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OFFICIAL REPORT
(HANSARD)

Thursday, October 3, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, October 3, 1996

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*Translation*]

OFFICIAL LANGUAGES

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Madam Speaker, pursuant to Standing Order 32, I have the honour to table, in both official languages, a report on official languages in federal institutions.

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AN ACT TO IMPLEMENT THE CANADA-ISRAEL FREE TRADE AGREEMENT

Hon. Fred Mifflin (for the Minister for International Trade) moved for leave to introduce Bill C-61, an act to implement the Canada-Israel Free Trade Agreement.

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

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AN ACT RESPECTING FISHERIES

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.) moved for leave to introduce Bill C-62, an act respecting fisheries.

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

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[*English*]

PETITIONS

LAND MINES

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Madam Speaker, it gives me great honour today to bring forth to this House a petition with the signatures of over 20,000 Canadians.

The petitioners call upon Parliament to legislate the prohibition in Canada of the use, production, stockpiling, sale, trade and transfer of all anti-personnel land mines; to work for an international convention banning these activities; to substantially increase Canadian contributions to the UN fund for assistance in mine clearance for indigenous and other humanitarian mine clearing initiatives; and to increase Canadian funding and other types of assistance to rehabilitate mine victims.

It gives me great honour to introduce this petition today.

RIGHTS OF THE UNBORN

Mr. Jim Jordan (Leeds—Grenville, Lib.): Madam Speaker, I have a petition from places like Prescott, Oxford Mills, Kemptville and Brockville, Ontario in my riding.

The petitioners are concerned about the unborn and the rights of the unborn. They would like to see legal protection for children both before and after birth.

The petitioners go further and ask for a national referendum to be held in conjunction with the next federal election to ask the people of Canada if they think that we should be spending our scarce health dollars these days to promote abortion on demand. The petitioners believe that legally and morally it should not be allowed and that funding for it should be very limited.

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QUESTIONS ON THE ORDER PAPER

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I ask that all questions be allowed to stand.

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

DIVORCE ACT

The House resumed from October 1, consideration of the motion that Bill C-41, an act to amend the Divorce Act, the Family Orders and Agreements Enforcement Assistance Act, the Garnishment, Attachment and Pension Diversion Act and the Canada Shipping Act, be read the second time and referred to a committee.

Mrs. Diane Ablonczy (Calgary North, Ref.): Madam Speaker, the House will recall that on Tuesday when I spoke last on this bill I only had two minutes to speak on it. I am pleased to have a few more minutes to intervene and to add some considerations to my colleagues' interventions who will be voting on this bill.

Bill C-41 is an act to amend four other long acts. The intent of the bill is to strengthen the provisions and terms under which people who are responsible to pay child support are enforced and dealt with. There are four main provisions of this bill. I will speak to each one and outline how sufficient the legislation is in dealing with each of these areas.

● (1010)

The four main provisions are: to have a grid or some legislated guidelines for child support amounts; to open up Revenue Canada databases so that defaulting parents can be located; to allow for the garnishment of public service pension benefits and seamen's wages; and to mandate or allow for the withdrawal of federal licences. The term federal licence is defined in such a way as to include passports. There are other provisions in the bill but those are the four main areas in which the government is attempting to tighten up the whole area of child support and the enforcement of maintenance payments in support of children.

When we deal with issues relating to children and issues relating to family breakdowns, the allocation of responsibilities and the onus that is being placed on parents in a divided family situation, very strong feelings come forward. This is not at all surprising. Our families, our children and our own personal emotional difficulties, hurts and disappointments that necessitate the kind of legislation we are dealing with today call for some very strong feelings and emotions.

I know other members, like myself, have had calls from very concerned and upset custodial parents, mostly women, who are beside themselves that the father of their child, who is no longer part of the marriage picture, chooses to be derelict in his duty and responsibility to assist the mother as the custodial person. They find it very difficult to understand why a simple court order allowing them to provide the necessities for their children cannot be better enforced. They are demanding that there be a better enforcement mechanism. It is in response to those kinds of demands that this legislation has been brought forward and was needed to be brought forward.

It is also fair to point out that there have been calls from many parents who are paying child support, who are mostly men. They have been very concerned about the one-sidedness of this kind of legislation where only the monetary responsibilities they have been given are enforced, dealt with and seem to be important. The other rights and responsibilities they have as parents seem to be ignored and violated without any corresponding concern on the part of government and legislators.

One of the things we need to look at is whether the balance and thrust of this legislation, while it is necessary and clearly to the benefit of ensuring proper support for children, is as it ought to be.

There is a tendency sometimes in the debate on enforcement of child support, to talk about deadbeat parents, parents who abdicate, ignore and renege on their responsibilities to the children they have brought into this world and seem to have no care or concern as to whether these children have proper income so that they can be fed, clothed, educated and raised properly. There seems to be some concern about putting the emphasis on money and treating fathers, as one gentleman said to me, like a wallet, but ignoring other parental responsibilities and prerogatives.

I happened to pick up a copy of *Psychology Today* this summer. I read an interesting article about violence against women. In that same magazine was an interesting article about the roles of fathers in the lives of their children. The article cited studies that showed a father has a very complex role in the emotional and intellectual growth of his child. Although a father may interact with his child in more physical and less intimate way than a mother, he has a key impact on his child's development. The article also stated that a father with emotional problems will have a more dire effect on his child than a mother with similar problems.

● (1015)

This is only one article that looked at studies. There are many others that state it is very important for children that fathers continue to have a role in their lives. Many fathers are asking that their responsibility for support be looked at. They would also like ongoing access to their children to be part of the equation. That is not the case in this legislation.

Other speakers have raised the concern that if we are going to deal with the matter of ensuring the well-being of children, we should include in their need for monetary support their need for emotional and intellectual support in ongoing relationships and training.

I recommend that the government seriously consider this whole area. When it brings in legislation to deal with the well-being of children it should look at other aspects of their well-being, other needs. It should not suggest by the way it frames legislation that as long as money is coming to the custodial parent that is satisfactory. That is not the only thing needed to be looked at in relation to the best interests of children.

One of the main provisions in this legislation is that a grid or guidelines for the amount of child support payable will be put into place. According to some of the information that has been put forward by government, these guidelines were drawn up after a

broad consultation with people who were familiar with the area of child maintenance and child support, and I think that is good.

We can accept that the amounts on the grid and the guidelines represent a reasonable and honest effort to put in place amounts based on the income and circumstances of the parties. Generally speaking, that will be fair.

My concern is with what this legislation does not deal with. A one size fits all award of maintenance is not practical when one considers the wide variety of circumstances and employment realities that are factored into calculations of the need, the reasonableness and the propriety of a particular monetary award for child support.

There is concern that the discretion of the courts, which have many judges—most judges have a great deal of experience and background in calculating these awards for support—will be taken away in favour of a rigid one size fits all system. There must be more thought and debate before this happens.

There is a great deal of concern about rigid awards, particularly where circumstances change quickly and often. Parents who are paying child support simply cannot come back to court on a regular basis every time their circumstances shift. In this economy, for example, many people are under-employed. Many people are unemployed. Many people are concerned about job loss. Many people are self-employed on a consulting basis and have irregular income. These hard and fast awards, guidelines and grids, are not properly reflective of the economic realities of the citizens. They create hardship and frustration for the people who must adhere to them. I would ask the government to reconsider the rigidity of the rules which it is trying to implement.

• (1020)

Certain areas in the legislation provide for a variation of the awards handed down under the grid, however, the provision for a variation or for taking into account unusual or different circumstances is too narrow to be of much assistance to most parents who are paying child support.

Second, the legislation will allow Revenue Canada databases to be opened in order to locate parents who default on their child support payments. Most Canadians believe that parents have a strong obligation to their children. Children need to know that their needs are going to be met by both parents on an ongoing basis. That is a very important consideration for them.

Parents have the primary responsibility for the care and support of their children. This burden should not be placed on other members of society simply because parents decide to be irresponsible.

Any measures which will ensure that parents carry out their obligations should be applauded. However, we must ensure that the opening up of Revenue Canada databases does not unfairly or inappropriately breach the privacy rights of the parent who is under a maintenance order.

Substantial concerns have been raised about whether access to private financial information will be fairly administered. Will the databases be opened up when there are substantial arrears or when there is simply an allegation of arrears? Will private information, which is not necessary to locate the defaulting parent, be given to other parties? We need to look very closely at the issue of fairness. There can be a number of circumstances involved in a default situation. Perhaps a default has been alleged but has not taken place. The rights and privacy of all parties concerned need to be protected.

Sometimes there is a tendency to hammer everyone involved and, in doing so, violate the rights of everyone, rather than the minority who are at fault. Most parents who are under an agreement or a court order to support their children do so. They do so gladly, regularly and in a responsible manner. We have to be careful to ensure that the majority of parents are not unfairly treated simply to get at the minority. Caution must be taken because a lot of lives and rights will be affected. Third, the provisions being brought forward for the garnishment of public service pension benefits and a broader ability to ensure that every parent who is obligated to pay child support actually does pay are good. Again, we need to be careful of the fairness factor. Unfortunately, the regulations that will show how these measures will be implemented are absent. They will be introduced later. They will not be debated. They will simply be put into place.

• (1025)

We have a real responsibility to the people who are going to be affected by the legislation. It is important that their human rights and freedoms are not unduly impinged upon because of the way this legislation is constructed. The same principle holds true when we are withdrawing rights of citizens such as drivers' licences and passports.

It is fair to say that the sentiment behind this legislation is good, however, it is not as balanced as it needs to be. There are a lot of unanswered questions about how it will actually be administered at the end of the day.

On behalf of citizens who will be very seriously affected by this legislation, I would ask for a re-examination of it to see whether it can be better balanced and whether more fairness and certainty can be assured when it is finally implemented.

Mr. Jay Hill (Prince George—Peace River, Ref.): Madam Speaker, I was very interested to hear the comments of my hon. colleague from Calgary North on this very critical piece of legislation concerning families, especially children.

In light of some of the legislation that has been passed, particularly in California, Florida and Washington state, among others, which reflects those governments' policies of encouraging parenting by both parents after divorce, I wonder if my colleague could give us her views on what steps she might feel the government could take to encourage and develop that type of legislation and that thinking in Canada.

Mrs. Ablonczy: Madam Speaker, when we have legislation of this type, it should not just address one injustice, one problem or one difficulty that relates to the well-being of our children. It should be balanced and talk about the other needs of children as well.

A measure that could bring a greater involvement into children's lives by their father, which many studies show is vital to their well-being, would be addressing this whole matter of access.

As my colleagues are aware, orders relating to children in separation or divorce situations not only address monetary support for children but also the ongoing involvement through access and other areas where fathers particularly, or the non-custodial parent, continue to have as strong and healthy a relationship with their children as possible.

I would suggest that, if legislation of this type were as strong on ensuring that parents' involvements and responsibilities were equally upheld and enforced, it would be to the very great benefit of children.

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Madam Speaker, I enjoyed listening to my colleague from Calgary North. She always brings a different perspective to this question when we debate it in the House because of her experience in law. I think she may be able to help me on this particular issue. I wonder if my colleague could comment on the prospect of mediation before access and custody is even decided or settled, usually prior to divorce. It would then be agreed by both parents and hopefully on the needs for the child and the ability of the non-custodial spouse to pay. Hopefully that would make for a better and lasting settlement and would probably result in payments being made on a regular basis.

● (1030)

Would my colleague also comment on the program called parenting after divorce? It became mandatory in Alberta after February 1, and Alberta justice minister Brian Evans said that the program is intended to help children and also to save the courts time and money since our courts are already overburdened. The program was basically brought in to minimize the impact of divorce on children. Would my colleague comment on whether she feels mediation would help and if so, should it be in the bill?

Mrs. Ablonczy: Madam Speaker, it certainly has been my experience in my practice of law and some of the work I did in the area of divorce that the divorce proceedings and process are unnecessarily adversarial, particularly when it has to be considered that a good relationship with both parents on a continuing basis is absolutely vital to the well-being of children.

If there is an adversarial situation where someone is the bad guy and somebody is the good guy, a very difficult situation has been set up for children. Very often they are put in the position of judging who is the good guy and who is the bad guy. Whereas, their real needs and what is best for them would be to sorrowfully accept that parents have differences that are not going to allow them to live together, but that these are both people they be proud of, respect and have good relationship with.

I think moving more toward a mediated approach or mediated settlement of the issues in a divorce situation would be much healthier for the children.

My colleague from Mission—Coquitlam also mentioned the training which is being implemented in Alberta which assists both parents in the kind of training, education and skills building that would be necessary for both parents to continue to play a very positive and very necessary role in the lives of their children. I would certainly recommend that the government look at those kinds of measures to make the legislation more balanced.

Mr. Jay Hill (Prince George—Peace River, Ref.): Madam Speaker, before I get into my remarks today on Bill C-41, I would like to take a moment or two to reflect on what happened in this place yesterday. I feel it is very relevant to everything we as individual members of Parliament endeavour to do in the House of Commons.

Yesterday we witnessed not only the breaking of a Liberal red book promise, but I believe the powerlessness of individual MPs was truly revealed. The Prime Minister promised during the last election campaign to give individual MPs, those in opposition as well as his own backbenchers, a greater say in the running of government. Yesterday showed how seriously he took this commitment to the Canadian people.

Yesterday the government brought in time allocation to cut off debate on Bill C-45, a bill which we should never have debated in the first place. This in itself is not surprising, because the Liberals have closed debate about 24 times in this 35th Parliament, despite their howls of protest to the Tories in the last Parliament when the Tories took similar parliamentary action.

In this place we should have been debating the repeal of section 745 of the Criminal Code as outlined in the private member's bill of the member for York South—Weston, Bill C-234.

I believe it is obvious to all here and, more important, out in the real world just how hopeless it is for an individual MP to affect change in this place.

Canadians were and are demanding the repeal of section 745. A member responded by drafting and introducing a private member's bill in response. The majority of the members in the House of Commons supported it, sent it to the justice committee and it disappeared. Democracy. It is enough to make a grown man weep.

● (1035)

I am pleased to speak to Bill C-41 which seeks to make some sense out of this country's system of child support payments. Here we have yet another example of the Liberal government's attempt at patchwork legislation. Canadians have been clamouring for change in how child support payments are determined and enforced. The Liberals pretend to be listening and respond with proposals that do not truly address the basic issues of child custody. While this bill does take some great strides in improving the enforcement of child support payments, or getting tough on so-called deadbeat dads, it entirely skips the issue of custody arrangements and mediation of disputes.

The federal government plans to involve itself in a strong arm approach to enforcement without looking at original access issues. This includes revoking or refusing to renew passports, the use of Revenue Canada's data banks in order to locate defaulting parents, the garnishment of public service pensions to pay child support as well as the wages of those working at sea.

This get tough attitude toward delinquent support payments is appropriate only after all circumstances surrounding the original custody arrangements have been thoroughly analysed and only after attempts at voluntary support have been exhausted.

This means that before taking such invasive measures it must be shown that the non-custodial parent is getting the entitled access to their children and that all other outstanding questions surrounding the custody arrangements have been resolved.

Automated steps to withhold someone's passport, crack open their private income tax information or garnish their wages are irresponsible if used without a thorough investigation of the individual case. This bill does not include proposals to do this.

There are two sides to every issue and while there is no doubt that children across this country are suffering because child support payments are going unpaid, Bill C-41 ignores that many children are also suffering because their right to see and enjoy the love of their non-custodial parent is being denied.

I join with most of the members of this House in getting tough with parents who do not meet support commitments, but let us not encourage the problem with unfair laws. There is a relationship between access to children and non-compliance in support payments. A non-custodial parent who sees his child more often is much more likely to make his payments. This bill does not even touch on this aspect. In many cases the denial of payment is rooted in the non-custodial parent's frustration at being denied access to their children.

According to a 1995 study by the U.S. bureau of statistics non-custodial parents with visitation and or joint custody were much more likely to pay support; 79 per cent of those with access paid support while only 59 per cent of those without access paid.

A May 1992 a study by the Canadian Research Institute for Law and the Family found that almost 75 per cent of non-custodial parents reported problems in visiting their children. This shows that access and visitation rights in Canada are not working and this results in many problems, including non-compliance in child support.

On March 20 of this year I introduced a private member's bill in the House that would also amend the Divorce Act so that joint custody would be automatic. Right now custody automatically goes to one parent unless an application for joint custody is made. Bill C-242 says it should be the reverse. Kids need the love and security of both parents. Joint custody should be automatic except in cases of abuse, neglect or where it is not in the child's best interests.

We would no doubt see the number of delinquent support payments drop significantly once joint custody eliminated many of the access disputes that lead to non-payment in the first place. In many cases non-payment boils down to an issue of guaranteed access to both parents, not dollars and cents.

● (1040)

In 1992 Canadian courts awarded joint custody only 16 per cent of the time. Sole custody is awarded to mothers approximately 72 per cent of the time and to fathers in only 12 per cent of divorces.

This brings about another point to consider when looking at the non-payment of child support. How much potential child support money has been tied up or wasted in fighting over access rights in the courts? The separation and divorce industry drains parents of thousands of dollars. With automatic joint custody legislation that is money that could go to the children instead. It can be difficult for a parent to pay child support while they are doling out $10,000 in legal fees just to see their child.

If the custodial parent moves a child to another province or country, the non-custodial parent is suddenly left with no opportunity to see their child or faces great travel expenses to do so. Making certain that non-custodial parents are accountable for continued financial support even when they have chosen to move to a different provinces is a common goal of the courts and all levels of government. When it comes to ensuring that non-custodial

parents have reasonable access to their children, the governments and courts are strangely silent. This is a double standard.

In my riding of Prince George—Peace River in British Columbia and in other northern areas a divorce can often result in the custodial parent moving with the children to the lower mainland, severely limiting access for the non-custodial parent. It is little wonder that some parents withhold support payments in protest.

Under Bill C-41 the fact that the parent's right to access was arbitrarily taken away would not be considered and the federal government would simply start proceedings to enforce payment.

This would overlook even a supreme court ruling in May of this year concerning a Saskatchewan mother who choose to move with her daughter to Australia against the wishes of her ex-husband. The supreme court's decision took into account the effect of a custodial parent's geographic move on the access rights of the former spouse.

Did the Liberals consider this when they attempted to address the issue of child support payments? I do not believe so. The Liberals have spent a good part of their mandate reviewing child custody and taxation issues, yet they still did not get it right. The finance minister has said that the first obligation of a parent is financial. I could not disagree more. Yes, children need financial security, certainly, but the emotional security of access to both parents cannot be overlooked. Until such time as the federal government is willing to take a look at the entire issue of child custody, the complete picture, it is not qualified to proceed with enforcement.

At the very least in the absence of legislating automatic joint custody the federal government should be encouraging the provinces to be more vigilant in enforcing access problems before they agree to help with the enforcement of child support payments.

The Canadian Council for Co-Parenting, a custody and access support group for divorcing couples, agrees that the deadbeat scenario is not that simple. On its position paper on custody access and child support the CCC claims that many loving parents are deparented by a legal system content with the win-lose approach. It says that many non-custodial parents withdraw disgusted, dismayed and angered by the inequities and imbalance of many court decisions.

The justice minister should be familiar with the Canadian Council for Co-Parenting. The CCC has formally stated its dissatisfaction with Bill C-41. I will quote from a letter which the CCC sent to the justice minister. These are words which is he obviously ignoring: ''Our position on Bill C-41 guidelines released in June of 1996 is that they must be reworked. They are seriously flawed in their omission of shared parenting principles of treating both parents fairly. No loving parent, male or female, in a time of great turmoil or anger should be ostracized from the lives of their children for no good reason. C-41 aggravates and enhances the current inhumane imbalances in family law''. Of course the CCC is just one of many organizations and individuals concerned with the ramifications of Bill C-41.

• (1045)

Another issue that this bill neglects involves spending accountability by the custodial parent. Unfortunately, it is a sad fact that some custodial parents are not using child support payments to properly feed or clothe the child. That parent may be receiving substantial amounts of money from the non-custodial parent but they are not required to account for how the funds are spent. There is no mechanism in place that ensures the child support is used for example to buy a winter coat for a child instead of being spent by the custodial parent on alcohol, cigarettes or whatever.

I want to be perfectly clear that I am not saying this is a prevalent occurrence. However, before the federal government begins vigorous enforcement actions, it must recognize that non-payment of child support may be due to the non-custodial parent's awareness that their child is not the one benefiting from those support payments.

Once again there are many ambiguous questions surrounding child custody cases. A responsible enforcer must first scratch beneath the surface, investigate and then take action based upon complete knowledge of all the pertinent facts.

I would like to further clarify my position on child custody laws. It is not my intent or desire to take sides on this issue. I am neither an advocate for the mothers or the fathers. I am not siding with custodial parents or non-custodial parents. My goal for introducing Bill C-242 and opposing Bill C-41 as it is currently drafted is twofold.

First, the law should be administered as fairly as possible, treating both parents equally. When married and the relationship is intact, it is assumed that both people are good parents. Why assume otherwise just because they are divorced?

Second and most important, I believe in supporting the children. When a relationship ends, they are the innocent victims. I believe very strongly that their emotional and psychological welfare is best supported by maintaining physical contact with both parents and there are studies that bear this out. In other words, I am an advocate for the kids.

If we remove the issue of who will have sole custody from the equation, parents will obviously no longer be able to use custody as a bargaining chip. Fathers would not be able to threaten to seek sole custody unless the mother agrees to unreasonably low maintenance. Mothers likewise would be prevented from holding restricted access over the father's head to obtain a better divorce

settlement. If both parents knew ahead of time with reasonable certainty that custody would be awarded jointly and therefore was not going to be an issue, there would be one less issue to fight about.

As a loving parent, I cannot imagine anything worse than being prevented from seeing my kids. The mere thought of not having access to them on a continual basis provokes angry, protective emotions.

When a marriage ends it is natural for the spouses to blame each other, to have lost respect for each other as a spouse, a lover and a friend. However, if the separating couple can be assisted and encouraged to still respect each other as loving and caring parents, it will provide as positive an environment as possible for the children.

