminal courts as both a defence lawyer and a prosecuting lawyer. Every Monday morning in bail court—court room number three, for those of you who are listening in Windsor—there would be a parade of American visitors to Canada who came into the country, passed that great big sign that says that firearms are prohibited in Canada, came across the border and had their firearms seized. Why? They would tell us they had forgotten they were in the car. They would be under the front seat, loaded, or in the glove box loaded or in the trunk loose and loaded, sometimes carelessly stored, sometimes kept loaded and right on hand.

Very often these same people would be offended by our laws and highly indignant, all of them feeling that they have a God–given right to carry a gun, and in spite of the warning at the border they were going to continue to carry it. Why do they feel that way? They feel that way because their culture is different from ours, but also because many of them feel a need to carry that gun. They feel they need protection. This is not the society or the culture the vast majority of Canadians want to live in.

I enjoy Americans very much. I like going to the United States. There is much to admire about their culture, their industry, their enthusiasm, their protection of individual rights. There is much to recommend in their democratic system. Yet last February the President of the United States came to this House and spoke to a joint sitting of the House and the Senate, and what did he talk about? He talked about our efforts to control firearms in our society. What did he talk about when he was introduced to our justice minister that evening? Both he and Mrs. Clinton wished him well in his struggle to control this commodity.

My friends opposite like to talk about democracy and about the need for us to represent our constituents. They like to talk about the importance of representing the folks back home in this House. I believe that is what I am doing. I believe that the constituents of Windsor—St. Clair support me, support this government, support the Prime Minister and the justice minister in this effort to control this commodity. I believe as well that the vast majority of the constituents of the members of the third party feel the same way.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I listened very carefully to the speech the member made. I know she has spent some time on this.

I feel very frustrated in trying to communicate to the Canadian people all of the things that are contained in this 128–page bill, so I took it upon myself for the last year and a half to regularly inform them through news releases. I think I have sent 31 or 32 news releases out informing them as to the contents of this legislation.

We have also promised that if it proves to be ineffective we would repeal it. We are quite confident that it will not meet the high expectations this government has put forth in this legislation.

My question for the member is simply this. Why did she oppose my amendment to have an independent auditor review this legislation after fives years to see whether it is cost–effective and whether it is meeting the goals this government claims it will meet? If they are so confident that it is going to make our society safer, why did they oppose that common sense amendment?

(1535)

I also have another comment with regard to the comments made by the previous speaker.

I have many native people in my community and I regularly visit with them. They are strongly opposed to Bill C–68. And even with the amendments that were introduced yesterday, they are still going to be opposed to it, because they say they do not want more provisions in Canadian law that give them special status. They would like to see us move toward equality. They are not appreciative of what the government is doing by trying to tinker with C–68 to make it more palatable for native people. They are very concerned about that.

In light of the events of last night, I should review them for the people who are watching on television. Last night we sat here for hours and hours simply going over all the amendments that were made at the last minute, many of them by the government, to fix up this flawed legislation to make it a little more workable in their eyes.

Would it not make sense to postpone this, in light of the fact that it will not take full effect until the year 2003 anyway? Would it not make sense to postpone it a few more months to make sure it is workable? Because we have pointed out many flaws in it.

Would the member object to those two amendments? We feel it is really important to look at these things. I would like some good answers from the government. Maybe the member can address those two questions.

Ms. Cohen: Mr. Speaker, I think there were basically two questions asked. The first was the question of whether I would agree with my hon. friend that there should be an audit of the situation in a few years.

I think the hon. member is confused about the nature of the bill. This bill is about cultural values, crime, and a variety of issues, none of which are capable of being dealt with in a financial audit. It is not an economic bill.

With respect to the second question, about postponing the legislation, the people of my riding do not want the legislation postponed. They want us to get on with it and get on with our agenda.

I would suggest to my hon. friend this his constituents probably have concerns other than guns as well.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I did not mention specifically the costs of the bill. It is a significant factor, but the member is trying to portray it as simply a cost item.

I am asking whether she would agree to an independent audit to see if it would be cost–effective, but also whether it was meeting the targeted government claims that it will reduce crime. That is the question I asked.

I also asked if she would agree to postpone it for a few more months. It does not even begin to take effect until 1996, so why rush it through now? If there are this many amendments coming at the last minute, we have a serious problem in the justice department. If they have to propose this many amendments and all the things that need to be addressed, would it not make more sense to wait and get it right the first time? I think this is something she should address.

I would like to make another comment. We have listened to all the rhetoric coming forth from the government. I would like to remind the Canadian people that we heard exactly the same rhetoric before the Young Offenders Act was introduced. So the same people who brought us the Young Offenders Act are now bringing us this gun control legislation, the same people who ran up the debt.

This bill is going to be a horrendous cost. I wonder if the hon. member would rather spend the money on crisis centres or counselling for families at risk, rather than on this legislation? Would it not make more sense? We are running further and further into debt. I do not think we need more legislation like this.

The same government that is giving criminals more rights than victims is also bringing us legislation that will put a heavy burden on law–abiding gun owners rather than criminals. I cannot see how we can accept that.

(1540)

I would appreciate the member looking at and fairly dealing with the questions that I have. Let us wait a bit. This time line does not mean that we have to pass it today. Would it not make more sense to wait? That is the amendment we are debating before the House. Maybe she has forgotten that.

Ms. Cohen: Mr. Speaker, in response I would say that I did answer the hon. member's two questions before, but apparently he did not like the answers.

We have never sold this as a bill to reduce crime by reason of its existence in Canada, although it is being used as such on a faulty basis for argument by the opposition. This bill will provide the tools to law enforcement agencies and the cultural

basis that will enable us to have less crime in the future. There is a substantial difference.

Also, with respect to the issue of delay, the hon. member should give his head a shake and realize that the people of Canada want us to get on with the business of governing. The people of Canada are not obsessed by guns. The people of Canada are worried about jobs and unemployment. Equating money for gun control with money for crisis centres is unfair, particularly coming from a party whose members tried to turn down summer grants for those very services in their ridings.

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière–du–Loup, BQ): Mr. Speaker, I am pleased to participate in the debate, at third reading, of Bill C–68, the gun control legislation. My short experience as a parliamentarian has made me more familiar with the whole enactment process, and also more aware of the importance of lobbies.

There is a lobby in favour of gun control and one opposed to it but, in my opinion, the only lobby that really matters is my constituents. Consequently, my position on this issue, which is also that of the Bloc Quebecois, reflects the discussions which I had with my constituents. I am thinking in particular of the residents of Saint–Médard, in the Rivière–du–Loup area, the community health department official who came to my office to discuss the impact of that legislation, and also those representing shooting clubs and firearms merchants. This is not a black and white issue.

In this case, I believe that the approach is very different from the one used with the social program reform, when the government tried to impose a UI reform on the backs of the unemployed and seasonal workers. In that case we had no choice but to oppose such measure.

This is the first time in 18 months that I have had to really weigh the government's intentions and the real impact of its legislation, including in rural areas, which have the highest rate of accidents related to the use of firearms, even though the use of such firearms, including by hunters, is generally much more in compliance with the legislation.

In terms of its purpose, this bill seeks to reduce the number of deaths and injuries related to firearms, as well as to ensure legitimate, controlled and prudent ownership of such weapons, even though it will not prevent certain uncontrollable, impulsive reactions leading to tragedies. The objective is no doubt very laudable. However, is universal registration the solution? Given the increasing number of acts of violence in today's society, it seems that we have to use a curative approach and see if we get good results.

My philosophy regarding this bill is the same as the one which prevails in the occupational safety and health sector.

(1545)

The basic principle we must consider is that in order to prevent crimes or accidents involving firearms, an effort must be made to eliminate the problem at the source, as with any accident at work.

Take noise, for example. In certain cases, we can completely eliminate the noise made by a firearm with a silencer or another similar device, and, when that is not possible, people can wear earplugs to protect their hearing. Using this model, the question in the case of firearms is how to cut down on the number of deaths.

The first approach that I think is important and that is not the focus of this bill, but should be taken into consideration, is to eliminate problems at the source. We must have information about the kinds of accidents that are associated with the use of firearms, how criminals go about smuggling firearms, how, in cases of domestic violence, one of the spouses uses a gun with results that are irreparable and final, how many hunting and other accidents take place. This is how we can reduce the number of mortalities from the outset, by eliminating the problem at the source.

This is an area in which Western society has not been too successful. We have an increase in violence, a very high rate of unemployment, a growing need for the services of psychologists and too much violence on television. These are all significant factors that require a systemic approach.

With particular respect to firearms, we have a situation where we cannot solve the problem at the source, but we must try to reduce the negative effects of firearm use. We can say that the purpose of the bill should be to ensure that firearms are not available to someone wishing to take an irreparable step.

In order to achieve this goal, and that is the purpose of registration, we must know who possesses firearms. Are they legally entitled to do so? We must ensure that people with firearms are honest people, in so far as possible, and that they are capable of using those firearms correctly. Will the method proposed, registration, be effective? We shall see.

Plenty of time has been allowed for implementation. There will be no change for three years. After that, there will be a five year period, taking us to the year 2003, during which registration can be carried out. That is when we will see whether values have changed in our society, because that is really what this bill is proposing, a change in values. Because our society views violence differently, a long established practice needs to be changed to ensure adequate control over firearms.

We will see whether or not this goal is achieved in concrete terms. I will remind you that success will have to be determined by taking into account all the actions taken. Last week, I learned that additional resources will be allocated to the RCMP to fight smuggling. Will these resources be enough? I do not know. This measure must be part of an action plan and I think this is an interesting idea.

On the other hand, as you solve one problem, you want to make sure you are not creating new problems in the process; in the case in point, this means not making life impossible for honest citizens who use firearms correctly. In that sense, it is a shame that the government did not see fit to incorporate some of the amendments proposed by the Bloc Quebecois, particularly with regard to having the legislation apply equally to everyone.

It says that the First Nations, aboriginal peoples can be exempted by cabinet decision from the application of any or all provisions of the act. It seems to me that creating two classes of citizens like that is unfair.

(1550)

With respect to cost control, we were assured that it would not cost more than $10 to register up to 10 weapons per owner and that this registration would be good for life.

We, however, put forward a proposal to ensure that, for example, the next government would not suddenly be tempted to do what was done in many other registration systems like those in the auto industry and other sectors, to turn this into a cash cow for the government through very substantial cost increases. I think that this would be inappropriate and that the government would have to be accountable for its actions should it do so in the future. We would have liked this to be included in the bill, but it was not.

Another amendment called for a minimum four year sentence, provided for in the bill, for crimes committed with weapons. We think that this will create a double standard and that judges will have a hard time implementing this provision because crimes committed with firearms will have to be treated differently from those committed with other tools or instruments. I think that the government should have spent more time considering this.

In the debate on the firearms bill, the Bloc Quebecois's policy has always been to ensure that we have a balanced bill at the end of the day. Will it be sufficiently balanced for us to vote in favour? In this regard, the amendments deliver a number of gains.

For example, with regard to decriminalization, converting a Criminal Code offence to a statutory offence, which does not involve fingerprinting, mug shots, and entry into the police electronic network for first time offenders, is an interesting gain, because those who forget to register during the five year period would not be considered to be criminals but simply citizens who forgot to do something and who must rectify the situation.

Another element on which gains were made is the decision to issue licences. We do not rely only on reports from other people, we take into account the place of residence of the person. A person will not be kept from owning a firearm on the ground that he or she is in contact with a specific individual. Rather, the decision will be related to that person's place of residence, and whether interdictions apply to other individuals in that residence. That is, in our opinion, a valuable gain.

Another important issue raised by several hunters is the fact that the firearm handling courses which they took under the Quebec legislation were not recognized. Again, an important gain was made regarding this issue and the situation will now be more acceptable to Quebec hunters. That change is a good one. It does not go against the principle which underlies gun control, but it eliminates the frustrations experienced by hunters who use firearms for an honest purpose, their hobby.

I also want to point out that, after a few years, only those who have a valid license will be allowed to buy non–prohibited ammunition. This will surely help avoid accidents which occur, for example, when young people go out and buy ammunition. Indeed, this type of situation often results in accidents, and that is unacceptable.

We are dealing with a bill which, in my opinion, is not perfect, a bill which has been the object of numerous debates. This legislation led us to examine the pros and the cons of an interesting principle, a principle which is aimed at reducing violence as well as the number of accidents and tragedies which we hear about on the news, including violence against one's spouse. This is not to say that all accidents and tragedies will be eliminated. People will still be able to use other means of violence.

(1555)

We have witnessed this recently, but the use of a firearm has such a devastating and often definitive effect that we hope that implementing this bill will have positive effects.

I would like to conclude by saying that I drew my reflections on this bill today from personal experience, and I tried to see the bill's everyday implications. I still remember a story I was told, like the one about one of my uncles who died in a hunting accident years ago. At the time, no training courses were given to hunters to inform them regarding the proper use of firearms. Courses were introduced to try to remedy this situation. I could also talk to you about one of my friends who was in a corner store when suddenly, in came a gang of robbers. I hope that this law will correct situations of this kind.

The most obvious goal for me is preventing people from using a firearm to commit suicide. Often, access to a firearm is the definitive, deciding factor on the outcome of the situation. Although the Firearms Act will not directly help people who are contemplating suicide to deal with their crises, it will at least save some lives by barring access to firearms in cases where people are refused licences for justifiable reasons.

In conclusion, I believe that this law is not the best firearms bill we could have introduced, but that it is better than none at all. I want to ask those people who have been long–time regular users of firearms to calm down and consider what the actual impact will be on their daily lives.

As I said earlier, for three years there will be no impact as such. After that, a person has five years to register his firearm. We will have plenty of time to find out whether there will be any negative impact.

If firearms registration is done properly and if in eight, ten, fifteen or twenty years we as a society are able to show that our statistics on the number of accidents, the type of accidents and the number of suicides have gone down, then it will have been worthwhile. From this point of view, aside from the constraints on lawful users of firearms, I wish they would think about that other aspect and realize that, in the best interests of our society, it would be advisable to support this bill and provide for adequate supervision.

For instance, the amendments proposed by the Bloc Quebecois, which were defeated, made provisions for Cabinet to use its regulatory authority with respect to aboriginal people. We need practical applications to ensure that the department is sympathetic to certain needs and to ensure that the bill passed in this House makes our society different from other societies where there is a lot more violence and, in the process, ensures that we have a quality of life and a social model that is far superior.

[*English*]

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, there is one statement my hon. colleague from Quebec has made that I strongly disagree with. He said that the bill was flawed but it was better than no bill. That is one of the problems in the country. Bad laws are worse than no laws.

Why can he not agree with the amendment we are debating this afternoon to wait for at least six months and work on it to make it not such a bad law?

My first question is not the most important of my two questions. I have been working with the Senate; I have been a watchdog for a year and a half. Would he agree that we should allow the Senate to examine the matter very closely, to be a chamber of sober second thought? Does he feel that the Senate has a legitimate role to play in the legislation? Would he like to see a Senate that would be truly representative of Canada, all provinces, create equality and play a legitimate role in checking out the legislation?

(1600)

My second question is the key question. I cannot figure out why the Bloc is not opposed to legislation that so clearly infringes on areas of provincial jurisdiction, such as education, requiring federal education courses to be taken in the provinces; regulation of private property, clearly in the Constitution as an area of provincial jurisdiction; and licensing, increasing provincial taxes.

I understand the Quebec government is looking for $300 million in compensation to implement the bill and the minister says it will only cost $85 million. How can the member go along with a bill that so clearly infringes on areas of provincial jurisdiction?

[*Translation*]

Mr. Crête: Mr. Speaker, I will answer generally first on the matter of the Senate. I believe the Senate is outdated. The other House is an outmoded institution, which reflects the view of the 19th and earlier centuries that elected representatives lacked sufficient education and therefore needed the opinion of wiser individuals, advisers.

Today, with the quality found in the House of Commons, the Senate has become more of a political reward for those who have contributed in some way or other to the party in power. I hope elected officials will have control over this sort of legislation. If voters, in the end, had to decide on the basis of legislation we passed, they would decide on the situation as a whole.

However, as regards the six–month delay, I myself believe and I think the Bloc caucus agrees, I cannot speak for the other caucuses, that we have been very well informed on the entire question of firearms. Lobbying has been very strong from all sides, I daresay even exaggerated at times. We had to examine all of it. I met many groups of voters in order to form an opinion about what should be in the bill and I think I have all the information I need.

As for the matter of training, the bill provides that training courses given by the Government of Quebec will be accepted by the federal government and that hunters who have taken the courses will not have to take them again. In this regard, the Bloc has won a major point by protecting the lives of ordinary people from disruption, and this is one of the amendments that leads me to believe the bill is balanced enough for me to vote for it and promote it. With the support of the vast majority of Quebecers for gun control, this amendment, among others, serves the needs of the rural population, which I represent here, and which I believe will enjoy long–term benefit from this new bill.

The Deputy Speaker: Hon. members, perhaps I may draw your attention to Standing Order 18 which says we do not have

the right to criticize the other House. I realize very few people are aware of this rule, but I do want to point this out.

[*English*]

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, I listened very carefully to the comments on the bill by the hon. member across the way. The important discussion that is going on today has been going on for nearly a year now. I heard him mention the various things he has done in his area to garner input from all factions.

I would like to ask the hon. member a question from his perspective in the area he represents in Quebec. Knowing full well that Quebec has many hunters and many people who enjoy outdoor sports, especially in the wooded and northern regions of Quebec, has he received input from various groups that makes him believe the bill will impact on responsible firearms owners, owners of rifles and shotguns who are legitimate hunters in Quebec? Does he believe the legislation will impact on them, impede them or cause them any particular hardship in carrying out their sports and their competitions as target shooters as they have in the past?

(1605)

[*Translation*]

Mr. Crête: Mr. Speaker, when I met the people in my riding, I also spoke to members of the hunting community and people from the department of public health who argued in favour of the legislation. In the case of hunters and all people involved in outdoor activities who use firearms, there will be some changes that will be frustrating. That is quite true.

First of all, they will have expenses they did not have before, and they will have to understand the new rules and how these affect them. In this area, we have to deal with people's perceptions of the bill as well as with the bill itself. In fact, I hope that thanks to the timeframe provided under the bill, the first three years and then another five years to register, the government avoids what happened to the previous legislation, which was never operational mainly because the government at the time did not take the trouble to inform the public and make the legislation acceptable to all voters, to all citizens. I think this is a legitimate change that will require sensitive enforcement of the legislation.

I recall the amendment we proposed regarding criminalization and a number of other aspects, where we wanted to ensure that the minister would be flexible—I am thinking of the minimum sentence of four years. I think the minister will have to give this some serious consideration and perhaps, in the years to come, a number of technical amendments might be considered, because people may end up in the penitentiary system and become criminals as a result of a single misstep.

This morning the Leader of the Opposition gave the example of the young person who breaks into a cornerstore with a gun and as a result will get at least four years. Under the Young Offenders Act as applied in Quebec, under the previous legislation, he would have had a good chance of being rehabilitated. If he is sent to the penitentiary for four years, chances are he will acquire some bad habits before he comes out and by that time it will be too late. So there should be some flexibility on the part of the government to ensure the legislation is enforced correctly.

As for hunters who will have to change their habits, I think we have to look at the benefits to society as a whole.

We also have to be very clear about what the government intends to do about smuggling. If the money people spend on additional registration is used to cover the cost of the system, that is all right, but these people will need tangible evidence that they are not the only ones who are paying and that further action is being taken in society, so it is not just a matter of plugging one hole but making sure all the holes are plugged, like smuggling firearms into Canada across what is perhaps the longest border between two countries. The government has already announced significant initiatives, but I think that we will have to ensure that they are enforced because hunters will be most frustrated if they are forced to pay fees when, ultimately, all of the other measures end up not achieving their intended results.

We come up against the same things in this sector as we do in the environmental sector. The way I see it, to all intents and purposes, the real effects of a law are more evident 8, 10, 15, 20 years after the fact than they are immediately after its introduction. It is important to realize this. We are bringing in legislation today for the sake of future generations. We cannot talk about a piece of legislation like we talk about next year's budget, which can be corrected the year after.

(1610)

This was one of the considerations which got me thinking and strongly defending the arguments put forth by the inhabitants of rural regions on the issue. All of this notwithstanding, I think that this legislation will allow us to distinguish ourselves, as a society, from the American model, for example, where violence is so widespread that certain states have decided to permit almost anybody to carry a firearm. I am not interested in this model. If I have a choice between the two, I would much rather choose the model proposed here.

[*English*]

Hon. Warren Allmand (Notre–Dame–de–Grâce, Lib.): Mr. Speaker, as chair of the justice committee which intensely and thoroughly examined the bill for over seven weeks, I should like to report more fully to the House of Commons.

After the bill was sent to the committee on April 24, we held 52 meetings lasting until June 5. In that time we heard 70 witness groups.

While I am and always have been a strong supporter of gun control and a supporter of Bill C–68, I took the position as chair of the committee that I would bend over backward to accommodate those groups which opposed the bill, to accommodate those members of Parliament and parties who had concerns about or opposition to the bill. I did this because I think the credibility and integrity of the parliamentary system take precedence over partisan views and behaviour. As a result, approximately two–thirds of the witnesses who appeared before the committee were in opposition to the bill and 61 amendments were made.

Further amendments were made last night at report stage. Of course not all amendments were accepted, which is normal in a democratic society where there are opposing views. Some of the amendments would have cut out the essential elements of the bill, and therefore they were opposed. Other amendments which were directed to major and minor improvements in the bill were not convincing to the majority on the committee.

Now I should like to take off my committee chairman's hat and put on my House of Commons hat and show my support for the bill. Ever since I was elected in 1965 I have been a strong supporter of gun control. Nearly all the elements in this bill and in Bill C–17 from 1992 were contained in one or other of my private member's bills from the late 1960s and early 1970s. With this bill nearly all the proposals I made 30 years ago will have been legislated.

Over and over again, before the committee, witnesses opposing the bill said there was no evidence that the licensing of gun owners and the registration of guns would reduce crime. That is not correct. There is overwhelming evidence that where guns and gun owners are more strictly controlled there is less crime with guns.

If we examine the situation in western Europe where in nearly all countries guns are registered, they have a much lower rate of crime with guns. In Canada, where we have had the registration of handguns for many years, we have had a lower rate of crime with handguns than in the United States where handguns or no guns are registered at all.

Some people might refer to some of the states of the United States that have very strict gun laws, but we cannot really consider them because in the United States there is no border control between the states. For example, if one is in New York State one can very easily travel to a neighbouring state where guns are easily available. Therefore the strict gun laws in one American state do not have very much impact on the control of crime with guns.

However, in Canada, as I say, we have had very strict control on handguns which have been restricted weapons since 1934. In Canada 53 per cent of our crimes with guns are with long guns, whereas only 17 per cent of crimes with guns are with handguns. It is interesting to note that in the United States the statistics are exactly the opposite where two–thirds of its crimes with guns are with handguns. This demonstrates that where we control handguns we have a much lower rate of crime with handguns. Because we have no control on long guns most of our crimes with guns are with long guns.

(1615)

The purpose of licensing is to screen out irresponsible, imbalanced reckless persons who might acquire guns, to screen out people who have problems with alcohol or narcotics. The licensing system in the bill is merely an extension of what we have already had for several years with firearms acquisition certificates.

The registration system will require more responsibility from gun owners and provide police with more tools for crime prevention and crime detection. The purpose of both of these measures is public safety. The bill requires no more of gun owners than we already have in varying degrees for automobiles, boats, aircraft, ski–doos, dogs and bicycles. In other words, the measures in the bill with respect to licensing and registration are for preventive policing, the approach of the police these days, to prevent crimes than after the crime applying a harsh penalty. It is much better to prevent the crime by keeping guns out of the hands of dangerous, irresponsible people than to punish them after they have committed the crime.

Furthermore, I want to make absolutely clear there is no intention at all by me or anybody else in government to ban all guns or ban hunting or competitive shooting.

This is my fourth gun bill debate since I came here in 1965. On those four occasions this fear was raised by opponents of those bills. It never happened. We have as many or more hunters today than we had in 1965 when we first started introducing bills to control guns.

On the other hand, while there has been no real reduction in the number of hunters or competitive shooters there has been a gradual reduction of crime with guns. In 1974, 47.2 per cent of homicides were with a firearm. In 1976, we passed a law that brought in a certain restriction on firearms. That was the year we brought in the firearms acquisition certificate. By 1980 only 32.9 per cent of homicides were committed with a firearm. In 1992 we had Bill C–17 with further restrictions and further controls on firearms. In 1993, the last year for which we have statistics, only 30.6 per cent of homicides were with firearms.

In that period homicides have declined as well. The highest rate for homicides in recent years was in 1975 when we had 3.02 homicides per 100,000 population. In 1993 there were 2.19 per

100,000, a considerable drop after stricter controls on guns and as well the abolition of capital punishment in 1976.

I will deal with some of the myths raised during the hearings of the committee, one being if we control guns more strictly only criminals will have guns. Sixty–six per cent of homicides are committed by people with no prior criminal record. In other words, 66 per cent were law–abiding until they committed homicide. Marc Lépine, who killed 14 women at l'École polytechnique, had no prior criminal record. Valery Fabrikant, who killed four professors at Concordia University, had no prior criminal record.

(1620)

We will never control professional gangsters or professional criminals; they will always get their guns. The great majority of our murders are not committed by those people but by people who were previously law–abiding.

The other myth is that guns do not kill, people kill. That is true but people kill more easily and more effectively with guns than with other weapons. Guns are the most lethal of weapons. When a gun is readily available what might have been an assault becomes a murder.

There is considerable evidence from Canada, the United States and all over the world that where guns are more available there are more crimes with guns. The bill will restrict the availability of guns to many who might use them criminally. It will also put barriers in the way of those who want to acquire them quickly and irresponsibly. The bill will reduce crime with guns. It will control not only guns but crime.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I listened very carefully to the hon. member.

I find it very interesting how they can look at some of the statistics from around the world and twist them to suit their own purposes. The member cited statistics from Europe. England embarked on a campaign against guns and he is perfectly aware that violent crime increased in England as these laws were put into effect. I am making him aware that it depends on how one twists these statistics.

I agree with him when he says we need to get at the root of the problem. This is not getting at the root of the problem. We are simply seeing someone bleeding on the rug and we are saying please bleed over here. Instead of trying to stop the crime, instead of trying to stop the problem we are simply shifting it somewhere else. We are not targeting the problem of crime.

Prevention is the principle. If we are to spend hundreds of millions of dollars and save lives, which the government stated is the intent of the bill, would it not be better to spend it in some other way? Would it not be more cost effective?

Why does the member oppose my amendment to have a review of this legislation by an independent auditor to see whether it is meeting the goals and objectives the government has set? I cannot understand why he would object to that.

The statistics he quotes beg the question of how many more lives could be saved if we would spend the money in other ways. Another key question the government has never addressed is how many lives will this cost. I presented evidence to the government that showed guns have saved many lives.

This legislation will tie up our police. How many lives will it cost because the police are no longer on the street but are tied up with law–abiding citizens registering guns? How many jobs will be destroyed because of the increase in taxes this will make necessary? What will those people without jobs do? Some of them may possibly turn to a life of crime.

We as parliamentarians sometimes forget to look at the secondary aspects, the secondary effects our legislation has. Could the hon. member address those two questions I have raised?

Mr. Allmand: Mr. Speaker, I do not know what statistics the hon. member is looking at. I do not have them here before me today but I looked at some this morning because I have to give another speech tonight on homicide at another place.

The rate of murder in the United Kingdom is less than 2 per 100,000; less than in Canada where it is 2.19 per 100,000. In the United States the rate of murder is 9.6 per 100,000. I do not know what the hon. member is talking about. Let us hear his figures.

The rate of murder in the United Kingdom is lower than in Canada and the rate of murder with guns is much lower than in Canada and much lower than in the United States.

(1625)

The member has not presented us with any facts. I challenge him. I will come back to the House tomorrow under a standing order and put the facts on record. In all of Europe the rate of crime committed with guns is substantially lower than in the United States and in Canada. He cannot state otherwise. There may have been a slight increase, but the slight increase is nowhere near that of the United States which has open access to guns.

He asked why we do not spend the money on other programs which might deal with the causes of crime. I am rather surprised by that. Every time the government has put proposals to the House in that direction members of his party vote against them. Not only do they not approve of the cuts the government has made in social programs, they want to cut them even further—what hypocrisy.

The people who will pay for the registration system and the licensing system will be the gun owners, just like those of us who own automobiles have to pay for the registration system and the licensing system. The general taxpayer should not have to pay for the gun control system. It should be paid for by the people who own and use guns, and rightly so. The moneys we would use for general social programs to attack the causes of crime will come out of general tax revenue. They should not be played one against the other.

Mrs. Jean Payne (St. John's West, Lib.): Mr. Speaker, I am pleased to speak on Bill C–68, an act respecting firearms and other weapons.

I congratulate the Minister of Justice on his efforts and perseverance in bringing this important and timely matter to the House of Commons. More important, I commend the minister for his willingness to listen and to respond to the comments of all Canadians regarding the bill without sacrificing the major goals and initiatives of it.

I do not believe any other bill in this session has generated as much discussion and debate among Canadians as has this one. However, as I have listened to the discussion and the debate some of the major aspects of the legislation are being overlooked. I will comment on some of the issues I feel have not been adequately highlighted.

The legislation sends a clear message to criminals, judges and the public. If a person uses a gun while committing a crime they will be punished. The Criminal Code will be amended to provide that when a person has committed one of the ten listed serious crimes with a firearm they will be subject to a minimum sentence of four years in prison. In many cases the actual punishment will be more severe. If a person uses a gun in the commission of a crime they will be punished. No matter what other mitigating factors are involved, a judge will have no choice but to sentence people guilty of these offences to four years in a federal penitentiary.

The message is clear. The protection of the public must be the main goal of our penal system. In addition, people convicted of these offences will be banned from owning a firearm for life. I believe it is important to reflect on these provisions because they highlight the central goal and purpose of the legislation, to ensure Canada remains a safe place and that Canadians continue to enjoy protection from gun related crime.

The provision aimed at tighter border controls was referred to earlier by my hon. colleague with respect to the importation of firearms. One need only look to the south to see the dangers guns pose. It is with great pride that many Canadians compare the relative safety of our cities and towns to those of the United States. Given the easy availability of firearms in the United States it is clear any legislation aimed at controlling the use of guns must address the importation of guns.

Import–export controls for firearms are presently based on the premise that guns are a commodity and therefore are subject to the same trade controls as any other commodity. Under Bill C–68 changes will be made to provide for a fundamental reorientation of the policy toward firearm imports. In particular, the legislation will recognize that importing firearms may have important consequences in terms of public safety and crime control.

Under Bill C–68 for every firearm coming into Canada the person responsible will be required to have either an import permit for commercial use or a customs declaration for personal use. Every gun coming into Canada will now be tracked. These import declarations and permits will only be issued to those individuals and companies who have the necessary permission to possess firearms while in Canada. These controls form part of the bill's effort to reduce the underground market for guns and provide for the accurate tracking of all guns in Canada.

(1630)

Of course, in conjunction with these new measures, the act provides also for penalties for those individuals who do not obey the import guidelines. Under Bill C–68, the Criminal Code will be amended to provide for a new offence of importing a firearm without the proper customs declaration or permit. This offence will be punishable by a minimum of one year imprisonment if prosecuted on indictment. In addition, the court has the power to prohibit the offender from possessing a firearm for up to 10 years.

Again, the theme underlying Bill C–68 is clear in these provisions. The theme is the protection of the public and the reduction of crime.

The bill also recognizes the legitimate use of guns, but at the same time it is aimed at limiting the use of guns by those people who have no legitimate purpose to do so. This will be done by reducing the underground market for guns, the place where criminals get their guns, and by increasing the penalties for those who use guns for illegitimate purposes.

There are other measures which I would like to briefly highlight. Any future sale or importation of handguns that have a barrel length of 105 millimetres or less will be banned. In addition, the definition of firearm in section 85 of the Criminal Code will be expanded to include imitation firearms so that those who simply use or threaten with a fake gun will not escape the penalties under the Criminal Code.

I would now like to take a few moments to comment on the section of the bill that has by far generated the most public debate, the system of universal gun registration. In my conversations, letters and meetings with constituents, it is this section of the bill that has been the focus of much discussion. Before understanding the purpose of universal gun registration, one must be cognizant of the other initiatives contained in Bill C–68 which I have previously touched upon. I repeat, Bill C–68

is about increasing public safety and controlling the criminal misuse of guns.

The universal registration system supports and supplements the other provisions of the bill. The registration of all firearms enables Canada to control and track the flow of firearms across its borders. Without registration, the increased penalties for illegal importation would be unenforceable. It enables Canada and its police forces to address the issue of criminal misuse of guns by helping enforce prohibition orders issued by the courts, by helping police to trace stolen guns and guns used in crimes and by helping increase compliance with safe storage requirements. Registration is the backbone of this bill and it is the section upon which the rest of the bill can be effectively implemented.

Many critics of gun registration have argued that registration will not work because criminals will not register their guns. Frankly, this misses the whole point. Criminals obtain their guns from the underground market which is fed by smuggled and stolen guns. Registration will help eliminate two sources of supply for this market. It will enable police to accurately track the point at which the guns enter the underground market.

Police have been calling for a form of gun legislation for years. If anyone is in a position to say whether gun control will effectively assist in the prevention of crime, I believe it is the police.

I would like to quote from a letter from Chief Vincent MacDonald, president of the Canadian Association of Chiefs of Police. Speaking on behalf of the association, Chief MacDonald stated: ''We view the registration of all firearms as pivotal to the entire package, critical to controlling the illegal gun trade, to supporting preventative action and to enforcing the law''.

It is for these reasons that the registration system contained in Bill C–68 is both necessary and desirable.

Many of the concerns with the registration system rest on what I believe has been a lack of accurate information. For instance, the cost of implementing the registration system will be funded 100 per cent through fees charged for licences and registration certificates. There will be no drain on existing police resources as a result of the implementation of the registration system.

(1635)

The cost of registration for individual gun owners will not be excessive. For owners who wish to register currently owned firearms, a registration certificate will cost between zero and $10 in the first year of availability. Additionally, a non–acquisition firearm licence will cost between zero and $10 in the first year of availability. The actual process to acquire certificates and licences will be straightforward and quick.

In addition to my own views on gun registration, like other members of the House I have consulted and listened to my constituents. I have received many telephone calls and letters. I have attended town hall meetings and have spoken personally with constituents.

I believe in this bill. I support it fully and I am very pleased at this time to have the opportunity to say so in the House of Commons.

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, I too would like to congratulate the hon. member for Notre–Dame–de–Grâce for getting this bill successfully through committee and back into the House. As a member of the committee I know we worked very hard to make the bill suitable for everybody in Canada and easily adaptable to the desires of most people.

I would like to refer to a letter I received by fax today. This letter was sent to the Minister of Justice from the Federation of Medical Women of Canada and states: ''The Federation of Medical Women of Canada support the gun control legislation Bill C–68 now being debated and voted on by Parliament''.

The letter goes on to state that in 1990 Statistics Canada reported 1,400 deaths per year involving firearms. Research has shown that the risk of homicide and suicide is greater for people who live in houses with firearms. The federation also states: ''We view domestic violence as a social and health issue which requires an effective preventative approach with a combination of education and legislation. As an organization, we recognize that we have a role to play''.

It is about the role to play that I would like to make a further comment. I am pleased that most Canadians are not the source of the problem for which the law is geared. This makes Canada unique. We have an abundance of law–abiding citizens but an additional attribute of Canadians is that even Canadians who are not directly affected do share a common sense of responsibility for the welfare of others.

To those who oppose the bill on the basis that they are good citizens and need no laws, I appeal to their higher sense of responsibility for they could make true models for all others. They could accept the bill as it is, respect it and set a model for those who are not law–abiding citizens. I am asking all who oppose the bill to act as good citizens and accept their responsibility and do what the bill asks.

The Deputy Speaker: I do not think there is a question in the member's comments. If the member for St. John's West wishes to reply briefly she may.

Mrs. Payne: No, Mr. Speaker.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, I rise to participate in what will really be the closing debate on the government's controversial gun control Bill C–68.

My colleagues, under the able direction of the hon. member for Crowfoot, have put forward a host of arguments concerning the defects of the bill and over 200 amendments to endeavour to correct the worst of those defects. I wish to commend each and every one of our Reform members for the quality of their contributions and the conscientiousness with which they have made them.

Although these seeds of gun control reform may have fallen on barren ground in this Chamber, I can assure the government that those seeds are falling on fertile ground in the country at large. Within a year they will bring a crop of public discontent which will cause the minister and the government to rue the day they rammed this ill conceived legislation through their own caucus and through Parliament.

As the debate winds up, I do not want to dwell any longer on the details of the bill but instead on the bigger picture. What are the characteristics of a good law and does this bill possess them?

(1640)

The short answer is that a good law must have at least three characteristics. It must be within the constitutional competence of the government. It must be effective in achieving the objective for which it is introduced. Above all it must be capable of carrying the judgment of the people who will pay the bills and for whose benefit it has been introduced. In other words, a good law must pass the test of constitutionality, effectiveness and democratic consent.

Let us look at the big picture. Will Bill C–68 if enacted be a good law or a bad law?

First is the test of constitutionality. This bill will be challenged constitutionally. It will be subject to constitutional challenges to which it would not be subject if the minister had carried out more genuine consultations, listened to the advice he had received and given greater care to the issue of civil liberties when he first conceived and drafted the bill.

With respect to potentially damaging constitutional challenges, I refer to the following. There is the contention of the James Bay Cree and Yukon First Nations that the minister did not comply with the provisions of constitutional agreements with themselves in framing the legislation. I refer further to the fact that several of the provinces consider the onerous regulatory aspects of the act an imposition and an intrusion into their provincial jurisdictions. They may very well challenge the constitutionality of the act once the regulations are proclaimed.

Finally, I refer to the concerns of the civil libertarians that certain clauses, such as those pertaining to inspection, may very well contravene the charter of rights and freedoms, in particular, the rights of Canadians to privacy and security of the person.

It is with some bitterness I note that when these concerns with respect to the intrusion of the bill on civil liberties were first raised by ordinary citizens with their MPs, they were completely ignored by the government. When they were pointed out again by Reform MPs in this House and in committee, they were ignored by the government and the media.

It was only when more elite groups like the Canadian Bar Association or politically correct groups like the Canadian Civil Liberties Association also made the same points months later that the civil liberties issue was even recognized as a potential flaw in the bill by the justice department. I say it is a sad day when the civil liberties of a people are taken for granted by the government and only judged to be at risk when the elites or special interest groups deign to acknowledge the risk.

I would also ask how the justice minister in introducing his first major complete legislative initiative to this House could have managed to get himself on to such shaky constitutional ground including potential violations of the charter of rights and freedoms. Bill C–68 fails the test of being on sound, and unquestionably sound, constitutional ground.

A second major test which any government legislative measure must pass regardless of whether or not it has sufficient support to pass in this Chamber is the test of effectiveness. Will it achieve the object, in this case an increase in public safety, which is its purported intent?

My colleagues have made the argument very effectively that Bill C–68 will not achieve the goal of increased public safety because it focuses less than 20 per cent on the regulation of the criminal use of firearms and over 80 per cent on the regulation of the non–criminal use of firearms. To be effective the emphasis of the bill should have been exactly the opposite.

There is another front on which this bill fails the effectiveness test. As all members know, the Criminal Code and a national gun registry is a federal responsibility but its administration is a provincial responsibility. To be effective a bill of this nature must have the full and positive co–operation of the provinces. It is becoming increasingly apparent that this is not the case. At least five provinces and two territories have indicated their profound unhappiness with the bill and the administrative obligations it imposes upon them.

The Government of Saskatchewan has gone so far as to introduce a motion in the Saskatchewan assembly urging the federal government to introduce amendments to Bill C–68, to allow provinces and territories to opt out of the provisions respecting registration and licensing. The attorney general in Saskatchewan has called on the federal minister to place higher penalties on criminals who use firearms in the commission of an offence and to withdraw all the remaining sections of the gun

control package. He has indicated his willingness to continue to oppose this federal legislation.

(1645)

The minister has made it clear that he will proceed delicately with respect to imposing the administration of this gun control legislation on Indian reserves, many of whom are unalterably opposed to the provisions. This holds out the unseemly prospect of one approach for non–aboriginals, and another for aboriginals, in violation of the basic concept of equality of all citizens before the law.

From a political standpoint, no one in his right mind believes that the federal government, in association with the separatist government of Quebec, is going to vigorously and actively proceed to register every firearm in that province, including those on aboriginal reserves, during a period of constitutional uncertainty.

In other words, even a cursory examination of the practical aspects of administering the bill across the country by provincial governments, half of whom profoundly disagree with it, and on aboriginal reserves, the majority of which disagree with it, reveals profound weaknesses in the potential administration of the bill, profound weaknesses which will render it ineffective in achieving its purpose.

The third test of a good law is that it must be capable of carrying the judgment of the people who pay the bills and for whose benefit it has been introduced. In other words, it must pass the test of democratic consent and support.

Since the bill was first introduced, the government has maintained that it has vast public support, citing various public opinion polls in that regard. However, governments, especially elitist ones that boast of their ability to spin doctor the issues, have a habit of deceiving themselves on the subject of democratic support and their reading of the polls, as was profoundly illustrated in the country and in the House with respect to the Charlottetown accord.

Various polls have been conducted which ask the public whether they are in favour of gun control, and of course the majority answered in agreement. These polls usually fail to follow up that question with the more pertinent question: Should the focus of gun legislation be on punishing the criminal use of firearms or regulating the non–criminal use of firearms? If and when that question is put to the Canadian public, I submit that the majority favour coming down like a ton of bricks on the criminal's use of firearms which is precisely the Reform position.

Other polls ask whether the public supports the federal government's proposed gun control legislation, but fail to ask whether the respondents are in any way, shape or form, familiar with the federal government's gun control legislation. They completely miss the point that as the public gains more and more knowledge about this bill, its support for it declines rather than increases no matter what the initial level. This was precisely the same pattern of declining support which ultimately sank the Charlottetown accord.

Made in Ottawa solutions to national problems, if promoted and promulgated by governments with vast dollars to spend on public relations, initially receive a high rating—in the vicinity of 60 per cent to 65 per cent—with the public. However, as the public gets to know more and more about the legislation, as they examine it for themselves, as they discuss it, as they hear the perspective of the provincial and municipal politicians, the interest groups, the academics and their friends and neighbours, the track record is that public support declines in direct relation to increased knowledge about the legislation.

Any piece of public legislation is subject to declining public support, a trajectory which in the case of this bill will mean that less than 50 per cent of the public will support its provisions by late this fall. That is the sign of a bad law, a law which cannot be properly enforced and will not achieve the intent of Parliament because it does not carry the judgment of the people who pay the bills and whom it supposedly benefits.

I therefore submit in conclusion that Bill C–68, if passed into law, will not be a good law. It will be a bad law, a blight on the legislative record of the government, a law that fails the three great tests of constitutionality, of effectiveness and of the democratic consent of the governed.

(1650)

What should be the fate of a bad law? It should be repealed, which is precisely what a Reform government will do when it eventually replaces this government.

Mr. Boudria: Mr. Speaker, a point of order. If you would seek it I believe you would find unanimous consent that the vote initially scheduled to take place at 5.30 p.m. this day be rescheduled to 6.30 p.m., immediately after private members' hour.

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

The Deputy Speaker: So ordered.

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I was very interested to hear the remarks of my hon. colleague, the leader of the third party in the House.

I listened with interest because I want to tell him that I would also listen with interest if I heard those loud cries from the civil libertarians in this country. I, for one, would listen to those and I am sure members on my side of the House would also listen with me and react.

The loud voices have not been heard by civil libertarians. They have been heard by a very vocal gun lobby very much supported by the Reform Party, the members opposite.

I want to come back to a statement that concerned me in my hon. colleague's speech about constitutional law which is something that we should be very concerned about.

The charter of rights and freedoms is something of which we must be very cognizant in every piece of legislation. When a minister brings forward legislation he has to sign on that he has taken into consideration constitutional and charter arguments. The charter, I often hear, is something that gets in the way. Our protection in search and seizure provisions comes from the charter provisions. That is why Canadians should not be afraid of the gun control bill.

I also want to talk about constitutionality because my colleague opposite raised it. The Supreme Court of Canada has already ruled that gun control is a matter of criminal law. It does not matter that all the provisions of the Criminal Code offence be in the Criminal Code.

That the Criminal Code is for crime prevention has been very clearly ruled in the appellate court in Alberta and in the Supreme Court of Canada. It has been stated by Professor Hogg, who is the expert in Canada on constitutional law, that gun control law is a criminal control provision, a crime prevention provision, and is totally intra vires the Parliament of Canada.

What is the hon. member going to say to the Supreme Court justices?

Mr. Manning: Mr. Speaker, I appreciate the hon. member's learned legal opinion but she did not address the constitutional problems that I raised.

I did not argue that the federal Parliament does not have the constitutional right to pass gun control legislation. I did raise the point that it was aboriginal people who were the first to raise the constitutional question about the bill. Their argument was nowhere close to what the member was trying to defend.

They argued that the constitutional documents which constitute the arrangements between the James Bay Cree and the federal government and the Yukon First Nations and the federal government contained a clause that required a type of consultation which was not provided or honoured by the minister. This was raised by some citizens, a completely different lot.

The other arguments that have been raised with respect to constitutionality are with respect to specific provisions. As the member well knows, the provinces are concerned about the clauses that mention ending the right to remain silent, the requirement to co–operate with the police, the presumption of guilt until proven innocent, the assignment of guilt by association, allowing confiscation of property without compensation, the provision of search and seizure without a warrant. The suspicion is they violate sections 7 and 8 of the Canadian Charter of Rights and Freedoms.

(1655)

I suggest it is in these specific areas the bill gets on to shaky ground. The minister would have been well advised to accept amendments and changes in these areas if his interest was in getting a bill that would not be on shaky constitutional ground if enacted.

The Deputy Speaker: With the understanding the hon. leader was sharing his time with another member, the time for questions and comments has expired.

Mr. John Cummins (Delta, Ref.): Mr. Speaker, the bill before us today concerns gun control. When the debate is finished, members on both sides of the House will be asked to say yea or nay. Should I vote in favour of the bill as some polls have suggested, or if on examining the content of the bill I find that on balance it has serious shortcomings not addressed by the pollsters' questions, do I then cast my vote against the bill? If I do vote against the bill, am I then voting against the wishes of my constituents?

I do not need to tell the House one of the most fundamental principles of my party is that Reform members of Parliament vote according to the wishes of their constituents regardless of their personal convictions.

The question of how a member should vote is worth examining in the context of the bill. It is a question that is fundamental to the public's perception of our role as members of Parliament. It is a question whose time has come because with today's technology, members of this place and the public at large could vote on any matter before the House without having to leave home.

What do Canadians expect of their elected officials? Do they simply want us to look at the polls or look at the bill? Do they want us to vote according to the polls or according to the bill? Certainly many polls would suggest Canadians support gun registration. However this bill is about more than gun registration. It raises important questions about fundamental legal rights, about fairness and even handedness in sentencing, important questions about the spending of limited government resources and basic questions about whether the bill meets its stated objectives of making our streets and homes safer.

Asking Canadians if they support gun registration and asking them if they support Bill C–68 are two distinct questions. No poll has adequately addressed the difference between the two. That is why Canadians have sent us to this place: to examine bills and make the distinctions the pollsters cannot or will not, to challenge the self–serving press releases of the government and to advance the real concerns of our constituents.

Canadians expect us to vote on the merits of the bill. I want to emphasize I do not have any reservations about gun registration as a policy. However I cannot support the bill because I believe it is fundamentally flawed. It does not advance the cause of justice or the safety of the citizens one iota.

I cannot support the bill because it diverts scarce public resources and energies to policies which will not truly enhance personal and community safety. Members cannot transfer support for gun registration to Bill C–68.

There is another side of the issue I would also like to address. Why has the government not devoted its energies and resources to measures that will truly lead to safer communities? Consider the tragic case of Christopher Stevenson. Members may recall Christopher was an 11–year old Ontario boy who was raped and murdered by a psychopathic pedophile and a nine–time child rapist, Joseph Fredericks.

Recently Dr. Jim Cairns who headed the inquest into Christopher's death warned that our children remain targets of dangerous sexual predators because governments are not moving in a meaningful way to protect them. The evidence presented at the inquest was that these offenders cannot be treated and the only way to protect society is through indefinite detention. Yet the principal recommendation of the Stevenson inquiry that repeat child sex offenders be jailed indefinitely has not been implemented.

(1700)

Why has the government not enacted sexual predator legislation which puts the rights of the victim and the protection of society above all else? Why has the government diverted energies and resources of the Department of Justice and the House from addressing real solutions to the problem of violence in our homes and neighbourhoods?

These are the real questions. These are the questions members opposite must answer. These are the questions to which Canadians want answers.

The Deputy Speaker: 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 Waterloo—National Defence.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I do not claim to be an expert on hunting and guns but I know the hon. member for Delta may be of some assistance. How can his party justify not supporting the bill?

I will put it in terms of what I understand from hunting. I have seen a hunting expedition. I saw the hunters arrive in their vehicles in northern Canada, in the Northwest Territories. They were in licensed vehicles. Presumably they had stopped at licensed gas stations along the way to pick up gas. They got on a licensed aircraft on a licensed airfield and flew to some remote lake where they hunted. They had to have a hunting licence in order to hunt. I presume the licence was specific as to the species of animal they were able to hunt.

They got the animal. They then applied for a licence to export the horns from the Northwest Territories because they could not not export from the Northwest Territories without a licence. They got back in their licensed vehicle, having travelled with a licensed guide on their hunting trip.

If everything else about the sport is licensed except the most dangerous part of it, that is the gun, why is there objection to proceeding with the licensing of guns? There is no objection to licensing game wardens. There is no problem with getting a licence to hunt. There is no problem with licensing the guides, the aircraft, the cars, the gas station and everything else. Yet Reform members have a mental block with respect to licensing guns. Could the hon. member enlighten me? I cannot understand this attitude.

Mr. Cummins: Mr. Speaker, the issue of licensing put quite simply is that if I have a car that is not used on the highway I do not need to register it. If I am not using the vehicle registration is not required. That applies to many elements in society.

The issue is not about licensing. The issue is about public safety. The gun handler is licensed. The legislation requires a very stringent test and personal interventions by police authorities to ensure that the person can adequately operate the weapon and so on. We have given very careful consideration to dealing with the issue of licensing.

However the issue is not licensing; the issue is public safety. We are opposed to the bill because licensing will not advance the cause of public safety one iota.

Mr. Bob Speller (Haldimand—Norfolk, Lib.): Mr. Speaker, I listened intently to the hon. member's speech when he talked about licensing. Yesterday I talked about the importance of representing one's constituents here. As I did so members of the Reform Party kept yelling at me and telling me that somehow I was not representing my constituents by making a decision to vote in favour of the bill.

An hon. member: We all know that you will do what you are told.

Mr. Speller: Do what I am told? Look at the hon. members who are falling in line with their leader.

Their leader lives in an urban area that is in favour of the legislation. All the polls that have been taken across the country have clearly shown that. How can the hon. member and members of his caucus stand here to say that those of us in Ontario, for instance, who are trying to best represent our constituents, who have taken polls and have spoken to many constituents, are not representing our constituents? His own leader comes from an area of the country where polls have shown that the majority of the people are in favour of the legislation. His leader is going to vote against it, against the wishes of his constituents. That party's key point during the election campaign was to represent

its constituents and have free votes. How does that align with party policy?

(1705)

Mr. Cummins: Mr. Speaker, the issue is whether the question the poll has asked can be equated to Bill C–68. In my view asking the question ''are you in favour of registering firearms'' does not equate to Bill C–68 because Bill C–68 goes far beyond that. That is the point. The question that gets answered is the one asked.

In this instance the pollsters are not asking the right question. At best a series of questions would have to be asked regarding Bill C–68. Then we as members of the House would have to balance it off and ask what would carry the most weight, the registration of guns or the violation of the human rights or legal rights that we believe are inherent in it.

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for London West.

I express my support of Bill C–68 that has been before the House for several months now. The Minister of Justice has travelled the country in consultation and the bill has been scrutinized by the media. It has been studied by the standing committee of which I am a member. Over 70 groups and approximately 35 members appeared before the committee. The time has arrived for the House to act on the legislation.

Certain colleagues in the House frequently look to the United States to cite examples of public policy which in their view should be adopted in this country. I often question whether certain members opposite are more familiar with the American constitution as opposed to the Canadian Constitution.

Canadians have looked to the United States and at its pervasive gun culture. One need only watch the nightly news on any American station to realize the tragic consequences of the pro gun movement, a movement that shares the common beliefs of many people and parties in the House.

My own riding of Sarnia—Lambton borders on the community of Port Huron in the state of Michigan. Last September just as children were going back to school two individuals who were repairing a roof at a school got into an argument. One went out to his truck, got a gun and shot his co–worker in full view of the children.

In the same city, which is a relatively prosperous community of 100,000, there were seven shootings in schools last year. Children as young as 12 were bringing guns to school in their gym bags so they could settle a school yard dispute. This was all happening in a very middle class prosperous community 400 yards away from my riding. This is terribly anecdotal material but I suggest it draws a distinction between our two countries.

Bill C–68 is an opportunity to define and shape the type of attitudes we as Canadians have toward the flow of guns, the possession of guns and the usage of guns in the country. It is a step toward recognition of the type of society based on our history and our values, one of which is to let other people speak without being interrupted. It distinguishes us absolutely from our neighbours to the south. It recognizes that there are legitimate uses for firearms and that there are concurrent obligations in such ownership.

As someone who sat on the committee I can quite safely say that the quality of the testimony and the evidence was of great concern to me. It was readily apparent that there were doctors appearing before the committee who were quite willing to give legal opinions and there were lawyers appearing before the committee who were quite willing to give medical opinions. Many individuals who appeared as members of responsible firearms groups or gun owners groups offered advice on accounting principles even though they had no background in it. They would offer advice on certain belief systems that bordered on religions.

(1710)

As a result I suggest to those here and those watching that it is necessary to weigh the probative value of the evidence of an expert, for example in business administration, who because he has a doctorate in business administration transfers his advice to the National Rifle Association and the Fraser Institute, all the time posing as a criminologist.

Similarly one would question the opinion of a medical doctor who appeared before the committee and formed conclusions regarding suicide that fly in the face of empirical research on the subject, as well as the evidence of a group representative who purports to speak for veterans buried in Europe, victims of the second world war.

It is safe and true to say that there was a continuum of opinion before the committee on the bill, some of which quite frankly bordered on the absurd and some of which resembled reasonable, objective and logical suggestions.

Those who belong—and I would suggest there are some in the House—to the show me school, that is those who demand mathematical equations empirically setting out reductions in murder, accident and suicide rates, are demanding a burden of proof that from a logical perspective is false and perverse. We are hearing a lot of it tonight. I am referring to those who demand no registration but implicitly know that locking up one

spouse in jail for shooting the other spouse will somehow deter others from the same behaviour.

If we take the punishment versus prevention logic and follow it through to its conclusion, surely punishment would be a sufficient deterrent to allow banks to transport money without armoured cars. Surely the threat of a sentence for holding up a bank employee transporting cash would be sufficient to prevent such a criminal act and banks could cut the cost of doing business by not spending money on such preventive safety measures as armoured cars.

We know there are still robberies of armoured cars. The fact that banks have taken reasonable measures to prevent acts that are reasonably foreseeable is accepted by society as the prudent course of action.

Similarly we have in the country workplace safety laws that require certain steps to be taken to minimize accidents in the workplace. Such laws are accepted even though there is a cost in implementing safety devices and inspection procedures because certain tragedies are preventable, although by no means can such legislation eliminate unfortunate accidents and occurrences.

If the same burden of proof were placed on the implementation of workplace safety laws or seatbelt laws such as was suggested by members across the way, and if the same quantitative mathematical proof were applied to the laws before passage, obviously none of the statutory provisions would ever exist. We would live in a country without workplace safety laws.

I commend to all opponents of the bill who would prefer to talk rather than listen the testimony of public health experts who appeared before the committee. They recognized that laws such as this one create a change not only in the flow of guns, the possession of guns and the usage of guns, but more important in the attitudes of society toward guns.

Many witnesses who appeared before the committee stated the tired old maxim that we have heard many times: people kill, guns do not. Such simple statements deny the fact that guns are inherently dangerous objects and that in possessing these weapons certain obligations should be imposed.

Is it unreasonable to know who owns the weapons or where they are moving in society? Is it in some way an imposition on someone's inherent right to have some central registry system when the same exists for dogs, cars, houses and securities?

Mr. Stinson: It stops the dogs that bite and the drunks who drive.

Mr. Gallaway: Nothwithstanding all the talk across the way, is it reasonable to conclude from the evidence of the police, public health experts, suicide prevention groups and public safety experts that the cornerstone of the bill, the registry system, will cut the rate of crime and suicides in Canada? The unequivocal response is yes, I must acknowledge that there were many witnesses who sincerely denied this to be the case. There are those who cling to the beliefs of the business administrator turned criminologist. Perhaps these people will turn to their accountant the next time they have a medical problem.

(1715)

The Deputy Speaker: The member's time has expired. Questions or comments, the hon. member for Prince George—Peace River.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, if the government had not chosen to enact time allocation I am sure all of us would have enjoyed hearing the remainder of the hon. member's speech on this issue. He can thank his own party for cutting him off in that sense.

We are talking about effectiveness of this impending legislation. Every time we try to raise concerns about it in this House we are accused of trafficking in fiction. The government says that the people of Canada have to trust it. It will draft these regulations. We have not seen what they are yet. We have to trust the government that once it gets the regulations in place it will effectively address the issues.

I want to briefly read into the record the following:

> Registration pertains to things—guns in this case—not people. It records the description, serial number and ownership of each item or weapon. For extremely lethal and easily hidden weapons such as handguns—which in Canada are restricted and of which there are relatively few—it is a workable and relatively effective system that screens owners and weapons alike and inhibits casual purchase. However, for the ten million long guns in Canada I believe that a registration scheme would be unworkable and impractical in comparison with its potential benefits.

This quote was from the hon. member for Notre–Dame–de–Grâce, *Hansard*, Commons debates, page 12627, April 8, 1976, the hon. member who currently sits as the chairman of the Standing Committee on Justice. This is the very hypocrisy Canadians are concerned about, where members seem to change their opinion. They are concerned that this legislation will be simply one more step in the ongoing erosion of the rights of law–abiding firearms owners. I would like to hear the hon. members address that concern from Canadians.

Mr. Gallaway: Mr. Speaker, it is perhaps a hallmark of the member opposite that he is locked in time and that new evidence will not persuade him to change his mind. His mind is made up and that is the way it is going to be.

The member would like to ask the question and continue to talk. I know that the hon. member on occasion appeared at committee. I once again commend to him the evidence of the public health experts. I would also commend to him the change

in technology since the hon. member made that statement in 1976.

Would he only deal with a doctor who used technology that was locked in time at 1976? I think not. I would suggest to him that with the change in information systems today, in 1995, 19 years after 1976, he might want to re–examine the statement made by the hon. member in 1976.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, the hon. member for Sarnia—Lambton has been belabouring the Americans again. I do not know what that has to do with our gun debate.

Since he has raised it, I would like to mention the situation where I live in western Canada on the prairie, very close to the U.S. border. We have great cultural similarities and great economic similarities with the people on the other side. We walk back and forth. As a matter of fact, we have more in common with each other than they have with drug dealers in New York or I have with silver spoon lawyers from Toronto.

Is it not interesting that over the last 15 years the homicide rate in the four northern states adjacent to the prairie provinces has been 16 per cent lower than on the Canadian side? It is 3.1 per hundred thousand per year on the Canadian side and 2.7 on the American side. Is that not interesting? Of all the states in the union, these are the four that have the most wide–open gun laws. You can carry anything short of a bazooka down there. But it is not a great big shooting gallery where they run around shooting one another. There is a cultural factor, which this government never takes into consideration, and it should.

(1720)

I believe the hon. member has a few seconds to respond.

Mr. Gallaway: Mr. Speaker, I understand why the hon. member opposite thought I was only talking about the Americans. I was trying to draw a distinction. However, having regard to his seatmate, I understand why he could not hear me.

It is very easy to take a very localized area and say that the statistics are different. We are not talking about a registry system that applies in the city of Ottawa or in the city of Calgary; we are talking about a national system. It is very easy to distort reality with these numbers. For example, in the city of Washington, where they have very stringent gun controls, they have an extremely high murder rate but a much lower suicide rate. How would they explain that? It is because you cannot take a localized area—

An hon. member: They don't live long enough to contemplate suicide.

Mr. Grubel: Can you explain that?

Mr. Gallaway: I really appreciate the question and I would appreciate an attempt to answer it.

They have a localized area and they are trying to extend that to a national number. The member opposite knows that is false and misleading.

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, Bill C–68 has one simple objective: to reduce death and injuries by firearms. Despite the views of a small and strident gun lobby, which I wish to emphasize does not speak for the majority of Canadians, this bill does not in any way support a hidden agenda on the part of this government to confiscate legally owned firearms or to sanction police state actions against the private dwelling houses of Canadians.

What this act does is limit in some measure access to firearms to people who are qualified, responsible, and knowledgeable about their proper use and storage. The numbers speak for themselves. Nearly 40 per cent of domestic homicides involve firearms. Most of the victims are women and children. Where firearms are used in homicides, 85 per cent were committed with long guns, the vast majority being legally owned.

The risk of death from a firearm discharge in Canada is almost equal to the risk of death from a motor vehicle crash: 2.37 deaths per 10,000 firearms possessed, versus 2.4 per 10,000 registered motor vehicles in 1990.

The opposition to this bill has been intense. They say that guns do not kill, people do. Simply put, people with guns kill, and they do so with frightening efficiency. Let us look at the suicide stats. Suicide attempts involving guns have a 7 per cent survival rate. Where guns are not involved the survival rate rises to 65 per cent.

The opponents of gun control say that if someone really wants to commit suicide they will find a way. However, experts on suicide prevention appearing before the committee testified to the contrary. Suicide is an impulsive act. Even a short delay will often give the person the chance to reconsider, and they often do. Therefore, limiting or delaying access to firearms can and will save lives.

It will come as no surprise that those areas of Canada where firearm ownership is highest also displayed the highest rates of firearm death and injury. Remarkably, these are the same groups that came before committee seeking an exemption from this bill, saying that their traditional way of life was threatened. But I note that the member for Nunatsiaq said that this bill will not result in one less caribou death.

It has been argued that firearm homicide is strictly a big city phenomenon. In Canada this is simply not true. For instance, a study by the Northeastern Ontario Trauma Centre found higher rates of gun homicides in rural northern Ontario than throughout Ontario as a whole.

What about the notion of arming for self–defence? The idea has been discredited. In fact, studies show that people with guns in their homes are 43 times more likely to kill themselves or someone close to them than to kill an intruder. An alarming study by Dr. Scott of George Washington University shows that for every woman who buys a handgun for self–protection, 239 women are murdered by such weapons, many with their own weapon.

(1725)

There was a very instructive study by the Swiss professor Martin Killias in a May 1993 article in the *Canadian Medical Journal*. Dr. Killias is very clear on one point: gun ownership directly correlates with gun deaths and gun injury. Noting that 27 per cent of Swiss households have guns, about the same incidence as in Canada, he writes: ''Contrary to what gun organizations claim, Switzerland pays a high price for this. In suicide, Switzerland ranks third, just behind Hungary and Finland, but far higher than other countries.'' The reason for this is ''the unusually high percentage of suicides committed with firearms''.

Dr. Killias' conclusions are confirmed in a similar 1993 study of 18 countries for the United Nations Inter–regional Crime and Justice Institute. Countries such as Great Britain and Germany, which strictly control access to firearms, have much lower death rates by firearms than Canada or the United States.

Gun registration is the rule throughout Europe: in Belgium, Finland, France, Germany, Greece, Great Britain, Ireland, Italy, Holland, Portugal, Spain and Switzerland. Canada and the United States are the exceptions.

What about public support for this bill? I have over 7,000 pieces of mail supporting this bill forwarded to me as an Ontario member by Wendy Cukier and Heidi Rathjen of the Coalition for Gun Control. I especially wish to commend these two remarkable women for so effectively giving voice to the concerns of such a broad cross–section of groups, including police organizations, medical associations, churches, women's shelters and transition houses, teachers federations, municipal councils, including my own, universities, boards of education, labour groups, provincial bars and legal associations and, most important, the overwhelming majority of the Canadian people.