The awarding of joint custody in the vast majority of cases will nurture this respect for each other as parents and will remove the greatest fear every parent faces: the loss of a child. It will also reduce the chances of partners remaining in a potentially abusive relationship because they know that if they walk out without the children, it will be currently held against them at the custody hearing.

Bill C-41 is an inadequate piece of legislation. It is inadequate because it does not responsibly and fairly address child custody laws in their entirety. This is yet another example of quick fix legislation. The government knows there are problems with the child support system and that Canadians are demanding change. However, instead of looking for the root of the problem, the government is proposing superficial and brash changes which it believes will appease voters in the next election.

• (1050)

In its current form Bill C-41 will bring little satisfaction to anyone. It will only result in further emotional suffering for the children who are caught up in these tragic child custody laws.

Mr. Jim Silye (Calgary Centre, Ref.): Madam Speaker, before the Liberal government became involved in the issue of child support payments, the system was that the payer deducted the amount of child support payments and the recipient paid the tax on it. The logic for that was that usually the person who received the child support payments was in a lower income bracket and consequently would be taxed less and would therefore have more money available. Also, the person who was making the payments would be more willing to give the maximum because the payments would be deductible.

The justice minister has changed that system and now child support is non-deductible and non-taxable. The non-deductibility aspect of child support payments will mean that the government will receive an additional $300 million in revenue. The government claims it will put the money into some form of child support subsidy or child care benefit for the Canadian public. We will have to wait and see.

My concern is, with the government having made these changes, eliminating deductibility will encourage those people who have to pay to give less. Ultimately the children will suffer. They will receive less in benefits because less money will be given to them.

I recognize that my colleague does not wish to pick sides on the issue between mother and father, but let us pick on the government a bit. Let us see if in its wisdom the government has actually done a great service or whether it has made it worse with its half measures and tinkering.

I wonder if my colleague has a comment on the effect of the impact of what appears to be another tax grab by the government to generate $300 million in revenue at the expense of children.

Mr. Hill (Prince George—Peace River): Madam Speaker, I appreciate the comments of my hon. colleague from Calgary Centre.

He is quite right. I do not see the logic behind the changes which the government has made. I recognize there is a problem in the area of taxation of child support and the government moved on that. The reality is that the children will be poorer for it. As he correctly pointed out, the money will now flow into government coffers rather than staying in the hands of the children.

While I recognize that Bill C-41 is moving toward setting some base rates for child support so that we will not see it diminish in cases of real need, I believe that the changes which have been made by the government have actually created more of an adversarial approach. That is unfortunate because there is already enough adversary surrounding divorce. It is one of the reasons in many cases that these things drag on for so long. They get tied up in the courts and people get more and more angry with the whole process.

• (1055)

I believe quite strongly that we have to move toward more mediation in these matters. The issue of who would get the tax credit could be decided between the parents and in the best interests of the children. As I said earlier, I am involved in this issue because I feel very strongly in being an advocate for the children, which is why I am speaking against this legislation.

I will quote an expert in the field, Professor Ross Finnie of Carleton University School of Public Administration, on Bill C-41. He calls for Bill C-41 to be revisited by the justice department. He is not a Reformer criticizing the government. I heard an hon. colleague from the other side say a minute ago that nothing is new in that we should be criticizing the government. Part of our role is to criticize the government when we see there are things wrong with what it brings forward. In this case it is not a Reformer making this observation but an acknowledged expert in the field.

In his review, ''Good Idea, Bad Execution: The Government's Child Support Package'', Professor Finnie comments: ''In short, the basic unfairness incorporated in the current guideline proposals might undermine the basic goal of the whole guideline exercise''. He argues that overall the package is likely to worsen the child support situation in Canada.

This is an expert in the field making his comments on Bill C-41. It is important to remember that it is not just a few Reformers, people like myself and my colleagues, who are being critical of the government; there are also people with a lot of background knowledge who are calling into question this legislation.

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Madam Speaker, I am proud to stand in my place today to support Bill C-41 which amends various existing legislation to ensure that child support reforms become law.

I am proud to do so because the Department of the Status of Women Canada and my predecessor, the hon. member for Mount Royal, played a major role in bringing this legislation to the fore. The hon. member did so by going around this country with a three person task force to meet with women, with custodial and non-custodial parents and the public in general. They listened to some of the problems and ideas that came from women, men and children with regard to child support. As a result, some of this legislation was brought into the fore.

This was also brought about by working with the Law Reform Commission of Canada which again has the body of expertise that can understand and deal with the law. The family law committee of federal, provincial and territorial representatives brought understanding and expertise on what happens when people divorce, on what happens to the child.

This piece of legislation speaks clearly to and in support of one person in this problem: the child. It speaks to one group of people who have had no one to advocate for them very strongly. This government has decided that we will advocate for the child.

Above all, this reform is a tribute to the hundreds of people across Canada who contributed to the dialogue. We heard from men and women, advocates for children, for mothers and fathers. We heard from accountants, lawyers and social service providers to name only a few.

The result before us is a law that will create a system of child support that is fair, equitable and beneficial to all Canadians. But above all, this legislation represents a balanced approach that is fair for children. It puts children first.

If I could summarize this bill in one phrase, it would be that child support is not a discretionary payment. Both parents must assume responsibility for their children, whether they live together or not. This is a duty, a responsibility. It is not something that a non-custodial parent can choose to ignore because the non-custodial parent has suddenly assumed a new life and wants to undertake a new lifestyle. The child is a responsibility of both parents.

• (1100)

We have seen clearly that children live in the same socioeconomic status of the custodial parent. I am using the term custodial parent, but we know that the majority of custodial parents in the country are women and that the majority of single women with children are living in poverty. These children must be supported first and foremost by both parents. They must, if possible, be assisted in support by the state wherever it can be done. This is where the working income supplement will apply.

When families break up it is generally the children who suffer. As a physician who has spent 25 years in practice, I can say that children suffer greatly. Many children of divorce who live with the mother do not have the same access to post-secondary education that other children have. We know many of these children are living pretty close to the poverty line. They are a shared responsibility. It is the right of the child to be financially supported by both parents.

We would then create a system where families would still be united. But there are divorced parents and the children, therefore, live in different status purely because they happen through no fault of their own to be living in a divorced situation. Children should not have to bear the brunt of that. There should not be two classes of children in this country.

The government applied gender based analyses to these reforms to ensure that neither women nor men are unfairly disadvantaged by the legislation. We have ensured that the outcome of the changes are fair and equitable to both men and women.

The child support strategy rests on four very important pillars. One is the tax treatment of support payments for children. I want to stress the tax treatment of support payments for children, not of spousal support. We are talking only of child support. We have set up guidelines that will make it clear across the country that we are no longer going to have to depend on the discretion of lawyers, judges or courts. It will be a fair system of guidelines, based on the income of the non-custodial parent. It takes into consideration whether the non-custodial parent can afford to pay or not. It also makes very clear that afford to pay does not mean that child support for a non-custodial parent comes after the car, the holidays and the investments, but that child support is considered as one of the first and foremost duties of the non-custodial parent and not as a second thought.

These guidelines are clear, equitable and they will be the same no matter where those people pay live in this country. It takes into consideration the cost of living, the standard of living and the tax treatments of each province. Different provinces will have clear guidelines for what the non-custodial parent must pay, based on the number of children, as a percentage of the income of the non-custodial parent.

The third pillar on which this rests is enforcement of child support guidelines and child support, period. We know that many children do not get child support. This is a major problem. I do not think hon. members across in the third party would disagree that enforcement is extremely important.

The fourth pillar is the working income supplement. This is the so-called tax grab that the hon. member just spoke about. We know that by changing the tax treatment of child support the federal government will receive a windfall of money. That money is not going back into federal government coffers. After $50 million of that money has been taken to set up the data bases and to assist provinces to get this going, the rest will go into a working income supplement which will assist 700,000 children.

● (1105)

As a state we need to ensure that our children are clearly supported and that our children are treated equally whether their parents can afford to or not. Children are the future of this country.

The first pillar of change is the way in which the child support system is taxed. This system has been place for 54 years. It has become outdated. It was an inequitable system which said parents who live together and who are bringing up a family do not get to tax deduct the money they spend on their children, but if they become divorced all of a sudden their child because a tax deductible expense. This did not make any sense at all because it was creating an uneven playing field.

It was saying that if you were divorced it was better for you to be able to support your child because you got the tax deduction. If you live together as a family you were in fact being discriminated against in terms of caring for your children because caring for your children is not a tax deductible expense. It is not an expense of business. It is not a discretionary expense. It is a duty and a responsibility for parents.

Under the new system the full amount of the support payments can be used to care for the child so that when a custodial parent is given a sum of money that custodial parent knows that all of that money is going to the child and that some of it does not have to go back to Revenue Canada so that the child only gets part of the money.

Child support payment under a written agreement or court order made on after May 1 will therefore not be deductible to the payer or included in the income of the recipient for tax purposes. This has finally given us an equitable system and not a system that is based on the fact that if the custodial parent can afford a good lawyer, then the custodial parent gets a better amount of money for the child.

We know that many custodial parents did have the money and it really rested on who could afford the better lawyer. This has been taken away now. The system is going to be fair and equitable and that is the second component of the pillars of this legislation. The guidelines are clearly set and clearly written down so that there is no more trying to see who could argue their way out of the paper bag that we have had in the past in terms of how child support has been accepted.

The tax rules, however, will not automatically apply to existing orders. Governments cannot unilaterally change support agreements between parents negotiated on the basis of another set of rules. This is not going to be grandfathered. We know that if parents are not happy with the way their child support has been structured they can go back and seek to change it and bring it under the new rules if they work together to do that and if they work together in the best interests of the child.

Implementation of the new rules will not take effect until the spring for two very important reasons. First, we expect there will be a large increase in applications to change existing orders to conform to the new child support rules because in many cases much of the child support that is today given is not being enforced and is not enough. It would cause chaos if the federal government did not have the provinces to establish a more efficient way to deal with the sudden influx of support orders.

For that reason we have established a $50 million fund that will be used in partnership with the provincial government to develop, pilot and implement efficient and cost-effective mechanisms to help parents obtain, vary and update their awards.

The second reason for leaving the implementation until May 1997 brings me to the second pillar of child support. The implementation date allows us time to enact federal child support guidelines. These guidelines are going to make the system equitable.

If I could sum up this bill in one phrase it would be that child support is the single most important thing that we can do for our children tomorrow. This legislation introduces a number of measures that the provinces and the territories can draw on in partnership with the federal government to enforce support payments.

Federal pensions can be diverted so that we can garnishee from a federal employee who is not paying child support. We can garnishee out of that federal employee packages, whether it be pension funds or some sort of benefit funds, in order to ensure the child gets the support.

Revenue Canada's data base will now be used for the federal information network so that we can track defaulters. In other words, they can move from province to province and they can run but they cannot hide.

Passports and even certain federal licences can be suspended if a debtor is in persistent arrears. We will develop finally a standardized data base across this country so that there will be compliance with the support orders in Canada.

• (1110)

This will help both levels of government to design more effective mechanisms for support enforcement. In addition, the legislation provides for measures to help the provinces streamline the collection of out of province orders. In these ways the federal government will help the provinces to pursue what is really their jurisdiction which is to support enforcement programs.

Although it is not covered in this legislation it will be noted that the fourth pillar of our child support strategy is the doubling of the working income supplement of the federal child tax benefit. This is the tax grab the hon. member across spoke about and conveniently ignored, that the money is to be going over the next five years, half a billion dollars, to support approximately 700,000 low income working families. About one-third of these families are single parents. These single parent families are predominantly led by women and they predominantly live in poverty.

We as a government are making a very strong statement. We are saying that we as Canadians, all of us, whether we have children or not, whether we are living together with our children or not, owe it to all Canadian children to prepare them for the future, to prepare them for tomorrow, to give them equal opportunity so they can realize their fullest potential, so we do not continue to foster two sets of levels of children, those who have and those who do not have and who will be the people we look to carry this country forward in the next century. If we do not give them the tools and the skills, if we do not give all our children the opportunity and value our children, we are not truly looking to our future for tomorrow.

The four pillars in our child support strategy reinforce one another. These changes have long been overdue. The government has studied these issues carefully and we have worked closely with all the stakeholders, not only the public but accountants, men and women, and lawyers to talk about this issue and to find the right answers. This is not a thrown together piece of legislation, as hon. members across the floor would have us believe. This was discussed in public hearings. I do not know if the hon. members even went to the public hearings or even listened to some of the information we heard from men and women who spoke on behalf of the children of this country.

More important, our children deserve the right to be treated fairly. They deserve the right not to have to be forced to live with the consequences of what their parents have done and with the power struggles between parents as we have seen in the past. Our children deserve to be given every opportunity. This bill does exactly that for all our children.

Mr. Jim Silye (Calgary Centre, Ref.): Madam Speaker, I would like to summarize this bill in one word for the hon. parliamentary secretary who spoke with such glowing words. It is a mistake.

It is a mistake in a lot of ways. There were some misconceptions within her statements that I would like to clarify. The parliamentary secretary is concerned about child support and how children are important and I agree 150 per cent. However, the way the government is going about will hurt the children more than help them.

In that tax grab that we talk about, which she has now identified, in the neighbourhood of $.5 billion, 30 per cent to 40 per cent of that goes, as she admitted herself, into overhead, into a federal bureaucracy, into a federal administration. She said initially it will take $50 million of that. That is not helping children. That is creating jobs in government. That is what it is doing. It is hurting the children, at the expense of children.

The parliamentary secretary talks about how the person who pays used it as a tax deduction and a person might as well get a divorce because they got a tax deduction if they have children. The adjudicator determined between the couple divorcing in the case of children the amount of money paid based on need and ability to pay and an amount was set. Yes, it was deductible and taxable. What that really is, if the parliamentary secretary considers this for a moment, is if the amount is $10,000 and the individual makes $50,000 to $60,000 in income, it is a deferral of $10,000 of income to the person who is looking after the children.

The principle of taxation is that we tax income. That deferral from the $50,000, $60,000, $25,000 or $100,000 is a deferral to the custodial parent. That parent paid the tax. Do you know what? In that system, that is a tight system. There is no leakage there. There is no government bureaucracy taking 30 or 40 per cent of that money. All the money is going to the children. The taxes paid on that are paid at a lower rate.

• (1115)

I submit that the single biggest mistake in this bill is doing away with deductibility and taxability of child support. Arbitrarily setting amounts across the country no matter where a person lives—this is the amount—is a good principle. It should be applied to UI as well.

Why should somebody in Alberta paying $1 get 75 cents in benefits and somebody in Newfoundland paying $1 getting $3.75

in benefits? If the parliamentary secretary would apply that same principle to UI, then the government might be making some sense.

This bill is a mistake. It is a mistake to intrude into the lives of people in a way that will just support more government bureaucracy. It is a mistake to intrude into the lives of people and say that government will now look after the children, not the parents. Government is taking money away from the parents' ability to look after the children.

Ms. Fry: Madam Speaker, I find the hon. member's question to be so absolutely typical of someone who does not really understand. He has never been there and does not even understand the reality of the lives of divorced families and of children of divorce.

This is the kind of statement that you would hear from an upper middle class male who does not have a clue. The hon. member talks about child support and that the adjudicator takes into consideration the real need and ability of the parent to pay. That is absolute rubbish.

Child support has, in the past, been dictated by who had the better lawyer. Invariably the custodial parent did not have the money to have the better lawyer and was at the wrong end of the stick. The point here is that it is the children who suffer.

The hon. member talked about income tax and child support. The interesting thing is that we get this kind of information coming across the floor because when you try to answer the question, you are not even given the courtesy of their listening to the answer. Misinformation continues to be fostered. They really do not want to hear the answer. The answer is that child support is not spousal support. Spousal support is income in the hands of the custodial parent. Child support is income in the hands of the child.

Parents who live together do not deduct the support for their child. They do not get to deduct it. Why should it be that we have this uneven system of parents who are not living together with their family get to deduct child support? Child support is not a discretionary thing. Child support is an absolute duty to the child.

I also heard the hon. member asking me about using 30 to 40 per cent of the half a million dollars in order to create a bureaucratic structure. I am not a mathematician. I certainly never claimed to be one. However, when I last looked 40 per cent of a half billion was not $15 million. This is grade 2 arithmetic we are talking about here. It is interesting that this kind of arithmetic comes out. Fifteen million dollars is not half of a half billion dollars. That is not 40 per cent of it.

One of the important things to remember is that if there is a system that is fair and equitable, that is going to be tracking people, you have to use the technology so the information is available across this country. That has been the major problem of enforcement. People leave provinces. They go to other provinces. No one can find them. They do not know where they are. If the defaulter cannot be tracked, support payments cannot be enforced.

It is a clear issue. We know that 43 per cent of non-custodial parents in the province of Ontario today do not pay a penny of child support. Of the remainder, only about 30 per cent of them manage to pay the full amount.

We are talking here about major default. We have to set into place the structures to help these children. Saying that this is a lot of rubbish actually means that the hon. member does not even understand the issue to start off with.

Mr. Charlie Penson (Peace River, Ref.): Madam Speaker, I listened to the minister with interest, especially in her response to the comments to the member for Calgary Centre.

• (1120)

What I heard the minister say was that the non-custodial parent had a duty to make payments but that the payments were not put in the hands of the custodial parent but in the hands of the children. That simply is not true. The custodial parent administers the payments that are made to those children.

The minister also said earlier in her speech that the non-custodial parent has a duty to make sure there was an enforcement of child support payments. I agree with that, but I would like to ask if she thinks there is also a duty, on behalf of the custodial parent, to spend that money on the children. We all know of cases where the money is not necessarily spent on those children. Is there not a duty for the custodial parent as well?

Ms. Fry: Madam Speaker, that is an excellent question. Maybe I did not make my point clearly enough. I did not say that the money for child support was not money put in the hands of the non-custodial parent. It was not directed to the custodial parent. It was directed to the child. Of course if the child is a minor then the custodial parent has a duty to use the money in the best interest of the child. This is different from spousal support which is not what we are talking about here. Spousal support is income in the hands of the custodial spouse and is tax deductible and should be. We are talking about two very different things here.

The hon. member asks whether it is the duty of the custodial parent to take the money for child support and spent it on the child. Yes, it is the duty.

Whatever stories or anecdotes we hear from the hon. member opposite to try to support his position that most custodial parents take that money and fritter it away on something for themselves is absolute nonsense. Most children of divorced parents are living a very low income status. The custodial parents are trying very hard to use that money in the best interest of the child. Often these children are not clothed or fed properly because the money is given back in taxes to the government. We are saying that is no longer

appropriate. Money should go directly to the child and not to the Government of Canada.

Mr. John Williams (St. Albert, Ref.): Madam Speaker, I am pleased to join my colleagues to debate Bill C-41. One of my hon. friends said that it is a mistake that this legislation is before us. We just had a long speech from the Minister of State for the Status of Women and not once did I hear her say she cared for and supported families, that she wanted to nurture families, that families were the fundamental building blocks of our society and that if we were to focus on nurturing, supporting, protecting and building the families, a lot of the problems we have would not occur.

Instead, we find that the government wants to probe, analyse, tax, regulate and push around families, as if they are something like a vehicle that everybody jumps into and they can just control the vehicle.

The point is that the government has it wrong. This whole concept that families can be probed, analysed, regulated and taxed and the money can be passed through the government's pocket, that they take from one and give to another and pay the bureaucrats in between. Surely we should be talking about protecting, nurturing, building and strengthening families. We should ensure that families play the real role in our society. No one can raise kids better than families. That is why the bill is a mistake.

• (1125)

The Minister of State for the Status of Women talked about how important it is that we are going to regulate the system, how important it is that we are going to collect all this taxation, how important it is that we are going to have a new program and how important it is that we are going to give the money back to the kids. The government has missed the point. Where is the support?

We have known for years that the Income Tax Act penalizes families. We know that the Income Tax Act has given a greater benefit to families that break up rather than to the families which stay together. That is a terrible indictment for a government which is in charge of helping our society. It seems to be quite happy with the concept of regulating. If the family breaks up the government will give it another program. If the family breaks up the government will collect taxes in a different way and channel them back through the bureaucracy.

We on this side of the House have always said that the dollars which are left in the hands of the families will be better administered than if those dollars are handed back to the families through a program. The government has missed the point entirely.

I had an accounting business before I got into this game. I met many families which had broken up. The statistics published by Statistics Canada confirm what I saw personally. There is hurt and damage. Self-confidence is destroyed. Job stability is threatened. The family breaks apart and one-half moves to a different location. Sometimes the family is destroyed. There is little doubt that in many cases the standard of living goes down. That is unfortunate. We have to help these people.

We do not help them by bringing in legislation which contains a bunch of rules and regulations. On page 22 of the bill, at clause 77, after the government has poked and probed and administered and regulated and pushed around all these families, Her Majesty, in right of Canada, disclaims all responsibility for discharging the obligations under the act. While the government figures that it can get involved in the day to day administration of families, in the running of families, and so on and so forth, if it screws up, do not blame the government.

The Minister of State for the Status of Women mentioned the hearings which were held across Canada where women could say this and women could say that. I did not hear anything about men being invited to participate. That being so, we have to take a look at the failure of the Liberal policies over the years.

Back in the sixties the government introduced the great concept of universality for pensioners. It said: ''Do not worry. We are here. We are going to look after everybody. Everybody is going to get the same old age security. Everybody is going to get a pension''. The first thousand dollars of pension money that a senior would get would be tax free. That rule has been in place for many years. That universality is gone. In 2001 it will be gone. Pensioners will not get old age security because in the year 2001 there will be no old age security. It will be gone. The first thousand dollars of income tax deduction which pensioners have relied on for many years will be gone. The age deduction for seniors in the year 2001 will be gone. The guaranteed income supplement for the poor in the year 2001 will be gone. Universality is going out the window with it and in comes another seniors benefit program. We are going to massage, regulate, poke, administer and push around all these seniors though all the paperwork they will have to file. Their universality program for seniors failed. So they just walked away.

• (1130)

Now the Prime Minister stands in the House and says: ''Health care. We go for universality, one of the five principles; universality of health care in this country. That it is important to Canadians''.

Remember, the federal government says that universality across the country is provincially administered. I have a letter on my desk from someone who lives in Edmonton. This person happens to be a Canadian missionary who lives here and travels the world spreading the good word, doing good work with the poor and the underprivileged. She also works in countries in Africa where the standard of living is abysmally low. She returns to Canada for

some months to visit with her family and then returns to foreign countries. She is a Canadian citizen and she has no health care.

She comes and goes as resident of Canada, a Canadian citizen, paying Canadian taxes. Under the universal health care program promoted by the Prime Minister and the Liberal government she has nothing, absolutely nothing. The universality of health care is eroding.

The government said: ''We blew it with pensions, health care is crumbling. What about kids? Let us move on to kids''. Bill C-41 is now the social engineering for kids. We heard the minister of state for the status of women say that all kids are going to be equal. We are going to ensure that all kids are equal. There is no such thing as equal opportunity anymore, but there are going to be equal results. Therefore we know that when there are equal results it means poverty for all. There will be no opportunity to rise above and be the best possible because as soon as a person says he is going to work hard a be a great Canadian, do the best he can to have a good standard of living—zap, taxation.

These are the types of things, this social engineer, the government is trying to do and must be stopped.

There is no mention in the bill about mediation. I am married, I have a wife and two kids and sometimes we have our disagreements so we have to mediate and resolve our differences. Families that break up are those that have differences they cannot resolve by themselves. Mediation has proven to work. It works to help families stay together. It works in every other environment. Employers and employees mediate.

General Motors and its union last night mediated to the point where they disagreed and said they agree to disagree. But they will get together one day soon and the workers will get back to work through mediation. Families that have problems need mediation.

● (1135)

But Bill C-41 says no, we are going to regulate this broken marriage, we are going to regulate the kids and we are going to collect the taxes from one and give to the other because we know how it is done. We know that one shoe fits all, one rule fits all and there is no such thing as families being themselves. The government is going to get right into administering the families and right into the bedrooms.

Remember Mr. Trudeau said the government has no business in the bedrooms of the nation. Here is an interesting side note. Last week Statistics Canada phoned a couple in my riding. The questions asked by its representatives do not belong in this House. Questions about the personal intimate things that go on in the bedrooms of the nation are being asked by Stats Canada: ''Can you tell me all the things that go on in there?''

And when they finished with the questionnaire, the Stats Canada representative asked for my constituent's Alberta health care number so they could go back to the record and know who gave certain answers to the questions: ''Now I can relate these questions about bedroom activities with their health status''.

This government is getting far too intrusive. It is time for it to recognize the sanctity of the family, to promote the family, to help the family. When families need it, they should get mediation.

The government introduced a grid to make everything fair, so everyone would get the same. We have judges who make $130,000 a year and we give them the right to determine if somebody will be locked up for 25 years or longer or if he will walk free. We give them the total and absolute freedom to make decisions on many things.

They decide on the validity of multi-billion dollar contracts. They decide who gets what. They have total and absolute power over everything, but we do not give them the discretion to take a look at the family standing before them to decide what is best.

These people are educated. They are the best trained in the country. They are compassionate people. They have the interests of the family in mind. But this government says that while judges have authority on everything else, it will not trust them with deciding how much should be paid in child support.

It is a disgusting disgrace that this government wants to impose that type of an affront on the judiciary of this country which is perfectly capable of making these decisions itself. Because every family is unique, judges should be given the opportunity to decide what is important.

Think of the commission salesman. Think of the seasonal employee whose income goes up and down. But he will get a court order that every month he must come up with this cash. When the family was together its fortunes rose and fell according to his income. As a seasonal employee, in the good months the cash would flow in and the family could enjoy a little luxury, but it had to tighten the reins when the money was not so readily available.

It is the same with the commission salesman. If he has a good month, he will get a big paycheque; if he has a bad month, his income will go down. And the family goes along with it.

Not anymore. The non-custodial parent is going to see these fluctuations through on their own, and according to this grid the family will be protected from the vagaries and fluctuations of the non-custodial parent's income. That person will be hounded practically down the road for his last dollar if he does not live up to his agreement. Is that helping families?

This government has not thought about these kind of people. It has not built that into the system.

● (1140)

With regard to violation of privacy, we have a longstanding tradition in this country that says our income tax files are private, but not anymore. Through social engineering, Bill C-41 allows people to have access to Revenue Canada.

On page 16, section 19, it says section 15 of the Family Orders and Agreements Enforcement Assistance Act is replaced by the following: ''Information banks that may be searched under this part are the information banks designated by regulations from among the information banks controlled by the Department of National Health and Welfare, the Department of National Revenue, Canada Employment and Immigration Commission''.

If there is a deadbeat non-custodial parent out there you can guarantee he is not going to file a tax return anymore. You are not going to get your money and the family is not going to get the money and we now have two losers instead of one because this government's heavy handedness says there is nothing that we want to protect from intrusion. Privacy means nothing when it comes to the government. The information banks we always thought were private are no longer private. Therefore you can guarantee that we will not see any income tax return or any taxes collected from someone who wishes to evade the whole system.

It is very unfortunate that this government will not support families. The member for Mission—Coquitlam has talked long about grandparents rights; visiting rights for grandparents who when a family breaks up, if they are the parents of the non-custodial parent, cannot see their grandchildren. The love and the nurturing that grandparents want to bestow on the children are denied sometimes, and this government does not care.

Surely that is what it is all about, the love and nurturing of families, not the regulation, the taxation, the poking, the pushing, the managing and manipulating this government is going to do.

Let me leave it there. It would please me if the government would withdraw this bill and bring in something positive that would help families.

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Madam Speaker, I truly enjoy rising when a member of the third party is done because it is easy to ask questions of his intervention in the House. I have a few questions. I will make them quick because I would like to get up on my feet again to ask another series of questions if I get the chance.

I listened very carefully to the member's speech as to where the Reform Party stands. In all that rambling I heard in the last 20 minutes he never once told us what the Reform would do as it relates to individuals who, as the member put it, are not capable of reconciling whether it be through mediation or one process or another.

The member was unclear but he was suggesting in his remarks that an individual who happens to be divorced, in most cases a mother who has one, two or three children, is not a family. Can the member explain to me why he seems to think the only definition of a family is someone that has two parents and a number of children, whether he agrees with the reality of the situation that in Canada it is a pretty close even split that there are many families that have only one parent either because they decide to through divorce and cannot reconcile or a parent passes away and they carry on as a single parent.

I would like those two questions answers. The one that is the most important is the definition. The other one, and I am not surprised, is what is Reform suggesting in that it does not like this bill? That is acceptable I suppose to us on this side. That means it must be a pretty good one. What would Reform do to replace it?

● (1145)

Mr. Williams: Madam Speaker, I am rather surprised that the member would ask where the Reform Party stands, when it is the government that has brought forward this bill. I thought it was this bill that we were debating but I am pleased to answer the member's question.

We stand for families. Government should help nurture and encourage families rather than regulate and tax them. Remember, as I said, the Income Tax Act has always discriminated against a family that has stayed together and a family that splits apart. That is discriminated against. Yet we know that families are the building blocks of our society and we discriminate against them.

The second point is families that have children usually start off with a couple of parents, as far as I am aware. They come together and unfortunately through problems they do not stay together. They are people, they are Canadians and we have to respect their right to live, work and try to be the best that they can be.

My experience is that when a family falls apart, everyone suffers. The non-custodial parent suffers and the custodial parent suffers and it is what we call a broken family. There are children involved and usually they are innocent of the causes of the broken family, but they are definitely, according to the research we have, the group that suffers the most.

That is why I said we believe in mediation first because mediation works within families who stay together. Mediation works in other environments but there is not the slightest hint of

one nickel of time, effort or any other commitment by this government toward mediation to keep that family together.

We say get the grid out of there because a judge who makes $130,000 and passes judgment can surely decide what is best for that family when it is sitting or standing in front of him. As in the couple of examples I gave, a grid will destroy individuals, not help them.

I am totally opposed to the income tax change because people will stop filing tax returns. The government will lose. The government will not collect the money. There will be no opportunity for parents to get back together. It will drive a wedge between them and will force them even further apart.

As I also mentioned, grandparents are a part of families too. My hon. colleague from Mission—Coquitlam has tried hard to get this government to recognize grandparents who want to love and nurture their grandchildren. They are not even recognized by this government as playing any role whatsoever. They can play a major role in helping children.

Mr. Nault: Madam Speaker, for the record, the member was not willing to verify whether he or his party agree that a single parent with children is a family. He skirted around it and said they were good Canadians and the whole bit but he would not say whether he thought they were truly a family like every other family which happens to be in Canada.

I want to ask the member about this whole issue of intrusiveness in the family and the whole issue of the Income Tax Act.

I will refer to what has been taking place in the provincial legislature in Ontario in the last few days. Members on the other side like to talk about their great friend the Mike Harris government and how close it relates to the Reform Party. That government just introduced a child support payment bill. I want to bring to the member's attention a couple of areas in the bill and ask him if he agrees or disagrees with what the Ontario government is doing. It is important if in fact he believes that our bill is so intrusive.

In the new bill that was presented to the legislature this is what the Ontario government is proposing to do. Parents who default on payments under the government's family support plan could have their driver's licences suspended and their names could be reported to credit bureaus.

● (1150)

Also included is obtaining financial statements of defaulters and making support orders against third parties who shelter the defaulter's assets; seizing 50 per cent of any funds in a joint bank account with the delinquent parent's new partner; and seizing lottery winnings of more than $1,000. Keep in mind that 77 per cent in default owe more than $1 billion in the province of Ontario. In fact, 97 per cent of those defaulters are fathers of that family the member talks about.

I want the member to answer one question. Does he think this is too intrusive? It sounds similar to what we are proposing to do when he talked especially about obtaining financial statements. I would like to know whether he agrees or disagrees with the Ontario government's move in relation to trying to deal with what is called in this article, deadbeat parents.

Mr. Williams: Madam Speaker, let us remember that this government is setting up this whole regulatory process before mediation. There is no mention of mediation. There is no mention of positive help for a family. All it is concerned about is picking up and regulating the broken pieces.

Yes, there are situations where people try to avoid their responsibilities. The Reform Party is concerned about those as much as anyone else. These are the unfortunate types of things that have to be dealt with as a last resort but this government is dealing with them as a first resort. That is the point I want to get across. The government's first resort is: let us regulate, let us browbeat, let us help ourselves, let us seize, let us take away, let us tax. There is no help, no sympathy, no recognition of these people as individuals. If we could help them get back together, all this regulation would then be irrelevant, except in a small number of situations.

The Acting Speaker (Mrs. Ringuette-Maltais): Resuming debate. I would like to remind the hon. members in this House that we are now in the 10-minute speech period with no questions or comments.

Mr. David Chatters (Athabasca, Ref.): Madam Speaker, I am pleased to rise today to join in this debate, although most everything has probably been said. When I listened to the comments coming from across the floor, certainly everything there is being said again because it simply does not seem to get through.

I just listened to the member for Kenora—Rainy River for some reason try to trap my colleague from St. Albert into some kind of remark about families including single parent families. Of course no one on this side of the House would deny that single parents with children are families. Certainly I will not apologize and I do not think anyone should apologize for supporting the traditional two parent family with children. That is the ideal.

If we were to talk to single parents anywhere in this country, be they men or women, they would choose to be in a relationship with two parents and with children. That is what everyone in this country strives for. We in this party make no apologies for supporting the traditional family and opposing the government in its recognition of all manner of alternative arrangements it would propose to refer to as families.

There have been huge problems around the whole issue of divorce, family break-up, child support and child custody. There is a need in this country for the government to address those issues.

The minister of state said earlier that they had travelled across the country listening to Canadians on the issue before the bill was drafted. Unfortunately what I see in this bill, if they truly went out and listened to Canadians, is not what Canadians were telling them. It certainly addresses one issue that probably one segment of Canadians would have them address, but it does not address the whole issue in a comprehensive way.

● (1155)

In some instances the failure of non-custodial parents to pay child support is a major problem and needed to be addressed in a pretty substantive way. This bill establishes four different areas of federal guidelines for support. There is the grid we have heard so much about. I will talk more about each area a little later.

There is also the opening of the Revenue Canada databases for search in cases of payment default; the denying of passports and licences to individuals who are persistently in arrears; and a provision for the garnishment of wages from public servants and seamen. On the last one, I find it interesting that the government would single out individuals working at sea. I do not know where that one comes from. Why do individuals at sea warrant specific attention any more than individuals working anywhere else? Maybe it has something to do with the longstanding reputation of sailors around the world. However, it seems strange that it is in there.

This issue is a major problem and I applaud the government for at least attempting to address part of it.

I listened to the minister talk at some length about child poverty, the favourite Liberal buzzword. It always disturbs me when I hear parliamentarians refer to the absolute necessity of solving child poverty in this country. It is unrealistic. We do not solve child poverty without solving family poverty.

If addressing the default in support payments is an attempt to address the problem of family poverty, it should strike fear into the hearts of non-custodial parents everywhere. If they are expected to solve the problem of single mothers with children living in poverty, then a huge responsibility is being put on them. I do not believe that is fair.

One of the problems all of us in Canada are quite familiar with is that 50 per cent of marriages end in divorce. Most of us have either been touched by the reality of divorce or have personally experienced it. As a member of parliament, I have certainly heard many divorced mothers and fathers discuss the problems surrounding this issue. There are a lot of real issues that need to be addressed. I wish the government had used a broader brush when it dealt with this matter and had dealt with some of the other issues besides support payments.

While at first glance the bill certainly looks broad and all encompassing, when one examines it, the bill is lacking. One of the issues we heard discussed earlier which has not been addressed in the bill but should have been is the whole issue of tax deductibility of child support payments as announced in the last budget. The fact that the government took half a billion dollars out of the hands of single mothers and custodial parents and put it into the government coffers saying that it was much more able to provide benefits to children by taking that away from parents and providing the benefits through government programs is assuming an awful lot on the part of government. One of the other issues that I hear about when I talk to divorced fathers who do not have custody of their children is the problem of access. Because of the adversarial court system, it is not the children going to court against the parents, it is one parent going to court against the other parent. One parent loses and one parent wins. That is the nature of court settlements. Often what is good for the child is not taken into account. In many instances custody is not dealt with fairly and access has not been addressed. It is unfortunate that the issue of access was not addressed by this bill.

● (1200)

This is a piecemeal bill, not unlike many other initiatives which the government has brought forward over the last three years. The Liberal government addresses the issues that the Canadian public wants it to address, but it only deals with the issues that are easy to deal with and avoids the more controversial ones. That is unfortunate.

The hon. member for Kenora—Rainy River asked what we would do in this situation. It has been stated before, but I will repeat it. We would approach the whole problem in a more comprehensive manner and would deal with the issue as a whole. We would focus on the issue of family support payments and enforcement of those support payments. That part of the bill is good. However, we would begin with a compulsory mediation process.

Those of us, like myself, who have been married for 30 years and have raised a family, know what it takes to make a marriage work. A willingness to mediate disputes is one of the things which keeps marriages together. When a marriage is falling apart, a system of compulsory mediation would go a long way in getting the marriage back on track. If it failed, at least it would make the split less painful for the children.

We would also include access provisions for both parents, unless that was not in the best interests of the children. Of course there are cases when a parent should not have access, but those truly are the

exception. We would also include access provisions for the extended family, which would include grandparents.

We would also deal with the way the tax system treats families and give all the benefits and encouragement that we possibly could to traditional family units under the tax system. It is quite clear that we would take a much broader approach to this whole issue.

I would like to address briefly the grid issue. It would be nice if everyone's life was as structured as the grid would have it. We could lay out the grid and someone making this much would pay this much money. That would be great, but unfortunately that is not the way life is. Different families with the same family income certainly do not have the same standard of living, nor do they enjoy the same benefits. Everyone has different circumstances and everyone manages their lives differently. It is unfortunate the government is trying to make everyone fit into these square holes. There needs to be more flexibility by the courts in addressing different circumstances. It is very unfortunate that the bill is so rigid—

• (1205)

The Acting Speaker (Mr. Kilger): The member's time has lapsed, even with some additional time. I understand we are at the stage of debate where 10 minutes are the maximum allowable.

Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mr. Kilger): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Kilger): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Kilger): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Kilger): In my opinion the yeas have it.

An hon. member: On division.

The Acting Speaker (Mr. Kilger): I declare the motion carried on division.

(Bill read the second time and referred to a committee.)

Government Orders

CRIMINAL CODE

Hon. Lawrence MacAulay (for the Minister of Justice, Lib.) moved that Bill C-55, an act to amend the Criminal Code (high risk offenders), the Corrections and Conditional Release Act, the Criminal Records Act, the Prisons and Reformatories Act and the Department of the Solicitor General Act, be read the second time and referred to a committee.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I rise today to speak to a bill that will make an important contribution to the safety of our communities. The high risk offender bill responds to a problem that Canadians have told us is their priority concern in the criminal justice area, namely the threat they perceive from sex offenders and other violent offenders.

In effect, Bill C-55 lays out a new sentencing regime for the worst categories of offenders. It changes and fortifies several parts of the Criminal Code and I invite members to give close attention to these amendments, particularly to the amendments that have potential to help the police, the prosecutors, judges and correctional authorities to do their jobs better.

These amendments improve the dangerous offender procedure of part XXIV of the Criminal Code, create a new long term offender sentencing category targeted at sex offenders, and establish a new form of judicial restraint order that will place controls on persons who clearly pose a threat to the security of our communities.

The Minister of Justice has held the portfolio for three years. He recognizes the passions and fears that the issue of crime inspires in many Canadians. The government has acknowledged the challenge of violent crime in the first speech from the throne. Since then the Solicitor General of Canada and the Minister of Justice have worked steadily to develop effective anti-crime legislation.

The government has sought the views of all Canadians in this process. The Minister of Justice has tried to meet as many Canadians as possible to obtain their insights into community safety and how to ensure it. He has frequently met with victims groups, police groups and crime prevention committees.

• (1210)

He has discovered that Canadians want the justice system to be more focused as far as violent crime is concerned. They want to see tough measures applied to high risk offenders but the more he consults, the more he hears that people do not want simplistic solutions.

Whether talking about crime prevention, policing, sentencing or parole, Canadians expect governments to devise well crafted well focused laws that really home in on the categories or sub-categories of offenders who commit serious crimes of personal violence.

Let me turn to the proposal for a long term offender sentencing category because it is central to the package and exemplifies what I believe is a well tailored and well focused strategy.

The new long term offender procedure would be created in the Criminal Code to help us in the sentencing of repeat sex offenders. I am referring to pedophiles, the various levels of sexual assault, sexual touching, sexual exploitation, exposure and sexual interference. These are offences which may involved children or adults as victims. These are offenders who, unfortunately, frequently show a long pattern of offending.

Under the new procedure, when the prosecution identifies such repeat offending, it can make an application for a special hearing into the risks posed by the persons found guilty under these sections of the Criminal Code. Where the court finds that there is a pattern of repetitive behaviour showing a likelihood of the offender causing death or injury to other persons or inflicting severe psychological damage, it can declare him or her to be a long term offender.

The judge will then impose a penitentiary sentence—in effect the normal sentence for the sex crime in question—but also make an order which can add up to 10 years of intensive community supervision. This long term supervision period begins only when the long term offender has finished the full prison sentence, including parole and any other period of conditional release.

Thus, for example, someone convicted of sexual assault might receive a sentence of eight years imprisonment with an added ten years of supervision. Eight years from now, after completing the full sentence of imprisonment and any parole time, the offender would begin 10 years of supervision. The National Parole Board would set whatever conditions were necessary. These could involve very intensive rules for the offender, controlling his conduct, his use of alcohol, his access to places where children congregate and so forth. A requirement to report to a Correctional Service of Canada supervisor as often as is deemed necessary could also be made a condition.

We are giving teeth to this supervision system. We propose a new Criminal Code offence of breach of an order of long term supervision. This is an indictable offence carrying a maximum penalty of 10 years imprisonment. A charge can be laid whenever a long term offender without reasonable excuse fails or refuses to comply with the order. These new sentencing tools will extend the authority of the criminal justice system to monitor and control sex offenders.

I want to take a moment to clarify the relationship between the long term offender category and the dangerous offender procedure. The question will be raised, should not the dangerous offender procedure, which carries an indeterminate sentence, be applied to all these sex offenders? The short answer is that it often will be. Most of the sex offences in the long term offender category, such as sexual assault, can equally support a dangerous offender application.

The solicitor general, a colleague of the Minister of Justice, released a research study in May which showed that 92 per cent of the successful dangerous offender applications involved sex offences. Dangerous offender and long term offender sentencing are complementary but they are not necessarily redundant.

• (1215)

Over the past 20 years dangerous offender rulings averaged 13 to 15 offenders annually. However, several hundred sex offenders are admitted to federal penitentiaries each year. Some may be potential dangerous offender candidates but many more, though certainly not all, could be candidates for the long term offender application. The difference is, in the assessment of risk in a long term offender case, the court must find not only that there is a substantial risk of reoffending but at the same time there is a reasonable possibility of eventual control of that risk through community supervision.

As I have described, the judge will then structure the sentence with the appropriate combination of penitentiary time and the community supervision order. In effect, prosecutors will have flexibility in seeking a dangerous offender finding or a long term offender finding.

When a conviction for a serious sex offence occurs the crown can ask the court to remand the offender for a detailed assessment of the nature and degree of risk posed by that individual. The crown can then decide which way to go, dangerous offender application or a long term offender application.

Actually Bill C-55 provides that if the court does not find that the criteria for a dangerous offender finding are satisfied it can still make a long term offender finding and sentence the offender accordingly.