One of my constituents, Dr. Henry Barnett, the most prominent neurologist in Canada, spoke to me about his colleagues south of the border, about their hopes for effective gun control and about their discouragement and their complete inability to effect legislative change in the face of the opposition of the National Rifle Association, America's largest and most influential lobby group.

Let us make no mistake, the American ultra–right are watching this debate very closely. This debate involves more than guns. It is about our way of life, our freedom. It is about the right of Canadians to say no to guns. It is about our right to decide how we want to live.

Opposing the bill we have primarily gun clubs, gun sellers, gun collectors, hunters and outfitters, native peoples, and the Reform Party. To further their own agenda or to protect their own economic interest, some groups capitalize on the fears of their honest and law–abiding members. These self–styled advocacy groups, these so–called responsible firearms groups, have engaged in a deliberate campaign of misinformation. Every time the government proposes gun control, these same groups come out. The same accusations are made: police state, confiscation. But the confiscations do not occur. The police do not come out in the middle of the night.

''Punish the criminal'', they say, ''not the responsible law–abiding gun owner''. ''It is just another tax grab''. Let us not ignore the real cost of guns. When law–abiding, responsible gun owners kill and injure themselves and others, aside from the lost lives of 1,400 Canadians there is a very real dollar figure, $70 million a year in primary health costs and related public services in this country paid for by Canadian taxpayers.

They complain at the inconvenience of having to register, of having to fill out forms. I remember one witness who came before the committee whose daughter had been shot dead by a long gun recalling her response to a provincial attorney general on the subject of inconvenience: ''Let me tell you about inconvenience. The death of your child at the hands of a man wielding a gun is an inconvenience. Do you know how many forms I have had to fill out?'' I will always remember that woman's voice.

The cost to the gun owner is nominal. It is $10 to register up to 10 guns, no cost whatsoever to subsistence hunters. Is this an oppressive or punitive tax? Does this in any way impede the gun owner's right to use and enjoy his weapon? Not in the least.

Every time gun controls are brought forward, the same argument is heard: ''You will destroy hunting. You will cripple our outfitting industry, on which our remote communities depend.'' The argument is a red herring. Gun control has no effect whatsoever on a hunter's decision to obtain a hunting licence.

This is Parliament's fourth gun control bill, and our hunting and sports shooting community is in fine shape. In fact, it is stronger, safer, and more responsible than its American counterpart.

(1730)

We do have gun clubs but we do not have civilian militias. Canadians understand gun ownership is a privilege and not a right. The government is prepared to safeguard that privilege but only if it is clearly understood privilege demands responsibility.

Let us be clear the bill falls squarely within the federal government's criminal law jurisdiction. It does not admit to any exceptions in the application. The government in the interests of all Canadians must ensure coast to coast compliance.

In fairness, many witnesses did draw attention to provisions which if misinterpreted might result in anomalies. In response the minister again appeared before the committee to suggest amendments regarding among other things bona fide inadvertent failure to register, inspection powers and relic firearms. These amendments are fully detailed in the committee report.

I add my voice to the people in my riding and across the country who support the principle embodied by the legislation. It is my pleasure to give Bill C–68 my unequivocal support and I recommend to all members of this House to do likewise.

The Deputy Speaker: Pursuant to the order made Thursday, June 8, in accordance with provisions in Standing Order 78(2), it is my duty to interrupt the proceedings.

[*Translation*]

Pursuant to the order made earlier today, voting on all matters required to dispose of third reading of Bill C–68 will take place at 6.30 p.m.

The House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

PEACEKEEPING ACT

The House resumed from April 27 consideration of the motion that Bill C–295, an act to provide for the control of Canadian peacekeeping activities by Parliament and to amend the National Defence Act in consequence thereof, be read the second time and referred to a committee.

Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, I welcome the opportunity to participate in second reading of Bill C–295. As members are well aware, the government has already stated its opposition to this bill in no uncertain terms. Today I will restate the government's main objections and explain why the bill must not become law.

Canada's support for peacekeeping is a reflection of our strong commitment to international peace and security. Our impressive record in this field is recognized worldwide. We have long argued our experience and skills are unmatched. As proof of our expertise Canada is currently at the forefront of efforts to improve the conduct of the United Nations' peacekeeping operations. We take pride in our peacekeeping reputation and we work hard to preserve it.

Unfortunately Bill C–295 if it were to pass into law would do irreparable damage to this reputation. This is a flawed, contradictory piece of legislation that would seriously undermine Canadian efforts to contribute effectively to peacekeeping operations.

The bill goes beyond consultation and seeks explicit control by Parliament of all peacekeeping activities. This would set a very dangerous precedent, for Bill C–295 would restrict the prerogative and discretion of the governor in council to determine Canada's contribution to UN or regional operations.

Under section 4 of the National Defence Act the Minister of National Defence has responsibility for the management and direction of the Canadian forces and of all matters relating to national defence including peacekeeping. The bill would remove this responsibility not only from the minister but from the government as a whole respecting military operations.

Perhaps the most serious repercussion of giving Parliament direct control over peacekeeping operations relates to the speed with which events unfold in the post–cold war world. The bill which calls for a five–hour debate prior to any mission involving more than 100 Canadian forces members would add another layer to the decision making process. As a result it would limit Canada's ability to respond quickly to UN peacekeeping requests or to changes in the actual peacekeeping mandate.

(1735)

The need for quick deployment in peacekeeping operations cannot be overstated. We have heard again and again how a more rapid response by the international community might have saved tens of thousands of lives in Rwanda.

Bill C–295 if anything would increase reaction time, making it even more difficult to respond to such crisis. The bill would also hamper current efforts by the ministers of national defence and foreign affairs to improve the UN's rapid reaction capability and to find ways Canada might contribute to such a capability.

In short, the bill sends the wrong message to our partners at a time when we are leading the way in promoting new methods to enhance the UN's ability to prevent and resolve conflict.

If Canada is to remain an effective peacekeeper the authority to deploy and operate peacekeeping forces must stay in the hands of the governor in council. The government has the expertise and experience to decide, sometimes on a moment's notice, whether troops should be deployed and how they should operate. Although it welcomes the advice of Parliament, the

government must have the flexibility and some measure of independence to make these decisions.

In effect while Bill C–295 would like to see Canada define its own objectives for specific peacekeeping missions and decide when those objectives are met, it is willing to place Canadian commanding officers under UN or other international command. This is unacceptable. Currently Canadian forces personnel serving on peacekeeping operations are always commanded by a Canadian. While they can be placed under operational control of multinational commanders for specific tasks they are never put under command of the UN or other international organizations. If they were, their assigned tasks would be changed. Their units could be split up and they could be deployed to new areas of operations, all without consent of the Canadian government. This would be unacceptable.

At present all Canadian contingent commanders are directly responsible to the chief of the defence staff for the Canadian contribution to the overall mission and tasks of a peacekeeping force. Bill C–295 would end this practice which would ultimately mean less, not more national control. This does not seem to fit the general intent of the bill which suggests many of these concepts have not been fairly thought out.

Such muddled thinking carries over to the sections of the bill dealing with rules of engagement and the use of force. Subsection 5(3) authorizes the use of deadly force only in self–defence and in defence of civilians threatened with deadly force or else to stop serious human rights abuses.

However, it is important to understand peacekeepers may use force to protect civilians only if it is specifically authorized by a United Nations security council resolution. At the same time, the UN mandate may also require the use of force for reasons other than those specified in subsection 5(3).

In other words, rules of engagement must take into account the specifics of the mandate. They cannot be restricted by legislation that turns a blind eye to such details.

(1740)

The bill is murky and confusing in other areas. It would amend the National Defence Act so that all members of the Canadian forces assigned to a peacekeeping mission would be on active service for all purposes. However, this proposal is unnecessary because pursuant to Order in Council 1989–583, April 6, 1989, all regular force members anywhere in or beyond Canada and all reserve force members beyond Canada are currently on active service.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I rise on a point of order. A couple of the government speakers have pointed out to me an error I made in the drafting of the bill. At line 31 of page 3, I used the words ''command of the United Nations'' when I meant to use ''operational control''. I wonder if there would be unanimous consent for the following. I move:

> That, in line 31 of subclause 6(2) of Bill C–295, the Peacekeeping Act, the word ''command'' be struck out and replaced by ''operational control''.

The Deputy Speaker: Is there unanimous consent to permit that change in the bill?

Some hon. members: Agreed.

(Motion agreed to.)

[*Translation*]

Mr. Philippe Paré (Louis–Hébert, BQ): Mr. Speaker, I am honoured to participate in the debate on Bill C–295, an act to provide for the control of Canadian peacekeeping activities by Parliament and to amend the National Defence Act in consequence thereof.

I would remind you that the Bloc Quebecois has already expressed its support, with a few reservations, for this bill by our colleague for Fraser Valley East.

I would like to recall the exceptional participation by Canadians, and particularly francophones, in UN peacekeeping operations since they started in 1956 at the initiative of Lester B. Pearson.

I would also take the opportunity afforded me to salute the courage of the Canadian military who, over the years and in the course of various missions, have taken part in UN peacekeeping operations. I salute in particular the members of the Royal 22nd Regiment from Valcartier. Their presence in the former Yugoslavia reminds me that the horrors of this Bosnian conflict are felt right here at home. I want to offer all my moral support to the men and women who are over there and to their families here, who are feeling doubt and uncertainty but also pride.

These peacekeeping missions are not what they were 40 years ago. They are constantly changing. They are increasingly costly in human and material terms, and their objectives are ever more in doubt. The role of peacekeepers is also being questioned. Should the deployment of international troops be faster and easier or, on the contrary, should UN peacekeeping operations be limited? Should UN peacekeepers have broader mandates?

Recent conflicts in the former Yugoslavia, Somalia and Rwanda have made the international public more aware of peacekeeping activities, but they mainly brought to light the flawed rules of engagement for UN peacekeepers, and perhaps also the Canadian government's lack of responsibility in refusing to set clear peacekeeping objectives.

Yet, these operations were once quite simple. The peacekeepers' job was to come between the warring factions in order to keep the peace and foster the resolution of conflicts. But peacekeeping operations have changed a great deal since the

1956 Suez crisis, while humanitarian efforts have become much more important in recent years.

The rise in ethnic conflicts since the tensions between East and West have disappeared have turned peacekeeping missions into dangerous operations in which peacekeepers are caught in the middle of heavy fighting. Of course, the collapse of the Soviet bloc and the end of the cold war have given us an opportunity to contribute to the advancement of democracy and human rights. But this should not be done blindly.

Unfortunately, the new complexity of peacekeeping mandates did not go hand in hand with public acceptance. The Canadian Forces' traditional role on the international stage has always been to support peacekeeping missions by contributing troops. However, the time for unconditional participation in every UN operation may be over.

(1745)

As some say, Canada is not the 9–1–1 of the planet. It is our view, in the Bloc Quebecois, that Canada should make any future commitment subject to more definite conditions. It is also our view that the Canadian Armed Forces should be configured around a clearly defined role. The credibility of our actions depends on it.

In addition, we think that Canada should have a comprehensive review of its involvement in international security and peacekeeping. It should therefore review its contribution to existing military alliances, such as NATO and NORAD, as well as promote within these organizations a broadening of their role and mandate according to the needs of the UN.

While reviewing its contribution to global peace and security, Canada should support the setting up of a standby contingent that could be deployed with UN peacekeeping forces abroad. These organizations need to see their skills updated both with respect to preserving security and resolving conflicts.

The problem is that the Canadian government has no peacekeeping policy. As the hon. Leader of the Official Opposition asked last March, on what basis do we agree to take part in peacekeeping missions? No one can answer.

The Bloc Quebecois refuses to give the defence minister a free hand and allow troops from Quebec and Canada to continue to be sent on missions which are frustrating because there is no clear and definite mandate, and in which they are totally powerless to do anything about the horrors suffered by civilian populations.

Today, at a time when peacekeeping missions are becoming increasingly complex and their costs astronomical, while more and more lives are lost, clear conditions of participation are essential. The Bloc Quebecois hopes that the government will undertake to set out the conditions under which our troops will participate and their mandate can be renewed.

It is essential that conditions be harmonized with the UN. UN missions are hard, particularly psychologically, because their purpose is not clear. The government and the Minister of National Defence should provide more information to this House, they should encourage a debate on the issue, so that we can work together to find a solution to the impasse in which Canadian troops find themselves.

This is why the Bloc Quebecois supports this bill. It is essential that Parliament be informed of Canadian military activities abroad. As you know, the Bloc said on a number of occasions that Canadian participation in peacekeeping missions ought to be voted on in the House of Commons, following a short debate, time permitting.

However, the Bloc Quebecois feels that Bill C–295 goes way too far in terms of parliamentary control and is much too rigid. Clause 4 does not include any provision dealing with the situation where Canadian troops might have to get involved in peacekeeping operations at a time when Parliament is not sitting, such as in the summer for example.

Consequently, the legislation proposed by the Reform Party precludes the government from taking quick action in case of a crisis. There must be a happy medium between the position of the Reform Party and that of the Liberal government, which tries to restrict the role of parliamentarians to making speeches which carry no weight.

We also have some reservations about the role of the UN in defining peacekeeping operations. Clause 4 of Bill C–295 provides that a motion must be debated in the House of Commons to authorize the participation of Canadians in a peacekeeping mission, to specify the objectives and role of the mission, to define the state or the area in which the mission is to operate, to specify the date on which the authority is to expire, and to specify a maximum planned expenditure for the mission.

I remind Reform members that the mandate, the objectives, the area and the duration of each UN mission would not be an issue if a permanent peacekeeping force were established, since the parameters would be defined by the United Nations.

The problem exists today because the government sends, more or less automatically and without giving it much consideration, Canadian troops to every UN peacekeeping mission. So, the lack of parameters regarding the mandate of Canadian troops participating in peacekeeping missions clearly illustrates this problem, since the Canadian government seems unable to define the mandate and the objectives of Canadian participation in peacekeeping missions. Obviously, Parliament should look after that issue.

(1750)

Do not forget that Canada's policy on peacekeeping missions must include a mechanism by which the peacekeepers' mandates can be adapted to the circumstances of the conflict. Unfortunately, the Reform Party is silent on this issue.

The fact remains, nevertheless, that Parliament should be in a position to periodically review the situation and the context of peacekeeping missions, in order to make decisions on whether or not to commit Canadian troops, or whether to extend or shorten their mandates. This is why we will throw our support behind Bill C–295, despite the reservations that I have already expressed.

In this month celebrating the 50th anniversary of the United Nations, it is clear that the international community and the government have to seriously review the UN's peacekeeping operations.

[*English*]

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, the government in its election platform made a commitment to better involve parliamentarians in the decision making process on foreign policy and defence issues. To that effect, House and Senate members have had the opportunity to participate extensively in the review of Canada's foreign and defence policies.

A number of debates have been held in the House over the last 16 months on several aspects of our international relations. These debates have allowed members to express their views specifically on Canada's peacekeeping policy and operations. This is why I thank the hon. member from the Reform Party for bringing in Bill C–295. It gives us another opportunity to give our views on our peacekeeping forces abroad.

The concerns raised in Bill C–295 are in part similar to those expressed in previous debates. They show that a more open and accessible decision making process in the field of defence and foreign policy is necessary. The government subscribes to the intentions which have motivated the tabling of Bill C–295. It is after all the responsibility of this government to ensure that Canada's contributions to peacekeeping operations remain efficient and useful and that they respect the financial situation of the country.

Bill C–295 generally calls for rigid procedures which would run counter to the need for the case by case flexible approach that has made Canadians successful peacekeepers in the past. Moreover the adoption of Bill C–295 which in its general outline borrows heavily from the American approach to peacekeeping would send a very negative signal to our partners and to the international community at a time when Canada is promoting new ways of improving the efficiency and the relevance of the UN in the field of conflict prevention and resolution.

The end of the cold war has seen a return to violent ethnic and nationalistic conflicts in many parts of the world. This reality coupled with the new co–operation among the members of the security council have changed the peacekeeping equation. Missions have increased in number and grown in size and scope putting severe pressure on the financial capability of the UN and member states.

Ten years ago Canada's share of the total UN cost of peacekeeping was $8 million. In 1995 Canadian assessment alone will be in excess of $150 million, not including the incremental costs of the Department of National Defence. This is admittedly a burden but it is also an investment in peace at costs far lower than were we to allow conflicts to continue unabated and uncontained.

Canada remains one of the strongest advocates of reinforcing the UN's conflict prevention and conflict resolution capability. We have been working with like minded countries at the UN to bring about reforms that will provide the organization with the political, financial and military tools it needs to fulfil its growing responsibilities.

Canada is conducting a study on a UN rapid reaction capability which will provide recommendations on how to make the UN more efficient and more timely in case of conflicts. We are also organizing with our partners peacekeeping seminars in the context of the ASEAN regional forum and the OAS. We are working with the OAU to improve the capability of African countries to better contribute to peacekeeping operations and preventive diplomacy.

(1755)

On April 24 the Pearson Peacekeeping Centre officially opened providing the international community with a world class training facility in this vital field. Canada's credibility and efficiency in the field of peacekeeping came from its commitments to the UN and its reliability in time of crisis. Canada has contributed with distinction in most operations in the history of peacekeeping because of the foresight of its leaders, the flexibility of its policies and the courage and skills of its troops.

Bill C–295, despite the well founded intentions of its author, would prevent the government from meeting these conditions. More specifically, Bill C–295 calls for a five hour debate prior to any mission that involves 100 or more members of the Canadian forces. Given the complexity of the situation on the ground and the sensitive nature of the negotiations that take place between the UN, the parties to the conflict and the troop contributors, a public debate on a given operation would take place in the shadow of diplomatic activities. It would likely lead to general reflection on peacekeeping without addressing the

specifics of the mission being debated. In other words, it would not respond to the problem for which this is allegedly a solution.

Other avenues are already available to parliamentarians to express their views on the subject. The government will continue to ensure those views are taken into account when cabinet decides on Canada's contribution to peacekeeping.

Given the nature of conflicts in the current international environment and the speed at which crisis situations degenerate into open confrontations, debating each mission might also hinder the government's ability to rapidly reply to a UN request and deploy Canadian troops in a timely fashion. This is precisely the opposite of what the government is currently promoting and urging the UN, to be more timely and more effective in responding to crises. Both the defence review and the foreign affairs review drew attention to this issue.

Bill C–295, if implemented, would ask the Minister of National Defence to specify the objectives, duties and role of the mission as well as to define its area of operation. These aspects are currently defined by the UN Security Council after careful consideration and discussions with troop contributors. This is the sole competence of the UN.

Should individual countries decide to redefine missions, objectives and operational requirements this situation would lead to constant stalemate in UN planning and deploying. When an operation does not meet Canadian approval, Canada does not contribute. This was the case for instance in the latest UN verification mission in Angola.

Canada and other like minded countries have invested personnel and financial resources in order to ensure the UN fulfils its task in an efficient manner, observing the criteria and conditions which are necessary for countries contributing troops to participate in peacekeeping missions.

We continue to play a leading role in the establishment of a better decision making process in the UN. Recently we have succeeded among other things in obtaining a better consultation mechanism between the security council and the contributing countries at the early stage in the process of mission planning. We intend to continue to press the UN and the security council on this issue.

The bill also stipulates that the Canadian forces in peacekeeping operations shall be under direct command of a Canadian officer. This has always been the case. We do not need further legislation to ensure that provision.

The bill further allows for this Canadian officer to be placed under United Nations command. The government strongly opposes this suggestion. Currently, Canadian soldiers are under UN control, but the ultimate command of the troops remains with Canadian authorities. Such a practice prevents the UN field commander from using Canadian troops for tasks that have not been agreed to by the government.

Such a far reaching commitment appears to contradict the intent of the rest of Bill C–295 and demonstrates this proposal is not clearly thought out. I respect the author of the bill just tried to correct that with unanimous consent, but I think it shows how ill thought out the bill was.

Let me underline again the commitment of this government to open debate on peacekeeping issues, especially in times of scarce resources. It is important to reach a broad consensus about where and how Canada should contribute to the needs of the international community. The foreign and defence policy reviews and the debates in the House are tangible proof of the seriousness of the government about the issue.

(1800)

However, Bill C–295 is a step in the wrong direction. The idea of providing greater parliamentary control over the Canadian contribution to UN peacekeeping is exerted at the wrong end of the decision making process.

The adoption of this bill would not shake the overall Canadian attitude toward peacekeeping operations. It would rather have the effect of confusing the decision making processes and limiting Canada's ability to respond in a timely fashion to UN requests.

Canadians remain supportive of our contribution to peacekeeping, as was demonstrated during the foreign and defence policy reviews and in several polls taken over the years. Canada should build on this past experience rather than move in the direction of this bill.

Mr. Jack Frazer (Saanich—Gulf Islands, Ref.): Mr. Speaker, it is a pleasure for me to speak to Bill C–295, an act to provide for the control of Canadian peacekeeping activities by Parliament and to amend the National Defence Act in consequence thereof. Bill C–295 is the peacekeeping act.

In commencing my remarks, I would like to address some of the concerns expressed by the member for Renfrew—Nipissing—Pembroke as well as those of the parliamentary secretary.

Careful examination of the bill reveals that their concern of the ability of the governor in council to react rapidly is ill founded, in fact, specious. If we read the bill, it says that less than 100 people can be deployed for an indeterminate amount of time. More than 100 people can be deployed immediately without reference to Parliament for up to 30 days.

If Parliament does not agree that Canadians should have a say in whether or not their people are committed to peacekeeping operations and 30 days is inadequate, then Parliament, in my estimation, is not doing its job.

Bill C–295 should not be necessary at this time. We should have established long since an ability for Parliament to become involved in the deployment of Canadian forces personnel to life threatening situations.

I would like to go on record as commending the government. It is far superior to its predecessors in that it has had four debates to date dealing with peacekeeping. The first one was on January 25, 1994 and at that time there was all party support for Canada's continuing peacekeeping commitments. Following that, on February 17, 1994 there was a debate by the special joint committee on Canada's defence policy which also touched on peacekeeping and again received all party support.

The third debate on peacekeeping was in September 1994. Notice was given on September 19, with the debate on September 21, hardly sufficient time to adequately prepare and debate an issue, particularly when the mandate was to be renewed on September 30. In other words, it was just over a week from the time the debate commenced until the commitment was signed.

In December 1994 Reform laid down four stipulations which should be met if Canadian troops were to be left in the former Yugoslavia. These were that the airport at Sarajevo should be kept open; convoys should be able to proceed unimpeded; peacekeepers should not be interfered with and that a ceasefire should be in place and respected. As we all know, subsequent to that time these four parameters were all violated.

Using an opposition supply day, Reform forced a discussion on severe problems in the defence department. The Minister of National Defence, having belatedly realized his failure to schedule a debate on renewal of the Balkan commitment, tried to convey that the opposition initiated debate would constitute a debate on renewing our peacekeeping commitment. When that was not satisfactory to us, the minister called for a debate on March 29, 1995 with the commitment expiring on March 31, 1995.

While I commend the government for having held debates, I question the validity of their timing. If we are really serious about Parliament and Canadians having input in whether Canadian troops should be committed to life threatening situations, surely it deserves more attention than it has been given by the government.

I would like to quote from the red book where it says: ''A Liberal government will also expand the rights of Parliament to debate major Canadian foreign policy initiatives, such as the deployment of peacekeeping forces and the rights of Canadian to regular and serious consultation on foreign policy issues''. From that statement it is quite obvious the government is not keeping its promise so we have another broken red book promise.

(1805)

If one wants to look at a newly emerging democratic country, my colleague from Nanaimo—Cowichan recently returned from a North Atlantic Council meeting in Hungary at Budapest. He found that although it is relatively newly into the business, civilian control of the military in Hungary is vitally important. More important, the Hungarian Parliament has far more control than does the Canadian Parliament. No Hungarian soldier may be sent on operations beyond Hungary's borders without the approval of Parliament. This ensures that the pros and cons of any deployment are debated and that the people are aware of the factors bearing on the involvement of their country in foreign ventures.

I ask the question: Had there been a full parliamentary debate prior to committing forces to the former Yugoslavia, would we now be in Bosnia and Hercegovina? I suggest that probably there would be at least 250 members of the House who would disagree with that initial commitment having been taken, going on the mandate that was not there and the fact that the achievement of peace was not a real desire on the part of the people involved.

There was no peace to keep and no desire for peace on the part of the combatants. That would have been brought out in debate. It would have become obvious there could be no appropriate mandate for the Canadian peacekeepers to become involved.

We need real debate, not a facade or smoke and mirrors. This is even more vitally important when one considers that peacekeeping is becoming more dangerous with every day. Canada, as the House will well remember, was once involved in all peacekeeping operations. With the reduction in the size of our forces, the financial constraints and the realization that Canada can no longer contribute to all, we must selectively involve ourselves in those missions that we know we can accomplish well.

UN peacekeeping has grown astronomically. In January of 1993 the UN had 12,000 peacekeepers in the field. Eighteen months later, in July of 1994, there were 80,000 peacekeepers in the field. In early 1993, Canada had 4,700 peacekeepers deployed. The number now has shrunk to between 3,000 and 3,500, but that number seems likely to continue. Canada is now providing 3.6 per cent of the UN peacekeepers.

With regard to command and control, I would like to return to the comments made by both the Bloc and the parliamentary secretary with regard to a UN standing force. They object to the unfortunate mistake of my colleague when he put command rather than operational control, but they seem willing to consider the assignment of operational command or control to the UN. I do not think Canadians are willing to see Canadian soldiers committed to a shooting situation or to a life threatening

situation based on a decision by the United Nations without reference to Parliament. Certainly I would not agree with that.

Canadians are the best or at least among the very best in the world of peacekeeping. Our peacekeepers are well trained, well disciplined. They are innovative. They are trustworthy. They are dependable. They are compassionate and proficient in establishing and maintaining good relations with all factions in the area of conflict. This is painfully evident when one visits Bosnia or Croatia. Our peacekeepers are trusted because they are known to be unbiased. They show no favouritism to one side or the other. This means that all sides trust their judgment and rely on them to be fair and impartial.

Someone said that more interpersonal relations training is required for our peacekeepers. There are very few, if any, of us who would not benefit from more training in this aspect but personal observation in the field has shown me that our peacekeepers not only do well but excel in their relationships with all factions in their area of responsibility. Possibly, because of Canadian qualifications, we should consider a different aspect of peacekeeping for Canada. Perhaps it should be our mandate or our best purpose to deploy quickly. We have the ability to resolve a situation over a short period of time and then withdraw, turning that job over to other peacekeepers: a first in, stabilize, establish a good situation and withdraw scenario.

(1810)

Withdrawing seems to be Canada's primary peacekeeping problem. We can involve ourselves but we cannot get out. Canada had troops in Cyprus for more than 29 years. As a matter of fact we still have two people there. We have been in Croatia and Bosnia–Hercegovina for more than three years.

Bill C–295 would not hamstring government's ability to react quickly to pop–up crises because it applies only to the commitment of 100 or more personnel and to time periods exceeding one month. Furthermore, considering the seriousness of deploying Canadian personnel on peacekeeping operations, a parliamentary debate would seem to be the minimum acceptable approval required.

Should Parliament be in recess at the time of a crisis surely such a commitment deserves and would justify the recall of Parliament for such a debate.

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, I am pleased to speak to Bill C–295 on behalf of the people of Guelph—Wellington today.

I thank the hon. member for Fraser Valley East for his concern for Canadian peacekeepers. I know he is very sincere in this bill. I believe the bill has been introduced because of his concern and for the well–being of Canadian forces, a concern that is shared by the residents of Guelph—Wellington.

Canadians invented the concept of peace making. Former Prime Minister Lester B. Pearson was awarded the Nobel Peace Prize in the 1950s. Our peacekeepers shared that same prize in the 1980s. We have always acted in the interest of maintaining international peace and security.

Many of my constituents have participated in peacekeeping operations across the world and have distinguished themselves in service to their country. For example, recently Petty Officer Second Class Martin Mollison received a mention in dispatch from the Governor General for his act of bravery while serving in Cambodia.

I cannot support this legislation for several reasons I wish to make clear to the House. As the hon. member knows, peacekeeping is carried out pursuant to the authority of the Minister of National Defence under section 4 of the National Defence Act. The minister has the authority with respect to the management and direction of the Canadian forces and of all matters relating to national defence.

The legislation changes the decision making with respect to peacekeeping deployment and therefore restricts the prerogative, speed and discretion of the crown to determine Canada's contribution to United Nations or regional peace operations.

The legislation would also remove the responsibility and discretion of the minister respecting military operations. This would therefore affect the speed with which we can respond to requests for assistance from the United Nations.

The legislation would also ensure it would take longer for Canada to provide assistance because it would add another layer in decision making processes which is a strange suggestion from a member whose party stands for reduced government and easier decision making.

The Reform Party's blue sheet states it supports a national defence policy that would provide a fast response to national or international conflict. By providing for a process that would subject the involvement of Canadian forces in international peacekeeping missions to parliamentary control the hon. member appears to be contradicting the support of a quick response which is central to the promises he made during the last election.

Chapter VII of the United Nations charter provides for action by the security council with respect to the peace, breaches of peace and acts of aggression. Under articles 25 and 48 of the charter, member states of the United Nations are required to carry out the decisions of the security council for the maintenance of international peace and security.

The procedures proposed by Bill C–295 would restrict government from carrying out its obligations under the United Nations charter. All Canadians share the pride of knowing that we have contributed to world peace. While the armed forces remain small and the population is modest compared to other

nations, we were the first in peacekeeping and we remain respected because of what we do.

(1815)

Peacekeeping is what we do well. We are asked to participate in missions around the world because other nations look to us for the expertise and skill required to perform the job of peacekeeping. Regrettably, we are often targeted by those who do not respect freedom and peace because we are, quite simply, the very best.

One hundred thousand Canadians have served in over 30 missions during the past 45 years. We have been asked because Canada has earned the respect and has acquired the skill to function as peacekeepers wherever we are required.

I find it troublesome to read that Bill C–295 would give up Canadian sovereign command of Canadian forces. As the parliamentary secretary said earlier, Canadian personnel serving on peace operations are always commanded by a Canadian. Our commanders are directly responsible to the Chief of Defence Staff for the Canadian contribution to the overall mission and tasks of any given operation abroad. The hon. member at this point has said that he has changed that. I am pleased to see that, because it was a real flaw in the bill.

The people of Guelph—Wellington are justifiably proud of our contribution to the history of peacekeeping. We support the concept of our troops promoting good relations and preventing genocide, acts of terrorism, and civil war. The Canadian flag has for many in the world been seen first on the shoulders of a peacekeeper in Somalia, Yugoslavia, Cyprus, and Central America. Our peacekeepers have served as care–givers, have rebuilt and maintained orphanages, and their families have organized food, clothing, and toy collections in order not only to keep the peace but to provide some comfort to innocent men, women, and children who suffer from acts of violence and war.

Many of those peacekeepers were born in Guelph—Wellington and have family in my community or they have studied at the University of Guelph. My constituents remind me that every peacekeeper is a hero.

The people of Guelph—Wellington want the overall control of our troops to be in the hands of the Canadian command.

Never before has a government so often sought the consultation of members of Parliament on issues of peacekeeping. We have on this issue, as we have on so many others, demonstrated our commitment to seek the views of all parliamentarians and their constituents.

The Prime Minister and the Minister of National Defence have listened and they will continue to do so. Actions have followed their seeking our advice on peacekeeping missions. There are times, however, when the government needs to act without delay. In our rapidly changing world, when nationalism and religious fervour have risen to increasingly dangerous terms, the need for flexibility is paramount.

My constituents will continue to support the government in promoting world peace and development. We understand the complexities of this commitment. We know that peacekeeping is not without risk. We also know that as the makers of the concept of peacekeeping its success will continue as long as we play a vital role in its future. The current system works well. It allows the government maximum flexibility.

Mr. Speaker, I cannot support this legislation. I thank the House for the opportunity to speak to Bill C–295.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, it gives me great pleasure to speak on this private member's bill. It is certainly timely. I congratulate the hon. member for Fraser Valley East for bringing it forward at this time.

The current crisis in Bosnia has brought into sharp focus the need for Canadians to have clear criteria for the future of peacekeeping missions. That is exactly what Bill C–295 does.

Certainly we have heard in the House many times that we cannot go everywhere. We have heard that we have to be more accountable, we have to be more transparent, and of course we always have to be aware of the cost of such measures.

Let me review what has occurred in Bosnia to illustrate why we need a bill such as this.

Canadian troops first went to this war–torn country over two and a half years ago in the honest hope that they could provide assistance and humanitarian relief to the people of Bosnia. They also hoped to keep combatants apart and facilitate a negotiated peace for the region.

(1820)

Unfortunately, these laudable goals were not backed up by a United Nations mandate that could get the job done. With no leadership from Ottawa, our peacekeepers have been left twisting in the wind.

Our peacekeepers are the best in the world and their service in Bosnia has been above and beyond the call of duty. They deserve to have modern equipment, a coherent government policy, decisive leadership from Ottawa, and a UN mandate that allows them to do their job properly. Unfortunately, the government has let them down in almost all these respects.

We have received most recently mixed messages. We have a defence minister who says we should consolidate, we should fight back, and he even condones air strikes. We have a foreign affairs minister who says let us leave it the way it is and hope we can return to the mandate, as long as they do not keep taking us

hostage and humiliating us. We have a Prime Minister who in effect simply tries to ride the middle and more or less agrees one day to go one way and another day to go the other.

We do not have leadership in this area, and we certainly are letting our peacekeepers down because of it. Meeting with people as recently as today, that has been reconfirmed by people who have been there as recently as two days ago. To begin with, the government has overextended our commitments to peacekeeping while simultaneously cutting back on the defence budget. The results have been most unfortunate. For example, we have troops who go out on peacekeeping missions with equipment that would be considered antiques by many nations.

Compounding this, we have Liberal defence cuts that have very much limited the availability of trained personnel. This means that for missions such as the one in Bosnia we have to keep sending the same people over time and again. How do members think our soldiers feel as they are posted back to Bosnia for the third or fourth time? What about their families? What do members think their reaction is when they see Canadian peacekeepers being targeted by all sides in that conflict? What do they feel, knowing that Canadian troops are regularly taken hostage at gunpoint by the very people they were sent to help?

We must decide what we are going to do, and this bill helps us to do that. We must specialize. We must pick our areas. We cannot be everything to all people. And of course we must make sure we have a clear mandate and the equipment to deliver on that mandate.

There is no peace to keep in Bosnia. There is also no humanitarian mission to speak of. The only thing the UN is successful at is being used as a pawn by the warring factions. The government should have recognized this long ago. Canada should never have renewed our commitment to Bosnia in March, considering the ridiculous situation our peacekeepers are in. The Reform Party warned the government and we asked for this withdrawal since before last Christmas, but the government did not listen.

Our proud peacekeepers were not sent to Bosnia to be hostages. They were not sent there to be forced to helplessly watch murder and torture, since their mandate does not allow them to stop it. They were not sent there to be shot at by the very people they are supposed to be helping to find peace.

The Bosnian mission has disintegrated beyond repair. While the government buries its head in the sand and wrings its hands in indecision, it is up to private members such as my hon. colleague from Fraser Valley East to speak for the people of Canada and to stand up for the interests of our peacekeepers.

Bill C–295 does what the government should have done long ago. Instead of trusting the safety and lives of our peacekeepers to the twist of fate, this Parliament must set down criteria to condition our involvement for future missions. These criteria should outline what is acceptable and what is not. This is what Bill C–295 does. Most important among these criteria is that Parliament have the right to choose what peacekeeping missions Canada will participate in.

It is not up to the Prime Minister to snap his fingers and expect that everyone will do what he wants. We supposedly live in a democracy, not a dictatorship, although the recent tactics of the Liberal Party on Bill C–68, Bill C–85, and Bill C–41 really have me wondering if that is true.

It is amazing that we are told, ''If you do not agree with us, backbenchers, stay home. Forget about the people at home. The party knows best. We will take the message from Ottawa to the constituency.''

(1825)

We waste time talking about $2 coins and three most important bills like this are left for us to talk about in six hours' time on third reading. We keep all of these people in line by giving them travel perks, by constituency spending, and by committee activity.

Beyond the basic idea of parliamentary approval, members of Parliament will need specific information upon which to base their decision. Without knowing the specific objectives and duties of the peacekeepers, how can members know how to vote? Without knowing the duration and the maximum cost of the mission, how would Parliament decide on the best course of action? These questions will be answered if Bill C–295 is passed.

Another key aspect of this bill is that it clearly spells out that Canadian peacekeepers shall be neutral and not engage in combat. This may seem obvious, but from watching the crisis in Bosnia it seems like the UN has taken sides. This is unacceptable. You cannot join the war you are intending to stop. This is why we have concerns about the strike force, about the whole concept of that strike force and what it is going to do. I guess we would have to applaud the government on the go slow action of recommending our involvement in this whole strike force idea. To escalate the war is certainly moving further and further away from the mandate, which we do not believe exists there any longer.

Another vitally important criterion for the good of our peacekeepers involves the reasonable use of force. Again referring to the ridiculous situation in Bosnia, we see how this has been a major failing in the past. We have had troops that have not been able to defend themselves properly. We also have troops who have been forced to watch helplessly as civilians were massacred because their mandate did not allow them to do anything

to stop it. Bill C–295 deals with this problem and spells out some very—

The Deputy Speaker: Order. I am sorry, the hon. member's time has expired.

The hon. member for Vancouver Quadra.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, the hon. member for Fraser Valley East has brought forward legislation in the area of what under our constitutional system is left to good judgment and good sense. It takes us a step toward the American constitution, constitutionalizing these areas of discretionary judgment. Yet of course the experience with the American constitution is that when it comes to issues like the Vietnam War it does not prevent the United States sliding into that, in spite of the constitutional provisions.

Reference has been made to eastern European experience. I was interested myself in the Russian constitution and the careful separation of powers now provided and the control by parliament over the military. Of course in Russia the newly written constitution has not stopped it from being embroiled in the conflict in the Caucasus.

It is a mistake to imagine that legislation can cover these issues of prerogative power. In those constitutions that have done it, alternative glosses are simply developed.

I thought we had a valuable debate here in the last few months. I do remember the undertaking given on the government side to consult with Parliament. When I went to the committee on defence this afternoon I had the privilege of sitting in and speaking there. I was reminded of our extraordinary good sense and that we have profited by experience. The failure in Somalia was a failure of judgment by the previous government. It did not study the geography; it did not study the military logistical base for support, and it paid the error of that misjudgment.

These are matters about which I think we can say that we in Canada are better informed today. I think several successive debates in this House have brought an understanding on both sides that it is something to go into seriously, that we understand the limits of peacekeeping, that we will not creep into peacemaking type political actions under the guise that it is classical peacekeeping as Canada has conceived and that where we send our people in we will make sure their mission is adjusted to the realities of the military logistical support we can provide.

What I am saying is I basically believe the system as it now exists will involve a proper and full consultation with Parliament from now on. We are anxious for advice. We are all committed to no more Somalias but to continuing in the Pearson tradition where we can be useful. Somebody cited Cyprus. We can be proud of Cyprus. We have kept the peace there and that is the model we will all be following in the future.

(1830)

I commend the member opposite for his initiative. However, I do believe it is covered under the powers of the constitutional customs which we have developed and which have been very much evident in the past few months by the experience of the debate and the lessons we have learned in Bosnia.

[*Translation*]

The Deputy Speaker: The time provided for the consideration of Private Members' Business has now expired. Pursuant to Standing Order 93, the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[*Translation*]

FIREARMS ACT

The House resumed consideration of the motion that Bill C–68, an act respecting firearms and other weapons, be read the third time and passed; and of the amendment.

The Deputy Speaker: Pursuant to the order adopted earlier today, it is my duty to put forthwith every question necessary to dispose of third reading of Bill C–68, an Act respecting firearms and other weapons.

The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour 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.

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

(*Division No. 276*)

YEAS

Members

Abbott	Ablonczy
Althouse	Axworthy (Saskatoon—Clark's Crossing)
Benoit	Blaikie
Breitkreuz (Yellowhead)	Breitkreuz (Yorkton—Melville)
Bridgman	Cummins
de Jong	Duncan
Epp	Forseth
Frazer	Gilmour
Gouk	Grey (Beaver River)
Grubel	Hanger

Hanrahan
Harper (Simcoe Centre)
Hart
Hill (Macleod)
Hoeppner
Johnston
Manning
Mayfield
McLaughlin
Morrison
Ramsay
Ringma
Scott (Skeena)
Solberg
Speaker
Strahl
Thompson
White (Fraser Valley West)
Williams—57

Harper (Calgary West)
Harris
Hermanson
Hill (Prince George—Peace River)
Jennings
Kerpan
Martin (Esquimalt—Juan de Fuca)
McClelland (Edmonton Southwest)
Mills (Red Deer)
Penson
Riis
Schmidt
Silye
Solomon
Stinson
Taylor
Wayne
White (North Vancouver)

NAYS

Members

Adams
Allmand
Anderson
Assad
Augustine
Bakopanos
Beaumier
Bellemare
Bernier (Beauce)
Bertrand
Bevilacqua
Blondin–Andrew
Bonin
Boudria
Brown (Oakville—Milton)
Bryden
Bélanger
Caccia
Cannis
Catterall
Chan
Clancy
Collenette
Comuzzi
Crête
Dalphond–Guiral
Debien
DeVillers
Dingwall
Dromisky
Duceppe
Dumas
English
Fillion
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles–de–la–Madeleine)
Gauthier (Roberval)
Godfrey
Goodale
Gray (Windsor West)
Guarnieri
Harb
Hickey
Hubbard
Iftody
Jackson
Keyes
Kirkby
Kraft Sloan
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Leroux (Shefford)
Loney
MacAulay
MacLaren

Alcock
Anawak
Arseneault
Assadourian
Axworthy (Winnipeg South Centre)
Barnes
Bellehumeur
Bergeron
Bernier (Gaspé)
Bethel
Bhaduria
Bodnar
Bouchard
Brien
Brushett
Bélair
Bélisle
Campbell
Caron
Chamberlain
Chrétien (Saint–Maurice)
Cohen
Collins
Cowling
Culbert
Daviault
de Savoye
Dhaliwal
Discepola
Dubé
Duhamel
Eggleton
Fewchuk
Finestone
Flis
Fry
Gagliano
Gallaway
Gerrard
Godin
Graham
Grose
Guay
Harvard
Hopkins
Ianno
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lalonde
Lavigne (Beauharnois—Salaberry)
Leblanc (Longueuil)
Leroux (Richmond—Wolfe)
Lincoln
Loubier
MacDonald
MacLellan (Cape/Cap-Breton—The Sydneys)

Maheu
Maloney
Marchi
Martin (LaSalle—Émard)
McCormick
McKinnon
McTeague
Mifflin
Mills (Broadview—Greenwood)
Mitchell
Murray
Nault
Nunziata
Pagtakhan
Parrish
Patry
Peric
Peterson
Picard (Drummond)
Pillitteri
Reed
Richardson
Ringuette–Maltais
Robillard
Rocheleau
Rompkey
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Speller
St. Denis
Stewart (Brant)
Szabo
Terrana
Tobin
Tremblay (Rosemont)
Valeri
Venne
Volpe
Wappel
Wood

Malhi
Manley
Marleau
Massé
McGuire
McLellan (Edmonton Northwest)
McWhinney
Milliken
Minna
Murphy
Ménard
Nunez
O'Brien
Paradis
Paré
Payne
Peters
Phinney
Pickard (Essex—Kent)
Pomerleau
Regan
Rideout
Robichaud
Robinson
Rock
Sauvageau
Serré
Sheridan
Skoke
St–Laurent
Steckle
Stewart (Northumberland)
Telegdi
Thalheimer
Torsney
Ur
Vanclief
Verran
Walker
Wells
Zed—198

PAIRED MEMBERS

Asselin
Calder
Cauchon
Crawford
Dupuy
Gagnon (Québec)
Laurin
Mercier
Ouellet

Bachand
Canuel
Copps
Deshaies
Easter
Guimond
Marchand
O'Reilly
Proud

(1900)

[*English*]

The Speaker: I declare the amendment lost. The next question is on the main motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

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

(*Division No. 277*)

YEAS

Members

Adams
Allmand
Anderson
Assad
Augustine
Bakopanos
Beaumier
Bellemare
Bernier (Beauce)
Bertrand
Bevilacqua
Blondin–Andrew
Bonin
Boudria
Brown (Oakville—Milton)
Bryden
Bélanger
Caccia
Cannis
Catterall
Chan
Clancy
Collenette
Cowling
Culbert
Daviault
de Savoye
Dhaliwal
Discepola
Dubé
Duhamel
Eggleton
Fewchuk
Finestone
Flis
Fry
Gagliano
Gallaway
Gerrard
Godin
Graham
Grose
Guay
Harvard
Ianno
Jackson
Keyes
Kirkby
Kraft Sloan
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Leroux (Shefford)
Loney
MacAulay
MacLaren
Maheu
Maloney
Marchi
Martin (LaSalle—Émard)
McClelland (Edmonton Southwest)
McGuire
McLellan (Edmonton Northwest)
McWhinney
Milliken
Minna
Murphy
Ménard
Nunez
O'Brien
Paradis
Alcock
Anawak
Arseneault
Assadourian
Axworthy (Winnipeg South Centre)
Barnes
Bellehumeur
Bergeron
Bernier (Gaspé)
Bethel
Bhaduria
Bodnar
Bouchard
Brien
Brushett
Bélair
Bélisle
Campbell
Caron
Chamberlain
Chrétien (Saint–Maurice)
Cohen
Comuzzi
Crête
Dalphond–Guiral
Debien
DeVillers
Dingwall
Dromisky
Duceppe
Dumas
English
Fillion
Finlay
Fontana
Gaffney
Gagnon (Bonaventure—Îles–de–la–Madeleine)
Gauthier (Roberval)
Godfrey
Goodale
Gray (Windsor West)
Guarnieri
Harb
Hickey
Irwin
Jordan
Kilger (Stormont—Dundas)
Knutson
Lalonde
Lavigne (Beauharnois—Salaberry)
Leblanc (Longueuil)
Leroux (Richmond—Wolfe)
Lincoln
Loubier
MacDonald
MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi
Manley
Marleau
Massé
McCormick
McKinnon
McTeague
Mifflin
Mills (Broadview—Greenwood)
Mitchell
Murray
Nault
Nunziata
Pagtakhan
Parrish
Paré
Payne
Peters
Phinney
Pickard (Essex—Kent)
Pomerleau
Regan
Rideout
Robichaud
Robinson
Rock
Sauvageau
Sheridan
Simmons
Speller
St. Denis
Stewart (Northumberland)
Telegdi
Thalheimer
Torsney
Valeri
Venne
Volpe
Wappel
White (North Vancouver)
Patry
Peric
Peterson
Picard (Drummond)
Pillitteri
Reed
Richardson
Ringuette–Maltais
Robillard
Rocheleau
Rompkey
Scott (Fredericton—York—Sunbury)
Silye
Skoke
St–Laurent
Stewart (Brant)
Szabo
Terrana
Tobin
Tremblay (Rosemont)
Vanclief
Verran
Walker
Wells
Zed—192

NAYS

Members

Abbott
Althouse
Benoit
Breitkreuz (Yellowhead)
Bridgman
Cummins
Duncan
Forseth
Gilmour
Grey (Beaver River)
Hanger
Harper (Calgary West)
Harris
Hermanson
Hill (Prince George—Peace River)
Hopkins
Iftody
Johnston
Manning
Mayfield
Mills (Red Deer)
Penson
Riis
Schmidt
Serré
Solberg
Speaker
Stinson
Taylor
Ur
White (Fraser Valley West)
Wood—63
Ablonczy
Axworthy (Saskatoon—Clark's Crossing)
Blaikie
Breitkreuz (Yorkton—Melville)
Collins
de Jong
Epp
Frazer
Gouk
Grubel
Hanrahan
Harper (Simcoe Centre)
Hart
Hill (Macleod)
Hoeppner
Hubbard
Jennings
Kerpan
Martin (Esquimalt—Juan de Fuca)
McLaughlin
Morrison
Ramsay
Ringma
Scott (Skeena)
Shepherd
Solomon
Steckle
Strahl
Thompson
Wayne
Williams

PAIRED MEMBERS

Asselin
Calder
Cauchon
Crawford
Dupuy
Gagnon (Québec)
Laurin
Mercier
Ouellet
Bachand
Canuel
Copps
Deshaies
Easter
Guimond
Marchand
O'Reilly
Proud

(1910)

The Speaker: I declare the motion carried.

(Bill read the third time and passed.)

* * *

CRIMINAL CODE

The House proceeded to the consideration of Bill C–41, an act to to amend the Criminal Code (sentencing) and other acts in consequence thereof, as reported (with amendment) from the committee.

SPEAKER'S RULING

The Speaker: We are now at report stage of Bill C–41, an act to amend the Criminal Code (sentencing) and other acts in consequence thereof.

[*Translation*]

There are 25 motions in amendment in the *Order Paper* at the report stage of Bill C–41, an act to amend the Criminal Code (sentencing) and other acts in consequence thereof.

[*English*]

Motions Nos. 1 and 2 are substantially similar to an amendment previously moved and defeated in committee. Accordingly, pursuant to Standing Order 76.1(5) they have not been selected. The other motions will be grouped for debate as follows.

[*Translation*]

Group No. 1, Motions Nos. 3 and 4.

[*English*]

Group No. 2, Motions Nos. 5 to 17 inclusive.

[*Translation*]

Group No. 3, Motions Nos. 18 and 20.

Group No. 4, Motion No. 19.

Group No. 5, Motion No. 21.

[*English*]

Group No. 6, Motions Nos. 22, 23 and 25.

Group No. 7, Motion No. 24.

The voting patterns for the motions within each group are available at the table in case members want to check them. The Chair will remind the House of each pattern at the time of voting.

I shall now propose the motions in Group No. 1.

(1915)

MOTIONS IN AMENDMENT

Mr. Jack Ramsay (Crowfoot, Ref.) moved:

Motion No. 3

That Bill C–41, in Clause 6, be amended by deleting lines 1 to 42, on page 4, lines 1 to 45, on page 5, lines 1 to 45, on page 6 and lines 1 to 40, on page 7.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): moved

Motion No. 4

That Bill C–41, in Clause 6, be amended in the French version, by replacing line 42, on page 5, with the following:

''de la personne peut être conservé par le corps de''.

[*English*]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I rise today to present the first amendment of my caucus to Bill C–41. However, before I do so, I wish to point out that my colleagues and I listened very intently to all the witnesses who appeared before the Standing Committee on Justice. We made every attempt to reflect the opinions of these people in the amendments we introduced during clause by clause consideration of the bill. The amendments put forward today are based on the sentiments expressed to us from both the committee testimony and the thousands of letters we have received from all across Canada.

Reform members of the Standing Committee on Justice paid particular attention to the view of the Canadian Police Association on Bill C–41, an authority the justice minister often cites as one of the major supporters of his gun control legislation. In its brief to the committee the Canadian Police Association stated:

> Bill C–41 with few exceptions is unwieldy, complicated, internally self–contradictory, duplicitous and, what is worse in almost all of it, completely unnecessary for anyone with any knowledge of or use for the common law heritage of Canada.

It went on to say:

> While it would attempt to codify basic sentencing principles eliminating this most basic judicial discretion, at the same time it would bestow huge new discretionary powers to a whole range of persons within the justice system. The common thread in those new powers is that all are to the benefit of the offender in the sense of non–custodial consequences for criminal actions.
>
> Where sentencing reform calls for protection this bill offers platitudes. Where it calls for clarity it offers confusion and outright hypocrisy. It will almost certainly cause the already skyrocketing criminal justice budget to expand further still.

That is what the Canadian Police Association had to say about the bill. I could not have better summarized Bill C–41. We have to wonder why the Minister of Justice so readily embraced the support of the Canadian Police Association for Bill C–68 and totally ignored its opposition to Bill C–41.

Our first amendment is to delete section 717 of Bill C–41. Through this section the government has introduced a program of alternative measures to incarceration. This is the Liberal government's response to overcrowding in Canada's prisons. Rather than deal with the cause of crime, something Reform has been urging the government to do for some time, the Liberals choose to provide alternatives to putting criminals in prison.

We would not have objected so vehemently to this section of Bill C–41 if the government had specified which offences may be subject to alternative measures. We could support the use of alternative measures for specific non–violent offences to reduce expensive court procedures and incarceration. However no such specifications appear in Bill C–41.

The Canadian Association of Chiefs of Police and Victims of Violence recommended section 717 be amended to ''restrict the availability of the program to persons who have committed less serious offences and first time offenders''. Specifically reflecting the opinions expressed by these witnesses, Reform introduced an amendment during clause by clause consideration to limit the use of alternative measures. Our amendment was defeated.

(1920)

The government failed to describe in the bill what may or may not constitute an alternate measure but rather has left this discretion up to the provinces. This has effectively granted broad discretionary powers to an unnamed source that is to be variable from province to province. This will create an inconsistency in the justice system of the country, something we can ill afford.

Reform introduced an amendment proposing that a set of federal standards be established for the implementation of alternative measures programs by provinces to ensure justice is consistent in Canada. Our amendment was defeated.

The discretion given in the bill to the provinces responsible for the administration of justice is not reflected in Bill C–68. When Reform introduced amendments during clause by clause consideration of the bill to return to the provinces the authority to regulate gun clubs and gun shows our amendment was defeated.

The parliamentary secretary said there should be federal standards for the regulation of these businesses. The inconsistency in the government's justice legislation clearly demonstrates that the objective of justice to reduce crime is not the motivating factor behind Bill C–37, Bill C–68 or Bill C–41.

Under Bill C–41 alternative measures can only be used if the offender fully and freely consents to participate, with no consideration being given to the victim. Reform proposed the use of alternative measures only after due consideration has been given to any views expressed by the victim against whom the offence has been committed. The rights of victims should always come before those of the offender.

We also introduced an amendment stipulating that these measures could only be used for a person who has not been dealt with by alternative measures before or has been previously convicted of an offence. Both amendments were defeated.

As stipulated in Bill C–41 it is not mandatory for records concerning alternative measures to be retained. Nor do the records have to be transferred to a central repository. This means when someone commits another offence that a previous offence which was dealt with by an alternative measure will not be available for sentencing in the second case.

One has to wonder how serious the government is about doing background checks on applicants for a firearms licence as outlined in Bill C–68. Because of this provision in Bill C–41 pertinent information regarding an admission of guilt may not be discovered by chief firearms officers unless they conduct lengthy and expensive checks into the records of all local police forces. Again Reform introduced an amendment making it mandatory for the police to retain records and for those records to be placed in a central registry. Again that amendment was defeated.

We therefore today move to delete the section dealing with alternative measures from Bill C–41. We have also introduced an amendment to delete section 718.2 from the bill which gives the courts the authority to increase or reduce a sentence for relevant, aggravating or mitigating circumstances relating to the offence or the offender.

Reform believes this section of the bill is totally unnecessary. The courts already take aggravating and mitigating circumstances into consideration when determining the length of a sentence to impose on an offender.

We do not believe this section serves any purpose except to advance the justice minister's position that sexual orientation should be a protected category in the charter. We object to the minister's back door attempt through the bill to keep his word to provide added protection for certain groups of people and thereby create a semblance of special status for those groups. Rather than amend the charter and thus draw widespread public opposition, he is appeasing this group of Canadians by including the term in the Criminal Code.

Reform believes all Canadians are equal before the law. We do not accept that anyone should be granted special protection or status before or under the law and therefore move to strike this section from the bill.

I am appalled the government has chosen to limit debate on this contentious bill. It had ample opportunity to bring the bill back to Parliament months ago when the committee reported it back to the House. The government obviously delayed report and third reading stages of the bill in anticipation of it being lost in the bottleneck of legislation the government is scrambling to pass before the summer recess.

It is quite obvious the government is afraid to allow Bill C–41 and Bill C–68 to sit over the summer, providing Liberal MPs an opportunity to discover how their constituents really feel about these bills. I have to question the confidence of the government with regard to these pieces of legislation. I therefore implore

members of the House to listen to Canadians and remove these sections from the bill.

(1925)

Canada is faced with rising crime rates, escalating costs to administer justice and growing debt. The task of the federal justice minister is to deal with these problems in unison. That would be difficult but not insurmountable.

I place these considerations before the House.

Mr. Wappel: Mr. Speaker, I rise on a point of order. I am looking to your guidance on a question with respect to the voting patterns you have just issued on the various motions.

Is it appropriate for me to mention this point of order now or would you prefer that I see you privately? I am somewhat confused as to item (k) in Group No. 2. I am in your hands as to how you would like to handle it.

The Speaker: If the hon. member would come to the Chair perhaps I could at least give him an opinion on how I believe it will be worked out.

In the meantime I would propose to continue debate.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Mr. Speaker, Motion No. 4 is on the French language. You may think that this is a little different, but I did not think either that I would one day make a speech on the French language in this House. However, that was my only reason for putting forward this motion, as you will see.

The motion deals with the French version of Section 717.2(1), which, in my opinion, is not drafted in everyday, understandable French. Understandable it may be, but certainly not for the average person.

Since it is a very short paragraph, I will read it for you:

> 717.2(1) Le dossier relatif à une infraction imputée à une personne et comportant, notamment, l'original ou une reproduction des empreintes digitales ou de toute photographie de la personne peut être tenu par le corps de police qui a mené l'enquête à ce sujet ou qui a participé à cette enquête.

The French ''qui a tenu'' is obviously a literal translation of ''hold''. In French, ''obtenu une photographie'' means holding it in one's hands, although in this context it means keeping or holding it. That is why I moved my amendment aimed at substituting the word ''conservé'' for the word ''tenu''. A photograph or document may be kept but, as I understand it, it is held in one's hands. It is in that sense that, as I said, I was very surprised to realize that I now had to put forward a motion on the French language.

I should tell you that a number of my other motions are also related to the French language, as you will see a little later. I will not list them all at this time, but the French used here is often peculiar, as the Bar Association noted. In several appearances before the justice committee, the Barreau du Québec observed that the French used in the Criminal Code did not match reality.

I will now quote an excerpt from the Barreau's brief on another bill, but it could also apply to this one. The Barreau du Québec says that no one is deemed ignorant of the law. That, as we know, is true. They go on to say, ''The law must, however, be intelligible. The genius of the language, although it has its own rules, does not rule out the Cartesian, concise approach that is essential to the proper understanding of statutory law''.

(1930)

As for Michel Sparer and Wallace Schwab, they recognize the fact that the implementation of these principles requires strong intellectual skills, for the writer must be able to move away from specifics and sometimes partisan views to take a broader, more global approach while at the same time being extremely succinct.

They add that the simpler subject–verb–complement structure which is preferred in French shows that this language emphasizes what English usually relegates to a position of secondary importance, hence the need to be careful not to translate literally and to rearrange in a logical sequence, as required, sentences that sound English.

Understandably, in view of how complex regulatory activity is, legal instruments cannot always be drafted in accordance with these guidelines nowadays. According to the Barreau du Québec, clarity must nevertheless remain one of the primary goals of the legislator, hence the value of drafting the French and English texts separately, a rule that the Barreau suspects was broken in this case.

That is a common complaint from the association. That is why I moved several amendments to Bill C–41 designed to make the French version truly consistent with what we call the genius of the French language. I hope that our linguists are listening in this evening, so that someday we can have French instruments that are understandable and intelligible.

[*English*]

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to speak to the motions brought forward in this first grouping.

Motion No. 4 was brought forward by the member for Saint–Hubert. I realize what the member is intending and has the suggested wording that would reduce the scope of the terms of the bill. The Department of Justice looked at this and felt the recommendation would be inconsistent with the use of the verb tenir elsewhere in the text. Therefore if we changed it here we would run the risk of putting other parts of the legislation in a tenuous position.

With respect to Motion No. 3, I am very surprised when the member for Crowfoot talks about cost cutting in conjunction with the Canadian Police Association and wanting to save money by doing away with alternate measures. The inmate population is exploding. The years between 1989–90 and 1993–94, four years, the federal inmate population increased by 17 per cent, with total expenditures in 1993–94 at $880 million for federal corrections and $990 million for provincial corrections.

The annual cost of holding an inmate on average in medium and maximum security was $39,000 per inmate per year for federal institutions and $35,000 per inmate per year for provincial institutions.

(1935)

That indicates the dramatic increase in the actual cost of incarceration. The member for Crowfoot says we should not have alternative measures. If we do not start working toward alternative measures what we will have is people in incarceration costing an extremely large sum of money.

Many are in incarceration. One–third of the people in incarceration are there for non–payment of debt. We want to get away from that. Who is being punished in a case like that when we have people in incarceration for non–payment of debt?

In many cases they cannot afford to pay. It is of no purpose to put them in incarceration. The alternate measures have been in federal legislation for many years in the Young Offenders Act. The experience of the provinces in administering alternative measures programs has been sufficiently positive that they have asked us in the Department of Justice, the Minister of Justice in particular, to include similar measures within the Criminal Code for adults.

Deleting those provisions would go against a perfectly reasonable request being made by the provinces. The availability of alternative measures exercised under the programs authorized by the provincial attorney general within enabling federal legislation respects the division of powers between the Government of Canada and the provincial government and recognizes provinces are in the best position to develop and administer programs related to the offenders targeted by those measures.

The availability of alternative measures will better enable provinces to manage their costs in respect to court time and the use of correctional facilities and resources. It seems inconsistent that the Reform Party, which has focused much of its attention on bringing costs under control, would deny provinces the tool to better manage cases appearing before their courts.

Deterring and deleting alternative measures would reduce the scope of action available to the courts and to the provinces as they administer criminal justice and would not strengthen either this bill or the criminal justice system in general.

The member for Crowfoot, on behalf of the Reform Party, said he put forward federal standards. We want to have some kind of standards but alternative measures are looked at in different ways in different provinces.

The problem with the program is some areas do not have the facilities to provide the alternative measures. That is a severe problem and it means in some areas of the country alternative measures provisions or possibilities are either non–existent or severely curtailed.

We could say because of that we will scrap alternative measures altogether so they are not put in place anywhere in the country but that really does not achieve anything. It denies the people in the areas that have the alternative measures possibilities from utilizing these possibilities.

Also, we could say if one has created a certain seriousness of offence that person is not eligible. When we are dealing with cases, with human concerns and with human considerations, who is to say that where somebody who has been flaunted and taunted in incarceration would be better put back in incarceration than into a program where he would have to spend some time working in the community or for the benefit of the victims?

(1940)

Also we want to be able to offer the program in a positive nature and to improve on it. We heard in committee that one problem with the alternative measures was that when young people were involved in this they were not being supervised. That is the case in some instances. We have to strengthen these programs. I think there are various ways of doing that.

It has also been stated by the Reform Party that we should have a central registry because there is no record of those who are put on alternate measures and we do not know if they have been before the courts before or if they have been on alternative measures. If there is no record the next time they appear it would be considered a first offence and they would be on alternative measures again.

That is not the case. It is not CPIC, it is not on a national computer but it is in local court files. There is a general record on alternate measures programs.

Alternate measures programs work in different ways in various provinces. It is used as a diversion program in Nova Scotia. Offenders are put on the diversion program before they come to court and a record of this is kept in the police files. In other provinces they appear before the court and instead of being sentenced after the case is heard they are put on the alternative measures program. The programs are working. Young people have been rehabilitated to prove it.

We are not saying we will have the same success rate with adults because the older a person becomes the less the possibility of rehabilitation, but we do feel there will be success. Quite often incarcerating these people costs the Canadian public up to

$100,000 per person in some instances, which is the case in some young offenders facilities.

The average cost of keeping someone incarcerated in a federal institution for one year is $39,000. If we can get better results or even if we can get the same results in alternative measures we should examine them.

We should leave the possibility with the provinces that want these programs for adults. We should give the learned judges and justices the ability to place people on these programs if it is deemed the best course to take.

[*Translation*]

Mr. Bernard St–Laurent (Manicouagan, BQ): Mr. Speaker, as the official opposition critic on correctional issues, I take a particular interest in this bill. In spite of all the controversy surrounding this issue, the time has come to update and adapt our criminal justice system to the modern reality.

The efforts made to reform the sentencing process in Canada span a number of years and have required enormous human and financial resources. For the first time, we have an opportunity to give concrete expression to these efforts and to implement recommendations made by numerous commissions in their reports. Such a reform requires an objective review of the current situation, as well as the development of an original model for the future.