Some will ask why we are not simply increasing the prison periods for all sex offenders. We are calling this the high risk offender bill, not the throw away the key bill. The Criminal Code already provides for lengthy sentences for sex offences. For example, sexual assault causing bodily harm carries a maximum of 14 years.

Our goal is not simply to lock up every sex offender indefinitely although, as noted, an indeterminate dangerous offender sentence remains an option in some cases. Our goal is to reduce the risk posed by this special group of offenders. The reality is most offenders will eventually return to the community having served their time. Community safety is not assured by the sudden release of offenders from a prison environment.

We need to control sex offenders through a combination of jail time and managed reintegration. A long term supervision order

can result in an effective doubling of the period that a sex offender remains under the control of the state, the control of Correctional Service Canada.

I share the concern of Canadians about recidivism by pedophiles and other sex offenders. Now we will be able to structure the sentence, closely monitor the conduct of the long term offender and provide the support the offender needs to successfully readapt to the community.

I am sure figures will be thrown at me showing that pedophiles remain an ongoing risk, that the risk of reoffending is still there even after several years. Do not forget that long term offender procedure includes enforceable conditions. Any breach of the conditions of a long term supervision order can result in the offender's being immediately brought back into custody and if serious enough lead to the prosecution for a newly created offence of breach of an order.

On the other hand, it seems that full compliance over a 10 year period with the potentially stringent conditions of a long term supervision order will be a good indication of a reduced risk of reoffending.

I have mentioned the dangerous offender procedure several times. We are introducing amendments to improve part XXIV of the Criminal Code without changing the essential elements of the system which the Supreme Court of Canada has described as a valid form of sentencing. It will no longer be possible for the court to hand down a fixed sentence to a dangerous offender. An indeterminate sentence will be the only option. Of the 176 dangerous offenders to date only 7 have received a determinate or fixed sentence.

• (1220)

Nevertheless, we believe that it makes little sense for the courts and the prosecution to go through the extensive dangerous offender procedure only to obtain a fixed sentence that might be close to what the offender would have received in ordinary circumstances. The core of the dangerous offender finding is that the individuals represent an ongoing risk, the limits of which cannot easily be predicted.

An indeterminate sentence is the appropriate one. Currently a dangerous offender gets an initial parole review at the third year point; that is, three years after being taken into custody. We propose to move the initial parole review date from the third year to the seventh year. Subsequent parole reviews would occur every two years thereafter.

We feel this change is justified by the fact that dangerous offenders present a very high level of risk to the public and that risk is not likely to soon abate. In fact, no dangerous offender has obtained parole on the first review.

The Minister of Justice discussed the dangerous offender procedure on several occasions with the ministers of justice and attorneys general of the provinces. After all, it is the provinces that are to be making the prosecutorial decisions in these cases. The minister's provincial colleagues unanimously agree that part XXIV is a useful mechanism and there are signs that dangerous offender applications are being used more frequently across the country.

The dangerous offender procedure requires the prosecution to meet a high standard of proof, proof of a pattern of offending, of brutality and of risk. This is as it should be given that the sentence provided is the most serious of any in the Criminal Code with the exception of life sentences for murder.

The prosecution should be able to gather the necessary evidence at the time of trial and conviction. There may be rare exceptions, however, where the crown believes that additional information not available at the time of trial may exist to support a dangerous offender application.

Bill C-55 will allow the prosecution to bring an application within six months of conviction in respect of convictions for serious personal injury offences.

I would emphasize that this is a very limited window of opportunity for the crown. The prosecution must give notice at the time of conviction of its intention to apply and must actually do so within six months. Furthermore it must show that relevant evidence that was not reasonably available at the time of the imposition of the sentence became available in the interim.

There is a third pillar to this legislation, one that I believe will strengthen the community policing capacity of our police forces across this nation. This bill proposes a new form of judicial restraint order in the Criminal Code to become section 810.2. This comes within the part of the code entitled ''Sureties to Keep the Peace''.

The Canadian legal system has always provided for various forms of restraining orders, both common law and within the Criminal Code. In 1993 this House adopted a special form of judicial restraint order contained in section 810.1. It allows the court to impose an order where there are reasonable grounds to fear that a person will commit a sex offence against someone under the age of 14 years. The order can last up to a year. Conditions can be attached to the order and a breach of conditions constitutes a distinct offence.

The potential victim need not be named, nor does the section explicitly require that the person be a convicted child sex offender. Police forces and provincial prosecutors report the law is proving useful. It is frequently used in Ontario and Manitoba, and successively used.

The proposed new judicial restraint order, let us call it a section 810.2 order, has been modelled on the existing section 810.1 which I have just described.

• (1225)

The order would apply for up to 12 months and would include conditions. It would be used where there are reasonable grounds to fear the commission of a serious personal injury offence. The focus therefore is on serious sex offences and other serious crimes of violence. The persons potentially at risk need not be under the age of 14, although they could be.

Section 810.2 allows the judge to set conditions with the overall objective of securing the good conduct of the defendant. In addition, Bill C-55 will specify that the judge can order the person to report to a provincial correctional authority, an appropriate police authority or to comply with a program of electronic monitoring provided that such a program is available in the place where the person resides.

I do not claim that this provision will be a panacea to the problem of individuals who pose a risk to neighbourhood safety. Rather, it is a crime prevention measure that will assist police and prosecutors to do their difficult jobs in a better fashion.

We are building on the initial promise of the existing section 810.1 provision by establishing a limited form of judicial restraint where it is clearly established that a risk of committing a serious personal injury offence is present.

I will not feel slighted if anyone characterizes this bill as a get tough package. It is that, but it is not a simplistic package. It does not climb on to the American bandwagon of simply adding prison time to every felony or, in our case, every indictable offence.

Some in this country regard the American experience as the model for us, following the American justice system down the road of three strikes and you are out or two strikes and you are out, whatever the flavour of the day happens to be, more imprisonments and massive prison construction.

I also watched the American experiment with grim fascination. There are now 1.6 million United States citizens in jail. The state of Texas now incarcerates more of its citizens than were imprisoned in the entire country several years ago.

California, with its constitutionally entrenched three strikes law, is spending more on new prisons than it is on higher education. Something is definitely wrong with that model. We are not interested in repeating that experience in this country.

I am not interested in amending the Criminal Code for the benefit of a new prison industry. There are some useful American approaches to criminal justice policy, but the facts show that too often prison is seen as the solution to every crime problem resulting in too many non-violent and low risk offenders being caught in the net.

It is too simplistic, too expensive and it simply does not work. The alternative is the one that this government has proposed, a targeted approach where we use imprisonment for serious offenders and use community based controls for others.

I want to briefly mention the federal-provincial co-operation that has gone into the development of this legislation. Unlike many other countries, our Constitution confers legislative authority over criminal law to the federal Parliament.

This division of power ensures a consistent criminal law nationwide. It also dictates that the federal government be sensitive to the role of the provinces which, for the most part, administer the law.

The Minister of Justice has received extensive help from the provincial attorneys and solicitors general in this instance. Most recently, in May 1996, they expressed strong support for the major components of this bill despite the recent comments by the Ontario solicitor general about our resolve in the area of high risk policy.

• (1230)

The federal Solicitor General and the Minister of Justice have introduced a series of measures in the House over the past two years that keep the focus where it belongs: on the prediction and the management of risk. The punishment must match the crime. The overall sentence must match the risk.

I am very pleased that chapter 22, the sentencing legislation, is now in force. It sets out clearly the fundamental premises of sentencing in criminal cases. The bill being considered today is totally consistent with these principles in its strategic use of imprisonment, supervision and crime prevention, and its focus on risk management.

Our other legislation is equally consistent and focused. Bill C-45 for example tightens the rules and criteria for lifers who want to be considered for early parole. Bill C-104, which was proclaimed in July, improves the ability of police to investigate serious crime by allowing them to obtain DNA evidence. Bill C-17, now in committee, contains over 140 separate amendments to the Criminal Code that modernize the administration of justice and the criminal law.

To bring this full circle, let me reiterate that this bill, by improving sentencing options in regard to sex offenders and other high risk offenders, is consistent with our approach to the most serious kinds of crimes. It is consistent with a series of bills we have introduced in the area of sex offences, for example: Bill C-72, now in force, dealing with self-induced intoxication; Bill C-46,

addressing the question of evidence in sex offence cases; and Bill C-27, concerning child prostitution, child sex tourism and stalking.

Certainly there is more to be done, but I would urge the members to support this bill as an important step. I would urge members to support this bill as one of the many bills that have been introduced by this government to toughen up and improve the criminal law of this country.

This government continues to pursue its agenda, strategic, well targeted, tough minded, to ensure that all citizens of Canada can live secure in safe homes on safe streets.

[*Translation*]

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, I listened carefully to the hon. member for Prince Albert—Churchill River's speech on Bill C-55. Let me say right off the bat that both his speech and Bill C-55 contain some things I like, other things I do not like at all, and yet other things that are in a grey area.

When the hon. member for Prince Albert—Churchill River talks about improving the law, about protecting society, in some regards I can only agree with his statements of principle. For example, the hon. government member who tabled this bill talks about convicted criminals, especially sexual offenders. The cases that are being raised the most often and that we find particularly troubling are obviously those associated with pedophilia and with sexual assaults against people.

Let us look more closely at the pedophilia cases. Incarceration does not cure pedophilia. Pedophiles are sexually attracted to children. Keeping a pedophile behind bars for five, six or seven years will not cure him. Society will be protected, but once the sentence has been served and the person released, he remains a high-risk offender. Unless we resort to extreme measures like chemical or surgical castration, there is no way to guarantee that he will not reoffend.

Under the new provisions in Bill C-55, after serving their sentences, convicted sexual offenders may be kept under supervision for up to 10 years. So by keeping them under supervision after their release, we can exert a measure of control. I think that is reasonable in a free and democratic society, where a happy medium must be found between individual rights and the right of the community to protection.

• (1235)

Incidents like those witnessed recently in Sherbrooke for instance are the kind of thing we must strive to prevent as much as possible by increasing the level of awareness of the decision makers, be it only regarding parole. If the provisions of the Parole Act had been enforced in Canada, we would not have cases like the one in Sherbrooke and the one involving young Isabelle Bolduc, because the offenders in these cases would not have been released when they were.

Bill C-55 also aims to make it easier for the crown to have a convicted offender found to be a dangerous offender or a long-term offender. This new terminology will have to be incorporated into our criminal law.

Basically, the crown will no longer be required by law to select one or the other immediately after the verdict is rendered and before sentencing. The crown will now have six months to make application for a court hearing to have a person who has been found guilty of a crime declared a dangerous offender or a long-term offender.

This six-month period sounds like a good thing to me in that it will give crown attorneys, who, in most judicial districts in Canada, are already overburdened, the time to assess the case properly, seeking the advice of social workers, police and the community involved on whether or not this person should be declared a dangerous offender or a long-term offender. This will make for a more considered decision.

There will be less chance of the crown's overlooking obvious cases or missing cases on which it should have acted because, at present, if the crown does not make its case immediately after conviction, which means before sentencing, it loses any right to do so. It sounds reasonable to me. I agree that it is an improvement over the existing legislation to give the crown another six months and to ease the crown's burden of proving, with the help of two psychiatrists, that an offender has to be declared a dangerous offender and now a long-term offender, according to the new terminology used in section 752.1 of the Code.

The aim of this bill is to have an individual considered to be a dangerous offender or a long-term offender given an indeterminate sentence. At present, in Canada, there are orders—not many admittedly—that set specific dates. In the future, the rule will be the same for everyone: indeterminate sentence. I think this shift will also foster a more uniform application of the law in Canada.

Finally, one last measure regarding dangerous offenders and long-term offenders. A person who has been declared a dangerous offender or a long-term offender will now have to wait not three years, but seven years to apply for parole to the National Parole Board. We can agree, in essence, with measures like these ones, given the rise in crime in society.

• (1240)

It is true that, in Canada, the trend generally is to say that crime is on the decrease. However, there is a rise in certain types of crimes we have not had to deal with in the past.

The proposed amendments are the new tools to deal with these different forms of crime. Traditionally, murders, theft or armed robberies accounted for some 80 per cent of the crimes brought before the courts.

In order to deal with specific crimes, we must give ourselves specific tools and modernize criminal law.

My comments apply to the bill generally. I also said at the beginning that I am not so happy about some provisions, while I truly dislike other ones, including section 810.2.

Should the bill be passed as it now stands, clause 810.2 and the ones that follow it would allow a judge, who has acquitted an individual, to impose measures to have the individual monitored. This contradicts traditional British criminal law, which is premised on the presumption of innocence and on the weight of an acquittal. How can we sentence someone who was acquitted? If one is guilty of a crime, he must pay for it by going to jail or, if the offence is minor, by paying a fine. However, a person who is acquitted can go home, unless he is being detained for another offence committed under other circumstances. A verdict of acquittal means the person is free to go. There is no grey area between the two possibilities.

The bill introduces the notion whereby someone can be acquitted but still be under probation. It basically says: ''You are acquitted, but something about you makes me feel you are a risk to society. Therefore, for a period of some ten years, you will have to regularly report to police authorities, and you will have to stay home between 11 p.m. and 8 a.m.''.

We cannot function with such rules in a society where the rule of law prevails. This is a debate that took place almost 320 years ago. In 1679, when the law of habeas corpus was passed under King Charles II, the issue was precisely that some people, whose face or behaviour the prince did not like, were detained in the Tower of London, by virtue of an order bearing the sovereign's seal. Parliament reacted by passing the law of *habeas corpus*, which gave people, and which still gives them, because it is enshrined in the Canadian Constitution, the right to petition a judge on any scrap of paper available—a piece of toilet paper was once used—to have the jailer bring them before the judge and justify the legality of their detention. That was what *habeas corpus* meant in 1679, and that is what it still means today. It is not often used in our country, precisely because it is there, a sword of Damocles preventing the violation of citizens' basic rights.

When a writ of *habeas corpus* is issued, prison authorities must explain why someone is being detained. One justification may be to show that there was a warrant of committal following sentencing by a judge at the conclusion of a duly held trial. But if there was an acquittal, the accused, who is no longer the accused, however, because he was acquitted and told: ''I acquit you'' is also told that now, for ten, three or five years, he will be the object of certain special measures.

In the provinces where it is possible, he could even be electronically monitored. He is told: ''You will be required to wear a small bracelet and stay near a telephone line, and when the signal is interrupted or cut off, will come to your home to see if you are there'', well, the accused, it would seem to me, is justified, under the Canadian Charter, under the rules of *habeas corpus*, in saying: ''I require you to justify the legality of my detention''.

● (1245)

This is a 300 year step back in the history of criminal law. Under no circumstances can we support provisions creating sentences for individuals who have been acquitted.

However, we can quite happily support more stringent, more appropriate measures for those found guilty who are at risk of reoffending. That is one thing, and Bill C-55 deals with that problem, but it is another thing to sentence, in a roundabout way, those who have already been acquitted. This is not a concept that belongs in our criminal law.

I taught criminal law for twenty some years and at the end of each session in various groups I invariably put the following question, or something along these lines: ''What should be the sentence for someone who has just been acquitted for the third time of murder in the first degree?'' I underlined the words ''murder in the first degree''. Invariably, two thirds of the class would tell me: life imprisonment. In the next class, I always got a kick out of telling them that we were lucky to live in a country where there were no sentences for people who had been acquitted.

If I go back to teaching law, I will have to revise my thinking. I will have to tell my students: now, because of Bill C-55, a person acquitted in our country can be sentenced. There is something fundamentally wrong with this.

Canadians know the rules of criminal law. We are all familiar with the concept of presumption of innocence. We all know that the crown is bound to prove its case beyond a reasonable doubt. I think people are most familiar with this aspect of the law because it is so often applied by the average person. The jury rule, which essentially goes back to 1215 and the Magna Carta, is a concept that has forged our legal thinking, even that of the average citizen.

When we talk to constituents in our ridings, they are often more familiar with the rules of criminal law than civil law. These are not complicated rules. They are simple rules based on logic and common sense. In this case, the government is no longer using common sense, and when concepts get confused, citizens get confused as well.

I hope, and the hon. member for Prince Albert—Churchill River might discuss this with his minister, that the idea of giving a sentence to a person who has been found not guilty will be dropped when the bill is considered in committee.

It is not our intention to vote against the bill at the second reading stage. We want this bill to be studied in committee. However, we do not want a replay of what happened in the case of Bill C-45 last June, when the government wanted Parliament to pass all stages of the bill in a matter of days. There should be a thorough study of the bill.

And should the government ever decide to maintain the provisions in section 810.2—a government that is so fond of making references to the Supreme Court—I think that before issuing an order in council for the coming into force of this bill, the bill should be referred to the Supreme Court for an opinion on the constitutionality of section 810.2 and following, in the light of our Canadian Charter of Rights and Freedoms and, more specifically, sections 11(*d*) and 11(*h*) of the Charter.

I will read these two sections. We read the following:

> 11. Any person charged with an offence has the right:
>
> (*d*) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
>
> (*h*) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again;

This principle is clear in the Charter. It is wrong to say that the law is contrary to the Charter. If it is, it is because the Charter recognizes certain fundamental values with which Canadians identify. These fundamental values have been evolved for centuries. The book is red, but when Mr. Trudeau had the Charter adopted in 1982, it did not drop out of the clear blue sky. It is a codification of what has been built up over the centuries in the United Kingdom, here and in other countries with a system based on British criminal law and where there were also comparable civil liberties. Before moving away from that, or running the risk of doing so, a detailed examination needs to be carried out.

● (1250)

I believe that the government is taking considerable risk, perhaps unawares. If it has not seen that risk, probably the questions we are raising today will prompt it to take a second look, or, to use the oft-repeated expression, to go back to the drawing board. No one will hold it against the government if it has to improve its own bill when it comes to the committee stage, after redoing its homework.

If the government is aware, and is doing this knowingly, one may well wonder what its purpose is. Does it really want to change the Criminal Code in order to improve the application and administration of justice, or does it want to make a political statement? Is it courting a certain segment of the electorate who would be delighted to see the innocent detained?

The other day I heard the hon. member for Crowfoot defending some positions similar to mine. In appearing before a parliamentary committee discussing a bill, he said that it is one thing to punish a person who has been found guilty, but it is quite another thing to take away the freedom or fundamental rights of a person who is presumed innocent, or worse yet who has been found innocent of the crime of which he was accused. This is a serious reservation.

If the same bill were to come back to us at third reading with no guarantee of the rights of those who have been acquitted, potentially anyone of us in this House, you, me, anyone, could be the target of section 810.2, where there is a return to guilt by association, guilt by suspicion, like there was under the Mussolini regime in the 1930s. Then anyone could be found guilty on legitimate suspicion.

In Canada, we operate on the principle that proof must be established beyond a reasonable doubt. Other jurisdictions in other countries say that there must be sufficiently convincing proof. Italy in the 30's established the criterion of legitimate suspicion. Why? Among other things, in order to fight organized crime. This did not work, because it constantly lowered the degree of evidence a judge needed to find someone guilty.

What is legitimate suspicion? This can expand to crimes that may be committed, thought crimes, any kind of crime. It is a criterion which does not go into sufficient depth. With section 810.2, the government is going back to the Mussolini laws of 1930, which allowed people to be found guilty based on legitimate suspicion.

On the one hand, using the criterion of proof beyond reasonable doubt, someone is acquitted. On the other hand, using the criterion of legitimate suspicion, someone is acquitted, but subject to certain measures, to supervision for a given number of years. There is something wrong with this.

I believe that, the further this bill moves along in the House and in committee, the more it will be realized that these clauses are privative and need to be taken out of the bill. On these grounds, the official opposition will support second reading of this bill, but will take steps to see that section 810.2 and all those clauses which, to all intents and purposes, are intended to sentence an acquitted person, are deleted.

[*English*]

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I find this bill quite substantial in content. It takes a considerable amount of time to grasp everything that is recorded here and what impact it

will have on Canadians, on criminal justice and certainly policing and the courts.

● (1255)

I had an opportunity to go through a good portion of the bill in detail. I tried to cross reference it with the Criminal Code. It was not an easy task because the bill touches on so many areas, not only of the Criminal Code but of the Corrections and Conditional Release Act and other statutes.

In my preamble relating to criminal justice matters I will relate some of the concerns that Canadians, including those in my caucus, have expressed to me, and then I will get into the bill.

Let me reflect on what the parliamentary secretary to the justice minister has stated. He has trumpeted this legislation by the justice minister as evidence of the government's commitment to get tough on criminals. He even said that he would not apologize for that statement if anyone accused him or his government of getting tough. But I will question it.

Although the parliamentary secretary is prone to that kind of rhetoric, he really has not looked closely at his statements nor at the bill. If he looked at the bill, he would not say such nonsensical things. It is not a tough bill, as this debate will clearly show. Reformers will certainly examine this claim in the debate that follows. I trust the parliamentary secretary and the justice minister will listen intently.

In the end, Canadians will judge whether this bill properly addresses their well founded concern over rising violent crime, the unchecked activities of sexual predators and the proliferation of pedophiles within our communities.

Before my colleagues and I address the technical aspects of the bill, let me spell out what Canadians are calling for in terms of protecting their communities, their families and their sense of personal security.

Canadians deserve to feel that they and their families are safe in their homes, at work, at school, on the street and in their communities. They want to live in a country where their children can play in parks, go to school and grow up without fear. They want a justice system that does more to protect law-abiding citizens than it does for criminals. Canadians want a country where they can look to the future instead of over their shoulders.

How can this be done? I know the justice minister will say that Bill C-55 is the solution. He will consider this bill to be his trump card going into the next election. However, Reformers will let Canadians judge how convincing are the arguments of the justice minister and the parliamentary secretary.

Canadians tell Reformers at town hall forums, community meetings, victims' memorials and rallies, coffee shops, truck stops and outside bank machines that the justice system has failed them. I do not know where the parliamentary secretary to the justice minister has been but obviously he has not been talking to people in front of a bank machine to listen to what the average citizen has to say.