Several recent studies come to conclusions which confirm the need to reform Canada's criminal justice system. Let me mention a few. First, it is fairly safe to say that Canada puts too many people in jail for periods which are too long. Second, contrary to popular belief and to what some may claim, the crime rate, particularly for violent crimes, has not increased in Canada. Studies covering the period between 1988 and 1993 show that these rates remained essentially the same throughout that period. In fact, the rate for violent crimes has dropped slightly since 1991.

(1945)

Bill C–41 is a true reform of the sentencing process, and only such a reform will solve some of the crucial problems which have been surfacing in recent years. Instinctively, and also because of fear, society has always been in favour of imposing long terms of imprisonment on criminals. Yet, it is established that such long periods of incarceration increase the risk of recidivism.

Consequently, public safety is not at all increased, quite the contrary. If we put offenders in jail for long periods of time, the problem will not be solved once they get back on the street.

Almost sixty years later, we finally have a chance to make amends and act responsibly, fifty years after the famous Archambault report, published in 1938, stated that we had a collective responsibility, and we have that chance in the form of Bill C–41 and, more specifically, the new section 717 of the Criminal Code.

Of course we could save a lot of public money by using probation instead of incarceration as part of the rehabilitation process. In Great Britain, where alternative measures have been used for years and are used frequently, this did not lead to an increase in the crime rate, on the contrary, since Great Britain has one of the lowest repeater rates in the world.

The government has spent millions of dollars in recent years on the construction and maintenance of prisons that in the end do not do what they are supposed to do. Incarceration has failed to meet its two main objectives: to punish the offender and to protect society on a permanent basis.

Overcrowding and double occupancy of cells have reached a critical level in federal penitentiaries, as the hon. member from Kingston pointed out a few minutes ago. If Canada were to build new prisons, they would fill up immediately. However, if we could find alternatives to incarceration, in the case of offenders who are not dangerous—the majority of the prison population—we would solve the problem of overcrowding in prison institutions. We are talking about more than 80 per cent of the prison population, in this case.

So before getting into construction programs that will cost many more millions, we should develop alternatives that are less costly, more cost effective and therefore more effective overall.

The average annual cost of community supervision for all provinces is about $1,500 per person on probation or parole, while it costs $80,000 annually to keep an inmate in prison.

Quite frankly, using prison sentences as the principal punishment for all kinds of offences is no longer a defensible option nowadays. Most offenders are neither violent nor dangerous. It is unlikely their behaviour will improve as a result of going to prison. Consequently, alternatives to incarceration and alternate forms of punishment are increasingly considered a necessary option.

Alternatives to incarceration are not a recent development. The principle has been discussed for half a century. And for half a century we have been marking time. I think it time we tuned into today's reality and for once took a step forward by adopting provisions that would enable us to develop alternatives to incarceration, as clause 6 of Bill C–41 proposes.

We are forever hearing that imprisonment is expensive and that the courts are too slow. Well, by adopting alternative measures we also resolve the problem of congestion in the courts. With these measures, minor offences may be handled by means other than formal and costly legal proceedings. There are two main objectives: to prevent subsequent criminal behaviour

and to attenuate any prejudice minor offenders may suffer in legal proceedings.

These measures also get the community involved and put greater focus on reconciliation between victim and offender. Alternative measures are already used successfully in certain provinces for young offenders. They may now be used for adults. There are many alternative solutions.

(1950)

They do not involve just victim compensation, for example, the number of day–fines, compensatory work for non–payment of fines, and so on. There is a whole list of them, if you want to be more specific.

There are many examples of sentences aimed at the social reintegration of offenders. Therefore, first offenders or minor offenders will be taken out of the legal system. These measures will ensure public protection by reducing the negative effects of incarceration. The courts will have more time for more important matters.

It should be pointed out that this diversion process is only for those who admit liability for their acts of commission or omission when it is considered that alternative measures do not interfere with public safety and the interests of the victim, while at the same time meeting the needs of the offender.

Such alternative measures must be part of a program approved by the attorney general, his deputy or a person designated by the lieutenant governor in council. The Crown must be satisfied that there is sufficient evidence to prosecute and the person charged must be informed of his or her right to counsel, on top of having fully agreed to participate in this program.

Imprisonment and detention should only be a last resort, when everything else has failed. Alternative penalties are a good example of a different approach to conflict resolution in that they attempt to minimize the negative impact on individuals, judicial red tape and the economic and human cost to society of many needless incarcerations.

To conclude, I will therefore support this bill, which makes it possible to take a step forward, and I am pleased that by passing these provisions on alternative measures we can show that we are able to be innovative in devising sentences which are more sensible and therefore more in line with what is needed at present in the correctional service.

[*English*]

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it gives me pleasure to speak to Bill C–41.

Once again we have a piece of legislation that simply does not do anything in terms of justice, punishment or dealing with the problems facing the country. When I look at the last two years, there have not been any bills passed in the House as far as I am concerned that do anything in terms of making the country safer, better for those individuals called victims who need the protection of our system. It just is not happening.

I am thinking of certain bills such as the one the member across the way put forth to eliminate section 745 which died and we do not bring it back. I could mention a dozen others. I am really upset that we are not getting good legislation that will give the effect the famous red ink book says it would do.

There is no measure in this legislation that causes me more grief than the government's attempt to deal with violent young offenders. We passed Bill C–37 which says that 16 and 17–year olds will go to adult court. Then we come out with a bill that is going to make the sentencing the same as if they were in youth court. It does not make sense.

(1955)

Picture the family of a young mother standing by her graveside hearing words from the minister telling all who gathered how much this woman will be missed. Picture the tears sliding down the many cheeks of Canadians present and listen to their voices repeat over and over again: ''Why did this happen?''

This picture is happening far too often to too many Canadians to be passed over by the government's attempt at social engineering which does little to prevent violent youth from believing that to kill someone they will be punished by this government. This government is using crybaby tactics to soothe the intellectuals who continually state that 16 and 17–year old murderers are too young, too poor and too abused to know the difference between right and wrong.

What does this government say the penalty should be for such sadness, hurt and brutality to victims, families and friends? According to the justice minister, if the murderer is a 16 or 17–year old, a slap on the wrist and a promise not to do it again is penalty enough. Remember, this is the same government that publicly stated it was going to get tough with ultraviolent young offenders. Remember, this is the justice minister who told Canadians that his government would not tolerate those youth who carry knives and hold no regard for human life or the feelings of those who care.

What did this minister and the government do to punish and deter 16 and 17–year old hooligans with no regard for others? In Bill C–41 the government proposed to punish 16 and 17–year old murderers by transferring them to adult court with a five year jail sentence. Maybe if the youthful killer was particularly violent and gruesome, he possibly could be removed from society for 10 years.

This sentence is ironically considered just as serious to the justice minister as his original punishment for law–abiding citizens whose only crime is hiding a firearm from the minister's scrutiny. The fact that this minister and this government

equated taking a human life with the heinous crime of refusing to file the proper paperwork with the bureaucracy is ridiculous.

This minister made fine grandstanding speeches on how violent, killing youth would be held accountable for their actions. This same minister and his government told heart wrenching stories of poverty, dysfunctional families and their effect on juvenile crime. Whatever the reason, there is no excuse for coldly and cruelly taking another life.

Let me remind those opposite that not all youth raised in poverty turn to crime, deciding a human life is a worthless commodity that can be snuffed out at a whim. Let me remind those opposite that many youth are not raised in ideal conditions but go on to work hard day after day, save their money, meet someone, marry, have children and do all the normal things. Yet this bill makes folly of those hard working youth who do understand they have a role in society and that they can achieve a better life by following the minimum expectations of society.

What does this tell the people of Canada who have day in and day out raised their voices in loud cries that they have had enough of 16 and 17–year old butchers being treated like victims of some social order—

Mr. Robinson: Mr. Speaker, I rise on a point of order. I hesitate to interrupt the hon. member, but I would like some clarification from the Chair. It is my understanding that at this stage we are debating report stage Motions Nos. 3 and 4. I have been listening with care to the remarks of the member for Wild Rose and have yet to understand what relationship they bear to Motions Nos. 3 and 4. It may be that there is some confusion as to the stage of the debate. I wonder if the Speaker might provide some guidance.

The Speaker: Yes, the hon. member is correct. We are debating Motions Nos. 3 and 4. Many times members use a few minutes to set up their argument. I would presume that is what the hon. member for Wild Rose is doing.

Mr. Thompson: Mr. Speaker, I hope that I sum this all up at the end.

There are several things I know this government would like to do in regard to alternative measures, even with the violent people it is talking about and it certainly applies to the youth just as much as anyone else. I am talking about those alternative measures that may be applied to youth where we were going to get tough in Bill C–37. We were going to take 16 and 17–year olds to adult court, yet the sentencing and alternative measures the government is trying to propose in this bill do not seem to fall into line with what was proposed in Bill C–37.

(2000)

Why should 16 and 17 year olds be excused for the most serious of crimes? If they are only one or two years older, what difference does it make when it gets that serious? Canadians are saying this is enough of this namby–pamby justice spouted by a bleeding heart government. Canadians say that the quality of mercy must be chosen when the right circumstances prevail, and murder is not one of those circumstances.

How dare we suggest alternative measures for a killer? How dare we even think that might be a good solution? Canadians are saying that if a 16 or 17 year old chooses to kill, he or she must also know that society will choose not to show mercy, that society will demand a grievous penalty to match the heinous crime.

Canadians are growing weary of a government that says one thing to a majority but follows the directions dictated by a small minority of ivory tower individuals who barricade themselves behind security systems and isolate themselves from the real world and reality and then say that young murderers cannot be blamed for their crimes and should be put on alternative measures.

I have had enough of this say everything but do nothing government. This has been going on for far too long. We see other clauses that come up in this particular bill and we have been trying to figure out exactly what we are trying to prove in our society. Consider 718.2. We would like to get rid of this section. We have made a list of people who are going to be treated differently than others because of their race, colour, creed, and now we want to add sexual orientation.

Mr. Speaker, while we are at it let us add fat people. I will tell you what happened in this House just a month ago. Someone sitting right over there said ''Come on, fatso, let's go outside and fight''. Rather than speaking to you, Mr. Speaker, about that kind of language, I decided I would meet him face to face and see if I could tell him not to do that. I am sure he will not do it again. It is a shame that I as a fat person would be left off this list. If we check, there are lawsuits throughout the country of people who did not get jobs because they were not built right or maybe because their IQ was a little too low. Why would that affect anything? Maybe some do not look right.

So let us take the section and get rid of it. For heaven's sake, do not add sexual orientation. That is the last thing we need in this country.

[*Translation*]

The Speaker: We are still debating Motions Nos. 3 and 4, and I give the floor to the hon. member for Bellechasse.

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, I will try to be brief and will probably succeed in this endeavour.

In response to the motion introduced earlier by my colleague, the hon. member for Saint–Hubert, the hon. member for Cape Breton—The Sydneys did not appear convinced of the need to amend section 717. Therefore, I took the liberty of consulting a dictionary while I was waiting for my turn to speak.

In fact, subsection 717.2(1) of the French version says the following:

> 717.2(1) Le dossier relatif à une infraction imputée à une personne et comportant, notamment, l'original ou une reproduction des empreintes digitales ou de toute photographie de la personne peut être tenu par le corps de police qui a mené l'enquête à ce sujet ou qui a participé à cette enquête.

The controversy centres on the meaning of the word ''tenu''. On page 849 of the general Larousse English–French dictionary, the verb ''to hold'' is translated by ''contrôler et avoir la responsabilité de''. The hon. member for Saint–Hubert in fact proposes translating the English word ''hold'' by the most correct French equivalent. I can very well hold the bill in my hands; but that does not necessarily mean that I will keep it for 10 years.

The aim of clause 717.2 is to enable police officials to keep records on offences. If they are to be kept, there must be some control. So, if I take the bill and put it in my desk, I am controlling it. It is archived, and I control it. I do not have it in my hands.

I understand that the English verb ''hold'' can include a number of things, but there is a specific term, which does not have a negative effect on other legislation. In using the French verb ''tenir'' in its strictest sense, we talk about holding something in our hands and having immediate and brief control, but we will hold on to it.

(2005)

The hon. member for Cape Breton—The Sydneys may very well hold his wife in his arms, but that does not mean he controls her. There is a difference between the two.

An hon. member: He wants to keep her.

Mr. Langlois: He would do well to hold her from time to time, if I may be permitted a little humour. I am sure the hon. parliamentary secretary will agree that the magic of the French language and one of its beauties as well would enable us to bring the English and the French closer together. This is why I invite the hon. parliamentary secretary to see if this error cannot simply be corrected.

Excuse me for having taken my seat before I had finished speaking.

[*English*]

Mr. Nunziata: On a point of order, Madam Speaker, is there still an opportunity to speak to Motions 3 and 4, which I understand are grouped together?

The Acting Speaker (Mrs. Maheu): Yes, there is. The hon. member for York South—Weston.

Mr. John Nunziata (York South—Weston, Lib.): Madam Speaker, I was not in the House because I was trying to seek some clarification with respect to this concept of alternative measures. I would like to address my comments for the moment to this particular provision in Bill C–41.

As I understand it, a person can commit a murder, a person can commit a rape, a person can commit an aggravated assault, and under this provision that person may never in fact be prosecuted in a court of law.

The section reads: ''Alternative measures may be used to deal with a person alleged to have committed an offence only if it is not inconsistent with the protection of society and the following conditions are met: (a) the measures are part of a program of alternative measures authorized by the Attorney General or the Attorney General's delegate''.

That means that we in this Parliament dealing with federal law are saying that there are crimes, any crime in the Criminal Code, if the attorney general for any of the provinces in Canada decides that for example we are not going to prosecute rapists any longer—you may say this is far–fetched and it will never happen, but the fact is that this amendment would allow that to happen. A provincial government somewhere in this country might decide for whatever reason they are not going to prosecute rapes any more and instead rapists will heretofore be subject to alternative measures.

What are those alternative measures? We do not in this legislation describe what those alternative measures are, what crimes will be subject to those alternative measures. In fact it says any crime. We do not know. Does that mean that a rapist, someone who is alleged to have committed a rape, can for example be diverted out of the criminal justice system and into some alternative measures? What can those alternative measures be? We do not know. This bill does not define what alternative measures are. This bill leaves it up to the attorneys general of the provinces.

I am sorry, but I do not have faith in attorneys general in this province to prosecute or to deal with serious offenders. They could very well say, using my scenario, that alleged rapists will have to do some community work, will have to cut grass instead of serving time in prison, or they might have to work at a day care centre. That might sound outrageous, but this section is outrageous. It is inconsistent with the desire of Canadians from one coast to the other to have strict laws to deal with violent offenders.

(2010)

I can understand if we used alternative measures for non–violent offences such as fraud, robbery, someone who steals food, milk or bread, someone who is not a threat to my children or to

my neighbour's children. However this is totally openended. Any offence is eligible for alternative measures.

In effect what this bill would do is have a checkerboard system of criminal law in this country. If the attorney general for the province of Alberta decides no to alternative measures, there are no alternative measures in the province of Alberta. Everyone will be prosecuted under the Criminal Code. If the province of Quebec decides yes, we love alternative measures, we are going to divert everyone to the alternative measures scenario, then all of a sudden someone who commits a serious crime in Alberta will serve time in a penitentiary but if someone commits a serious crime in the province of Quebec he will be cutting grass somewhere and sleeping at the local Howard Johnson.

Members might laugh, but let me tell them that under section 745 of the Criminal Code there there is some discretion to the various provinces. In the province of Quebec, almost all those applicants, all those convicted killers who were convicted of first degree murder and applied for their parole ineligibility to be reduced, almost all of them have been successful. The going rate for murder in the province of Quebec is closer to 15 years. In the province of Alberta, where the attorney general takes a different view of these matters, the going rate for first degree murder is 25 years.

Criminal law should be applicable and evenly applied across the country. Section 745 is a clear example of what happens when one allows provincial attorneys general discretion in prosecuting in a particular fashion. There is no doubt in my mind that if this section is passed without amendment there will be a checkerboard system of criminal law.

If the government is serious about alternative measures they will restrict it to non–indictable offences. The hon. parliamentary secretary laughs and shrugs it off. I can understand—

Mr. Milliken: That is utter nonsense.

Mr. Nunziata: I can understand that there are a lot of prisons in the member's riding and he might be somewhat sympathetic to that element in society.

There is a danger in this section passing an inconsistent system of criminal law. At the very least, the government should agree that any violent offence cannot be diverted out of the criminal justice system. That is discretion that this Parliament should not give to anybody. If one is alleged to have committed a violent offence, whether it is murder, rape, aggravated assault, that person should be prosecuted in a criminal court.

I do not want someone who assaults my children or rapes my neighbour's wife to be given the opportunity not to be prosecuted. That is unconstitutional. Every Canadian under the Constitution is entitled to the equal benefit and equal protection of the law.

I would submit that this section is unconstitutional. It is not in keeping with what I have been hearing for 11 years as a member of Parliament. We need effective laws in this country. What this does is further tip the balance in favour of those who choose a criminal lifestyle. That is wrong.

(2015)

Mr. Ian McClelland (Edmonton Southwest, Ref.): Madam Speaker, I should like to put one observation on the record about Group No. 1 that has to do with sentencing circles for aboriginal Canadians.

I do not really have a problem with the whole notion of sentencing circles, but there seems to be a grave anomaly between how we handle and treat young offenders in the system in an aboriginal sentencing circle and young Canadians who are not aboriginal in a similar circumstance.

As the House well knows, in a sentencing circle one of the primary motivators to change behaviour is identification of the perpetrator by his or her peers, aunts, uncles and other people who live in the community. In a sentencing circle the perpetrator is expected to make good to the community at large because he or she may have broken trust with the community. It is his or her obligation to make good to the community.

Why is it an important part of rehabilitation in the aboriginal community to identify young offenders to the community when in the non–aboriginal community anonymity is the very foundation of the Young Offenders Act? It just does not make sense to me that in the aboriginal community identification is a large part of the rehabilitation process and on the other side of the same coin in non–aboriginal communities which do not have the benefit of sentencing circles anonymity is a large part of it. In my estimation it makes no sense whatsoever to have anonymity as a part of the Young Offenders Act.

The Acting Speaker (Mrs. Maheu): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Maheu): The question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 76.1(8) the recorded division on the proposed motion stands deferred.

Mr. MacLellan: Madam Speaker, I rise on a point of order. There were two motions in that grouping.

The Acting Speaker (Mrs. Maheu): Motions Nos. 3 and 4 are in Group No. 1. We have deferred the division and Motions Nos. 3 and 4 will be dealt with at that time.

Mr. Milliken: Madam Speaker, I think you might find unanimous consent of the House to consider that Motions Nos. 5 to 17 have been put to the House without you having to read them.

The Acting Speaker (Mrs. Maheu): Is there unanimous consent?

Some hon. members: Agreed.

Mr. Jack Ramsay (Crowfoot, Ref.) moved:

Motion No. 5

That Bill C–41, in Clause 6, be amended by deleting lines 21 to 39, on page 8 and lines 1 to 15, on page 9.

Ms. Roseanne Skoke (Central Nova, Lib.) moved:

Motion No. 6

That Bill C–41, in Clause 6, be amended by replacing lines 28 to 39, on page 8, with the following:

''limiting the generality of the foregoing, evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim shall be deemed to be an aggravating circumstance;''.

Mr. Dan McTeague (Ontario, Lib.) moved:

Motion No. 7

That Bill C–41, in Clause 6, be amended by replacing lines 30 to 34, on page 8, with the following:

''vated by prejudice, or''.

Motion No. 8

That Bill C–41, in Clause 6, be amended by replacing lines 30 to 34, on page 8, with the following:

''vated by bias, prejudice or hate, or''.

Mrs. Pierrette Venne (Saint–Hubert, BQ) moved:

Motion No. 9

That Bill C–41, in Clause 6, be amended in the English version, by replacing line 30, on page 8, with the following:

''vated by prejudice or hate based on''.

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP) moved:

Motion No. 10

That Bill C–41, in Clause 6, be amended by replacing line 31, on page 8, with the following:

''the actual or perceived race, national or ethnic origin, lan–''.

Mr. Tom Wappel (Scarborough West, Lib.) moved:

Motion No. 11

That Bill C–41, in Clause 6, be amended by replacing lines 33 and 34, on page 8, with the following:

''or physical disability, heterosexuality, homosexuality or bisexuality of the victim, or''.

Motion No. 12

That Bill C–41, in Clause 6, be amended:

(*a*) by replacing lines 33 and 34, on page 8, with the following:

''or physical disability, sexuality of the victim, or''; and

(*b*) by adding after line 15, at page 9, the following:

''(2) For the purposes of this section, ''sexuality'' means, only, heterosexuality, homosexuality, or bisexuality and, for greater certainty, does not include a preference towards any sexual act or activity that would constitute an offence under this Act.''

Ms. Roseanne Skoke (Central Nova, Lib.) moved:

Motion No. 13

That Bill C–41, in Clause 6, be amended by replacing line 33, on page 8, with the following:

''or physical disability''.

Mr. Tom Wappel (Scarborough West, Lib.) moved

Motion No. 14

That Bill C–41, in Clause 6, be amended in the English version, by replacing line 33, on page 8, with the following:

''or physical disability, sexual orientation,''.

Mrs. Pierrette Venne (Saint–Hubert, BQ) moved:

Motion No. 15

That Bill C–41, in Clause 6, be amended in the French version, by replacing line 40, on page 33, with the following:

''garde d'enfant auxquels s'expose une''.

Mr. Paul Szabo (Mississauga South, Lib.) moved:

Motion No. 16

That Bill C–41, in Clause 6, be amended by adding after line 3 on page 8, the following:

''(i.1) evidence that the offender committed an indictable offence that consisted of a physical or sexual assault on or harm to the person of the offender's spouse or common law spouse or an attempt or threat to carry out such an offence; or''.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved:

Motion No. 17

That Bill C–41, in Clause 6, be amended by replacing lines 19 and 20, on page 55, with the following:

''of a legislature.''

(2020)

Mr. Dan McTeague (Ontario, Lib.): Madam Speaker, it is a privilege this evening to speak to Motions Nos. 7 and 8. We are dealing with a very controversial bill. It is controversial because many Canadians have expressed concern about the intent of the bill.

[*Translation*]

Mrs. Venne: Pardon me, Madam Speaker, but let me explain before the hon. member goes any further with his remarks. I do not know if I should discuss this with you right now, but I have a problem. As I understand it, based on the Speaker's decision, my Motion No. 4 will be voted on at the same time as Motion No. 3, which deals with a completely different subject. Mine is about the French language, and the hon. member's about alternative measures. There really is no connection.

The Acting Speaker (Mrs. Maheu): The Speaker has decided in this case that, if Motion No. 3 is adopted, it will not be necessary to vote on Motion No. 4. In fact, both votes have been deferred. As a result of the vote on Motion No. 3 being deferred, the vote on Motion No. 4 was automatically deferred.

Does this answer your question? The vote on Motion No. 4 has been deferred along with that on Motion No. 3.

Mrs. Venne: Very well.

Mr. Langlois: Madam Speaker, on a further point of clarification, just to be perfectly clear, before the hon. member for Ontario resumes his speech, which I will listen to with great interest.

My understanding was that the vote on the motion put forward by the hon. member for Saint–Hubert was deferred till the end. I can understand that. But if the motion put forward by our colleague, the hon. member for Crowfoot, is defeated, we will have to vote on Motion No. 4 in the name of the hon. member for Saint–Hubert in any case, will we not?

The Acting Speaker (Mrs. Maheu): You could approach the table. The Speaker's decision is clear. If Motion No. 3 is defeated, Motion No. 4 will be voted on. It was included in Group No. 1 only for the purpose of debate.

Mr. McTeague: Madam Speaker, I know that I have only 10 minutes to address two issues. I hope that I will be able to do so in so little time, and if I am, that will be quite an accomplishment.

[*English*]

I believe generally in the principle of equality. I believe that Bill C–41 is a good bill in general. It deals with substantive matters of sentencing and matters that we treated openly in the campaign.

However, the most troubling part of the bill deals with section 718.2(a)(i). I find it troubling because this section of the bill, which is a very small paragraph in an omnibus bill, attempts to treat the whole matter of hatred in a very superficial way.

This section has been presented as a means toward combating hate crimes by toughening sentences where it was not the case in the past. It gives members the impression that hate crimes are somehow going unaddressed in terms of our legal ability to respond effectively to the rise in crime and the incidence of hate crime.

The Canadian Bar Association before the justice committee made it extremely clear that without exception there were no examples where one could prove that people who committed hate crimes, whether against an individual or a person belonging to a group of individuals, did not have the book not thrown at them. It is with regret that I suggest the piece of legislation in section 718.2 is nothing less than redundant.

The level of support for the concern about the bill falls into two areas. My fellow colleagues from the government side will be able to speak about their concerns with reference to sexual orientation. My concern is of a much grander nature. It deals with the fact that we are saying in the country and in the bill that hatred is only significant when the characteristic of the individual is taken into account. I would submit that misses the very point on which hate crimes ought to be based.

(2025)

Hatred is hatred. It is no more or less significant given who it is directed against. It should be a principle not only of Parliament but a fundamental principle of Canadians in general that hatred is something we should repudiate at every turn.

I thought I would at some point be able to bring forward Motions Nos. 6 and 7 to the justice committee. One of the motions would delete the clause after the words hate, biased and prejudiced. Those words make it so that hatred is more significant if it is only based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor. I do not know what any other similar factor is. Perhaps I could have an appropriate explanation of exactly what that means, but I say with some certainty that a judge reading any other similar factor would have difficulty trying to understand just what is meant.

I have looked to various applications of the legislation and where it will have its greatest impact. If we are serious about changing hate crimes, particularly as our red book suggested in terms of hate propaganda, ought we not to be correcting sections 318 to 320 of the Criminal Code rather than treating hatred in a rather cavalier fashion, in a rather superfluous or superficial fashion under an omnibus bill on sentencing?

If I had been given the opportunity to speak or provide some amendments based on good advice to the government during the committee period, I would have put forward the concern some hon. colleagues have expressed that other forms of hatred manifested against certain individuals would not be covered under the legislation.

I presented to the hon. member for Portneuf the prospect of hate based on language. I am pleased to see that it is here. Unfortunately I had to do that indirectly.

[*Translation*]

One of the things I noticed is that my position and reservations on this bill were expressed and reinforced by the Barreau du Québec. According to the Barreau, Canadians do not want a restrictive two–tier justice system that protects only some segments of our society.

On the other hand, some people have argued that there is no indication that the courts have been lenient with offenders motivated by hatred for these segments, groups or individuals in our society. In their opinion, as judges already have considerable latitude in the sentencing process, they often use this latitude to impose tough sentences for crimes they deem detrimental to society.

According to the amendment proposed by the Barreau, if the evidence submitted to the court shows that the offence was motivated by prejudice, the judge may feel that the aggravating circumstances surrounding the crime call for a tougher sentence.

Although I respect the Barreau's position, I am quoting these comments for the hon. members opposite, especially those from the Bloc Quebecois, because the Barreau du Québec, which represents all lawyers in the province, said that what was needed was a general rather than specific principle.

[*English*]

I am extremely concerned that the legislation, in its attempt to address hate crimes, will leave people out. I am not sure what motivates one to write legislation such as this, particularly section 718. However, if it has anything to do with political correctness, might I suggest that in exchange for political correctness we respond to actual legal need? Hatred is a very serious problem that ought to be treated more seriously in more appropriate legislation.

How serious can we be about nibbling around the edges? I am concerned about ensuring that we have a fair system of justice for all. The legislation almost ensures that in Canada we no longer can claim to have a justice system for all.

(2030)

We are saying that it is more important for some hatreds to be treated more significantly if the person who happens to be the unfortunate victim of hatred is part of the listed group. I have cited language. I could also cite the physical appearance of people. The hon. member for Wild Rose referred to fat people.

This is a very political environment. Perhaps we could talk about hatred based on political considerations, people who hold political views that are different from others and who have been the subject of hate. How in this bill, how in this amendment, are those people going to find equal protection before and under the law?

The charter says that we are supposed to provide equality for all individuals. My reading of this section suggests that only some people, those who happen to constitute a part of this list, will be protected.

Many other concerns have been raised in the past about whether the legislation will be able to in some way thwart or deter someone from committing a hate crime. Those who are filled with hatred do not read omnibus bills on sentencing to find out what their punishment will be.

What they will know is that in every single instance without exception the justices and the good people of this nation who prosecute these issues have been able to find without exception that when someone commits a crime based on hate it is always treated as an aggravating circumstance. If this list forms the basis under which the law would find an aggravating circumstance, those left out could be considered crimes committed for which the judge would find at the point of sentencing to be of a mitigating factor.

We need equality of treatment when it comes to hatred. We need to make sure that we use the proper instruments to protect it and to protect those who have been its victims in the past and its victims in the future.

Not much more can be made more true than the fact that individuals from coast to coast expect from Parliament fairness and equality before the law. Bill C–41 is a long bill. It is an exhaustive bill. We must treat hatred in its proper perspective.

I urge all members to support my motions, justice for all.

[*Translation*]

Mrs. Pierrette Venne (Saint–Hubert, BQ): Madam Speaker, the motions on clause 718.2 of Bill C–41 represent the majority of the motions to amend tabled at report stage. Most deal with the question of whether or not the expression ''sexual orientation'' should be included in the provisions which relate to the aggravating circumstances to be considered when a sentence is imposed.

Motion No. 5, tabled by the hon. member for Crowfoot, is the most drastic one, since it proposes to completely eliminate

clause 718.2 in the bill. In so doing, the Reform Party would render the legislation meaningless, since it would abolish the basic principles and objectives of sentencing.

The principles stated in clause 718, which underlie the bill, are a step in the right direction. Indeed, we can only support a measure which seeks to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing appropriate sanctions.

Moreover, the alternative measures provided in clause 717 regarding some offenders, that is the penalties other than incarceration and probation, are innovative measures which will result in fewer offenders being sent to jail, while also putting the emphasis on rehabilitation rather than incarceration.

(2035)

Some motions, including those of the hon. member for Scarborough West, seek to introduce a comprehensive definition of the expression ''sexual orientation'' in clause 718.2 of the bill. The member actually managed to table several motions to amend which are essentially variations on the same theme, in the hope that one of them will somehow get through.

The debate on the real issues of Bill C–41 was sidetracked from the very beginning. Indeed, since the legislation was tabled, the debate has focused on the sensitive issue of homosexual rights. Under aggravating circumstances, the bill provides a list of prejudices motivating hate crimes, including the sexual orientation of the victim.

The judge must consider a hate motivated crime as an aggravating circumstance at the time of sentencing. The debate has been sidetracked both by the defenders of homosexuals' right to protection and by the extreme right that wants the bill's provision regarding aggravating circumstances to be dropped. I have received thousands of letters asking me to vote against Bill C–41 because it contains the phrase ''sexual orientation''. Our offices were flooded with these form letters. They merely reflected the opinion of a ill–informed minority.

Those who signed these letters actually wanted us to scrap a 75 page bill, containing a hundred clauses and representing a complete reform of that part of the Criminal Code that deals with sentencing, because it contained two words too many. Let us keep in mind that Bill C–41 does not create new rights. It is a sentencing bill, and therefore sets out parameters by which judges must be guided in arriving at sentences. Clause 718.2 in particular concerns only an accused found guilty and the criteria that apply to his sentence.

It is not the purpose of this clause to create rights for the groups listed therein. The rights of individuals are protected under the Constitution and other legislation on the protection of human rights. Bill C–41 is not a new charter of rights and freedoms, as several interested groups would have us believe. When a bill contains the term ''sexual orientation'', the meaning of the term raises many questions. What does it really mean? How should its meaning be interpreted?

In the Egan case, the federal court seems to indicate that a sexual tendency or orientation can be heterosexual, homosexual or bisexual. This case made a challenge under section 15 of the Canadian Charter of Rights and Freedoms. The court concluded that, although the Supreme Court has never issued an opinion on the issue, the fact that sexual tendencies can be invoked as motives constituting discrimination such as those prohibited under subsection 15(1) had become a matter of settled law.

On June 30, 1993, a little while after the Egan decision, the Supreme Court stated in the Ward decision that sexual orientation is an innate or unchangeable characteristic. This case involved discrimination against refugees and the protection of refugees. The Supreme Court accepted as a category persons who fear persecution because of gender, linguistic backgrounds and sexual orientation.

I would like to mention in passing that the Bloc Quebecois proposed an amendment regarding the linguistic traits of victims in committee, which was accepted. This amendment is in line with the position taken by the Supreme Court in the Ward case. But, you might ask, should we not clearly define the term ''sexual orientation''? Since political correctness has come into style, the names of several minority groups have changed considerably.

(2040)

The blind have become the visually impaired; the deaf, the hearing impaired; the mentally ill are now mentally handicapped.

Since language changes constantly, the designation of homosexuals has changed as well. In the 19th century, this phenomenon was referred to as sexual inversion. In the 20th century, this term was replaced by the word homosexuality. Subsequently, we had the terms gay and lesbian. Not so long ago, people talked about sexual preference. Of course, the gay community soon dropped this term because it indicated a choice or characteristic acquired by the individual and not an innate characteristic.

Scientists are now trying to determine whether homosexuality is not only innate but genetically determined. In a scenario that may not be that far down the road, we may have individuals with male or female genetic characteristics, plus homosexual genetic characteristics that would influence the individual's behaviour and thus determine his or her future sexual orientation.

Some people maintain this is a nightmare scenario, especially those who flooded the fax machines on Parliament Hill with strong protests against Bill C–41. The mere term sexual orientation caused a wave of panic. Opponents of this legislation

simply want to throw out an entire bill on sentencing because it supposedly gives more rights to homosexuals, which is patently untrue. Crimes motivated by hate or prejudice have a profound impact on the victim. They differ from any other kind of crime. The victim, attacked because of the colour of his or her skin, because of his or her religion or because she is a woman, suffers far more than someone whose wallet is stolen. That is what clause 718.2 of the bill is all about.

I will not support Motions Nos. 5 to 17, inclusive, except, of course, for Motions Nos. 9 and 15.

[*English*]

Ms. Roseanne Skoke (Central Nova, Lib.): Madam Speaker, I rise in the House to speak at report stage on Motions Nos. 6 and 13 proposing amendments to Bill C–41.

Bill C–41, and in particular section 718.2, has been vigorously promoted by the government and the media as the hate crime legislation.

Let me remind this honourable House that section 718.2 is not the operative hate crime provisions of the Criminal Code. Rather it is the purposes and principles of sentencing which must at all times reflect the fundamental values, principles and morals on which this great nation, Canada, has been founded.

Section 718.2, as drafted, is unacceptable. It does not reflect the principles and values of the majority of Canadians. The specific inclusion of the words sexual orientation gives legal recognition and legal status to a faction in society which is undermining and destroying Canadian values and Judeo–Christian morality.

Such a special recognition of sexual orientation in the Criminal Code is an overt condonation of the practices of homosexuality which is being imposed on all Canadians. Bill C–41 has the effect of legislating a morality that is not supported by Canadian and Judeo–Christian morals, values and principles.

To endorse or to include the words sexual orientation in any federal legislation would confer on homosexuals the ability to obtain special legal status, allow them to redefine the family, to enter into the realm of the sanctity of marriage, to adopt children, to infiltrate the curriculum of schools and to impose an alternative lifestyle on youth. All these demands are encroaching on and undermining the inherent and inviolable rights of family and the rights of the church.

The family unit is the basic institution of life and the solid foundation on which our forefathers have built this great nation. The protection of families, family life and family values must be a priority with this government. Families have inherent and inviolable rights. Families have existed before the church and families have existed before the state. The rights of the family must be preserved, safeguarded and protected by Parliament.

(2045)

Why do I as a legislator continue to make reference to principles, values and morals when debating Bill C–41? It is because section 718.2 refers specifically to principles. In the words of the hon. justice minister before the justice committee on Bill C–41 on November 17, 1994—

Mr. Robinson: Madam Speaker, I would like to raise a point of order pursuant to Standing Order 18, which reads in part as follows:

> No Member shall speak disrespectfully of the Sovereign, nor of any of the Royal Family, nor of the Governor General or the person administering the Government of Canada; nor use offensive words against either House, or against any member thereof.

As a gay man, the words spoken by the hon. member for Central Nova are deeply offensive, not just to me as an individual but to all gay men and lesbians in this country. To be accused of immorality—

The Acting Speaker (Mrs. Maheu): I did not hear the hon. member refer to you as an individual. I stand corrected if she did.

Ms. Skoke: In the justice committee on November 17, 1994 the justice minister stated:

> But the second and I believe the more important reason for legislating is that one of the legitimate purposes of Parliament and of legislation is to allow the legislators to identify themselves with a principle, to take the lead and to show what the values are that guide us as a nation.
>
> We may have different views on what those values are, but this bill reflects the values and views of this government in relation to this matter.

I beg to differ with our justice minister on this issue. With confidence I say that section 718.2 does not reflect the principles and values of the Canadian majority. As of June 6, 1995 this honourable House had received over 83,000 signatures on petitions directly related to the wording of sexual orientation. Since September 20, 1994 I have received in my office alone over 10,000 letters, faxes and telephone calls confirming the views, values, principles and morality of Canadian people.

The media can attest to the interest shown in Bill C–41 on the issues of principles, values and morals. Talk show hosts, radio, television, newspapers, magazines and all Canadians are talking about Bill C–41 and its serious implications. No more. Canadians are not prepared to silently acquiesce in legislative change which will affect their right to speech, right to expression, opinion and belief, the right to freedom of religion and most important, the right to practise all those freedoms openly without fear of intimidation, coercion or criminal sanction.

Section 718.2 is incorporated in the Criminal Code of Canada. Whether the question of the purpose of the criminal law is approached from a retributive or a utilitarian direction, it is important to understand that the fundamental nature of criminal

law sanctions is punitive. The criminal law and the criminal justice system constitute the end point on a continuum of informal and formal customs, beliefs and institutions of social control, the end point in terms of the ultimately coercive intervention of the state in the lives of its citizens.

Simply put, the criminal sanction of section 718.2 will ultimately operate to elevate the existing Canadian legal test of tolerance to a higher legal standard whereby Canadians are required not only to be tolerant of homosexuals and their chosen lifestyles, but they must condone, accept and endorse homosexuality as being natural and moral.

Canadians do not have to accept homosexuality as being natural and moral. Homosexuality is not natural; it is immoral. Homosexuality must not and should not be condoned.

(2050)

[*Translation*]

Mr. Ménard: Madam Speaker, I rise on a point of order. Up to now, I have kept from interrupting my colleague for Central Nova. However—and I would like some guidance from the Chair—I contend that associating homosexuality with immorality strikes a blow at a large sector of society and is therefore unparliamentary. I would ask the member for Central Nova—

The Acting Speaker (Mrs. Maheu): I am sorry, but that is a matter of debate.

Mr. Ménard: Is the word immoral acceptable, Madam Speaker?

The Acting Speaker (Mrs. Maheu): These words are not directed at anyone in particular.

[*English*]

Ms. Skoke: Madam Speaker, justice, law and morality are inseparable. In our country Canada, we cannot have laws unless our laws are just and moral.

The preamble to the Canadian Constitution set forth in the Constitution Act recognizes the supremacy of God and the rule of law. The recognition of the supremacy of God entrenches into the Constitution natural law. Therefore the laws of our country must not contravene natural law for to do so the laws would be ultra vires or unconstitutional.

A strict legal approach to section 718.2 will disclose that this section is seriously flawed and unconstitutional. There are many unanswered legal questions regarding section 718.2. The words hate, prejudice and bias are undefined. Hate is an emotion; bias and prejudice are beliefs. The charter guarantees freedom of conscience, expression, opinion, belief and religion.

In practicality, when the court employs section 718.2 in determining whether motivation is on the basis of hate, prejudice or bias as an aggravating factor, I ask this honourable House what legal test shall be applied? Is it an objective test or a subjective test? If it is subjective, whose subjectivity is applied, the subjectivity of the victim or the subjectivity of the accused?

If sexual orientation is included in the list of section 718.2, what is the operative legal definition of sexual orientation and how can one identify the sexual orientation of another? What legal test will be applied by the judge and will such a test be based on the actual or perceived sexual orientation of the victim? Where in Canadian law can an accused person be sentenced for a crime without having first been charged, tried and convicted of the said crime?

Section 718.2 is a double jeopardy provision of Bill C–41 which is unconstitutional. Its effect clearly sentences an individual for hate motivation without the individual having been charged under the hate crime provisions of the Criminal Code. This is unacceptable in Canada. It contravenes the charter guarantees of the right to be charged with an offence known in Canadian law and the right to be tried in accordance with the fundamental principles of justice.

Section 718.2 violates the equity sections of the charter, in particular section 15, which states that every Canadian is equal before and under the law. The list of factors provided for in section 718.2 creates an inequity in law which must not be tolerated. Since every Canadian is equal before and under the law, then a list of categories is unnecessary and restrictive.

The hon. member for Ontario has proposed an amendment to delete the list. I support Motions Nos. 7 and 8. I do not support the inclusion of the words sexual orientation in Bill C–41 or in any federal legislation. I ask this honourable House to support my position by voting in support of my specific amendment, Motion No. 13, which will specifically exclude the words sexual orientation from section 718.2.

I further challenge this honourable House to carefully consider section 718.2 and to examine its constitutional validity and its effect upon the charter guarantees afforded to all Canadians. Before this House is Motion No. 6, a general amendment to Bill C–41 which will delete section 718.2 in part and I ask for support from this honourable House.

In conclusion I cannot support any federal legislation that includes the words sexual orientation particularly in the Criminal Code of Canada. To do so would be to utilize a criminal sanction to afford special legal status to homosexuals and to give legal recognition to a faction in our society which is undermining and destroying our Canadian values, principles and morals.

(2055)

Over the past 25 years Parliament has been encroaching upon and undermining the inherent and inviolable rights of the family, the right to life and the rights of the church. Section 718.2 is just another example of this.

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP): Madam Speaker, it is difficult to know where to begin in response to the comments of the last speaker. As one who is among those she has accused of seeking to undermine and destroy the Canadian society, as one she has described as immoral and unnatural, and as a member of a community of gay men and lesbians whom she has similarly slandered with her hatred—

Mr. Wappel: Madam Speaker, on a point of order I refer you to Standing Order 18 where it states that no member may use offensive words against any member. The hon. member has accused the hon. member for Central Nova of slander. That is a direct accusation against a member of this House. I ask you to call the member to order.

The Acting Speaker (Mrs. Maheu): I will ask the hon. member for Burnaby—Kingsway to withdraw his comments.

Mr. Robinson: Madam Speaker, the previous speaker was clearly making reference to a community. In responding—

The Acting Speaker (Mrs. Maheu): I believe the standing order as read is quite specific. Would you please withdraw your words. They were directed at a member.

Mr. Robinson: Madam Speaker, I will withdraw any personal references to the hon. member but certainly with respect to the point—

The Acting Speaker (Mrs. Maheu): Fine. Thank you.

[*Translation*]

Mr. Ménard: Madam Speaker, on a point of order. When you take part in a debate you are responsible for the words you utter. I know that, like all the members of this House, you are particularly sensitive to the words reported.

I would just like to understand your decision and draw to your attention that the remarks our colleague made in her opening words to her debate are what she actually said. If I may, I—

The Acting Speaker (Mrs. Maheu): Order. I have already made a decision on the point of order. The member referred directly to a member of this House, which is not done, while the other member referred to a group in society.

[*English*]

Mr. Robinson: Madam Speaker, obviously what we are seeing here is that if one hon. member in the course of debate were to refer to black people hypothetically as a group as being immoral, unnatural and attacking the family and an assault on Canadian values, that black people were in that category, of course in those circumstances a member of this House who happened to be a black person could not respond. That is what the Speaker is saying. The Speaker is saying that if a member of this House got up—

Mr. Nunziata: Madam Speaker, I rise on a point of order. The hon. member for Burnaby—Kingsway purports to be opposed to hate yet he seems to want to propagate it. I would simply indicate that he is challenging the authority of the Chair. You have made your ruling and he persists in challenging your authority. I would ask that if he is not prepared to play by the rules—

Mr. Robinson: Madam Speaker, I want to be very clear on the motion I am proposing to the House. Before doing so, I want to say that I strongly support the principles underlying section 718.2 of this legislation. I find it particularly disturbing that a member of this House in arguing against this provision could so distort the reality that underlies the section.

For example, it was suggested that this section would take effect even if there were no convictions. That is what the hon. member for Central Nova said. Section 718.2 takes effect only at sentencing. The hon. member is a lawyer. I assume she is aware that sentencing takes place only after conviction. Let us be very clear.

(2100)

Ms. Skoke: Madam Speaker, on a point of order, I think it is important that if the hon. member is to quote what I say he quotes directly and does not paraphrase. He has obviously misunderstood the context of my speech and I think that is important.

Mr. Robinson: Madam Speaker, the hon. member's words speak for themselves and the distortions in those words speak for themselves as well.

No one in supporting this legislation is seeking any kind of special rights or privileges any more than those who support legislation to amend the Canadian Human Rights Act to prohibit discrimination based on sexual orientation are seeking any kind of special rights or privileges.

There are certain communities in which people are attacked on the basis of certain identifiable characteristics. The gay community is one of those communities.

The justice committee on Bill C–41 heard very moving testimony from two gay men who were walking peacefully down

the street in Toronto near the corner of Church and Welsley when they were attacked by thugs with broken beer bottles and beaten up. They were not attacked because they were fat. They were attacked because they were gay. That is what this legislation is attempting to respond to.

The hon. member for Scarborough West asks how they knew that. That is a very good question. That is precisely the purpose of the amendment in Motion No. 10. They assumed these were two gay men. They perceived them as being gay men because they were walking in an area which has a significant number of gays and lesbians.

That is why it is essential this legislation respond to the question of sexual orientation. If an individual attacks another individual because they believe that person to be Jewish or gay or lesbian the impact of that is just as serious. As a number of witnesses who appeared before the committee made very clear, it is essential that the perception of the victim be included in this legislation. That is the purpose of my amendment.

As one of the briefs from the Ottawa–Carleton regional police bias crime unit pointed out, Alain Brosseau, a waiter working one night at the Chateau Laurier, walked toward his home through Majors Hill park and was attacked by a group of people who thought he was a gay man. They threw him off the bridge and killed him. That was just as serious and this legislation should reflect that seriousness as well. That was the point made by B'nai Brith, the point made by the Centre de recerche–action sur les relations raciales and by many others.

It is important we understand this legislation is not conferring privileges. I wish it were not the case that Jews are singled out for anti–semitic attacks. I wish it were not the case that gay men and lesbians were victims of gay bashing, as the Minister of Justice said.

On Saturday night in Vancouver at the Edge restaurant some friends of mine were sitting peacefully having coffee when suddenly through the door came a number of thugs who started to attack them, calling them faggots, beating them up and breaking their arms. This crime does not just affect the individuals involved but by its very nature it has a chilling effect on a community. That is why it is so important that we amend the criminal law as has been proposed here.

(2105)

This legislation is very important. It is also important that we understand the kind of attitudes we have heard from the member for Central Nova. The member for New Westminster—Burnaby said that gay bashing was not much of a problem because it was only one marginalized group, skinheads as he said, attacking another marginalized group, or it was gay people beating up other gay people. Those are the attitudes we have to confront.

We need this legislation. I commend those moving it forward. I commend the Ottawa police department for its leadership in this area. I hope the House will reject the voices of those not prepared to accept equality and move toward legislation that ensures hate crimes are punished to the fullest in society.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I am pleased to join in debate on Bill C–41.

I want to comment as objectively as I can on section 718.2. This section has attracted more attention than any other aspect of the bill. There is a backlash of sorts that has conjured up a great deal of concern among a number of Canadians. The bill is referred to often as a hate crimes bill. It is a sentencing bill with some 60 or 70 pages and has a wide range of important amendments to guide our sentencing.

Section 718.2 as has been indicated by a number of prior speakers has attracted attention. Section 718.2 states:

> A court that imposes a sentence shall also take into consideration the following principles:
>
> (a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,
>
> (i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour religion, sex, age, mental or physical disability, sexual orientation or any other similar factor, or
>
> (ii) evidence that the offender, in the committing offence, abused a position of trust or authority in relation to the victim shall be deemed to be a aggravating circumstances;

To put that in English, section 718.2 basically says that when someone has been charged and convicted of a crime, prior to sentencing that person the courts must make an assessment and that assessment must be whether there is an aggravating circumstance.

Presently in the bill there are two different categories of aggravating circumstances. The first refers to bias, prejudice and hate. That goes on to be elaborated on by adding to it the so–called list for greater certainty. In other words that a bias, prejudice or hate was based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability or sexual orientation would require a stiffer sentence.

The second aggravating circumstance has to do with abuse of positions of trust or authority. A position of trust would be in the character of a doctor over a patient, a teacher over a student, a babysitter over a child. Positions of authority might include such things as an elderly person in the care of a child or a child in the care of the parents.

One of the reasons the bill and this section have attracted so much attention is this list on which bias, prejudice and hate might be motivated is identical to the list in our charter of rights and freedoms. The only addition to the list are the words sexual orientation which have brought tremendous focus to this section. It has been the one reason the bill has been used as a proxy for the discussion of all sides of the story and the arguments with regard to sexual orientation.

(2110)

I do not want to use much of my time to deal with this. The extent of concern within my community, and I have received many letters, indicates that basically we are all equal under our laws and that if there is any list it tends to indicate that someone has been left off the list. If our charter is to hold true the words bias, prejudice and hate should be sufficient. On that basis I will be supporting the report stage motion to eliminate the list.

I will now move on very briefly to my motion which is to add an aggravating circumstance to bias, prejudice and hate and the abuse of trust in authority positions.

According to the 1993 violence against women survey and Statistics Canada 29 per cent of women or 2.7 million who have ever been married or lived in a common law relationship have been physically or sexually assaulted by their partner at some point during the relationship. We are all painfully aware of the serious problems and the negative consequences not only to those involved but to society as a whole. We have been so overwhelmed by the tragic statistics and the pleas for help over so many years, I fear we have become desensitized to the severity of the problem.

As a result of those facts I have presented a report stage Motion No. 16 which asks the House to consider making spousal abuse a situation which would require stiffer sentences. It did take some time. The motion was submitted in April. It took a great deal of time to work through justice, to work with colleagues from all sides of the House.

I am pleased to inform the House that as a result of the motion and as a result of the support I received from all sides of the House the Minister of Justice has agreed to accept the situation of spousal abuse as an aggravating circumstance requiring a stiffer penalty. This is a very momentous situation for the House to stop giving merely moral support to the plight of abused women and children and to start giving tangible, legislative backbone to deal with the issue of spousal abuse.

Motion No. 17 presented by the minister will be addressed in the House in advance of my Motion No. 16. I will be supporting Motion No. 17. I believe it incorporates the intent of the motion I put forward.

I thank the minister and the justice officials and members of the House. I am sure all women in Canada thank all members for their support for abused women.

Mr. Tom Wappel (Scarborough West, Lib.): Madam Speaker, I have only 10 minutes to offer my comments on 13 very interesting amendments which obviously, as we have seen from the debate so far, evoke very strong feelings. Unfortunately with only 10 minutes I am forced to concentrate on my amendments.

I do support Motion No. 6 standing in the name of the hon. member for Central Nova for the legal, moral and ethical reasons she stated in her speech. If the House is not supportive of Motion No. 6 then I am certainly in support of Motions Nos. 7 and 8 standing in the name of the hon. member for Ontario for the reasons he gave in his excellent address.

(2115)

If it should transpire that none of those motions have passed with the approval of this House, then we have section 718.2 with the phrase sexual orientation as part of that section. In those circumstances, only one of two things will happen. Either the phrase sexual orientation will remain undefined, or it can be defined by this House pursuant to one of the amendments that I have put forward.

So one might wonder why we need a definition, which is what I want to talk about in the remaining time. Let us examine some actual facts, not rhetoric and various other things, but let us talk about some facts.

Fact one: This is the first time the phrase sexual orientation is going to be used in any federal Canadian statute.

Fact two: This phrase is undefined in any legal or standard dictionary.

Fact three: This phrase is undefined by any court in Canada. There have been passing references to the phrase, a footnote here or there by one or two or three judges, but it has not been judiciously interpreted in this country.

We asked the minister what sexual orientation means. When he appeared before the justice committee on November 17, 1994, he said: ''Sexual orientation encompasses homosexuality, heterosexuality, and bisexuality''. If that is in fact the case, then that is exactly what my Motion No. 11 proposes. It proposes to state that sexual orientation means exactly what the Minister of Justice said it meant in the committee; namely, homosexuality, heterosexuality, and bisexuality. The important point is that it would mean nothing else but those three things the minister said.

It is interesting to note that virtually every jurisdiction in the world that I have found that uses the phrase sexual orientation or similar words actually defines the phrase. We are meeting so much resistance here in Canada to defining a legal phrase that has never been used in this country in a statute. Yet in other countries there does not seem to be this problem.

Let us take a look, for example, at California, which has a population greater than our entire country. They say sexual orientation means heterosexuality, homosexuality, or bisexuality, period. This is exactly what the Minister of Justice said and exactly what my Motion No. 11 states.

What about our own regulations, not statutes, under the Canadian Radio–television and Telecommunications Commission? Even they go some way to defining sexual orientation by saying: ''Sexual orientation does not include the orientation

toward any sexual act or activity that would constitute an offence under the Criminal Code''. Who could disagree with that? That is in fact a definition because it is a definition of exclusion. Motion No. 11 is a definition of inclusion.

Let us take, for example, the District of Columbia. Sexual orientation means male or female homosexuality, heterosexuality, and bisexuality—and I note for the hon. member for Burnaby—Kingsway—by preference or practice. But it is defined. That is the point: it is defined in statute.

Finally, let us talk about Australia. We talked about the United States, so we will now talk about South Australia and its equal opportunity act. The act states: ''It is unlawful to discriminate on the grounds of sexuality. Sexuality is defined as meaning heterosexuality, homosexuality, bisexuality or trans–sexuality''. Well my other motion deals with that, with the exception of trans–sexuality.

All of these jurisdictions define the phrase. So what I am saying is we should define the phrase. What if we do not? Does the undefined phrase sexual orientation mean something other than what the minister has said it means?

(2120)

Let us look at the evidence that was called at the committee. Dr. Greenberg, who is a member of the policy review committee from the Canadian Criminal Justice Association and who is also a psychiatrist at one of the Ottawa hospitals, in response to a question by me, said: ''Sexual orientation is a descriptive term. It basically defines what attracts a person to a stimulus. In other words, just like a compass, what is it that orients a person toward a particular stimulus? It is what stimulus arouses a person sexually.'' I asked, ''Yes, so necrophilia would be a sexual orientation to you?'' Dr. Greenberg answers, ''A deviant sexual orientation, yes.''

It goes on. The Canadian Psychological Association said: ''It is not for us to say whether in the courts it would be,''—that is to say, interpreted—''but certainly sexual orientation is a key and fundamental component of pedophilia''. That is not the member for Scarborough West talking, that is Dr. Stephen J. Wormith, chairperson of the criminal justice psychology section of the Canadian Psychological Association. That is what he says. This is if it is undefined.

We have many other quotations, which I have sent around to all hon. members in this House.

If those witnesses do not agree that sexual orientation does not mean what the minister said, what are the courts going to do? The courts are not responsible to the people of Canada. I do not want to take that chance. It is for this House to define phrases, not for the courts.

Interestingly enough, every other characteristic listed in 718.2 is defined. Race has been defined. National or ethnic origin has been defined. Language has been defined. Colour has been defined. Religion has been defined. Sex has been defined. Age has been defined. Mental or physical disability has been defined. Here are the definitions, judicial and otherwise.

The only identifiable characteristic that has not been given a definition in this country is sexual orientation. Why is that? According to the minister, he says that it would be offensive to provide a definition. I quote: ''It would be offensive for us to define that term''. That is the reason he gives for not defining a term that the witnesses said includes necrophilia, pedophilia, scopophilia, or whatever other kind of philias you want to talk about. That is not just some hon. member talking; those are actual expert witnesses before the justice committee who made these points.

Who would it offend? It is not offensive to the people of Scarborough West. I conducted a poll. Seventy–two per cent of my constituents want sexual orientation defined before it is put in any federal statute. It is not offensive to anybody I know.

If we draft statutes on the basis of offence, we have given a lot of offence to a lot of gun owners and we just passed Bill C–68. That gives offence. We cannot draft statutes on the basis of who they might or might not offend. We draft statutes on the basis of what is right and what is wrong. Wedraft according to the proper rules of drafting and give definitions.

I ask the House, if sexual orientation is going to remain, please define it.

Mr. Russell MacLellan (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, this is a very interesting debate. I have been listening to it very carefully.

I am really very mystified about how this whole question of sexual orientation has managed to take off as such a pre–eminent feature of Bill C–41. As was said earlier, we are talking about a bill that has 70 pages dealing largely and most importantly with the question of sentencing, which we have wanted for some time. There are some very good provisions in this bill that are much needed in our society, particularly with respect to our criminal justice system.

(2125)

What we seem to gravitate to is one little section. It is not even a whole section; it is just a little itsy–bitsy part of a section. It is in section 718.2 that we refer to the words ''sexual orientation''.

The hon. member for Scarborough West has done a lot of research on this, and I commend him. He says that sexual orientation should be defined. He mentions that the other aspects—race, colour, sex, and gender—are defined. However

they are not defined in the bill. They may be defined, but they are not defined in the bill because these are incidental terms.

What we are dealing with is the fact of sentencing. That is why it is called a sentencing bill. There are no rights given under this bill to anyone, regardless of race, religion, language, or sexual orientation. We are not saying that anybody in those categories has any rights.

What we are saying is that if somebody is attacked and it can be proven that they were attacked because of their sex, religion, language, or sexual orientation, such as the hon. member for Burnaby—Kingsway has said about some people going into a restaurant and saying ''Let's go and get those faggots'', then there is objective evidence that they are being attacked for that reason. Because they are being attacked for that reason, it is a question of bias, prejudice, or hate based on those principles. If the people then go to court and are found guilty, they will be sentenced. In the sentencing it will be determined that the reason they committed the crime was because of bias, prejudice, and hate on their part in relation to language, religion, or sexual orientation. If that is the case, then their sentence is greater than if that was not the case.

A member says that is already being done in the courts across the country. Why then, one may ask, do we have it in the legislation? Because it is not being applied equally across the country. It is being applied differently in each province and we want to have it applied equally. Members have said, hate, bias and prejudice are onerous terms, principles, and sicknesses, which creep into adverse and unpleasant actions in our society. We want to apply it equally across the country.

Why, if we want to put it in the act, do we have to use these terms? The reason we have to use terms like religion, language, sex and sexual orientation is because the Supreme Court of Canada stated in the Zundel and Keegstra cases that they have to know what we mean by hate. What is it we are talking about when we talk about hate? Are we talking about hate based on sexual orientation, religion, or language, or are we talking about hate based on someone beating somebody else up because they do not like the Vancouver Canucks or the Toronto Maple Leafs? Is that the sort of hate? Hate can be used in so many ways.

We want to define what kind of hate we mean and what we are talking about when we go to court on this principle. So we put in examples, but we also say that is not the last of it. We also say ''national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor''. We are not saying that anything can be hate; we refer to a similar factor that relates to the terms we have previously set forth in that list.

(2130)

We are not giving any rights at all under this. The bill does not define sexual orientation because it is not a principle of the bill. The worst that can happen by not defining sexual orientation is that someone may make a mistake about what sexual orientation is in the sentencing process.

If some people want a definition of sexual orientation it should be put in the Canadian Human Rights Act. That is where such a definition would apply, not in a sentencing bill.

In Motion No. 10, brought forward by the member for Burnaby—Kingsway, he mentions changing the bill. Instead of saying race, national or ethnic origin, religion, language or sexual orientation, he wants it to say ''the actual or perceived race'' and so on.

We do not need that because perceived is not a factor either. If someone is attacked because of language or sexual orientation or race it does not matter in the sentencing process if that person actually spoke that language, was of that sexual orientation, was of that race or not. The fact they were actually attacked based on bias, prejudice or hate and whether the victim was correctly identified in that hate, bias or prejudice does not matter. It is the reason for the assault that the sentence is given.

If the person is convicted on the basis of that attack, based on that bias, prejudice or hate on questions of language, sexual orientation or religion, whether the victim was or was not, if the attacker thought the victim was, there is still the hate and there is still going to be the enhanced sentence. It does not matter if it was perceived or not perceived but what the objectively stated intention of the person committing the offence was.

This is a good bill. We are getting carried away, led astray by various factors. Everything in the bill is important but what is most important is what the bill wants to do and can do.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I wish to state from the outset that it will be impossible for me to support the amendments proposed by the hon. members for Scarborough West and for Central Nova, which, of course, should not surprise us. I want to start by repeating what we were told by a psychology professor, who had a great influence on me. He started from the basic premise that sexuality has many facets. This sexology professor reminded us that those who feel comfortable with their own sexuality do not feel the need to denigrate others with a different sexual orientation.

Tonight, I am sorry that some of my colleagues, whose views I as a parliamentarian must respect, may have made comments which, in my opinion, showed, to say the least, very little respect for a kind of sexual pluralism that must be acknowledged. What I find most regrettable, and the reason why I do not understand the purpose of the amendments tabled by some of my colleagues, can be summed up as follows: Is it too much to ask some parliamentarians to recognize, to understand that, in 1995, some members of society are still being molested, beaten or ill–treated for the sole reason that they are or appear to be homosexual?

(2135)

That is what the bill before the House wants to deal with. I fail to understand why parliamentarians who have a voice in government, who have a public voice, will not admit that this is so, although all the hard scientific evidence is there.

In fact, two years ago, the Government of Quebec, the first government in Canada to speak out against discrimination on the basis of sexual orientation, instructed the Quebec Human Rights Commission, a public body with credibility, to investigate violence against gays. That was the specific mandate of this commission. We can assume that, if a government takes the trouble to instruct a commission to investigate, acts of violence are being committed in our society.

The commission, which made several recommendations, examined fifty statements by gays, young and not so young, who were attacked—I think it is important to emphasize this—who were attacked simply because they were gay. I think you would have to be extremely obtuse, bigoted and empty headed not to realize, as a parliamentarian, that this is a situation that must be dealt with.

What do the opponents to this bill find so disturbing? Of course we could wonder about their fantasies, but we will refrain. We will remain strictly on topic. What disturbs them in the legal sense?

With all due respect for the hon. member for Scarborough West and the hon. member for Central Nova—I must admit that when she talks about homosexuality, she does not mince her words, which is putting it mildly—I have not heard either member give examples that would hold water in the legal sense.

I would have had more respect, although I still have some, through you Mr. Speaker, for the hon. member for Central Nova or the hon. member for Scarborough West, if they had risen in their seats and argued on a legal basis to make a connection between agreeing that gays should not be attacked and pedophilia.

That is what disturbs them. That is what frightens them. I had a chance to discuss this with the hon. member during an exchange in committee. However, none of them were able to make a connection between what is proposed in clause 718.2 and what they themselves as parliamentarians anticipated would happen.

Quite frankly, when people are disturbed by a difference that is as legitimate as it is ancient, by the expression of a difference in sexual experience, one wonders, and whether they are parliamentarians is irrelevant, whether they have a healthy and balanced life.

What is disturbing, and I think the Minister of Justice is to be commended for his courage in this respect, is that, as parliamentarians, we have no obligation to support a certain set of moral values. You know, when the only argument is a moral argument, when as a member, all they can do is get up and talk about prayers, religion and family, it is because they do not have much in the way of legal arguments.

I have great respect for people who are deeply religious. I have great respect for parliamentarians in this House who, in some way or another, want to perpetuate the family, be it in its traditional form.

But please, do not tell us that because we want to protect a specific group of people who are confronted with violence every day, because the legislator wants to make attacking gays because of their sexual orientation a factor in determining sentencing, please do not tell us we are challenging family values.

(2140)

I come from a traditional family. My father, Claude, is 55 years old, my mother, Thérèse, is 60 years old. I have a twin brother who has the exact same genetic base as me, another brother who is a police officer—nobody is perfect—and an older brother. I come from a traditional family. It is quite traditional, with my father supporting the family and my mother raising five children at home, who all shared similar influence.

Mr. Gagnon (Bonaventure—Îles–de–la–Madeleine, Lib.): And one son who is a comedian.