Reformers never feel awkward about looking Canadians in the eye. In fact, we look them straight in the eye and we listen to what they have to say. They tell us to enact a victims' bill of rights that puts the rights of law-abiding citizens ahead of criminals' rights. That is probably the most contentious issue that exists today when it comes to the penal system. Canadians want to see some punishment in it and there is none. Of course the government side is not listening to that at all.

Canadians say the justice system should be reformed to provide safer communities, safer streets and safer homes. They say, hold a binding national referendum on the return of the death penalty for first degree murderers. Canadians believe they should have the final determination, not ivory tower, soft on crime Liberal lawyers, in choosing a fair and just punishment for monsters such as Clifford Olson and Paul Bernardo.

● (1300)

Well over 76 per cent of Canadians seek to have the death penalty reinstated. However the Minister of Justice, the parliamentary secretary to the minister, the Solicitor General, and those sitting in that front row will not consider reinstating the death penalty or even asking Canadians what they would like the government to do.

They say that Canadians want the Liberals' $400 million gun registry replaced with meaningful laws to fight the criminal use of firearms. Just to touch on that one point, the amount of money that is being spent on this registration system is indecent and insane. And it is not protecting Canadians one iota.

Canadians want meaningful reform to the parole system and at the very minimum they want parole abolished for first degree murderers. Clearly the debate in the House over Bill C-45 brought that message home loud and clear. I know for a fact that Canadians have been pointedly telling those in that front row over there on the other side that section 745 should be stricken from the record, scrapped and repealed.

Canadians also want the Young Offenders Act repealed, or at least replaced with measures that would hold young criminals accountable for their actions. This is a very common sense request on the part of Canadians which has now become a demand that the government do that, but again deaf ears on that side.

These are the things Canadians are saying. This will be the criteria by which Canadians judge the justice minister's claim that Bill C-55 will get tough on violent criminals or high risk offenders.

Canadians will also judge the strengths and weaknesses of this legislation in terms of how it proposes to change the justice system with a view to getting tough on crime. Those are the parliamentary secretary's specific words. The parliamentary secretary says they are getting tough on crime. Let us look closely at the bill and see how tough, if at all.

Canadians tell Reformers that they want to see very specific and very broad changes to the criminal justice system. They tell us that they want some of the following measures introduced into the justice legislation. The guiding question should be: How far does Bill C-55 go toward changing the criminal justice system? Will Bill C-55 for example implement truth in sentencing, meaning that the sentence given will be the sentence served by all violent offenders?

I listened to the parliamentary secretary talk about sexual assault. Obviously the parliamentary secretary has not been in a courtroom for some time or he would realize that judges are handing down two and three-year sentences to rapists, not the 14 years as outlined in the Criminal Code as the maximum sentence. That is reality.

Will Bill C-55 for example implement two strikes laws, meaning that violent offenders who commit on two separate occasions an offence causing serious personal injury will be sentenced to an automatic indeterminate life sentence? Will the bill do that? No.

Will parole be limited, earned and tightly monitored under the proposals put forward in Bill C-55? Can a dangerous offender application be made at any time during a criminal's sentence, not just at the beginning of court proceedings? Will section 745 of the Criminal Code be repealed, scrapped and abolished, not simply tinkered with, to ensure that no murderer receives early parole?

• (1305)

Those will be the questions and criteria by which Canadians will judge this legislation. On behalf of Canadians, Reformers will certainly do their part to bring the government to task on these very important concerns, especially with respect to Bill C-55.

Let us examine the specifics of the bill. Essentially, Bill C-55 is made up of three components: a new and expanded dangerous offender provision; a new long term offender provision; and a new judicial restraint clause. Also of concern is clause 15 which grants special rights in respect of aboriginal convicted offenders.

Let us look at the dangerous offender provision. The new dangerous offender provision in Bill C-55 recognizes that the current process by which certain criminals are assigned dangerous offender status and are therefore required to serve an indefinite penitentiary sentence is not sufficiently strong enough to protect Canadian communities against violent criminals.

Reformers applaud the new provisions which expand the criteria for designating violent criminals as dangerous offenders. That is one positive aspect of the bill. However, the proposed changes for designating certain criminals as dangerous offenders do not go far enough.

Section 753(1), (2), (3) and (4) in Bill C-55 would allow the crown up to six months after conviction to bring about a dangerous offender application. At present the current rules afford the crown only a narrow and limited window at the time of conviction to bring about a dangerous offender application. Even under the proposed changes the provision would apply only if the crown gives notice at the time of conviction of the possibility of a delayed dangerous offender application and where relevant, information emerges to support the application.

The Reform Party will be proposing several amendments in committee to this part of the bill. In the past a dangerous offender application had to be made at the time of sentencing. This bill proposes a slight extension to that window.

There has been a problem with releasing high risk offenders into the community. They will reoffend. The authorities have stated this time and time again. There are no provisions in the bill which address this point. The fumbling way the justice minister has attempted to address this has been to impose a judicial restraint order after the fact. In other words, after the offender has served his time and he most likely is not under any parole supervision, the justice minister will go to the attorney general of the province to apply for a judicial restraint order. I will get into that point in more detail later.

I want to reflect on what Reformers will do as far as the proposed amendments are concerned.

We will propose that Bill C-55 allow for dangerous offender findings to be made at any time after sentencing. To be clear, the crown should be given the right to seek dangerous offender status for persons convicted of crimes causing serious personal injury at any time during the offender's penitentiary sentence. One of our members submitted Bill C-254 which addresses the issue in detail, but unfortunately members on the other side of the House voted it down.

• (1310)

We also propose that Bill C-55 be amended for greater certainty to require the courts to automatically place a dangerous offender finding upon any person who commits on two or more separate occasions an offence constituting a serious personal injury offence. Under the present system the crown may or may not apply for a dangerous offender finding after any number of offences. Reform's

proposal would require the courts to automatically effect a dangerous offender finding after the second offence.

Another thing disturbed me about the bill as I was going through it this morning. One can make the application for dangerous offender. That is a given; there is no question that this application can be made but that is not the end of it. The offender's agent, the lawyer, can then appeal that dangerous offender statement by the court. So it does not end there. It does not matter if the person is a dangerous offender or a long term offender, the lawyer can again bring that person before a court of appeal and the whole process starts all over again. I find that to be questionable.

What are we creating here, another bill of so-called Liberal justice? We are saying it should be automatic. Once that offender has committed a second offence, he is gone away for an indeterminate sentence and there is no opportunity to appeal.

Mr. Morrison: Then there would be less work for lawyers.

Mr. Hanger: My colleague points out that it might put a few lawyers out of work.

That in itself is not the most disturbing part. I looked even further and it reflects on the whole area of appeal. Another very interesting part of the bill deals with section 760 and reads as follows:

> Where a court finds an offender to be a dangerous offender or a long term offender, the court shall order that a copy of all reports and testimony given by psychiatrists, psychologists, criminologists and other experts and any observations of the court with respect to the reasons for the finding, together with a transcript of the trial of the offender, be forwarded to the Correctional Service of Canada for information.

In other words, through this hearing and through the appeal, it seems that everyone in the justice industry will be involved and it will go on and on and on.

The parliamentary secretary talked about dealing with the legislation in a very open fashion when it is fraught with all kinds of hidden agendas and this is one of them. There will be endless hearings, endless court cases, endless record keeping, endless filing. It goes on and on to further perpetuate the problems our justice system is already in. It will be bogged down with more and more administration. It will be a bureaucratic nightmare.

There can be no question that pedophiles and sexual predators are dangerous offenders. Therefore, we propose that Bill C-55 take into account pedophiles and sexual predators, especially to expand the list of Criminal Code offences upon which a dangerous offender application may be brought about.

● (1315)

Specifically, we suggest that the following provisions be added to the dangerous offender designation: an offence under any of the following provisions of the Criminal Code, section 151, sexual interference; section 152, invitation to sexual touching; section 153, sexual exploitation; subsection 160(3), bestiality in the presence of or inciting a child to commit bestiality; 170, parent or guardian procuring sexual activity; 171, householder permitting sexual activity by child; section 172, corrupting children; section 212(2), living off the avails of prostitution by a child; section 212(4), obtaining sexual services of a child.

Under part (b), an offence under any of the following provisions of the Criminal Code involving a person under the age of 18: section 155, incest; 159, anal intercourse; 161(1) and (2), bestiality and compelling bestiality; section 271, sexual assault; section 272, sexual assault with a weapon, threats to a third party or causing bodily harm.

Under part (c), an offence involving a person under the age of 18 years under any of the following provisions of the Criminal Code, Chapter C-34 of the *Revised Statutes of Canada, 1970* as they read immediately before January 4, 1983: 144, rape; section 145, attempt to commit rape; section 149, indecent assault on a female; section 156, indecent assault on a male.

Those sections reflect on our children, on our families and are not included in the present bill put forward by the justice minister. It is our suggestion that they will come forward in the form of a motion that may be included.

In point three, under the dangerous offender provision, Bill C-55 proposes to change section 761, which would review indeterminate sentences after seven years of custody rather than the previous three years.

This is an improvement on the previous review process but it is not tough enough. Therefore Reform proposes that section 761 be amended to allow review of indeterminate sentences after 15 years of custody rather than the existing provision of three years or the proposed seven years as advanced in Bill C-55.

Let us talk about the long term offender provision. Bill C-55 would amend the Criminal Code to proposed section 753.1(1) which would permit a court to find a person to be a new category of offender, a long term offender, if it can be determined among other criteria that there is a substantial risk that the offender will reoffend.

Under section 753.1(2), it is further required that the court shall be satisfied that there is a substantial risk if the offender is convicted of an offence under ones that have been previously related to sections 151, 152 and 153, subsection 173(2), sections 271, 272 and 273.

Reform believes that this list of Criminal Code provisions does not again go far enough for the stated purpose of assigning long term offender status to certain criminals.

• (1320)

Therefore for greater certainty and to include a broader range of offences committed by sexual predators and pedophiles, we propose that Bill C-55 be amended to include under proposed section 753.1(2), part (a), an offence under any of the following provisions of the Criminal Code: subsection 160(3), bestiality in the presence of or inciting a child to commit bestiality; section 170, parent or guardian procuring sexual activity; section 171, householder permitting sexual activity by a child; section 172, corrupting children; section 212(2), living off the avails of prostitution by a child; section 212(4), obtaining sexual services of a child.

Part (b), an offence under any of the following provisions of the Criminal Code involving a person under the age of 18 years: section 155, incest; section 159, anal intercourse; sections 160(1) and (2), bestiality and compelling bestiality.

Part (c), an offence involving a person under the age of 18 years under any of the following provisions of the Criminal Code, Chapter C-34, *Revised Statutes of Canada, 1970* as they read immediately before January 4, 1983: section 144, rape; section 145, attempt to commit rape; section 149, indecent assault on a female; section 156, indecent assault on a male.

Those are the long term offender provisions that the Reform Party will certainly be entering in the form of amendment.

The final point is that of judicial restraint provisions. Bill C-55 proposes that section 810.2 be added to the Criminal Code, thereby permitting the attorney general to lay an information against anyone the attorney general believes will commit a serious personal injury offence. The individual then appears before a provincial court judge. If the judge is satisfied of the concern, an order to enter into recognizance with reasonable conditions for up to one year may be made. If the individual fails or refuses to enter into recognizance the judge may commit the defendant to a prison term not exceeding 12 months. That is substantial considering there are no charges, no convictions and really nothing more than a mere suspicion.

The judge may also prohibit the possession of firearms or ammunition and order the surrender of firearms acquisition certificates. Conditions can include reporting to the correction authority of a province, police authority or complying with a program of electronic monitoring if available.

This provision may be made even though the individuals may have been acquitted of any charge or never even charged with a criminal offence and is probably the most obnoxious part of this bill. It is a violation of civil liberties.

Reform believes that this clause constitutes a broad indiscriminate infringement of personal liberty which unduly violates the civil rights of an individual. The judicial remedies proposed in clause 9 of Bill C-55 should only be contemplated in matters where individuals have been convicted of offences under the Criminal Code of Canada and according to due process of law.

Therefore in our list of amendments that will be forthcoming at another time Reform proposes that clause 9 be struck in its totality from Bill C-55.

I am going to again briefly reflect on something else that comes to mind on this bill, another point that makes this legislation somewhat weaker than what the minister or the parliamentary secretary has just indicated.

I was going through the bill on section 753.3 where an accused has been placed on long term supervision and has been released into the community where monitoring has been required of the individual. It is noted that if that offender steps outside the province, the conditions that he is to meet no longer apply. I suggest there is going to be quite a movement of long term offenders about this country as they hop from one province to another. Just think of the implications that will have on our police departments trying to keep track of these wandering long term offenders.

• (1325)

If the long term offender commits another offence in that province it is not an automatic thing that he be suspended or placed back into incarceration. Rather, the police agency is required to do the following: ''Where the accused is found, is arrested or is in custody, but if the place where the accused is found, is arrested or in is custody is outside the province in which the offence is alleged to have been committed, no proceedings in respect of that offence shall be instituted in that place without the consent of the attorney general of that province''.

In other words what do we have? We have another glitch in the so-called tough legislation presented by the Minister of Justice. As we dig more and more into this bill it is becoming evident that it is far from getting tough on crime and it is not going to be this trump card that the minister thinks he will be walking into the election with.

I want to address one point before concluding, clause 15. Clause 15 deals with the provisions of the aboriginal community. It states that if the long term offender expresses the interest in being supervised in an aboriginal community, that community must receive notice of the supervision order and have the opportunity to propose a plan for release and integration into the community.

This point does not apply to any community in the country except an aboriginal community. This would again appear to be an example of the Liberal government's decision to treat some Canadians differently and bring about inequality. Aboriginal communities will have the right to notice of release of a high risk offender into their community and the right to become involved in planning for that release. Other Canadian communities do not receive this notice or this opportunity.

We will propose that clause 15 be amended so that ''aboriginal community'' reads ''local community'' so that it will be applicable to every community in this country, not just those as indicated by the Liberal justice minister's form of justice. That concludes my statement on Bill C-55.

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, I will be sharing my time with my colleague, the member for Brampton.

I have a number of thoughts to express to the House today, having consulted widely with my constituents of London—Middlesex on this bill and having received considerable input from them.

The hon. member who just spoke, my colleague opposite from the Reform Party, in his last point addressed the matter of application of this bill to the aboriginal community. Frankly, I get a little tired of hearing from the Reform Party that unless we treat each and every Canadian in the exactly the same way on exactly every piece of legislation, somehow we are taking a wrong approach or that we are being unfair. That simply perpetuates a myth that ought to be debunked right now.

Mr. Thompson: Do you have a problem with equality?

• (1330)

Mr. O'Brien (London—Middlesex): I believe the member for Wild Rose, in interjecting just now, asked if I have a problem with equality. No, I do not have a problem with equality. However, not every single Canadian has to be treated in exactly the same way in every single aspect of our society in order to respect equality. As a matter of fact, I suggest that it is just the opposite. That kind of an attitude fails to recognize that there exists in this great land, from coast to coast to coast, a number of differences among Canadians.

I would ask my colleagues from the Reform Party to respect my opportunity to speak to the House without heckling me as I certainly did with them when they were speaking, although I disagreed with some of their points of view. I would certainly welcome their questions within the spirit of the rules.

It is obvious that our aboriginal peoples, respecting their traditions and what reality has shown us is more effective in dealing with offenders from the aboriginal community, that there is nothing wrong with taking a look at how this bill can be most effectively applied to aboriginal offenders. I would be disappointed in the Minister of Justice and in this bill if it did not hold out that possibility. That was the first point I want to make.

I am sure all of us, as members of Parliament, whatever part of the House we sit in, are well aware of the public perception that the rate of violent crimes has increased. I hear that from time to time from some of my constituents. However, I also hear from police officers, chiefs of police and other experts in the law enforcement field that fortunately the reality is that we do not have this massive increase in violent crime. We have some alarming trends that need to be dealt with and the purpose of Bill C-55 is to do just that. It is to address the reality of high risk offenders and to deal with those people effectively.

However, as members of Parliament, it is very important that we not subscribe to, let alone fuel, the perception that Canada is seeing a massive increase in violent crime because it is simply not the case. Anybody, whether he be an elected member of the House of Commons or a non-elected Canadian citizen, who fuels that myth and buys into it is doing a disservice to our society. Statistics and facts do not bear it out.

In my view, we need to ask where the dangerous trends are in our society vis-à-vis violent crime and address those. I believe Bill C-55 will do that very effectively.

First, as the speech from the throne made the commitment to the Canadian people, there has been widespread, public consultation on this bill. As one member of Parliament, I believe that the vast majority of Canadians agree with this bill and will support it becoming legislation.

Most experts, whether they be in law enforcement or other aspects of the criminal justice system, support this move by the government. I quote Mr. Scott Newark, executive officer of the Canadian Police Association, in speaking to this bill. He said: ''The proposed high risk offenders legislation is the single most important improvement in Canadian public safety legislation in the last 20 years''. That does not come from me as a Liberal member of Parliament. I am quoting the executive officer of the Canadian Police Association.

On matters of crime and justice, whether it was Bill C-68, the gun legislation issue was so emotional, or whether it is this bill, I do not purport to be an expert in law enforcement or in the justice system. I am not a lawyer as most Canadians are not lawyers.

• (1335)

I have learned through 16 years of elected office at the municipal and now federal level that we ought very carefully to seek out expert opinion before casting a vote on important legislation. It is very important to me to hear from the law enforcement community on issues such as gun control and Bill C-55. I put great stock in the comments of the executive officer of the Canadian Police Association.

There was widespread public input on the bill. There is very general and widespread support for Bill C-55. Several initiatives are set out in the bill, three of which are most important.

It creates a new long term offender designation that targets sex offenders and adds a period of long term supervision of up to 10 years following release from prison. That is a very valid concern of the people who have contacted me as a member of Parliament. Unfortunately, repeat violent offenders will pose a risk to public safety now and in the years to come. Some of them will pose a risk for the remainder of their lives. This legislation seeks to deal specifically with the threat to public safety.

The second important initiative is the strengthening of the dangerous offender provisions in the Criminal Code.

The third initiative is the new judicial restraint provision to permit controls, including electronic monitoring, to be applied to individuals who pose a high risk of committing a serious personal injury offence.

Public perception matches the reality of the statistics. Although there has not been a massive increase in violent crime in Canada, a number of individuals who are repeat violent offenders, pose a serious threat to public safety. The initiatives to which I have just referred very effectively deal with those people.

Concomitant with that, and very important in my mind, is the fact that the government also is taking an initiative to deal with low risk, non-violent offenders in other ways besides incarceration. The answer is not simply to build more jails. If that were true the safest society in the world would be the United States of America. It incarcerates an incredible percentage of its population. Statistics tell us that on a per capita basis the most dangerous society in the world in which to live—the society in which a person has the greatest odds of being assaulted, robbed, sexually assaulted or murdered—is the United States of America. The building of more jails in the U.S.A. has not resulted in a safer society. As a matter of fact, it has not dealt with the problem effectively at all.

I am very pleased to be a member of a government which is going to proceed, through this and other pieces of legislation, to deal more effectively with repeat violent offenders, including sexual offenders. However, at the same time a more enlightened, effective and efficient approach has to be taken in dealing with those offenders who are low risk, non-violent offenders. Both initiatives have to be seen as complementary.

The fact of the matter is that the public will see more effective measures to deal with high risk offenders. What do I mean exactly by a high risk offender? It is someone who has been convicted of a serious violent crime and who has been found to have a strong likelihood of reoffending, but who cannot be shown to meet the narrow definition of the dangerous offender which would result in indefinite incarceration.

The bill increases the options of the government in dealing with violent offenders. Suffice it to say that most of the constituents who have contacted me regard this bill as good legislation. They support it. That includes lay people and law enforcement officers in my community. They support it as a necessary improvement in dealing with serious violent offenders, and I am pleased to support the legislation.

• (1340)

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I will be brief so my colleague can get in his question as well.

I first want to comment on the equality statement that was made by the hon. member in his speech. This bill outlines that the law it is presenting is prepared to go into community *a* and prepare it for the release of a violent offender.

Why would the hon. member not be willing to see community *b* or community *c* receive the same kind of preparedness? Why only one community? It is a good idea so why not do it all the way through the system? Or are we talking about discrimination here? I do not understand where the member is coming from when he says that community *a* should get this but the others should not.

Second, has the member checked lately the number of unreported violent crimes? When experts talk about the number of violent crimes going down, it is the number of violent crimes being reported that is going down.

When we ask individuals who have had offences committed against them why they did not report them, they say that they have seen from the experiences of others who have gone through the same things that due to this soft Liberal approach on crime, the criminals and their rights are up front and the victims and their rights are not considered. The victim suffers more in some cases by reporting a crime than by not reporting it. The victim would rather not go through further suffering.

Is the member aware that that actually exists in this country, or is he living in some dreamland where he thinks that does not happen?

I have one comment to make on the bill as a whole. I hope when the justice minister goes home at night he does not travel the way he makes legislation, because if he does he would never get home. He would only get half way. I wish the Liberals would go all the way with some of their legislation and cover all the aspects and quit leaving big holes in these bills.

Of course, most of the legislation I have seen in the past has been built by lawyers for lawyers, and benefits lawyers. We are quite

concerned about the amount of court time that will be involved in implementing this entire package.

Mr. O'Brien (London—Middlesex): Mr. Speaker, I hardly know where to begin. My colleague from Wild Rose has raised several points.

Let me begin with the hon. member's assertion that this is legislation built by lawyers for lawyers. Perhaps he was not in the Chamber when I quoted the statement of Mr. Newark, executive officer the Canadian Police Association: ''This proposed high risk offenders legislation is the single most important improvement in Canadian public safety legislation in the last 20 years''. Mr. Newark is not a lawyer. He is a law enforcement officer and I take his comments very advisedly. It speaks very clearly to the fact that experts in the field besides lawyers view this legislation as a very important improvement.

As to my comments about the application of Bill C-55 to the aboriginal community, with all due respect to my colleague, I certainly did not say that one community should get this but others should not. He attributed those comments to me but I certainly did not say that.