Mr. Ménard: The hon. member for Bonaventure—Îles–de–la–Madeleine is paying me a compliment that I cannot ignore. My point is that it is certainly not as a challenge to the traditional or alternative family that we, as legislators, want to put a stop to violence. I cannot accept this kind of argument.

I suspect that the hon. member for Scarborough West made an honest mistake when he told us that there is no mention of sexual orientation in any Canadian legislation. As a good, honest lawyer, he knows full well that for a number of years now, the Canadian Human Rights Act is to be construed as explicitly including sexual orientation. Finally, it took all the determination, the energy and the drive of a group like EGALE to remind everyone, including MPs, this in a manner that deserves to be praised, that in 18 years of existing case law, no comparison can be made between what the legislator is about to do and any form

of perversion mentioned by some members of this House who, in so doing, showed an unacceptable lack of consideration.

After all, why, as parliamentarians, do we want the courts to take sexual orientation into account, among other factors, when sentencing an offender? The hon. member for Scarborough West knows full well that none of the other aggravating factors is defined in clause 718.2. Why be so obsessed about stating facts which do not withstand close scrutiny?

I will conclude with this: When parliamentarians from every party, as well as the courts, understand that we play an educating role every time we make a decision, then we will live in a society which I long for, a society where it will possible for a person, whether a public figure or not, to be gay, to live his or her difference and feel good about it, and to not be exposed to physical abuse, as is unfortunately often the case for members of the gay community.

[*English*]

Mr. Ian McClelland (Edmonton Southwest, Ref.): Madam Speaker, I want to compliment my colleagues from Scarborough West and Hochelaga who have been speaking in this debate for the tenor, the tone and the wisdom of their speeches and the way they have conducted themselves. It is interesting that two people coming from such polar opposites in this debate can both put their points well, succinctly and make their arguments.

Madam Speaker, I am absolutely fed up with being discriminated against. It is really starting to get to me. After studying the legislation, I see no mention of white, middle aged, sort of Catholic males.

If I am lying in a ditch somewhere with my head kicked in, why is it any less of an offence, albeit I am a member of the Reform Party? Why is it any less of an offence for me to be lying in a ditch with my head kicked in than someone else who may be black, may be gay or some other human characteristic? That is the reason I have a problem with the legislation. The whole notion of sexual orientation in the bill is a red herring.

(2145)

If the government had the guts and courage of its convictions on sexual orientation it would come in the front door and amend the human rights act upfront instead of trying to slide this amendment in through the back door. As the Parliamentary Secretary to the Minister of Justice so aptly put it, why does this one teeny–weeny, itsy–bitsy two–word phrase in a 30–page bill have people up in arms?

It has people up in arms because it does not come to this question honestly. We have to be very careful to address the whole notion of sexual orientation honestly. Most Canadians, myself included, are absolutely 100 per cent against the notion of discrimination against anybody for any reason, including people who are gay. We are equally opposed to affirmative action based on any human characteristic.

The whole notion of rights came up in the 16th century and has come up through western Liberal democracies. It is a big part of the American Declaration of Independence. Now that we have sort of been messing around with the Canadian Charter of Rights and Freedoms the whole notion of rights has become confused.

As human beings we have two rights that are inalienable: the right to life and the right to liberty. Beyond those every other so–called right is a privilege given to us by other members of society for one reason or another.

When people came together under an apple tree and decided on some sort of governance, they were willing to give up some of our individual freedoms and liberties for the greater good, so that those that remained would be enhanced. We gave the responsibility to government to provide for these freedoms, security of the person and policing. We did so voluntarily but we did so as human beings.

We did not come together under a tree as white males, gay males, lesbian females, black females, males and females. We came together under a tree and said that for the common good we would have rules and order in society. We did not vest any one of us with rights or privileges superior to anyone else. When we came together and decided to have governance we said we wanted it for the common good.

Down the road things do not always work out the way they should. We know there are certain people in society who have been discriminated against. We know intuitively it is right to prevent discrimination. We have enacted laws over the years to prevent it. If we have to enact laws in the future to prevent discrimination against people because they are gay, homosexual, bisexual or lesbian, we should do so. However let us not be afraid of addressing it head on.

As my hon. colleague from Scarborough West said, statute laws that are ambiguous in nature in not defining the term sexual orientation do not bring credit to the law making process.

I wish to conclude my comments with a plea to all hon. members and to Canadians in general. We must make a clear distinction between the prevention of discrimination, which is laudable and which we all want, and affirmative action or giving benefit by reason of specific characteristics including sexual orientation. These are two very different ideas which have been combined and mixed up in the bill to the discredit of the bill.

(2150)

If it is the government's intention to have sexual orientation as a defined part of the human rights act, the government should bring forth legislation as it promised to do in the election campaign and in its red book. It should show the courage of its convictions and do it through the front door honestly and honourably, not try to slide it in the back door through this legislation.

Mr. John Nunziata (York South—Weston, Lib.): Madam Speaker, I appreciate the opportunity to make further submissions on the legislation. Earlier I spoke about the alternative measures section in the code. I indicated then that I disagreed with the provision that would allow attorneys general across the country to use their discretion and not prosecute serious crimes. It is somewhat inconsistent now that the bill purports to deal more harshly with those who commit crimes motivated by hate, knowing that a court could very well divert an offender who commits an offence out of the criminal justice system and invoke the alternative measures.

The bill is not about sexual orientation. The bill is not about homosexuality. Frankly what the hon. member for Burnaby—Kingsway and the hon. member for Hochelaga—Maisonneuve do in the confines of their bedrooms is their business. That is not what the bill purports to deal with.

The question of whether or not homosexuality is immoral is not the issue with the legislation. As the hon. member indicated, that debate is the real debate and that debate will only take place when a bill is put before the House dealing with amendments to the Canadian Human Rights Act. Bill C–41 is an omnibus bill. It is referred to as an act to amend the Criminal Code (sentencing) and other acts in consequence thereof.

If we look at the index we see it deals with alternative measures, purpose and principles of sentencing, punishment generally, procedure and evidence, restitution, conditional sentence of imprisonment, fines and forfeitures. The bill is not about sexual orientation or homosexuality. It is often referred to in the media as the hate crime bill. One section deals with hate crime and that is section 718.2. The section purports to deal with hate motivated crimes. The bill is not about homosexuality; it is about political correctness.

The first question I ask as a lawyer and as a Canadian is whether we need this section in the Criminal Code. The answer is very simply no. This section is here not because there is a void that has to be filled in criminal law. It is not here because there is a groundswell of support for this change in the country. It is because specific groups in society have effectively lobbied the Government of Canada to inject into the criminal law an unnecessary section.

I quote from a reputable newspaper that has never been accused of being homophobic, anti–homosexual or anything of the sort. The *Globe and Mail*, wrote an editorial entitled ''Unnecessary Laws'' which takes the position that the section is unnecessary. My views happen to coincide completely with the arguments made in the editorial. I quote:

> The new sentencing guidelines are redundant and ill considered, injecting politics once again into the making of criminal law.

(2155)

It goes on to say:

> If Parliament wants to protect threatened groups from hate crimes, it cannot exclude certain groups that some of its members happen not to like. The real problem with section 718.2 is not that it refers to homosexuals but that it is proposed at all.

And this is the key:

> Judges already have wide discretion in sentencing. They often use this discretion to hand out particularly harsh sentences for crimes they consider particularly harmful to society. As far as we can determine the government has presented no evidence that judges are being unduly lenient with criminals motivated by hate. So why pass a law that in effect asks them to be tougher?

What evidence does the Minister of Justice have or what evidence did he present to the justice committee to warrant this new section in the Criminal Code of Canada? As far as I know, and I have asked several members of the committee, there was no study presented to the committee and there was no evidence other than anecdotal evidence.

The member for Burnaby—Kingsway and others can talk about a particular hate motivated crime that happened in Vancouver, Toronto or Halifax. We know these crimes take place. But how often do they take place? Does the government have that evidence? Does the minister have a study that indicates that 1,000, 1,500, 2,000 or 10,000 so–called hate motivated crimes are taking place? We keep statistics on all kinds of matters related to the criminal law. If so, is there evidence to suggest that judges have been unduly lenient in dealing with offenders who commit a crime motivated by hate? I would submit there is no evidence to suggest that judges are too lenient. Then why present the law?

The criminal law is not a piece of legislation to be amended and changed in order to be ''politically correct'' because certain groups in society have pressured effectively for an inclusion of something in the law. The criminal law deals with many matters. It is a serious law, not to be used by politicians to curry votes and support from groups within society.

The *Globe and Mail* goes on to say:

> The Criminal Code is not a toy. Nor is it a showcase for the government's good intentions. It is the law of the land. Before the government makes any changes to the code it should show that there is a problem in the first place, and what is more, a problem that can be addressed by the law. Governments should make law only out of demonstrated need. First demonstrate, then legislate.

The *Globe and Mail* makes a very persuasive argument on why we do not need this section in the Criminal Code of Canada.

The *Financial Post* is not a homophobic newspaper. I do not believe it can be accused of being anti–homosexual or anti–gay. It carried an editorial dated May 27 entitled ''Cluttering up the Code'' from which I would like to quote:

> So much for the punishment fitting the crime. According to C–41 it is not enough that a person is assaulted or robbed or killed. Now any relevant aggravating circumstances are to be considered when meting out the punishment. If you happen to be beaten up or murdered because you were in the wrong place at the wrong time, or because someone wanted to rob you, the court is told to give the offender a lighter sentence than it would to someone who assaulted or murdered because they hated the victim's religion.

(2200)

In other words in an attempt to attack discrimination the law itself would discriminate. Furthermore, since the government has not produced evidence that the courts have been especially lenient on those who commit crimes motivated by hate, where is the need for such a provision? The bill says the fundamental purpose of sentencing is to contribute to the respect for the law. The section on sentencing does the opposite. It is motivated by politics, not by the principle of impartial justice.

For these reasons alone, I urge members of Parliament to reject this section of the bill. It is unnecessary. It is politically motivated. We are not debating here the issue of whether homosexuality is moral or immoral. That debate is yet to come.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I was interested in the parliamentary secretary to the justice minister's comment about how good Bill C–41 is and how much more it included other than section 718.2.

If the parliamentary secretary was listening carefully to the member for York South—Weston, he clearly pointed out two areas of this bill that are very questionable. One of them deals with alternative measures. Several clauses and subclauses are very questionable. Another one is section 718.2.

A third one I have found which is absolutely reflective of a government that really does not pay attention to the wishes of the people but writes legislation contrary to it is section 745.1. This section deals with early release for first and second degree murderers if they are under 18 years of age.

Very little has been debated on this bill. It was incumbent upon members in this House to do a thorough debate of this bill because of its implications.

Returning to 745.1 it reads:

> The sentence to be pronounced against a person who was under the age of 18 at the time of the commission of the offence for which the person was convicted of first degree murder or second degree murder and who is to be sentenced to imprisonment for life shall be that the person be sentenced to imprisonment for life without eligibility for parole until a person has served such period between five and 10 years of the sentence as is specified by the judge presiding at the trial.

In other words, what is the difference between this piece of legislation when dealing with first and second degree murderers who are under 18 years old and those provisions under the Young Offenders Act? There is no difference whatsoever. Just like section 745, the attempt to repeal that section of the Criminal Code by the member for York South—Weston was brought about by him through a private member's bill.

Here is another section that almost replaces it which would be extremely irritating if the people in this country knew about its existence yet they know little about what is happening here. Bill C–41 is a very questionable document.

If I have learned anything since coming to Ottawa it is the wishes of the Canadian people are seldom reflected in legislation. More often than not legislation is passed either in spite of the desires of Canadians or by pulling the wool over their eyes, which is what Bill C–41 does.

I have also learned that political philosophy can influence legislation in one of two ways. The ideology of the political party that sponsors the piece of legislation can influence the means by which a commonly desired Canadian goal can be achieved, or it can set the goals. Bill C–41 is little more than ideology dressed up.

(2205)

Canadians are realizing more and more that our current justice minister, the architect of this piece of legislation, is a man of the left, if not the far left. The justice minister knows exactly what he is doing. Just as he has hidden the true intent and true result of Bill C–68, the firearms registration bill, in a soft, fuzzy cloud of crime control, so he has disguised the real intent of Bill C–41 behind a veil of real justice reform. It is pure trickery, but it is also very transparent.

Bill C–41 is a bad bill and it will do bad things for Canada. Bill C–41 is an entirely predictable expression of what the current minister wants for Canada and what sort of impact he wants to leave on the political landscape. With Bill C–41 Canada sits atop the crest of a hill. If we in the House pass the bill we will propel ourselves down the slippery slope of governmental redefinition of the family, of governmental sanction of unhealthy relationships.

Mark my words, this in turn will lead to a further alienation of the Canadian people from their legislators. People are already disillusioned with politicians. They do not trust politicians. Why should they? Politicians craft bills like Bill C–41 and disguise it behind the veil of justice reform. It is only later when the legislative rubber hits the road and the courts take action that

Canadians find out what really is the true impact of the bill. That is what will happen with Bill C–41.

The world will not end if this bill passes. In fact, it will not change overnight. However, it will change and it will change for the worst. If this bill passes, the courts will be given full licence to redefine what marriage is, what discrimination means, what the limits of freedom of association are and just how free free speech is. We have seen examples of that in the House with the attempts to shut down debate. That will happen.

Bill C–41 with the inclusion of sexual orientation, whatever that means, as a protected category will inevitably lead to a change of discourse in the courts and eventually on the streets. It will lead to expanded special rights for one very small group of people. It will set new limits for the majority of people who do nothing more in life than go to work, go to church, pay their taxes, raise their kids and ask nothing more than to be left untouched as much as possible by the long arm of the Liberal state apparatus.

My years on the police force were invaluable in understanding what the real long term impact of legislation such as this will do. It has provided me with an education like no other with respect to the importance of the fine points of legislation and the massive ripple effect it will have on the street. The devil is in the details, as they say.

The Bail Reform Act for example is an act which was filled with good intentions but led Canada down a slippery slope which ended in the weakening of the criminal justice system in protecting society. That was a Liberal act. It was intended to allow the early release of non–violent offenders but was interpreted by jurists to include violent offenders. Broad intentions were transformed into bizarre reality as the legislative rubber hit the judicial road.

We have all seen the direction the Supreme Court has taken on the charter. The charter has to be so exploited by narrow political causes that constituents regularly call my office saying to scrap the thing altogether. Our esteemed court of highest appeal has ruled that drunks cannot commit crimes.

For those on the other side of the House who accuse me of fear mongering for suggesting that Bill C–41 with its addition of sexual orientation to the list of protected groups will not create waves which will wash dangerously over Canadian families, I say let us look at the record and let us get rid of the long list of those protected areas. For those who say that this bill is only about protecting people I say, just wait. A few years away, a few court decisions hence, this protection will turn into promotion. While all of us in this House support protection of any person from discrimination or violence, let us think very carefully about what we want to end up promoting.

(2210)

Let us be honest with ourselves on this bill. We all know what it is going to lead to. I along with my constituents do not like that one bit.

The Reform Party does not like opposing legislation just for the sake of opposing it. No party should oppose legislation for that reason but we oppose this bill in its present form for good reasons. Those reasons are very much related to the problems I spoke of above.

What will happen when the open endedness of section 717 of the bill dealing with alternative measures for non–violent offences hits the streets and is subject to administration and interpretation? Nobody knows. The justice minister does not know.

I for one did not seek election in this House in order to leave the fate of legislation up to the law of unexpected consequence. This section, one of the more important sections of the bill, opens the door to the sort of judicial expansion that I witnessed while I was on the police force, the sort of expansion I know Canadians do not want.

Since we could not have this section tightened up in committee, we have no choice but to vote to scrap it. In my experience it is far better to return to the drawing board than to paint a dangerously obscure picture, especially when we are talking about criminal justice legislation.

Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.): Mr. Speaker, when I came into this House tonight, the Parliamentary Secretary to the Prime Minister said to me: ''It is a sad day''. I said that it was not a sad day, but that it was a great day for a number of reasons. If I may refer to another piece of legislation, a battle was won tonight in the House, the battle to see the gun control bill passed. That made it not a sad day.

I know that my colleague and my other colleague, the member from Mississauga who also thought it was a sad day were referring to attitudes that are expressed not just in this House, not just in this city or this province but right across the country. I want to talk a little about that in my very brief time. I am paraphrasing but I believe and my colleague from Toronto agrees with me that it was St. Thomas More, the great chancellor of England who said that all that is necessary for evil to triumph is for good people to do nothing.

I have listened to some of the nonsensical reactions. I am not talking about members in this House but the letters I have received and responses from people who clearly have not read the bill, who do not understand what the bill is about, or who perhaps do understand what the bill is about and still evince an attitude of frightening intolerance. I know what my two colleagues mean when they say it is a sad day.

The reason I know it is not a sad day is that this bill will become law. It will pass because it is the right thing to do. What I am struggling with is the fact that colleagues in this House, some colleagues within our own party, members of the church to which I belong and to which I pay great homage and great love hurt me very much by their illogical and irrational response to this legislation. This legislation says in effect that if *x* goes out and hits *y* because he just does not like *y*'s face and injures him and he is convicted of let us call it assault causing bodily harm, so we do not have to worry about private prosecutions here, the provisions in this legislation would not kick in. It does not call for it. It is not one of the things that falls under these provisions against hate.

(2215)

What if someone does not like you, Mr. Speaker, because you may be a Presbyterian and decides to assault you because he does not like Presbyterians and you are a member of that group? Should this exacerbate the situation? I think so. The Minister of Justice thinks so, the Prime Minister thinks so, the parliamentary secretary thinks so. The vast number of Canadians think so. The vast number of Canadians are tolerant and believe that to attack someone because of a belief, ethnocultural background, skin colour or sexual orientation exacerbates the assault.

The questions as to whether that is right or wrong are distinct questions of policy and divisions between the Reform Party and the Liberal Party to take one example. What we are talking about is something that goes much deeper. It goes back to what I said when I started my speech that the member for Mississauga and the Parliamentary Secretary to the Prime Minister were disheartened when I came in here tonight because of the feelings of intolerance that have flown around this bill from its inception.

I went home today to do two things. I was opening a special centre for technology in my riding, a wonderful thing for the G–7, and also because my mother is very ill. She is dying in the hospital after a very long life. I thought about bringing up this allusion tonight in my speech.

In a sense I want to pay tribute to her because I am here and I hold the opinions I hold because of the way she, a single mother, brought me up. She was a school teacher who desperately wanted to be a lawyer but coming to her maturity in the depression in Cape Breton, the oldest of nine children, it was not possible. She taught school. She was involved in politics. She was involved in the teachers' union. She was a feminist. She was a single mother because my father died when I was very young. She believed passionately in tolerance.

I remember when I was four years old a man came to our house selling baskets. He was a Micmac. As was the Cape Breton tradition, my mother gave him a meal before he left. She bought some baskets from him as well. As he walked away from our house my mother said: ''That poor man. It is a very difficult thing to be an Indian in this society''.

I remember the discussion that resulted from that. It went on between us for the next 40 years as she talked to me about questions of tolerance. She talked to me about taking people at face value. She talked to me about tolerance based on fear and ignorance and how we must always fight to root it out.

Whether that intolerance is against aboriginal people, people of colour, people who hold a different sexual orientation from someone else's it is shocking that we allow the vilification that has gone on around this debate to go on, that we allow the ignorance and fear to go on, and that we do not collectively as parliamentarians stand up and say enough.

(2220)

We are changing the sentencing law because it is the right thing to do. We are changing the sentencing law because people deserve to be protected from people who hate them. If someone assaults someone else because they hate what he or she stands for, thinks, believes in or because of something endemic to that person which includes sexual orientation, they are wrong and it deserves to be brought out after their conviction in a court of law and added to their sentence.

I stand here tonight to say this from my mother, Reenie Clancy, who will not be with us for very much longer. I am very proud that she taught me to believe this way. I am also very proud that I am here to vote for this bill.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, Bill C–41, the sentencing bill, starts out with good intentions but fails to carry them out. I like the part that mentions reparation to victims and the promotion of a sense of responsibility to offenders. It is about time victims were mentioned in legislation. I would even like to see that portion of this bill strengthened.

However, the bill goes down hill from there. The alternative measures section allows authorities to choose individual offenders for special sentencing deals. Already sentences for similar crimes vary from place to place within Canada and they even vary from the city to the country. If one is to kill someone in this country, as the hon. member for York South—Weston pointed out earlier, statistically one should probably do it in Quebec because one gets far less time in jail than in other parts of the country. I find that incredible.

The alternative measures section will make it easier on some criminals, which is the trend in our justice system, to blame all wrongdoing on society and remove the need for punishment. People do not want more leniency. They want the opposite. Imagine the return of the lash that was suggested 10 years ago as a legitimate element in our justice system. Now we hear calls for it in some parts of the country nearly every day. I am not convinced that is the answer but it shows me people are crying

out for action from the government. They demand action and justice but they are not seeing it in this bill.

Tomorrow I hope to meet with the justice minister to talk about a case in my constituency in which a woman was stalked for five years and finally when she was caught by her estranged husband and stabbed repeatedly her husband received two years less a day in jail. That is a shame. I am sick and tired of sentencing bills that allow this kind of discrepancy. That person should have been put away for a long time and this woman protected. Instead they are allowed to come back into society in a few short months. It is disgusting.

When we get to the hate crime section of the bill we see some more inequalities. It allows a stiffer sentence if a crime is motivated by hatred against certain groups. If aggravated assault is perpetrated on me because somebody wants my money, it hurts just as much to get punched in the eye no matter what group I am from. The whole concept of identifying Canadians by groups instead of as individuals is a disturbing trend in Canadian society.

Too often the government wants to label people by ethnicity, colour, race, gender and now by sexual orientation. People should be labelled in one way, Canadians. They should be entitled to all the privileges, responsibilities and protection every single Canadian deserves.

This section also marks a basic shift in our legal system by starting to criminalize thought. We have always punished people for the wrong things they do, not for the wrong things they think. I have zero tolerance for hatred and I think we should continuously speak out against hatred whenever we see it. We cannot stamp it out by pretending to read people's minds and then sending them to jail for it. It sets a bad precedent for the future because hatred is so hard to define and to know what goes on in someone's head is almost impossible.

(2225)

In a previous debate some months ago when the member for Central Nova stated in her opinion that homosexuality is immoral, her words were characterized by the member for Burnaby—Kingsway as hateful, bigoted comments that have absolutely no place in the Chamber and certainly not in the Liberal Party of Canada.

One member's moral opinion, granted, is seen by a leading homosexual in the country as an expression of hatred and bigotry. It is a dangerous trend to label people like that. Where could this take us?

Maybe members are not familiar with this but British Columbia right now is contemplating a law called the bubble law that will make it illegal to even voice protest against abortion within a certain distance of an abortion clinic. Every day an elderly priest stands in front of the House and wears or puts up a sign that says abortion is wrong. That is his opinion. If the law in British Columbia passes it would be illegal to do that. Someone could sit on a park bench within 100 feet of an abortion clinic with a sign around their neck saying they are against abortion and they would be totally in contravention of the law.

That is the trouble because it starts to infiltrate and impugn motives on people. They could not even stand on the corner with a simple sign hung around their neck saying they are against abortion. One day if this trend continues legitimate opinions that express the morality of homosexuality on either side may be viewed as illegal or hateful. I think that is a very dangerous trend.

The hate crimes section does not yet entrench this but it takes a step in that direction. By establishing a principle in Bill C–41 we are paving the way that it is all right to punish thoughts with jail terms.

I would like to remove the entire hate crimes section. The second best option would be to remove all the enumerated groups. My third preference would be to remove the phrase sexual orientation from the bill. If this amendment also failed in this group I would at least think the terms should be defined.

Why would I remove the phrase sexual orientation? Other speakers have elaborated that it is simply not necessary. Homosexuals or people of whatever sexual orientation are already protected against violence, as they should be, like all other Canadians because they are protected by the Criminal Code.

The Canadian Bar Association said to the committee that when someone can show they have been assaulted or somehow abused in all cases prosecutions followed, and so they should. That is why it is unnecessary to include phrases like this.

Why should sexual orientation be defined? When the Prime Minister was the Minister of Justice he said in committee in 1981:

> I am not here to determine what sexual orientation means. It is because of the problem of the definition of those words that we do not think they should even be in the Constitution.

On July 14, 1993 the Canadian Human Rights Commission said:

> We should be wary of coming to a complete definition. I propose to analyze this case from the point of view of what I believe to be a minimal definition of sexual orientation, namely, the capacity, or perceived capacity, to be sexually attracted to persons of one's own gender.

Homosexuality is a minimal definition. The commission left it open ended. Let me read some very recent quotes from the standing committee on justice. John Conroy of the Canadian Bar Association said on November 24 last year:

> That has certainly been the definition I've always understood: homosexual, heterosexual or some other sexual orientation. It could be any kind of sexual orientation, and it could be something that, as you say, is illegal.

Listen to Dr. Stephen Wormith, chair of the criminal justice psychology section of the Canadian Psychological Association last November:

> Sexual orientation is a crucial factor of paedophilia; a fundamental component of a true paedophile is his or her sexual orientation. Certainly sexual orientation is a key and fundamental component of paedophilia.

(2230)

On February 9 of this year, Robert Wakefield, the director of the Ottawa region of the Criminal Lawyers Association, said this about sexual orientation:

> Psychiatrists use it. They will say somebody is heterosexual, or gay, or lesbian, or a paedophile. There are other sorts of deviant sexual behaviours that they regard as an individual's sexual orientation.

Finally, Dr. Greenberg, assistant professor of psychiatry at the University of Ottawa and staff forensic psychiatrist at the Royal Ottawa Hospital, said in February of this year:

> Sexual orientation is a descriptive term. It basically defines what attracts a person to a stimulus. In other words, just like a compass—

A member asked him: ''So necrophilia would be a sexual orientation to you?'' ''A deviant sexual orientation, yes,'' he answered.

I cannot believe that the Minister of Justice wants to open this can of worms. He is not listening to the experts. I am ashamed to have to stand here in Parliament and tell the Canadian people what the government is doing. If people are concerned about what this bill could mean, then they should get on the phone or the fax and get in touch of their member of Parliament or the Liberal government and tell them that of your concern about what this could open up if this bill goes ahead as it is written.

I regret that with time allocation there are only a few hours left before this bill will become law if the government pushes ahead. I ask the government to reconsider, to listen carefully to the amendments that will be proposed later and do the right thing to eliminate this section altogether.

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, I rise to speak on Bill C–41.

Let me first pay homage to the hon. member for Halifax. Her comment about the influence her mother had on her definitely indicates a life well spent and she can be very proud of it. I am proud of it as a Canadian.

A lot of misinformation is floating around about Bill C–41. It is quite a comprehensive bill. It is a major bill. One hon. member mentioned some misgivings about the issue of alternative measures. Alternative measures refer to cases where jail is not appropriate and community service can be utilized. Rehabilitation is first and foremost and saves society money, as well as being more humane.

My seatmate from Mississauga South had a part to play in the bill, including special considerations for family members. I applaud him for that initiative.

The controversial section of the bill is section 718.2. It deals with hate motivation. One of the things I heard most often is that we are conferring special status on homosexuals. We are giving them special treatment. Let me just say that the law applies equally to heterosexuals and homosexuals.

If a group of gay people or homosexuals were to attack a heterosexual, the law would have the same application. Everybody is equal before the law. That is an important point to make because a lot of people would propagate misinformation on this bill.

When I listen to arguments in the House about hate crime I really am amazed. This is the year we celebrate the 50th anniversary of the end of the second world war. We are all proud of the contributions that Canadian soldiers made.

Let us think back to what happened during the second world war. Everybody seems to forget. Let us talk about some of the hate crimes that occurred during that war. The horrors that the Jews suffered are well known. First they lost their property, their jobs, their civil rights. Then they were taken to the gas chambers. When the war came to an end six million Jews had died in the holocaust.

(2235)

I cannot for the life of me understand how this year when we are celebrating the 50th anniversary of victory in the second world war we could have such flippant attitudes in the House about hate crimes. It is just amazing.

We have all heard about the *Spirit of St. Louis* that went from port to port looking for refuge for Jews. They were turned away at port after port and were sent back to their deaths. Nobody wanted to know or to believe this was happening.

A few short months ago we remembered the 80th anniversary of the massacre of the Armenians when 2.5 million people died. They died because of hate. Finally we seem to have some good news coming our way. Members of the IRA are putting down their arms. What is the basis of that conflict? It is a religious conflict—hatred.

Take a look at the present situation in Yugoslavia. What do we have there? It is not some minor disagreement. A holocaust is

occurring right now and it is based on hate. There are also the Hutus and the Tutsi in Rwanda. It goes on and on.

Recently I attended a NATO conference in Budapest in eastern Europe. The major problem discussed in the civilian affairs committee related to the treatment of minorities and avoiding the examples of history. How do you do that? It is done by recognizing that hatred for others because they are different from us can have a very drastic impact.

Let me express a bit of a disappointment. When this new Parliament started a new party came into the House that promised to treat politics differently and not heckle other people while they were trying to speak. I am referring to members of the Reform Party. They have been a major disappointment on this issue to me personally.

I come from the community of Kitchener–Waterloo where neo–Nazis have made their presence felt. They have marched in front of European Sound. They have spewed forward their hate propaganda. One of the Jewish activists in my community, Mona Zetner, had her house burned down. She had to go into hiding.

As a person who came to this country as a refugee having grown up in war torn Europe, I can appreciate what hatred has done. I would suggest to members of the House that perhaps they might think about that, look around at the problems in this world. Many of them come from hatred.

I heard many people talking about how this bill has had no support. The United Church of Canada supports this bill. The Centre for Research–Action on Race Relations has urged members of Parliament to support it. The Urban Alliance on Race Relations support the bill.

(2240)

I say this to my colleagues in the Reform Party because they often ask for the police officers' stance. The chief of police for Ottawa says: ''As chief of police, I strongly support this legislative change that will allow my officers to effectively work to counter hate crimes in our community. I urge the quick passage of Bill C–41''.

The Canadian Jewish Congress, a community so much more than many others knows the effect of hate and hate crimes, supports the bill. The list goes on and on.

Let me end with the support that comes from the Canadian Federation of Municipalities. At its March meeting held in Ottawa, the Federation of Canadian Municipalities' national board of directors endorsed a resolution concerning violence arising from hatred over race, religion, gender and sexual orientation. FCM supports the position taken in Bill C–41 which would provide sentencing guidelines to enable judges to impose tougher sentences on those who commit crimes of hate based on race, religion, gender and sexual orientation.

These people represent the grassroots of the country and are at the level of enforcement of the law. I stand with them and I stand with my colleagues in the Liberal Party who are going to pass this bill. I am going to do it proudly.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, I am glad tonight that the Liberals have resolved all the problems of Canadians so now they can create some more with Bill C–41.

I was talking to a fellow today about Bill C–41. He said that the solicitor general will probably have a little bit of a new job as a result of this. He will have to get new signs outside of the prisons now. We will not call them prisons. We will call them institutes for the morally challenged. That is where this kind of legislation is heading.

One of the Liberal members talked about incidental terms, minor terms. Why are we talking about section 718.2? There are so many other good things in this bill. Why are we concentrating on it?

It is truly sad that the Liberal government does not get it. We need a sentencing bill. What we have is a sentencing bill mixed into an omnibus bill that has every other agenda that Canadians do not want. How do we deal with a debate when we want improvements to sentencing but all these other side issues of the Liberal government are involved in it? We vote against it even though there are some provisions that might be good. We have to vote against it because it has some things that are ridiculous.

I note in the bill on page 3 there is an attempt to define things. For instance, there are definitions of accused, alternatives, what a court means. There are all kinds of definitions in the bill. It escapes me as to why the definition of sexual orientation is not in the bill.

If it is undefined, who gets to define it? All of the lawyers in the country who are going to spend an inordinate amount of our money at the cost of victims, once again will define sexual orientation. They are also going to be defining other issues in the bill, issues based on bias, prejudice and hate.

This will come about at the cost of the victim once again running through court case after court case trying to get definitions. I might try to help the Liberal government because I am going to define it tonight. I am going to define sexual orientation.

I get my definition from a number of authors produced in a book by Victims of Violence with which I have had some association in the past. They say that the term sexual preference and sexual orientation are essentially the same thing. In fact, in the index of the recent *Sex in America* study under ''sexual orientation'' the reader is directed to see ''Attitudes About Sex'', which includes sexual preference. Both refer to the type

of individual a person is sexually attracted to. If pedophiles are ever to hope to be protected by the law, they must first show that pedophilia is a sexual orientation.

(2245)

I would like to read a couple of quotes in an attempt to define it, because they do not have the courage to do it.

Dr. David Greenberg, a psychiatrist at the sexual behaviour clinic at the Royal Ottawa Hospital, said: ''Heterosexuality, homosexuality, pedophilia—they are all just different orientations and an individual may have a number of them''.

The first lawyer who comes up on the first case of pedophilia will attempt to define it. Perhaps the lawyer for Alan Winter, a pedophile from my area, will attempt to define it, because the government has not the courage to define it.

Kim Tate, author of *Child Pornography*, 1990, defined a pedophile as ''an individual above the age of consent who prefers to have sex with children and who fantasizes about them''. That is found at page 104.

Dr. Fred Berlin of the John Hopkins Medical School, in the Focus on the Family newsletter, number 11, November 1992, said that pedophilia is a value judgment and it may be a different kind of sexual orientation.

Do they understand where these folks are coming from? If this government does not define sexual orientation then other people will in the courts. If the government has not the courage of its convictions, why is it leaving it to the courts?

The comment I hear from a Liberal member is that statutes are normally interpreted by the courts. That tells us everything about the reason the Liberal government will not define sexual orientation. It will leave it to the lawyers to do it at the cost of young kids in this country.

Dr. Paul Cameron of the Family Research Institute in Washington said: ''Sexual orientation is as ambiguous as political orientation''.

Why will the government not define it?

Let us go to a quote from the Right Hon. Prime Minister when he was the justice minister. He was asked in the House of Commons on January 21, 1981, what sexual orientation meant. He stated:

> It is because of the problem of the definition of those words that we do not think they should be in the Constitution. Do not ask me today to tell you what it is, because those concepts are difficult to interpret, to define and that is why we do not want them in the Constitution. I am not going to venture to tell you what is sexual orientation. I am not interested; and I will not fall into that trap, because we do not want them for the very reason that it is socially and in terms of law it is a very difficult area.

In 1981, before he was Prime Minister, he did not want it. And here we are in 1995 and he does not have the courage to define it. He is going to leave it to the courts.

One only has to have some experience with a pedophile to understand what is going on. In my community, Alan Winter had a foster home. He had over 80 children sent to him by one of the governments in the country. Thirty–one of those people, of whom I have met a number, were all molested by Alan Winter. He got sentenced to 16 years in prison as a dangerous offender but of course the parole board let him out in a little over five years. That is a different story, which will hit the House one day soon.

An hon. member said that has nothing to do with this bill but it has everything to do with this bill. This government does not have the courage to define sexual orientation in section 718.2 of Bill C–41. It is going to get defined, and the very people who are committing unlawful acts of pedophilia are going to use sexual orientation as an excuse. That is what is wrong with it.

(2250)

Some say this is fear mongering; some say this is homophobic. This is reality. This is what the lawyers out there are sitting on. In fact I have a video of a lawyer in this country saying exactly that: that will be his defence.

Since we have over 80,000 signatures from petitioners from every province and territory in this country saying do not proceed with this area of the act, why is it that the government chooses to ignore those people? Why is it that this government chooses to ignore people by restricting debate and calling closure on this particular bill, on MPs' pensions, on Bill C–68? Why is it?

There is one word this government should remember. It is ''retroactive''. When we get on that side of the fence, the tables will be turned.

Mrs. Carolyn Parrish (Mississauga West, Lib.): Mr. Speaker, I was not really prepared to speak this evening. Actually I do not even have House duty, and I have been sitting here since early this afternoon listening.

When we listen to things like this we really firm up our own beliefs and become very aware of how nasty human beings can get, how obtuse human beings can get, how they can purposely change things to suit themselves, and how they have obviously lived a life not subject to prejudice.

When I was a little girl my mom took me to kindergarten and registered me. I am a Polish kid. We went up to the desk and people said to her: ''What is the name of the child you are registering?'' She said ''Carolyn''. She looked at me for a minute. My maiden name was Janozeski. Because she had been beaten up and told she was a smelly polack from the time she was a small child, she changed instantly my last name to Janis. For many years I was functioning under a pseudonym.

The profound effect of being told she was a smelly polack and there was nothing she could do to defend herself against that accusation except scrub herself, change her clothing, make sure

she was always clean, was that when she took me to school when I was five years old she changed my name.

The thing that really bothers me is people who fit into this category that everyone is objecting to so strongly. They cannot scrub themselves, they cannot change their clothing, they cannot change the colour of their skin. But we can protect them against people who do not understand what goes on inside that skin.

It is very important that we keep very clear that this is a sentencing bill. It is not condoning any acts that seem so offensive to the people on the other side of the floor. It is saying to them that if you do not like the colour of someone's skin or if they happen to have the outward appearance of a different sexual orientation from yours, you cannot walk up to them on the street and punch their head in. There is nothing they can do to protect themselves against those types of accusations. Therein lies the frustration.

In a country like Canada we protect those people. We protect each other. In fact, if anybody you are protecting hits anybody for any reason, why are you protecting them? You do not need the categories.

(2255)

Anybody who attacks somebody else in this country should feel the full force of the law. Anybody who gets into a bar room brawl and chooses to get into an argument with a neighbour is walking into it with their eyes wide open. The cases we have heard described are of people walking along the street and simply because of the way they walk, the way they wear their hair or the fact that they may be different from us, you are condoning people leaping out of a car and beating them to a pulp.

Some hon. members: Oh, no.

Mrs. Parrish: I am sorry, I have been sitting here all evening listening to you stretch a bill—

The Speaker: Order. Forgive me for interrupting, but I want the hon. member to please address the Chair.

Mrs. Parrish: I have been listening to a stretching of the truth all evening. I have been listening to them talk about a simple two–word expression, about opening a Pandora's box to the world, that in Canada we will be condoning all kinds of perversions.

I am a Roman Catholic. I come from a Polish Catholic Church, and one cannot get much stricter than that. The priest in my church said to me one day, ''What about this C–41?'' I said ''I'm going to send you a copy of the bill, and you call me if you have any problems with it''. I have never received a phone call. There are over 10,000 families in that church who listen to that priest and who form opinions based on his learned judgment.

I have had church groups in my area send me profoundly disgusting pieces of literature because members of Parliament have sent them letters stirring them all up with false information.

I am standing here in the House and am very proud to be supporting C–41. I am remembering the prejudice my mother went through and the prejudice I have experienced on very minor occasions. I am hoping that everything we do in this House will protect all children and adults from that same sort of prejudice.

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, I have been listening with great patience to the debate unfold this evening. I have my speaking points here. As a matter of fact I even have the Liberal speaking points for Bill C–41, their strategy to try to win the debate and to out–talk the opposition. I have heard the arguments of all the lawyers on both sides of the House and on both sides of the issue. If anything, it has given me more of a prejudice or a bias against lawyers, perhaps because I am a bit troubled with this bill.

I see in the Liberal speaking points that it states: ''Bill C–41 will not be the subject of a free vote''. It concerns me that the Liberal powers had to send a note to all of their members suggesting that they dare not suggest a free vote on this issue. That is very disconcerting.

I probably have had just about as much mail on this issue as I have had on gun control. They have been running neck and neck. I think actually the gun control issue won the day, but hundreds of letters have poured into my office expressing concern. Most of the letters were handwritten or typed. Very few letters were duplicated, photocopied or photostatted. A lot of the letters expressed serious concerns about C–41. Unfortunately, it all bore down on this particular portion that deals with the hate section. This bill is rather large and I am sure there are a lot more weaknesses in this bill than just the area we are discussing in this section of report stage.

I want to talk a little bit about the whole process of hate, bias, and prejudice. Raised out in the prairies, I was taught that we were to love our enemies. I was taught that hate was wrong. I believe with all my heart that hate is wrong. It is very difficult to know when you are loved or hated. You cannot always tell. Mr. Speaker, when you look at me I do not sense that you hate me. I expect you do not, and I assure you I do not hate you. Perhaps I would and I was hiding it. This bill attempts to play god by looking into people's heads and deciding whether or not they hate and whether or not the crime they committed was based on their hate, prejudice or bias. The words prejudice and bias concern me even more than the word hate in this legislation.

(2300)

A crime is a crime. If someone commits an assault against me it is a criminal action and the Criminal Code allows the justice system to deal with that action. Whether that person hates me or not, it is a crime and needs to be dealt with.

What is morality and what is immorality? That is very difficult to determine. What if somebody knocks me on the head because they want to see if I have some money in my wallet? That is a crime, an assault. It is immoral because that person wants the money in my wallet. That is just as immoral as if the person hated me because I am white or because I am a heterosexual.

It is wrong. There are laws in place to deal with that offence, whether the person is committing an immoral act of knocking me over the head to commit a theft of my money or whether he is knocking me over the head because he hates me for some reason. Put forward in the bill is my gender, my sexual preference, my physical disability if I should have any. It is a crime and our Criminal Code has to deal with crimes because they are crimes, not because of who committed them or why they were committed. If it is wrong, it is wrong.

The bill is causing great division and great concern that our justice system will begin to look into people's heads and convict them based on playing the role of god in determining whether or not they hate, are prejudiced or biased. That is wrong. That is why the legislation is wrong and it should be defeated.

The Holocaust was a hateful, terrible blight on human history. It was wrong and all the perpetrators should have been brought to justice for that terrible atrocity against humanity. It was wrong. It was criminal. It was hateful.

If someone kicks, beats or attacks a person because they are not white, that is wrong. There are provisions in the Criminal Code already to deal with that hateful, wrong crime and I applaud that. If a person is attacked for some other reason other than those on the short list in Bill C–41, it is just as wrong and needs to be punished just as severely.

This follows along the lines of the Charlottetown accord where winners and losers were picked. One group is especially set aside and included in the legislation. Somehow it is given more pre–eminence by the judicial system. Those who are not on the list are nobodys. They are not nearly as important. The justice system needs to deal fairly with criminal acts. So what if it was theft? Let us just give a light sentence; it was not a hate crime. That thinking is wrong. This legislation is wrong and should be defeated. It does not need to be passed in this form.

I have biases and prejudices and I do not make apologies for those. Some are positive biases and some may be considered to be negative biases. I have a negative bias toward the Liberal Party because of the legislation it put forward. I do not hate Liberals but I have a bias against them and that is why I did not run as a Liberal. That is fair and just. There is nothing wrong with that. I have a bias in favour of my wife. That is why I married her. I thought she was wonderful. I see other people I would never want to be married to. I may have a bias against them but I do not hate them. That is not a criminal action.

If this bill were passed, who knows how the courts might interpret the legislation? It is rather frightening because the bill is not just talking about assaults. It is talking about all criminal actions.

I could talk about a lot of issues but before my time runs out, I want to talk about whether laws like this create solutions or whether they exacerbate the problem.

(2305)

There is another category of people who are not looked upon very highly. I happen to be one of them. That is the category we all fit into on these benches, the category of politicians. Politicians are not included in this legislation. I know all of us have heard people say that they should take all politicians, put them in a boat, take them to the middle of the Atlantic Ocean and sink the thing.

That is terrible. I would be one of them. I would be sunk. That could be considered hateful and wrong. So what should we do? Should we include politicians in this legislation as well? Is that going to solve the problem? Will people suddenly think we are wonderful because we put a law in place that says you must not say that politicians should be put in a boat, sailed out to the middle of the ocean and sunk? That would exacerbate the problem. People would say: ''Aha, we were right. They should be put in a boat, taken to the middle of the ocean and sunk''. This is creating a worse problem because it is bringing these groups into prominence.

In summation, let me give an example. This House wants to pass a bill that will give MPs a special pension. Is that not wonderful, a special law just for MPs. That is going to endear us to the public, is it not? It is far richer than any pension in the private sector. Is that going to make people love us more? No, it will do the opposite. People are going to say: ''Those politicians, they have to have a special pension plan just for them. They have to have special laws just for them. They want to be above the common people. They need special consideration''. People then begin to have negative feelings. They have biases and prejudices, perhaps even hatred against politicians. That is wrong.

The philosophy behind this bill is wrong. It needs to be defeated and I will be voting against it.

Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I was not going to participate tonight. However, having listened to the very provocative comments, I thought it was time to once again attempt to set the record straight for the members

of the Reform Party who seem to have trouble reading very plain English.

Reform Party members in the course of their remarks tonight have totally misrepresented the effect of the proposed amendments to section 718.2 on page 8 of this bill.

Mr. Hanger: Is the member the only one who can interpret it?

Mr. Milliken: I am going to interpret it. I am going to tell the hon. member what it means with the hope I can get it through his head. This seems to have been a real problem tonight.

The hon. member for Kindersley—Lloydminster said people would be convicted because of their hatred which is totally false. There is nothing in this bill dealing with hatred that changes the rules in respect of hatred. It does in respect of sentence, not in respect of the commission of an offence. There is a significant difference in law between those two.

A person will be convicted on the basis of the law as it stands. There is no change in the provisions in this act respecting hatred and conviction. A person is convicted of an offence against the law as it stands. This bill makes the sentence different from what it would otherwise be.

There is quite a difference between conviction and sentence. Sentence follows conviction; it does not precede it. A person does not get sentenced until he or she is convicted. A person must be convicted and will not be convicted under this law in any way which is different from that under the existing law. The new law will provide for a different sentence after conviction based on hate, if that is judged to be the basis of the crime.

The hon. member for Fraser Valley West went further in his remarks. He suggested this was going to change things and give all kinds of protection to pedophiles and other serious offenders. Mr. Speaker, I invite you to find that in this section of the act or indeed in this whole bill. Where is there any protection for anyone? This increases the severity of the sentence. That is not protection but increased offence and increased penalty. There is no change here that lets people off. It increases penalties for offences.

It says if you discriminate against someone based on sexual orientation you will get a harsher penalty. It does not say that persons who commit sexual offences get lighter penalties. That is what the hon. member for Fraser Valley West said in his speech. I have never heard such rubbish in my life. It is totally false, misleading and wrong. He should be ashamed to have made such a stupid comment.

(2310)

We have heard dozens of them tonight, gross misrepresentations of this bill. I hear them in here and I get them in letters from constituents, particularly from British Columbia. They come floating into my office obviously stirred up by members of the Reform Party going out there and spouting this nonsense to their electors. Nothing could be further from the truth. This just is not right.

This bill does not do anything like what is being suggested in this House. All it deals with is sentencing. A person is convicted under the current law and then is sentenced. This provides a slightly heavier penalty for those who commit hate offences. That is all this does. This is not a case of revamping the law in relation to any minority groups. It provides for a stiffer penalty. What is wrong with that?

Mr. Hanger: It is already in place.

Mr. Milliken: If it is already in place, why are these minority groups crying out for this protection? They are saying people are beating them up with impunity. That is why. They are getting away with it or they get light sentences. This is exactly what they say.

Minority groups came to the committee. The hon. member was on the committee as far as I know. I was not, but I heard about it in the media. They cried out for help saying that judges do not believe they are being beaten up just because they are members of these minority groups. Judges give a light sentence as though it were a normal case of assault that just happened on the street. In fact minority groups are of the view, and this view is widely shared by members of this party, that gangs are going around looking for members of minority groups to beat them up.

Mr. Hanger: Deal with the gangs.

Mr. Milliken: That is what this bill is for. It will put them in prison. They will get a longer sentence if they have committed this kind of offence.

Why would members opposite take such exception to this? Who are they trying to protect by fighting this bill? The thugs who go about beating up these people. That is who they are trying to protect. Why do they have any interest in protecting those people? Surely they should be ashamed of protecting those kinds of people.

A little while ago I had reference to the fact that I represented a lot of people in prison in Kingston. I do and I am proud to represent them, but I do not expect that they would get lighter sentences because they go beating people up. I expect that they get punished for it.

This bill only asks that in taking into account what sentence is appropriate a judge consider certain aggravating circumstances. One of those aggravating circumstances is stated to be evidence that the offence was motivated by bias, prejudice or hate based on a number of factors. What could possibly be wrong with that?

I can understand an argument that says we should have equality of treatment. An assault is an assault is an assault. If somebody gets bumped on the head whether it is because the person is out to beat him up because he is black, gay, Catholic,

Jewish, or whatever, okay, maybe that should not be treated differently. I understand that argument and that appears to be the argument Reform Party members are advancing although they are doing it in the most cumbersome fashion imaginable. They are putting all kinds of other things in the bill.

If that is the only argument, surely it is not unreasonable to have passed a bill that does not specify a minimum offence, that does not specify that the penalty must be heavier but does provide that in considering the sentence to be given, the judge must take that factor into account.

This has nothing to do with juries. This is a matter of sentencing which is in the exclusive purview of a judge under our system. Juries will not be deciding sentences for criminals based on this section. The hon. member for Fraser Valley West in his remarks implicated juries in the whole thing, which again is a gross distortion of the facts.

I am really having trouble understanding how it is that members of this House could possibly misconstrue this bill. This is an extremely minor change in the law. It has nothing to do with the commission of offences. It only has to do with penalties.

One of my colleagues got a call from a constituent about this one night asking why he was supporting this bill. He made it very clear by saying: ''Why would I not? Unless you are raising a bunch of gay bashers in your house you will not have any worry about this bill either. It will not have anything to do with you''. He was absolutely right. The only people who will be affected by the bill are the thugs who are running around communities beating up people. If those are the people Reform Party members are defending, I say to them that they should be ashamed of themselves.

(2315)

I am not surprised and I think it appropriate to read something more from the little book of reform. One can derive some basis for the thoughts of members of the Reform Party on this issue when one hears their views on certain social issues. I would like to read some now.

The hon. member for Yorkton—Melville had better be careful; he is in this book too. I want to read a quote from the hon. member for New Westminster—Burnaby, that enlightened patriarch of Canada's social system who said: ''Old age security is welfare for the aged''. Those are words of wisdom. That is what he said. Imagine.

We have the hon. member for Beaver River who is frequently quoted as an authority on this kind of subject. She said: ''We feel that medicare is for the sick and not for the poor''.

Then of course we have the hon. member for Capilano—Howe Sound, also well known as the father and architect of Canada's social programs, who said: ''Having programs in support of single mothers causes mothers to be single and need support''. My goodness. De profundis, Mr. Speaker.

Some hon. members: Oh, oh.

Mr. Milliken: I have more. I can see, Mr. Speaker, that they are a little overwrought.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, despite the very late hour I will try to return a little sanity to the debate.

Bill C–41, the sentencing bill before us, has some fundamental flaws. It seems the drafters could not decide what is the real purpose of sentencing. Should we base the prison term on the seriousness of the crime or the identity of the victim? Are alternative measures desirable because our jails are full or because it is more likely that criminals in community service programs are less likely to reoffend?

Certainly a structured program in open custody may be a preferable alternative to incarceration for a first time offender, especially if it is more for a minor property offence and genuine remorse is shown.

Is it appropriate for repeat offenders whether against property or people? Section 717 leaves alternative measures wide open. There are no limitations on which types of crime should be excluded. If it is primarily intended to empty our jails of the people who fail to pay their fines then say so. If it is supposed to provide an alternative for first time offenders who do not belong with hardened criminals then say so, but do not leave it wide open.

Who gets to decide which self–admitted criminal will benefit from alternative measures? In section 717(b) the bill only says a person. This means someone other than a judge may decide which criminals avoid court and a criminal conviction.

Why is the government reluctant to exclude habitual or violent offenders from alternative measures? Is it afraid of a charter challenge by murderers who would claim that their rights are being violated? If they are denied alternative measures, will lawyers try to tie up the courts with appeals and challenges to any decision to proceed in the courts?

If the government does not have the courage to restrict eligibility for alternative measures perhaps we must reconsider whether alternative measures should be available at all. As legislators we have a responsibility to society to make the tough decisions about which types of crime or offenders should be eligible.

A condition of people's eligibility under section 717 is admitting to their crime. However, after admitting to an offence, they are henceforth referred to as persons alleged to have committed an offence. There is no trial. They are never convicted of a crime. They are not called an offender and therefore have no criminal record. Furthermore their admission of guilt cannot be used against them in any future court proceedings. Alternative measures represent the ultimate plea bargaining dream for lawyers. Now they can admit to a crime, there is no conviction, and the records are buried after two years.

(2320)

I quote from section 717.1:

—regardless of the degree of their compliance with the terms and conditions of the alternative measures.

Something is very wrong with the sentencing bill. Section 717 needs to be fixed or struck.

Another seriously flawed section is 718 which outlines the purposes and principles of sentencing. Noticeably absent from the list is the concept of punishment. For example, under section 718(a) one objective is: ''to denounce unlawful conduct''. What is that supposed to mean? Breaking the law is not nice? Why do we not say that one objective is to punish unlawful conduct?

Under section 718(b) the objective is: ''to deter the offender and other persons from committing offences''. I find it encouraging that the government considers alternative measures such as raking leaves at the local park deterrents. At the same time it totally denies the deterrent value of capital punishment in the case of first degree murder. Which would give a person greater pause: the prospect of three square meals a day, leisure time and the opportunity to pursue a university degree behind bars, or the death penalty?

The objective of section 718(d) is: ''to assist in rehabilitating offenders'', which represents a clear indictment of our rehabilitation record. Why not simply say to rehabilitate offenders? Why qualify it? If we admit that they are not rehabilitated, that incarceration alone is not working and that we know they are going to reoffend, why are we letting them out? Is that consistent with public safety?

The drafters of the bill failed to realize that incarceration by itself does not punish or rehabilitate people. Likewise acknowledgement of one's actions is not the same thing as guilt or remorse. Let us face it, the real reason we are trying alternative measures is that the government is finally willing to admit the current prison system is not working. If the government can prove recidivism rates are lower with community service and open custody, why are the same principles of work and restitution to society not being applied during incarceration? What is wrong with making able bodied prisoners work?

The new Ontario government is contemplating workfare for welfare recipients. The bill advocates labour in the community, but the government is afraid it will be denying the rights of hardened criminals if they have to work to help compensate for their room and board in prison. Perfecting their golf swing or learning new safe cracking techniques from fellow inmates is hardly constructive or liable to contribute to rehabilitation or reintegration.

Why can we advocate labour for people in open custody but not for those in closed custody? Society should not fear the concept of punishment. Instead we seem to extend more rights to criminals than to victims. At last count Clifford Olsen had launched 32 frivolous lawsuits at taxpayers' expense. Instead of helping to support the cost of their upkeep and learning the habit of working every day, other felons like him go on strike over the quality of their food.

In section 718.2 the government completely departs from the previous implicit admission that our jails are crowded and incarceration as now practised is not working. Suddenly the government advocates putting people behind bars for longer periods, not based on the seriousness of the crime but on the physical attributes or the sexual preferences of the victim.

I find it ironic that in section 717 the government refuses to list which crimes are eligible for alternative measures, leaving it open to anything from car theft to murder. However when we turn to section 718.2 suddenly the government feels the need to create a list. If the aggravating and mitigating circumstances apply to everyone equally why is there a list of special considerations?

After letters opposing the new gun control legislation, the second highest number of letters I have received from my constituents concern the inclusion of the undefined phrase sexual orientation in the list of aggravating circumstances found in the bill. They do not want special rights extended to Canadians based on their sexual preferences, and that is what section 718.2 appears to do.

If the government caves in to special interest groups and political correctness then it should call a spade a spade.

(2325)

By including the phrase sexual orientation the government is trying to deter gay bashing by heterosexuals. By leaving it undefined it can also include other sexual orientations such as pedophilia and necrophilia.

Liberal colleagues across the way will say that pedophilia is a crime in Canada. Yes, it is. A recent court decision said that sodomy with a 14–year–old was legal, but under section 718.2 if someone punches a pedophile he could receive a harsher sentence even though pedophilia is illegal under Canada's laws.

Canadians want equality. Sexual orientation has been the lightning rod for Bill C–41. Even if it were defined or removed, the fundamental premise of section 718.2 is flawed. Canadians

should be equal before the law and section 718.2 must be deleted in its entirety.

If we change a basic sentence in principle and emphasize the identity of the victim more than the severity of the crime, we will truly be on that slippery slope. The rule of law requires proof, not conjecture. Regrettably prejudice exists in Canada, but creating false inequalities through arbitrary criminal sentencing will hardly address the problem. If anything, it will increase intolerance by creating the justifiable perception that some groups are getting preferential treatment under the law.

In conclusion, justice is supposed to be blind. We all grew up with the image of the blindfolded woman holding the scales. Why do criminals not receive the same sentence for the same crime based on the seriousness of the offence, no matter what group the victim belongs to? Are some Canadian lives worth more or less than others? Prejudice, bias and hatred must be addressed through other mechanisms. It is not the role of the courts to implement the government's social engineering agenda.

The Speaker: The hon. member for Halifax West will have the floor next. I would point out that it is 11:26 p.m. and the hon. member will probably not be concluding today. He will have the floor tomorrow.

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, members of the Reform Party made statements about lawyers and how terrible it is that so many lawyers in the country will get involved in the issue in various ways. Sometimes in this job it helps to have some understanding of the law and some training in law because we are dealing with interpretations. Reform members are telling us how laws will or will not be interpreted while at the same time they are claiming they have no understanding of legal matters.

The law is all about making distinctions. The penalties differ according to different elements of a crime. If there are additional elements in an offence then the penalties are different. For example, common assault is not considered in the same way. The penalty is not the same as an assault causing bodily harm because there are additional elements that require a stiffer or more serious response.

The reason the Criminal Code has so many sections is that we are making distinctions and there are many different elements and different kinds of crimes. When we are talking about an attack on a group there is a distinction. An attack of any kind is an important crime. It is important that there be strong sentences against attacks of whatever kind. When people are attacked because they belong to a group, whether it is a religious group or whatever, it is a kind of terrorism against the group. It is an additional element that requires an additional response. It is a little more serious. Both are serious but this is a little more so. It is an additional element and that distinction must be made.

I recently read the Supreme Court of Canada decision in the Egan and Nesbitt case which deals with the issue of sexual orientation. There are quite a number of different opinions but they all used the phrase sexual orientation. I do not know what members here or what lawyers in the country claim to be better lawyers and to know more about the law than the Supreme Court of Canada. However they are comfortable using that phrase and express no concern or no hesitation in doing so. That is the first point I wanted to make.

(2330)

The second point is this section does not condone any kind of activity. However, the government has introduced an amendment which provides that nothing in the bill will change or make something not a crime or condone any activity that is a crime at present. Therefore if pedophilia is a crime now it will still be a crime. If necrophilia is a crime it will still be a crime. Those things will not change. I cannot see why they are so concerned about this provision.

Too often these kind of offences have received lighter sentences than they should and there are no bases in these cases for appeal. There must be a basis for an appeal and this provision provides for that. They must be treated seriously and the bill provides that. I recommend support.

ADJOURNMENT PROCEEDINGS

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

NATIONAL DEFENCE

Mr. Andrew Telegdi (Waterloo, Lib.): Mr. Speaker, the first chapter of the May 1995 report of the Auditor General of Canada deals with issue of ethics and fraud awareness in government.

The auditor general goes on to state: ''Leadership by members of Parliament, ministers and deputy ministers is critical to maintain ethical standards and performance in government''.

The topic of my concern is move management conducted by the interdepartmental committee on household moves which involves hundreds of government personnel in administration and costs the government well in excess of $100 million annually.

My concern is the waste of the tens of millions of taxpayer dollars in the area of move management, conflict of interest, gift giving and possible fraud.

The waste of taxpayers dollars is well documented in a number of governmental reports dating back to the May 1991 audit on military move claims by the director general of audit at DND. The report stated:

> We conclude that the cost management framework governing the program of activities associated with the relocation of CF members is ineffective. The processes and activities we reviewed are not designed to ensure that each move is economical.

Consulting and Audit Canada in a reported dated November 1992 called for the elimination of military control of government moves and recommended privatization.

A policy directive signed by the ministers of government services, solicitor general and national defence of the previous government on October 15, 1993 terminated the military control of household moves and transferred it to the Department of government services with privatization of move management to follow.

Following the election a letter prepared by a Col. G.K. MacLean, signed by an aide to the Minister of National Defence, stated the decision by the three previous ministers dissolving the IDC was not appropriate and it was not within their competence to do so.

The waste and rip off continue to this day. In a report by Audit Services Canada, criminal matters branch, completed on August 30, 1994, further competition was recommended.

In a letter to the chairman of the IDC, Col. MacLean, George Addy, director of investigation and research bureau of competition policy, states:

> As we have indicated to you, in addition to promoting the benefits of encouraging competition, we have particular concern that the terms of the tender could induce a breach of the 1993 prohibition order against the major van lines.

This is unbelievable. Here we have DND inducing private sector suppliers to breach the law.

The IDC allowed two new bidders into the club as of this fiscal year and they received $14 million in household moving business. Major Harrison, a member of the IDC, cancelled half of this contract one day prior to the start of the contract. On June 8 last week Major Harrison cancelled the remaining part of the contract.

The information I have is that the new bidder was harassed, the businesses of his suppliers threatened and that his business was terminated without cause to maintain the cosy, profitable arrangement established with the four van lines to maintain a closed club.

The information I have indicates that Major Harrison acted on his own without the authority of the IDC. When I phoned him yesterday to question him on whose authority he suspended the contract, jeopardizing a number of private businesses that could go bankrupt, businesses that pay his salary and our salary, he told me to call his lawyer. His arrogance to a member of Parliament elected to be held accountable for governance does a disservice to his country.

This issue has been on my desk since I was first elected in 1993. I have been stonewalled, lied to and had information withheld from me. I have heard allegations that the weight of goods moved on behalf of the government has been inflated, fraudulent insurance claims have been made and gifts have been given to government officials.

I have examples of people leaving government employ and going to work for the van lines and related businesses. If this is not a conflict of interest I do not know what is.

I have received zero satisfaction from DND on this issue. This issue cries out for a forensic investigation. I am supplying the auditor general's criminal branch with all of my information and sources it can check.

As we clean up this mess and hold the responsible accountable, this will in the future become a classic case study of waste and corruption that used to be.

Mr. Fred Mifflin (Parliamentary Secretary to Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I thank the member for giving me the opportunity to address his question and to set the record straight.

The interdepartmental committee on household goods removal manages the movement of household goods of federal government employees. While the committee is chaired by and receives administrative support from the Department of National Defence, it also contains members from the RCMP and Public Works and Government Services of Canada.

The bureau of competitions did conduct an exhaustive review of the interdepartmental committee's contracting procedure and concluded these procedures complied with all aspects of competitive law.

In addition, there were a number of recommendations for increasing competition and encouraging new companies to bid for contracts. Many of these recommendations were implemented this past year and others are scheduled to take effect in the future.

As a result of these changes four new companies submitted bids for a share of the contracts to be awarded over the coming year and two of them were successful. It now turns out that both of these successful companies are run by the same person and for reasons unknown to the department or anybody they have now withdrawn their bids and have decided not to accept the government contracts. Accordingly the interdepartmental committee suspended Corporate Moving Services, CMS, on June 8 last week.

The government has not forced any contractor to withdraw its bid. I emphasize that. The government tariff is the lowest corporate tariff provided by the moving industry. The net result so far of the changes has been an overall lowering of prices by over 9 per cent in 1995 alone and an anticipated saving to the government over the next year of $10 million.

The process has been going on for about five years with the effect of a 35 per cent reduction in price. We intend to continue to streamline our procedures and implement changes that will encourage competition and lower prices.

I thank my hon. colleague for the opportunity to set the record straight and to stress the government is committed to fairness in awarding government contracts while at the same time ensuring the best possible value for the Canadian taxpayer.

The Speaker: It being 11.36 p.m., the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 11.38 p.m.)

CONTENTS

Tuesday, June 13, 1995

STATEMENTS BY MEMBERS

ORAL QUESTION PERIOD

Government Contracts

Job Creation

Bosnia

Youth Unemployment

Economy

GOVERNMENT ORDERS

Firearms Act

ROUTINE PROCEEDINGS

Ways and Means

Notice of Motion

GOVERNMENT ORDERS

Firearms Act

PRIVATE MEMBERS' BUSINESS

Peacekeeping Act

GOVERNMENT ORDERS

Firearms Act

Criminal Code

Speaker's Ruling

Motions in Amendment

ADJOURNMENT PROCEEDINGS