I was reacting to his colleague who spoke just before me. He said that he saw no way this bill should be applied any differently to the aboriginal community than to the rest of Canadian society. I repeat, in my opinion that is a very short sighted view of Canadian society. The reality of the aboriginal community in Canada is that different techniques are more effective within that community. But because we can apply a bill in a different way with one community does not mean than we are favouring one community over another.

• (1345)

If that were the case, as a parent with three children, two boys and one girl, I would have to treat them exactly the same in every aspect of their lives. That is just not common sense in a family situation or in the justice system. That is the point I was trying to make.

With reference to how this may apply in other communities, I would only say to my hon. friend opposite that we live a dynamic society. The bill is an improvement. That is not to say it is perfect or that over time it cannot be improved. Perhaps there will be opportunities to apply it differently in various communities as the cases may warrant.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, I hope we can interpret the hon. member's statement as saying that there may be an amendment to this bill to make it equally applicable to all sectors of society.

My specific question deals with the hon. member's reference to statistics. I do not know how much he knows about the subject. I know a considerable amount because it is part of my background. It is very easy to pull a short section out of a statistical trend and say look, it is rising, it is dropping. If we are going to study a trend we have to study it over a reasonable period of time. I will grant that over the last couple of years there has been a very minor drop in the rate of violent crime in the country. But if we look at the statistics from about 1962 onward we can see many positive and negative blips. There is no such thing as a flat statistic trend.

Then the hard fact of the matter is that the rate of violent crime in Canada since 1962 has increased by almost 400 per cent. I suspect the hon. member knows that. I wish that when he uses statistics he would use them a little more broadly and generously.

Mr. O'Brien (London—Middlesex): Mr. Speaker, I am not given to long statistical arguments. I would invite my colleague to review my comments. I did not cite specific statistics. I did speak to the misperception which has been statistically proven as a misperception by experts in the field, both in the justice and law enforcement system.

Mr. Morrison: What about Statistics Canada?

Mr. O'Brien (London—Middlesex): Mr. Speaker, the member asked me a question and now he does not seem to want the answer.

The fact is that statistics prove that the misperception that we are on some rampant, runaway course of increase in violent crime in Canada today is simply not the case and it does none of us credit to fuel that misperception.

Ms. Colleen Beaumier (Brampton, Lib.): Mr. Speaker, justice policies often deal with issues which are the focus of great concern among Canadians. It is an area of public policy that comes under scrutiny daily in homes across the country as Canadians read their newspapers and watch the news. Unfortunately, it is also a source of a great deal of frustration.

The failure of successive governments to effectively combat high risk offenders has left Canadians feeling wary and cynical. Canadians are well aware of the types of crimes that occur and reoccur in their communities. They are well aware of the challenges we as parliamentarians face. That is why it is difficult for me as a member of Parliament and a democrat to act on the conventional wisdom prevalent among so-called experts. They claim the concern among Canadians over crime issues is overstated. They would have us spend our energies telling our constituents that they have no reason to worry about crime in this country.

• (1350)

I speak to my constituents every day and every day they tell me they are frustrated and afraid because of the level of violent crime in Canada. I am pleased to speak to this proposed legislation which addresses many of the concerns expressed by my constituents.

This legislation addresses very legitimate fears among Canadians over the ability of the justice system to deal with repeat sex offenders and specifically high risk offenders. It introduces tough

but effective controls to tip the balance in the fight against crime in our favour.

A case in point is the new long term offender designation. This designation was created to respond to the threat posed by sex offenders who do not quite qualify as dangerous offenders but still pose a risk to society. Bill C-55 proposes to add a period of supervision of up to 10 years following release from prison. This designation applies to a wide range of serious sexual offences from sexual touching to aggravated sexual assault.

The long term offender designation could also be applied to a person who committed another offence that had a sexual component, for example, somebody who committed a break and enter with a clear intention of sexually assaulting the occupants.

Canadians have consistently expressed frustration with the release from prison of sex offenders who are likely to reoffend. The dangerous offender designation responds to this concern in only the most extreme cases, leaving a significant gap in the high risk offender sentencing regime. The creation of the long term offender designation fills this gap.

A long term offender finding can be made only where the court is satisfied that there is a reasonable possibility of eventually controlling the risk imposed by the individual to the community. This allows a more structured kind of sentence for this type of offender, allowing the courts to pass tailor made effective sentences within a broad framework. This approach to justice policy is characteristic of the manner in which this government and this minister have responded to the challenges of this very important portfolio.

Efforts to streamline the sentencing process are evident in the proposed amendments to the dangerous offender provisions of the Criminal Code. Currently judges have the discretion to establish fixed sentences for individuals who are designated dangerous offenders. This is problematic.

The federal-provincial-territorial task force on high risk violent offenders correctly reported last year that it makes no sense to go through the dangerous offender procedure only to obtain a fixed sentence comparable to what might have been obtained without this lengthy exercise.

Under Bill C-55 when a dangerous offender application is successful the offender will automatically be sentenced to a period of indefinite incarceration. This measure is a recognition that dangerous offenders are just that and that the onus rests with them to demonstrate that they should be released from prison.

Other measures in the proposed legislation underline this message. The initial parole review of a dangerous offender would be moved to the seventh year from the third of incarceration and the number of psychiatrists required to testify has been reduced from two to one.

The introduction of a mechanism to allow a dangerous offender application up to six months after conviction rather than at the time of sentencing will allow the crown to act on information which may be brought to its attention following the conviction of an offender.

A third aspect of this legislation is the new judicial restraint provision which permits controls, including electronic monitoring of high risk offenders. This provision is much needed and has great potential for monitoring and controlling the movement of individuals who pose a risk of committing a serious personal injury offence. It should be noted that the exercise of this option does not depend on the individual's having committed a criminal offence. It is a preventive measure which will equip police with the means to monitor the conduct of offenders who pose a risk to society.

I might suggest that one feature of this legislation be singled out for intense study in committee, the long term offender designation. This is a very innovative and desirable aspect of the proposed legislation which deserves special attention. The committee should ensure that judges have a great deal of flexibility in the substance of its application. I have a specific use in mind.

• (1355)

Judges should have the ability to prescribe the application of new technologies for use in the monitoring of high risk offenders. Electronic monitoring has a multiplicity of uses in the fight against crime.

Judges should be vested with the ability to put this technology to use in monitoring high risk offenders. The committee should make every effort to ensure that the necessary legislation is in place to allow the application of new and emerging technologies to monitor long term offenders.

This legislation represents a well thought out, effective approach to dealing with justice issues which are paramount in the minds of Canadians. Some politicians have made a career of demanding monolithic, inflexible blanket legislation which imposes hefty minimum sentences. They will no doubt argue, as they always do, that this legislation does not go far enough in the war against crime. To them and their supporters, I offer the following observations.

It is true that we can draft any bill conceivable as long as it is within the jurisdiction of the federal government. However, if it will not work in the real world, the world that exists beyond these four walls, we are just wasting our time and betraying the trust of the people who put us here.

Let us not take the easy way out. Let us take the time to draft effective legislation that works. I would like to remind all hon. members that drafting justice policy is always a very difficult task.

We must balance the rights of the accused with the rights of the victims and the entitlement of society to an effective, fair justice system.

We must not fall into the trap of introducing laws that are inflexible and therefore incompatible with the task of achieving individual acts of justice within a broad public policy framework.

In the end, the true measure of an effective justice policy is the sum of the individual acts of the justice it achieves. We must strive to have effective laws. Bill C-55 achieves the balance required of good justice policy. I would encourage hon. members to give it their support.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I listened to the member intently as she made her presentation on Bill C-55. In her opinion this legislation was tough, it was going to really answer the concerns of a lot of Canadians.

I have one major concern that Canadians have regarding sexual offenders, particularly pedophiles. The concern is that a pedophile, a sexual offender, is sentenced to a definite term. Because that person refused treatment, refused to follow through on the criteria set before them as far as rehabilitation in the Liberal sense, because the law is the law when the warrant expiry comes up, the offender is released into the community in spite of statements by psychiatrists, psychologists, those who in the know, prison officials, that clearly point to the fact that this individual is high risk, that this individual will reoffend.

I do not see any provision in this bill that deals with the concern that Canadians have here. The minister had placed that point forward that the minister will allow a window of six months for a dangerous offender application to be made, thus determining an indeterminate sentence for that offender.

I would like the member to comment on that provision because there is a lack of teeth, if you will, still in Bill C-55 dealing with the sexual predators of this world.

The Speaker: If the hon. member for Brampton would care to answer now, I will permit a very brief answer. If not, the hon. member might want to answer right after the question period.

Ms. Beaumier: Mr. Speaker, members of the Reform Party view everything in black and white. There is no acknowledgement on their part that there are differences in sex offences. There has to be a provision for individual sentencing and determinations to occur.

The member for Wild Rose said earlier that there are so many crimes that are not being reported. At the same time, they are saying that violence is increasing. We dealt with this a year ago.

The Speaker: You still have another minute and a half, but it being 2 p.m. I will proceed to statements by members.

STATEMENTS BY MEMBERS

[*English*]

1999 CANADA WINTER GAMES

Mr. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, I am very proud that the city of Corner Brook and all of western Newfoundland will play host to the 1999 Canada Winter Games. We are very excited about the opportunity.

The Canada games are for all Canadians. Shortly after the 1997 games in Brandon, the people of my riding will be opening up their hearts and their homes for two weeks of great sport and great hospitality. That same year, Newfoundland and Labrador will be celebrating its 50th anniversary within Confederation. As everyone knows, Newfoundlanders and Labradorians will be making this quite a celebration.

Let me take the opportunity to thank TSN and RDS for investing in the Canada games and for investing in Canada. Let me also thank the volunteers who so early on in the process are making these games a success.

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[*Translation*]

THE MUNICIPALITY OF MARTINVILLE

Mr. Maurice Bernier (Mégantic—Compton—Stanstead, BQ): Mr. Speaker, 1996 marks the centennial of the municipality of Martinville and I invite the public to take part in the celebrations under way until December 7.

Like Daniel Martin, the municipality's founder who, around 1838, built a dam, a sawmill and a bridge on the rivière aux Saumons, the people of Martinville are known as people who are not afraid to innovate. This fact is evidenced by the exceptionally balanced make-up of the current council, comprised of three aldermen, three alderwomen and the mayor, a position also held by a woman, namely Arlette Champagne-Lessard.

Once again, Martinville has distinguished itself. Smaller than Montreal, maybe, not as well known as Quebec City, granted, but in the hearts of the people of the Eastern Townships and anyone who has ever vacationed there, the municipality of Martinville is nonetheless a pillar of our region's historical heritage.

Long live Martinville.

* * *

[*English*]

GOODS AND SERVICES TAX

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, Mr. Charles Schroeder and Mr. Bob McGinn in my riding believe that the 7 per cent GST is an unjust tax on reading materials and state that a

regressive tax on reading handicaps that development. Their letter was endorsed by 56 other constituents in my riding.

Ordinary Canadians want the GST on books removed. The Minister of Finance has doubled the taxation on books in Atlantic Canada. His GST harmonization policy which has replaced the Liberal red book policy of GST elimination is going to double taxation on books right across the country.

Education is the foundation of our prosperity. An educated mind is the most valuable resource a country has. Obviously this government ignores these realities in order to raise taxes to fund its insatiable appetite for big government.

Mr. Schroeder and Mr. McGinn have demonstrated their commitment to education by the giving of their time to serve on school boards. Will the government recognize that education is important and eliminate the GST—

The Speaker: The hon. member for Kamloops.

* * *

TAXATION

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, the Minister of Finance yesterday closed the infamous Bronfman family tax loophole to much applause and hoopla. But let us not forget that the Bronfmans actually got that $500 million Christmas present from the federal government in 1991 and have kept it.

It took five years before either a Tory or a Liberal Minister of Finance was embarrassed by the auditor general to act. The Minister of Finance has obviously known of this loophole for the past three years but only acted when the auditor general and public and political pressure made him do it.

● (1405)

In yesterday's Toronto *Star*, the Minister of Industry was quoted as saying that we need more foreign investment and to attract it the federal government will promote the fact that we have very low corporate real tax rates. He pointed out that Canada has the lowest labour costs among the seven leading industrialized nations.

Low corporate taxes and low wage rates; this promotion sounds like it should refer to a poor developing country, not Canada. If low corporate taxes and low wage rates are things the Minister of Finance and the Minister of Industry are bragging about, I say shame.

* * *

TELECARE BURLINGTON DISTRESS LINE

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, I am proud to rise today to recognize the achievements of Telecare Burlington Distress Line. Tomorrow marks the 20th anniversary that this volunteer organization has provided crisis care 24 hours a day and seven days a week to Burlington residents.

Under the leadership of Ms. Cheryl Harrison, 160 energetic and compassionate volunteers have listened to and have been supportive of distressed callers. This dedication to fellow citizens, to share the pain of others and to offer sympathy and hope to those in need is the embodiment of the principles of community. These volunteers work without recognition, they work anonymously.

Mr. Speaker and my colleagues, please join me in congratulating this outstanding team of volunteers for their extraordinary commitment to helping others and wish them all the very best for the future. Their work is important. Their work is needed.

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FOREIGN AFFAIRS

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, I have received many, many phone calls from constituents in my riding and Indo-Canadians from across Canada congratulating the Prime Minister, and in a special way, the Minister of Foreign Affairs, on the upcoming opening of a Canadian liaison office in the capital of India's Punjab state. This makes Canada the only foreign country with a presence in the region.

As the most open-minded, tolerant and inclusive party in Canada, the federal Liberal Party remains the party of choice for most new Canadians.

Having taken part in last January's Team Canada trade mission to India and having worked toward this week's news for years, I wish to express my personal gratitude to the Minister of Foreign Affairs, the Minister of Finance and the Prime Minister for this historic step which will be remembered forever in the record books of both India and Canada.

* * *

CROSSKEYS SYSTEMS CORPORATION

Mr. Ian Murray (Lanark—Carleton, Lib.): Mr. Speaker, I would like to pay tribute today to Crosskeys Systems Corporation of Kanata.

This morning the Prime Minister was in my riding to officially open a new building for Crosskeys, which is an affiliate of Newbridge Networks.

In addition, Crosskeys received an award which names it as one of Canada's 50 best managed private companies recognizing its commitment to product quality and a team approach to customer relationships.

Crosskeys, founded in 1992, is a very young company. This is a Canadian company that is a success in global markets. Its software and services are at work in telecommunications systems around the world. In just a little more than four years Crosskeys has gone from being a start up to being an established international competitor in

its sector. As it has done this, it has created jobs with a future. It has helped cement the reputation of our community as a hotbed of new technologies.

This is one more example of how the high tech companies in Kanata, our very own silicon valley north, are changing the face of the national capital region and assuring our position of global leadership in the information age economy.

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[*Translation*]

TRIBUTE TO GILLES GAGNÉ

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, I would like to pay tribute today to a deserving fellow citizen of Verchères, Gilles Gagné, from Boucherville, who recently received the Governor General's award in recognition of his outstanding commitment to the underprivileged.

After retiring in 1989, Mr. Gagné dedicated his time and energy to volunteer work at Accueil Bonneau in Montreal. This man, who is an example to us all, is working untiringly at relieving the distress and hardship of those to whom this admirable institution caters. To top it all, he claims his life is enriched by this experience as a volunteer.

Let me tell you how he puts it in his own words. ''I see a lot of misery, but I find great satisfaction too. I feel that my work with transients improves their lives a bit''.

Mr. Gagné is, for each and every one of us, an example of courage, self-sacrifice and generosity. In a world that is more and more insensitive and individualistic, he is most deserving of this public recognition for his noble contribution to the cause of the underprivileged in our society.

Congratulations, Mr. Gagné.

* * *

[*English*]

LAND MINES

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, over 110 million of these silent killers claim over 25,000 people's lives every year, primarily innocent civilians. Some are designed to look like toys so that when children pick them up they will have their arms blown off. They are anti-personnel land mines.

• (1410)

Calls are coming in from all over the world for an international ban on these devices. Canada has called for an international ban too, but has failed to do so domestically.

There is no reason whatsoever to use these inhumane weapons. This is backed up by over 80 top military officials from around the world, including General Norman Schwarzkopf and our own General Lewis MacKenzie.

Let us get out of the Jurassic age. I call upon the government to show leadership, do the right thing and call for a domestic ban on land mines and anti-personnel devices. Then we can persuasively do the same internationally.

* * *

ETHANOL

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.): Mr. Speaker, I would like to say how delighted I am with the October 1 announcement by Commercial Alcohols Incorporated that the dream of a $153 million ethanol plant in Chatham, Ontario is now official.

As one of the largest and most efficient in the world, the state of the art, computerized Chatham plant will operate 24 hours a day, seven days a week, 365 days a year, producing over 150 million litres of fuel ethanol and industrial alcohol.

Construction of the plant, which will be operational by next winter, will be a real catalyst for economic renewal in southwestern Ontario. It will provide 400 direct and indirect jobs and a new market for 15 million bushels of locally produced corn each year.

As well, all Canadians will benefit from a renewable, cleaner burning fuel for motorists. It is worth noting that all car manufacturers approve the use of ethanol blends in their warranties.

This announcement is the perfect counterpart to the government's intention to ban the use of MMT in Canadian gasolines, ethanol being the logical replacement as an octane enhancer.

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[*Translation*]

OFFICIAL LANGUAGES

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, the President of the Treasury Board has just tabled his annual report on the status of the official languages in federal institutions.

I am happy to see that progress has been made at all levels. The number of bilingual employees in the federal public service more than meets the requirements and shows that one out of five public servants has a superior knowledge of his or her second language.

[*English*]

The capacity to serve the public in both official languages has significantly improved. Further to the recommendations made by the Commissioner of Official Languages on language of work in

the national capital, federal institutions took measures which should result in a major improvement.

Program review has not had a negative impact on the level of bilingual services provided to the public, nor on participation rates of anglophones and francophones.

I am happy to note that we are making progress in advancing official languages in federal institutions.

* * *

SEA LAMPREY CONTROL PROGRAM

Mr. Brent St. Denis (Algoma, Lib.): Mr. Speaker, commercial and sport fishing on the Great Lakes sustains 36,000 jobs and adds $1.5 billion yearly to the economy of Ontario. Uncontrolled, the sea lamprey parasite would decimate many fish species native to the Great Lakes and cause serious economic damage.

This year marks the 40th anniversary of the Canada-U.S. sea lamprey control program and the 30th anniversary of the Sea Lamprey Control Centre in Sault Ste. Marie, Ontario. Since 1954 the work of the program, the centre and its dedicated staff has resulted in a significant reduction in the sea lamprey population.

The federal government recently announced its renewed commitment to sea lamprey control with a contribution of over $5 million in each of the next two years. Our government will work with concerned stakeholders toward a long term funding arrangement for this program. All beneficiaries of this effort are being called upon to contribute to its continued success.

I commend the Minister of Fisheries and Oceans for his commitment to the sea lamprey control program and trust that those who benefit from healthy fish stocks in the Great Lakes will work together to ensure this good work continues.

* * *

CANADIAN WHEAT BOARD

Mr. Jake E. Hoeppner (Lisgar—Marquette, Ref.): Mr. Speaker, on Friday the Minister of Agriculture and Agri-food is expected to finally announce if the Liberal government will allow farmers to decide how to market their grain.

An Angus Reid poll commissioned by the minister's own department showed that a majority of farmers supported marketing reforms, including allowing feed barley for export sales to be marketed outside the board. However, in a clearly loaded question, the poll then asked farmers if they supported marketing reforms even if they resulted in a decline in the price they receive for their barley.

Farmers can only cross their fingers and hope that if the minister finally honours his election promise and calls a plebiscite he will frame the question in a manner that is clear, honest and democratic.

I know the minister has trouble making decisions. Let me help him out. The question to all barley growers should be: Do you agree or disagree that participation in the Canadian Wheat Board should be made voluntary?

* * *

• (1415)

[*Translation*]

HUMAN RIGHTS

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, lately the Liberal members, especially those from Quebec, have accused the sovereignists of all the evils in the world. We are even being accused of violating human rights. Yet, I have been unable to find any mention of Quebec in Amnesty International's latest report.

However, I noticed that some of the countries mentioned in this report—two of which are England and Greece—have always been considered beyond reproach. The report points out that, in Greece, some 350 prisoners of conscience are in jail, eight people are being sued simply for exercising their freedom of expression in a non-violent way, and there are still cases of abuse and torture.

Some members of this House find it easier to see the mote in their neighbour's eye than the beam in their own.

* * *

THE DEATH OF ROBERT BOURASSA

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, the death of former Quebec premier Robert Bourassa marks the end of one of the most momentous periods in Quebec history.

The youngest ever premier of Quebec had a dream if not an obsession that led him to devote all of his efforts and energy to Quebec's economic development.

Robert Bourassa saw big for Quebec and, inspired by the wealth of ideas born of the Quiet Revolution, he put in place the conditions needed to turn his province into one of the most prosperous and promising industrial societies ever.

In less than 30 years, this visionary succeeded in getting Quebec to take the giant step separating it from the great economic powers. Today, we pay homage and thank him for his unique contribution to Quebec's economic development.

On behalf of all the people of Quebec, thank you and goodbye, Mr. Bourassa.

Oral Questions

THE DEATH OF ROBERT BOURASSA

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, Robert Bourassa was both a proud Quebecer and a proud Canadian.

Throughout his life, he strove to find ways to express this dual commitment that most Quebecers share with him.

Despite the defeats and constitutional failures he experienced, he never stopped believing that Quebecers were better off within the Canadian federation.

One day after his death, we join with all the people of Canada in expressing our gratitude and admiration for his outstanding contribution to the development of Quebec and Canada.

ORAL QUESTION PERIOD

[*Translation*]

TAX EVASION

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, yesterday, in a ministerial statement, the Minister of Finance implied that he was closing the tax loophole whereby a Canadian family trust was able to transfer $2.2 billion out of Canada tax free. The fact remains that the particular tax loophole is still there.

Will the Minister of Finance confirm that the $2.2 billion transfer that took place in 1991 would still be possible today, despite the announcement made by the minister yesterday?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, no. Unfortunately, the Leader of the Opposition is mistaken. There was a loophole in the legislation, and yesterday, with my announcement, it was plugged.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, could the Minister of Finance confirm that the action he took yesterday regarding this problem of tax evasion did not plug the loophole, did not prevent money from being taken out of the country, but, on the contrary, only made things easier than in 1991, because now, with what the Minister of Finance has done, trusts will no longer have to pull a December 23 and obtain special authorization in order to be allowed the huge privilege of taking money out of Canada tax free?

• (1420)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, first of all, this has nothing to do with trusts. I was very clear in the 1995 budget; we have eliminated all tax advantages for family trusts. The question is how to treat capital gains when someone, whether a trust, an individual or a corporation, wishes to leave the country.

This was precisely the problem dealt with yesterday. In the past, it was not necessary, in certain cases, on leaving the country, to pay tax on gains that had accrued. As I said in yesterday's announcement, emigrants are now required to pay tax on capital gains or give us a security in order to ensure that Canada will receive its fair share.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, I am aware that this is a problem involving trusts and other financial vehicles as well, but the minister cannot say that he has removed all advantages for trusts in his last budget. This is effective 1999, so between now and then, they have the same advantages they had before. I take pleasure in correcting the minister on this point.

When the Minister of Finance says that an emigrant will give securities, he is relying on the signature of a notice of waiver, because sufficient security, under the Income Tax Act, usually takes the form of a notice of waiver. That is the basis on which he says that the taxes will eventually be paid to Canada.

Will the minister confirm that the notice of waiver on which he is pinning his hopes of recovering the taxes due Revenue Canada at some future date has no legal value, but merely a moral one, as the deputy minister of Revenue Canada, Pierre Gravelle, yesterday told the public accounts committee?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, once again, the Leader of the Opposition is mistaken. If there is the slightest risk the Canadian government will not be paid its fair share of taxes, we will require a lot more than a notice of waiver. We will require a bond, a debenture, a valid security for ensuring that the taxes will be paid.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the usual practice at this time, when assets are being transferred and we want to make sure that the trustee does not evade taxes, is that a notice of quit claim is required. That is the only guarantee we require at present, and it has no value in international law and tax conventions. That is the reality.

Yesterday, contrary to what he has claimed, the Minister of Finance did not close up the tax loophole for family trusts. On the contrary, he announced that the interpretation of December 23, 1991, which allowed the tax-free transfer to the United States of a two billion dollar trust will, in future, be government policy for all of the assets of millionaires and billionaires.

Will the minister confirm that, by extending the concept of taxable Canadian assets to Canadian residents, as he did yesterday in his ministerial statement, he has given his blessing to the scandal of 1991, which now becomes the basis of his taxation policy?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Bloc is having a little trouble getting the point. As I have just said, and as I said clearly in my speech of yesterday, the security we intend to require will be far more than a quit claim, if there is any risk whatsoever of the individual's not paying his fair share of Canadian taxes. It is very clear, and I said so in my speech, that it

could take the form of a debenture, a bond, but we will insist upon the security if necessary.

Second, there was a loophole in the legislation in 1991. The legislation was applied as it stood, but there was a loophole.

• (1425)

That loophole was blocked yesterday. We have closed up a great many loopholes, and will continue to do so, because it is our objective to have Canadians pay their fair share of the taxes owing to the government.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I see the minister is in a co-operative mood today. If I have understood correctly—and we will see in the bill that will be introduced—he intends to require firm monetary commitments, real binding commitments. That is what we have been asking him to do since the beginning, so we are pleased today that he has just now given us at least part of an answer.

Since he is in a co-operative mood, could he respond to other requests from the official opposition concerning the case of interest to us here? First of all, contrary to what he said yesterday in his ministerial statement, can he limit the use of the TCAs, taxable Canadian assets, solely to non-residents? Second— something he has not wanted to do from the start—could he demand that there be a complete investigation of the 1991 case, which is still somewhat unclear, and which is still an outrageous scandal for Canadian taxpayers?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, there is no scandal, The auditor general himself has said that there was no scandal of any kind, that the integrity of the public servants concerned was not in question.

The auditor general himself, whom the hon. member has quoted on numerous occasions, has said that there was no scandal.

[*English*]

It is quite important that we understand what has happened here. There was a law in place in 1991, of which certain taxpayers took advantage. The government decided there was a loophole in the law which should be closed.

We gave the matter to a parliamentary committee which made a series of recommendations. Within a month of those recommendations we stood up in this House of Commons and closed that loophole.

Let us understand what the opposition is asking. Because it refuses to deal with the substance of the issue, it wants to make a lot of unsubstantiated charges. Also, opposition members are asking us to act retroactively.

They are asking us to say to the world that Canada's laws do not stand, that we cannot count on them. They would destroy the economy of this country, and we will not do it.

* * *

NATIONAL DEFENCE

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the government has a problem that it cannot avoid. The Minister of National Defence has become a lame duck minister.

The minister has committed so many mistakes, from interference in the Somalia inquiry to personal contracts for political friends, bungling the downsizing of the forces, bungling the base closures, from budget overruns to mismanagement of morale, that nothing the Somalia inquiry finds or the Prime Minister says can rehabilitate this minister.

Does the government believe that it is in the national interest to leave a lame duck minister in charge of the Canadian military?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the point was made yesterday by the Prime Minister that what we are seeing here is the politicizing of the entire hearing process dealing with our deployment to Somalia.

This government has tried to do the right thing. We proposed an inquiry. We created the inquiry. We want the inquiry to do its job. We will hold to that line.

Obviously the leader of the Reform Party does not like those answers, but he is going to get those answers until the inquiry reports.

He says there is one thing that cannot be avoided and that there is a problem. I would say that we could use the same language about him and his party. There is one thing his party cannot avoid. The fact is there is a problem with leadership; it is a problem with his leadership.

• (1430)

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the Prime Minister and now the minister keep repeating the same old thing, let the inquiry do its work. We agree.

Canadians also want the Prime Minister to do some work. The Prime Minister says do not interfere with the inquiry. The minister says the same thing. At the same time, this minister repeatedly protects and endorses General Boyle, one of the key figures being investigated by that inquiry. The government cannot have it both ways.

If the government is serious about letting the inquiry do its work, why does it not instruct the Minister of National Defence to withdraw his protection and endorsation of General Boyle?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I think the public is finding it quite odd that the Reform Party, day in and day out, is going at this issue. It is, in effect, undermining the integrity of the inquiry process.

Canadians want constructive suggestions about the economy, about national unity, about pension reform, about agriculture, about a host of other issues that affect them in their daily lives.

What do we have here? We have a party that ostensibly supported the inquiry process but has done everything, by its behaviour in the House of Commons, to undermine it. That is unacceptable.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, this answer from a minister who attempted to influence who sat on the inquiry, who tolerates document tampering before the inquiry and who himself makes statements of endorsation about General Boyle even before he gets off the stand at the inquiry. Who is interfering with the inquiry?

We hear that the government is looking for an election slogan. We have one from a letter from a retired soldier: ''Canadians deserve better''. Our soldiers have been saddled with a lame duck minister and chief of defence staff.

How long is it going to take the government to acknowledge that Canadians deserve better leadership at the top of the Canadian military?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I really have tried to avoid politics as much as possible in this whole matter.

Canadians want to find the truth regarding what happened with our deployment to Somalia. They want the commission to do its work.

The leader of the Reform Party talks about Canadians deserving better from the government. Canadians deserve better from the opposition. They deserve an opposition that asks constructive, intelligent questions that contribute to the national policy debate, not to come here every day and try to make partisan political interjections on the facts not only of the inquiry but of the Canadian military itself.

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[*Translation*]

THE AEROSPACE INDUSTRY

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

As the minister knows, our country's major defence industry companies are concentrated in Quebec. These include Expro, Bell Helicopter, SNC and Oerlikon. It is also a fact that, without government support, up to 10,000 jobs will disappear in this sector over the next five years.

Considering that 56 per cent of the aerospace industry is located in Quebec, and that, for ten years now, Quebec has been receiving $115 million annually under the existing program, will the minister pledge to maintain the same level of funding for Quebec under the technology partnerships program?

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, I thank the hon. member for mentioning that federal support to Quebec's aerospace industry has been very significant.

Indeed, it is the Government of Canada that established technology centres in the Montreal region. It is also the Government of Canada that set up the base on which was built the industry in Montreal. And now, we are committed to continue supporting Montreal's technology sector.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, we take note of the fact that the minister will have to set aside $115 million for Quebec.

I have a supplementary. Does the minister know that the English version of his document on the technology partnership program points out that funding will be exclusively for feasibility studies, while this information is lacking in the French version—

• (1435)

The Speaker: I remind the hon. member that he must not use props when putting his questions. The Minister of Industry has the floor.

Hon. John Manley (Minister of Industry, Minister for the Atlantic Canada Opportunities Agency, Minister of Western Economic Diversification and Minister responsible for the Federal Office of Regional Development—Quebec, Lib.): Mr. Speaker, if the hon. member had reviewed Montreal's economic situation, he would know that it is those sectors relying on the political framework, and the industry sectors supported by the government of Canada that do well, namely the pharmaceutical, biotechnology, telecommunication and aerospace industries.

By contrast, the sectors that depend on the government of Quebec are doing very badly.

[*English*]

NATIONAL DEFENCE

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, Canadians know it is this Liberal government that has destroyed the morale of the Canadian Armed Forces. It is this lame duck minister and this government that are playing politics at the expense of armed forces personnel.

Despite what the Liberals think, most military personnel who served in Somalia served with distinction and should be recognized for their often stellar performance.

The Prime Minister and the defence minister continue to support General Boyle but refuse to support the rank and file in the Canadian Armed Forces.

Will the defence minister move his support from General Boyle to our Somalia veterans and strike and issue a Somalia medal?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, there is no question that the majority of work that was done in Somalia by our forces was exceptionally good. However, a serious problem has been identified and it is being dealt with by the commission.

This government feels it would be inappropriate to issue such a medal at this time. Those people who will be deserving of a medal will get their medal in due course. However, I think we owe it to the commission and to a sense of fair play and justice to allow the commission to do its work before we proceed on any other matter.

Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.): Mr. Speaker, the government's failure to issue a Somalia medal shows its complete disregard for morale in the Canadian Armed Forces

The Prime Minister is rewarding his bad apples, General Boyle and the defence minister, when they do not deserve it. Through his lack of leadership, the Prime Minister has caused morale in the forces to suffer.

When will the government shift its obsessive and misguided support for the defence minister and General Boyle to recognize armed forces personnel who served in Somalia on Canada's behalf?

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I think the Prime Minister and I have dealt with most of these points in recent days.

The hon. member is often talking about the morale in the armed forces. There is no question that when people see television or newspaper reports of the inflammatory rhetoric that comes from the opposition day in and day out, that obviously affects morale. This is a difficult time for the armed forces. It is time for everyone to pull together and allow justice to take its course. I remind the hon. member, although he should know, a former member of the Canadian Armed Forces, that morale does not come only from leadership. Morale comes from a sense of worth, a sense of mission and a sense of duty to the country.

I have every confidence in the men and women of the armed forces, despite the problems we are facing, that they feel they are getting that sense of worth, that they have a sense of mission and that they are serving with distinction despite all these problems.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, the report on official languages in the public service, tabled this morning by the President of the Treasury Board, once again confirms that the federal government applies a double standard in its official languages policy.

My question is directed to the President of the Treasury Board. In Quebec, 54 per cent of the positions in the federal public service are bilingual, to serve an anglophone minority that represents 10 per cent of the population. Why are francophones in Ontario and New Brunswick not entitled to the same quality of service in their language?

• (1440)

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, I think the opposition member missed the main point of the report. The main point is that the position of official languages in Canada is improving steadily, and the report indicates that progress is continuing in nearly all areas, including service to the public, language of work and equitable representation of francophones and anglophones in the Public Service.

In Quebec, the proportion of anglophones and allophones is nearly 20 per cent, and consequently we have a proportionate number of bilingual public servants which reflects the needs of the province.

In the other provinces, the percentages are much lower, and consequently the number of bilingual public servants is lower but adequate to existing needs.

Mr. Jean-Paul Marchand (Québec-Est, BQ): Mr. Speaker, the government will not give francophones in the rest of Canada the same services as anglophones in Quebec. How can the President of the Treasury Board be a party to such discrimination, being a francophone himself?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, it is not true there is discrimination against francophones. About 63,000 positions in the Public Service have been designated bilingual. The

total percentage of francophone public servants in the Public Service is 27 per cent, while the proportion of francophones in the general population is 24.9 per cent. So there is no discrimination as far as numbers are concerned.

I would also like to point out that if there is a problem, it is due to the fact that in Quebec, the proportion of anglophone public servants is only 5 per cent, while anglophones represent 13 per cent of the population. We will make every effort to correct this imbalance as we have done in the case of francophone communities outside Quebec.

* * *

[*English*]

CANADIAN HERITAGE

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, how quickly the heritage minister forgets her GST promises.

Over the last six months the Minister of Canadian Heritage has announced spending of $20 million on Liberal propaganda, $23 million on flags, $16 million on Radio Canada, and $100 million on a TV production fund. Not one penny of the money appears in the minister's detailed budget but it does add up to a grand total of $159 million.

How can the Minister of Canadian Heritage defend $140 million GST on books while spending $159 million in unbudgeted, borrowed money?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, I happy that the member has raised the issue of spending for flags. Over past months I have received a number of requests from across the country for flags. In particular, I received from the constituency office of Jim Gouk—

The Speaker: I ask hon. members not to refer to other members by their name.

Ms. Copps: Mr. Speaker, I have received faxes from the office of the member for Red Deer looking for flags—

• (1445)

Some hon. members: Oh, oh.

The Speaker: Earlier in the question period I asked that members not use props. Of course, we are going to be referring to material which is written. I would ask you not to use the paper to wave it around or to use it as a prop. I would appreciate you doing that. I will return to the hon. Deputy Prime Minister for a brief response.

Ms. Copps: Mr. Speaker, there are further faxes from the member for Port Moody, British Columbia and further faxes from the member for Capilano—Howe Sound.

Some hon. members: More, more.

Ms. Copps: Faxes, Mr. Speaker, from a number of members of the Reform Party who obviously believe that the flag program is a popular and useful program.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I do not quite understand the minister's point.

Is she saying that Reform members should not be acting on behalf of their constituents when they come into their offices? She is simply trying to deflect the fact that when she was told that her Liberal propaganda office was going to cost $20 million, she said: ''Oh, that's only a cup of coffee for every Canadian''. That is a typical Liberal answer.

How can the minister justify this spending, wrapping herself in the flag and doing all of these things while at the same time leaving the tax, the GST, on books?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the leader of the third party obviously has a very strong affiliation with the flag program as well because in his constituency over 1,000 people have called the government concerning this most popular program ever.

Over the last seven months the government has received over three million calls. Those same individuals in the Reform Party who stand day after day in the House of Commons complaining about the flag program have no shame in demanding that they receive flags for their constituents. Unfortunately for the Reform Party they cannot have it both ways.

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[*Translation*]

NATIONAL DEFENCE

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

The embezzlement scandal at Valcartier continues to cause a stir. The lead witness in the inquiry into this matter contends that Public Works and Government Services Canada simply ignored schemes to bypass the tendering process. Clearly, the military police investigation was not very thorough. While this has been a widespread practice for at least 15 years, only 4 charges have been laid.

Given the very serious nature of the allegations and since this form of corruption is apparently commonplace in several other bases across the country, will the minister launch an independent inquiry into this other scandal?

Hon. Diane Marleau (Minister of Public Works and Government Services, Lib.): Mr. Speaker, regarding the allegations the hon. member referred to, of course it is understood that, if certain things are not as they should be, the authorities are prepared to investigate as required.

As far as the news report he mentioned is concerned, I have asked my officials to fill me in on what happened. I am told that a contract that could be extended for more than one year was awarded. During the first year of the contract, additional work was requested and performed. Later, the department asked for an explanation for this work and an explanation was provided. The work had to be paid for since it had been done; there was no choice.

Mr. Pierre Brien (Témiscamingue, BQ): This does not sound very reassuring, Mr. Speaker. Taxpayers have the right to know how their money is used.

My question is for the Minister of Defence. Does the minister not realize that, by not calling an independent inquiry into this matter, he is lacking transparency and indirectly condoning a fraudulent scheme which, I remind him, is said to be widespread in several other bases, costing taxpayers in Quebec and Canada a fortune?

● (1450)

[*English*]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, as I said last week, we are obviously aware of what has been going on there and disciplinary action has been taken. Certain charges have been laid and other charges may be laid.

The way to deal with a problem, no matter how regrettable, is to allow the normal course of justice to go on. Those people who have committed an offence will be dealt with appropriately.

As to the allegation about this series of events which have gone on at Base Val Cartier being prevalent across the country, I would invite the hon. member to give us evidence of that. Is this just wild speculation? If he has evidence then he has an obligation to bring it forward to me or to others so that we can investigate it.

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FOREIGN AFFAIRS

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

The final post-election statement on the recent Armenian presidential elections concluded that very serious breaches in the election laws took place affecting the outcome. Over 250 opposition members, including eight members of Parliament, have been arrested.

Can the minister assure the House that the government will review its policy toward Armenia to guarantee the protection of the democratic process and the physical safety and human rights of Armenian citizens?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I want to thank the hon. member for Don Valley North for bringing to the attention of the House a serious breach in election law that took in Armenia.

Canada is one of the few countries that actually sent observers as part of the OSCE team. We have now undertaken to represent to the OSCE that there should be a full scale assessment given to the government of Armenia and ask it for a clear answer to the criticisms of that breach of the process.

We have also conveyed directly to the Armenian ambassador here our very deep concern about the breach of the rights of certain people in the assembly in Armenia and we hope to have a response from that government soon. If we do not get a response I can assure the hon. member and other members of the House that we will take all the actions necessary to make sure the democratic process is respected in that country.

* * *

CANADIAN HERITAGE

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, spending priorities say a lot about a government. This summer while hospitals were closing, while universities were cutting back on classes, while seniors prepared themselves for the benefits clawback, while the GST was being levied on the books and while the debt climbed up toward $600 billion, our heritage minister dug deep into taxpayers' pockets and found another $23 million for flags.

I realize that the broken GST promise has probably harmed her future leadership bid, but does she really think that taxpayers would prefer cutting in health, education and other priority areas while spending moneys on a flag program?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the member did not express that view when on March 25 and on several other dates the member for Fraser Valley East contacted my office so that I might send the flags out to his constituents.

Mr. Abbott: What a joke.

Ms. Copps: The fact is flags certainly will not save a country, but it is also true that in this time when our country was taken to the brink it is important that we find public expressions of our connection to our country.

The reason that three million Canadians have called the 1-888-Fly Flag line is because they obviously believe this is a government program that has some merit.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, flags are symbolic and this $23 million giveaway is symbolic too. It symbolizes a failed national unity strategy. It symbolizes the waste of other people's money that this minister seems to regard as her birthright. It symbolizes the arrogance of thinking that patriotism can be bought. It symbolizes the Liberal Party which uses taxpayers' money for crass pre-election spending.

How many more flags will the heritage minister wrap herself in to disguise the fact that this government simply does not have a national unity plan?

Hon. Sheila Copps (Deputy Prime Minister and Minister of Canadian Heritage, Lib.): Mr. Speaker, the hon. member says that the flag program is not wanted by Canadians. Perhaps the member can explain to the House why on March 25, March 27, March 14, March 20, March 21, April 3, April 4—

• (1455)

Some hon. members: Oh, oh.

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[*Translation*]

MONETARY POLICY

Mr. Richard Bélisle (La Prairie, BQ): Mr. Speaker, my question is for the Minister of Finance.

The relentless fight against inflation has been the Bank of Canada's policy since 1988, and this goal set by the former governor expires at the end of 1998. So talks on the monetary policy to be adopted for the next decade are now being held.

Could the Minister of Finance specify his government's position with regard to the inflation fighting strategy soon to be adopted by the Bank of Canada for the years 1998 to 2008?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, we will certainly have talks with the Bank of Canada when the time comes. It would be premature at this stage to comment. I would, however, like to make a slight correction: the 1 to 3 per cent goal valid until 1998 was set by myself and the current Governor of the Bank of Canada when we came to office in 1993-94.

Mr. Richard Bélisle (La Prairie, BQ): Mr. Speaker, today's interest rates are low but the question is: Will they stay low? Now that we know the disastrous impact a zero inflation monetary policy can have on employment, will the Minister of Finance see to it that the Bank of Canada does not unduly restrict the money supply as soon as inflation raises its head?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I thank the hon. member for his question because he raises a very important point. I can tell him that the 1 to 3 per cent range set by the government and the Bank of Canada remains our goal at this time.

Canada paid dearly, perhaps too dearly, in the fight against inflation in the early 1990s. Now that our inflation rate is very low, it is an asset we want to keep. Having said that, I think the range set jointly by the Bank of Canada and the government is appropriate for now.

* * *

[*English*]

THE BUDGET

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, in his reply to the speech from the throne the Prime Minister promised seniors that the OAS and GIS payments which they receive would not be reduced. However, budget documents show that some seniors will pay at least $1,200 more per year in taxes.

The Prime Minister promised that senior benefits would not be reduced. Budget documents show that the removal of age and pension tax credits will in fact reduce seniors' income.

Who should Canadian seniors believe: the Prime Minister or the budget documents?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, at the time the new seniors' benefit was set out it was made very clear that current seniors would be protected, that the new benefit plan would come into effect only in the year 2000 and at that point seniors would have the ability to choose which of the two plans was best for them.

There may well be changes in the tax act that are going to affect all Canadians. Those changes will occur. However, let us be very clear. The Prime Minister said that current seniors would be protected and current seniors have been protected.

It is very important that we listen to what the Prime Minister said because opposite him is the Reform Party which has made it very clear that it would eviscerate the Canada pension plan, the OAS and the GIS. That is why what the Prime Minister said is so important.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, there is one thing we can be sure of: today's extreme Reform policies will be Liberal policy tomorrow. Of that we can be sure.

• (1500)

I know Canadian seniors have a bit of a worry with the present government which promised them the moon before the last election. I would like the minister to seriously consider this: The clawback provisions of the seniors benefit affect low income seniors the most and by far the hardest. Income of up to $16,000 is clawed back at a rate of 50 per cent, but income between $16,000 and $25,000 is not clawed back at all. It makes absolutely no sense and it is—

The Speaker: Would the hon. member please come to the question.

Mr. McClelland: The Prime Minister promised protection; the government is not delivering it. Will the minister go back to the books, revise that portion of the provisions of the clawback and make if fair to seniors?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, let it be very clear that what we have done is ensure that low income and middle income seniors will be protected. It is true that at the upper end certain seniors may receive less. That has been done in order to make the program sustainable and to make sure that low income seniors are taken care of.

However, I think a far more significant thing has been said here today in this House. A member of the third party has finally admitted that which all Canadians know: whether it is health policy, pension policy, or another way in which they approach society, theirs is a party of extremists. It is a party that refuses to take the middle course. It is a party that says extremism is a virtue.

Nowhere in this country will Canadians allow the forces of the far right to dominate.

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AGRICULTURE

Mr. Murray Calder (Wellington—Grey—Dufferin—Simcoe, Lib.): Mr. Speaker, last year the minister of agriculture introduced the matching investment initiative program for agricultural research which is vital to the continued growth of this country's agri-food sector. After a year of operation does the program have the support and participation of industry? Are the funds being shared across Canada?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the matching investment initiative is a very creative way in which my department works with the private sector in increasing the total pool of funds available for agri-food R and D in this country.

In the 1995-96 fiscal year, the first year of the program, it was virtually fully subscribed with a total of $24 million being invested in new agri-food research and development activities. So far in 1996-97, just in the first quarter of this fiscal year, we have invested a total of more than $30 million in matched funds under this initiative.

I am confident it will be fully subscribed doing good work from Newfoundland to British Columbia in the interests of agriculture and agri-food in Canada.

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THE ENVIRONMENT

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

As far as I know this government has never repudiated the endorsement of the Brundtland commission that was given by a previous government.

A tremendous environmental effect will be felt as a result of the rail line abandonments which are now proceeding as a result of the government's policy with respect to transportation. We are going to see more trucks on the road. We are going to see a lot of other environmental effects.

Has the Minister of the Environment commissioned an environmental assessment of this major policy decision? Pursuant to the recommendations of the Brundtland commission and a Canadian endorsement thereof, has the Minister of the Environment commissioned that kind of assessment? Will he make a representation to his colleague the Minister of Transport to put a stop to these rail line abandonments until we have had that kind of environmental assessment?

Hon. Sergio Marchi (Minister of the Environment, Lib.): Mr. Speaker, not yet.

* * *

PRESENCE IN GALLERY

The Speaker: Colleagues, I would like to draw to your attention the presence in the gallery of the Hon. Chuck Furey, Minister of Industry, Trade and Technology for Newfoundland and Labrador.

Some hon. members: Hear, hear.

* * *

• (1505)

[*Translation*]

BUSINESS OF THE HOUSE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I would like to know what the government has on the agenda for the coming week.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, today and tomorrow we will deal with Bill C-55 and hopefully be done with it. If this is the case, we will resume the debate on Bill C-58, which concerns marine transportation, before moving on to Bill C-29.

[*English*]

On Monday we will be calling Bill C-26, the oceans bill. After that, we would like to do report stage and third reading of Bill C-54, the extraterritorial measures bill, and second reading of the Canada-Israel trade agreement bill that was introduced this morning.

We would then like to get Bill C-60, the food inspection bill into committee. In this regard, I would like to give notice to the House that it is the intention of the Minister of Agriculture and Agri-Food

to propose that Bill C-60 be referred to committee before second reading.

We would then turn to the Indian and northern affairs bills, Bill C-6 and Bill C-50, followed by Bill C-49 regarding administrative tribunals, and Bill C-47 respecting reproductive technologies.

GOVERNMENT ORDERS

[*Translation*]

THE CRIMINAL CODE

The House resumed consideration of the motion that Bill C-55, an act to amend the Criminal Code (high risk offenders), the Corrections and Conditional Release Act, the Criminal Records Act, the Prisons and Reformatories Act and the Department of the Solicitor General Act, be read the second time and referred to a committee.

The Speaker: I would like to know if the hon. member for Berthier—Montcalm intends to speak for 20 minutes, or if he will split his time with a colleague.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I intend to speak for 20 minutes.

There is no doubt that, with the introduction of Bill C-55, the Minister of Justice fulfils a popular wish. Western Canada, among other regions, must be pleased to see measures which, at first glance, are aimed at strengthening and tightening the supervision of high risk offenders and at keeping them in prison for a longer period.

However, we should not rejoice too quickly, since this is a bill motivated by purely partisan considerations and the fact that the next election is not far away.

In order to assess Bill C-55, one must see where it comes from, know what is currently being done in this area, and try to figure out the purpose of the proposed amendments. You will realize that Bill C-55 is hardly the result of lengthy research by the federal Minister of Justice and that it did not originate with him, since it is a topic that has been discussed for a long time and one on which even the Conservatives had done some very thorough research.

In fact, between 1988 and 1993, if I may digress to provide a better understanding of the purpose of these amendments, many studies were carried out and many people looked into this problem. There were provincial commissions of inquiry on the Stephenson case, the Pepino federal commission of inquiry, and reports by the Standing Committee on Justice on serious and bodily harm in February 1993 and on the Fulston and Crews case in April 1993.

• (1510)

All this combined with increasing public pressure led members of the Conservative caucus in 1988-93, faced with the Reform threat, to convince the Conservative government that it should propose a series of measures, which it did in the form of a white paper on the subject of dangerous offenders.

On May 25, 1993, the then solicitor general Doug Lewis tabled two draft bills, which covered five main components, most of which we see again today in Bill C-55. The first component is post-sentence detention, which could be ordered by a court and the purpose of which was to incarcerate indefinitely inmates who were found to be far too dangerous to be released on expiry of their sentence.

The second point indicated in this draft bill was long-term supervision for a maximum of 10 years, to be imposed by the courts at the time of sentencing. The third point was no parole for offenders serving a sentence for sexual assaults against children and automatically considered as having caused serious harm to the victim.

The fourth point was a change in the calculation of consecutive sentences for any new convictions during a parole period that would result in an extending the time of detention. The last point concerned various amendments to the Parole Act, including a disciplinary committee for members of the National Parole Board. This happened between 1988 and 1993, as you can see. After a series of studies, in 1993 a number of components were defined and the bill was introduced with these five components.

One would have thought that, if amendments in this area were so badly needed, the Minister of Justice would have amended the Criminal Code immediately after his election, since the research had been done. He did not. Since this was a popular issue with the public, the government preferred to wait a little longer to be able to use this issue closer to an election, and use it for campaign purposes.

According to the same study, in 1993, the then minister set up a federal-provincial-territorial task force to consider the problem of high risk violent offenders. In 1994, the new Liberal government tabled Bill C-45, an act to amend the Corrections and Conditional Release Act, but all this was still subject to the task force's soon to be released report on high risk offenders.

In January 1995, the federal-provincial-territorial task force on high risk violent offenders set up by the Conservatives and maintained by the Liberals released its report outlining a strategy for managing high risk offenders. The report contained a series of recommendations. Among other things, the task force recommended that dangerous offender provisions and civil incarceration procedures be used more often in the case of dangerous offenders suffering from mental illness who had almost completed their sentences.

It also proposed a procedure for criminals to be declared long-term offenders so they could be subject to supervision after their release. As you can see, the conclusions in this report bear a great deal of resemblance to the bill tabled by the then solicitor, Mr. Lewis, in 1993. The wheel had already been invented back in 1993.

In March 1996, a Reform member tried to revive former minister Lewis' bill during private members' business. In May 1996, a bill on the government business research project was tabled. This is another study in the area, this time on dangerous offenders.

• (1515)

This study, which focused on 64 dangerous offenders and 34 high-risk violent offenders, was designed to help solicitors determine which cases met the criteria for being declared dangerous offender. The report contained 11 recommendations.

There were many studies, as you can see. We have been looking into this problem for years. We had a series of tools at our disposal to act quickly in an emergency, if there was a need to amend the legislation, but these were not used until the very last minute.

What is the present situation? Is there a vacuum, a void in the legislation? We have seen all the publicity around Bill C-55, the reassurance the minister wanted to give the people of Quebec and Canada through this legislation, as if that was the problem and he had just found a magic solution.

But the subject of dangerous offenders is already covered by the existing legislation, part XXIV of the Criminal Code, sections 752 through 761. More and more individuals are being declared dangerous offenders. Statistics show that, in March 1995, 145 inmates had been declared dangerous offenders. Of these, 51 per cent were in a maximum security institution, 43 per cent in a medium security institution and the rest, or 4.5 per cent, in a psychiatric institution.

Dangerous criminals are not out on the street. We already have in the Criminal Code all that we need to jail those who need to be and to identify dangerous offenders as such. The problem rests with enforcement.

Does the justice minister's Bill C-55 do more? Is the Minister of Justice ensuring that the citizens of this country and their families will be afforded better protection? Perhaps we should take a look at what exactly this bill provides for.

The bill aims to make it easier for the courts to attach the ''dangerous offender'' label to violent offenders who are likely to offend again. In short, it covers four points, which are strangely similar to the four I mentioned earlier in reference to the bill former solicitor general Lewis had introduced. As I said, the Lewis bill was introduced in 1993. We waited three years for essentially the same results.

First, a special court hearing to have an accused designated a dangerous offender; there is nothing particular about this. Second, the Crown will have until six months after the conviction to make a dangerous offender application; this may be a new element that was not in the Lewis bill. It is easy to understand the reason for this six-month period, given that useful additional evidence is sometimes obtained later by the crown.

Third, the number of psychiatrists who have to testify at a hearing goes up from one to two. Fourth, the initial review of an application for parole by a dangerous offender increases from three to seven years.

The bill also creates a new category of offender, who will be subject to long-term supervision, for up to ten years. This new category will include offenders convicted of sexual assault, sexual interference, invitation to sexual touching, sexual exploitation, exposure, sexual assault with a weapon, aggravated sexual assault, or breaking and entering to sexually assault an occupant.

So far, we cannot really be opposed to this bill and its proposed changes.

Legal constraint could also be used in the case of an accused found not guilty by the court, but likely to commit a serious personal injury offence, as defined under section 752 of the Criminal Code.

• (1520)

Such constraint could include the use of electronic monitoring when such a program exists in a province. We are totally opposed to this approach, which goes against a number of judicial precedents and the Canadian Charter of Rights and Freedoms. It is a very serious violation of recognized legal principles, and I will get back to this later on in my speech.

Finally, in the case of the fourth point concerning low-risk offenders, there is no problem with an increased use of risk assessments by lawyers, judges and prosecutors so that sentences can be served in the community; there is no problem with more frequent use of day parole; nor is there a problem with correctional services using particular techniques on a more frequent basis to reduce repeat offences; and, finally, there is no problem with encouraging the use by natives of sentencing circles either.

So there you have Bill C-55 tabled by the minister in this House. It is well-intentioned but, in my humble opinion, the minister has merely given an official legal structure to what is current practice. What he is seeking to achieve through amendments is already being done by judges and the legal world as a whole through their discretionary powers.

In cases where judges realize that the person before them is a dangerous offender, they make sure that he cannot regain his freedom as easily as that. In fact, the courts are already handing

down indefinite sentences to offenders identified as dangerous. According to the statistics consulted, there are a good dozen a year.

In addition, even under the present legislation, none of the offenders identified as dangerous by the courts have been granted parole on their first application after three years, so it goes to seven years and the result is the same.

Why is the public being treated to all this song and dance? In the end, it is to persuade the public that Bill C-55 now before us will be the answer to almost all the problems with dangerous offenders. I would say to you that it is because it is a good move, election wise, because it goes over well, particularly out west.

Although the minister could have taken action much earlier, he was waiting for the right moment. He was waiting for a good date in the party's electoral calendar. By responding to the Reform Party's campaign, the minister is minimizing his party's losses.

Furthermore, I wonder to what extent Ottawa consulted. We were told that it carried out a series of consultations. I heard the minister himself say so. Section 810.2, subsections 1 to 10, allowing a judge to order preventive monitoring for an accused found not guilty, was never part of these consultations. I checked with my colleagues in Quebec, and we realize that this point was never submitted for discussion. They were very surprised to see this matter of electronic monitoring in the bill.

When you talk about electronic monitoring, you are also talking about additional costs. That, too, was not discussed. We do not know who will cover these costs, it was not discussed. Generally speaking, the criticism we have of this bill concerns the costs. In 1993, the cost was evaluated at $150 million by the former solicitor general of Canada, Mr. Lewis. Today, it could go as high as $250 million with electronic monitoring. We have no commitment from the minister as to who will pay.

There is no evidence that electronic bracelets are a reliable way to monitor dangerous offenders. Some reports from the United States indicate that a person who is fitted with a bracelet must remain within a certain radius of his telephone, because the waves are transmitted via the telephone. If the person is one floor down, he disappears from the screen, and we no longer know where he is.

● (1525)

Furthermore, an electronic bracelet will not keep a dangerous offender from repeating an offence or an assault. A bracelet will only help the police to find out where the individual was on a given date at a given time. As far as crime prevention is concerned, the system is worthless.

This is one point where we are very critical of the bill. That the government did not act sooner is another point, as I said earlier, and above all—and I think this is a good question—how does the Correctional Service of Canada intend to make this new system work, a system that will involve increased supervision, when today, that same correctional service is unable to prevent the sale of drugs in so-called maximum security prisons?

I had an opportunity to question the commissioner in committee, and he admitted quite frankly that drugs were a problem in our prisons, but they were incapable of monitoring all that. They are incapable of monitoring the circulation of drugs in prisons, and they want to supervise dangerous or so-called dangerous offenders using electronic bracelets. It does not make sense, considering the cost involved.

Another point is that Bill C-55 contains no preventive measures. It has an extremely serious weakness. Nor does the bill reflect the reality of 1996, because when we look at the statistics, we realize that the number of violent crimes has decreased by 13 per cent since 1991. We also realize, on the basis of the same statistics, that cases of sexual assault have dropped 21 per cent since 1994.

So things are not all that bad. I agree that the ideal situation is paradise. I agree that we see full page headlines in the newspapers, but if I told you that newspaper headlines are inversely proportionate to reality, what would you say? You would say I was right. Indeed. But big headlines sell newspapers. And the Reform Party takes advantage of those headlines. Every day we see Reform Party members using the newspaper headlines to try and make political capital. But reality is different.

We must keep working on prevention as they are doing in Quebec and in more and more Canadian provinces as well. But Bill C-55 is a band-aid solution being used to cope with a problem that is far more serious than that.

There is also another point, another important criticism, which is that the bill does not contain any clauses related to extending prison terms or creating a monitoring system for an inmate who turned out to be far more dangerous when his release was imminent than when he was sentenced. It is not possible to know that someone sentenced for 10 or 15 years will not be more dangerous when he comes out than when he went in. We have absolutely nothing about this in Bill C-55.

Finally, what I feel is the major point is the problem relating to an acknowledged principle, the presumption of innocence, since section 810.2 would allow a judge, as I have just said, to bring down a not guilty verdict while imposing supervision, which casts doubt on the validity of his verdict.

I believe very sincerely that, when a society starts to suspend such basic rights as the presumption of innocence on a case-by-case basis, it is treading close to the line of intolerance and is at risk of falling over that line into unjustified excesses.

Canadian society and Quebec society merely mirror the people who constitute them. Society, therefore, bears a share of the responsibility, and this bill I have before me, Bill C-55, does not reflect this sharing of responsibility.

It is imperative, and absolutely necessary, for the government and Parliament as a whole, to ensure the protection of our children, the ensure the protection of our families, as well, of course, as to ensure the protection of society.

● (1530)

As a party and as responsible individuals we intend to fight for these important principles. However, I would have liked to see in this bill a comprehensive prevention policy that would really try to achieve the objective the minister had in mind. I will have to wait for another bill, because I can find nothing in Bill C-55 that gives me reason to believe the safety of the public, of our children and of society in general will be improved. I see absolutely nothing in this bill that would achieve this.

That being said, the Bloc Quebecois as the official opposition can hardly object to the principle of a bill whose purpose is to protect the public against violent or dangerous offenders, and deficient though the bill may be, there is a principle to which we cannot object.

However, I think the minister should be very careful when he says that this kind of bill will solve practically all our problems. I think he is raising expectations among the public, which clearly will not be met by Bill C-55.

I therefore urge the minister to pay attention to what I just said, to review that part of the bill which concerns the electronic bracelet and electronic monitoring, and remove the part which I think might be challenged by the courts and which would otherwise cost the governments of Canada and Quebec and all taxpayers who would challenge this part of the legislation a fortune in legal fees.

[*English*]

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for Annapolis Valley—Hants.

It gives me great pleasure to rise today in support of Bill C-55, an act to amend the Criminal Code for high risk offenders, the Corrections and Conditional Release Act, the Criminal Records Act, the Prisons and Reformatories Act and the Department of the Solicitor General Act. I was pleased to hear that members of the Bloc Quebecois will be supporting the bill.

I would like to congratulate both the Minister of Justice and Attorney General of Canada and the Solicitor General of Canada for introducing this bill as early as they have.

There is no doubt that Canadians are very concerned about personal safety, as well as the safety of their families. Indeed, this bill has already been endorsed by a number of communities and individuals across the country.

Bill C-55 represents one of the most significant initiatives in relation to the criminal justice system in Canada. In keeping with the Liberal election platform, our government is committed to public safety in this country. This promise was reiterated in the throne speech of February 27, 1996, when the government stated: ''The non-violent character of our country, safe homes, safe streets, is also an essential element of security for Canadians''. The bill fulfils that commitment by taking the necessary steps to ensure the safety of our streets.

The main components of Bill C-55 are threefold. There is a new category created, the long term offender category. This category targets sex offenders and provides for supervision of their movement up to ten years after they have completed their parole and prison sentences. Convictions made in this category can include sexual assault, sexual touching, sexual exploitation, indecent exposure, aggravated sexual assault and sexual assault with a weapon or causing bodily harm.

● (1535)

The second main component of this bill deals with dangerous offenders. The dangerous offender procedure focuses on cases where there is a very high level of brutality. Under the proposed changes a judge will no longer have the discretion and will be required to impose an indefinite sentence.

The crown under current laws may bring an application to declare someone a dangerous offender in the period between conviction and sentencing. However, the amendment to this bill will allow the crown to bring in a dangerous offender application up to six months after conviction.

The third main category of Bill C-55 allows a new judicial restraint provision to be added to the Criminal Code. This will permit pre-emptive controls including electronic monitoring to be applied to individuals. If there are reasonable grounds to believe that an individual has a high risk of committing a serious personal injury offence, the judge can impose conditions on that individual.

In conjunction with these initiatives Bill C-55 discusses alternatives for incarceration of low risk, non-violent offenders. The federal inmate population has increased 22 per cent in the last five years. Canada's incarceration rate is 130 per 100,000 population. This statistic is far ahead of countries such as Britain, which has 92; France, 86; Germany, 81. However, it is also far behind our neighbouring country, the United States, where the rate is 529: in Russia it is 558. Imagine, out of 100,000 population over 500 are sitting in prison.

This is what Reform Party members want this country to lead to. They should be ashamed of themselves. They should go back to their constituents and ask do they want what is in the United States. Do they want what is in Russia? Or do they want the Canadian way

of doing things? I think their constituents will tell them they will have the Canadian way of justice in this country.

Low risk, non-violent offenders are those who have not committed a crime involving personal violence and whose risk of reoffending is low. This government's first priority is the safety of Canadians. Not all offenders need to be imprisoned to achieve this goal of public safety. Promoting measures such as sentencing reforms and community diversion programs as alternatives for imprisonment for first time non-violent offenders at a low risk of reoffending distinguishes between the low risk and the high risk offenders.

This balanced approach by this government came about through consultations with provincial and territorial governments, the National Crime Prevention Council, voluntary organizations and community groups such as Parkdale Focus Community Watch in my riding which met with the minister, and the minister listened to their concerns and those concerns are addressed in this legislation.

In addition, much input was received from individual constituents. This was instrumental in bringing forward this legislation.

The measures announced last week are in response to communities such as Parkdale—High Park where citizens have lived in fear because of a high risk offender being housed in a local correctional facility.

Indeed community safety is a high priority in my riding, as in all of our ridings. This was especially evident when a pedophile was placed at a correctional centre in the west end of Toronto. Bobby Oatway, a third time federal offender, served 10 years for sexual assaults including rape, indecent assault, buggery and bestiality, and was brought into my riding from British Columbia with no prior consultation with the citizen advisory committee which we have set up. In fact, there was no knowledge of his relocation from B.C. to my riding until after his placement.

Mr. Oatway refused treatment while in prison, was considered too dangerous to be returned to his home community in British Columbia, and yet was found to be safe enough to be plunked into our community in the west end of Toronto. If a pedophile is too dangerous in one community, the solution is not to transfer him into another community.

Reform asks why do we not do something about it. We are doing something about it. That is why we are bringing in Bill C-55. I hope we can get speedy passage with the support of the Reform Party.

My constituents were enraged when this individual who had committed atrocious crimes against children was placed in a minimum security facility that is close to five elementary schools, a shelter for battered women and several child care centres. Any parent in this circumstance would be concerned about their children's safety and the potential denial of their children's basic right to life. This bill goes a long way toward protecting the basic right of children, the right to life.

• (1540)

On arrival to Toronto on statutory release, Oatway resided at Keele Community Correctional Centre. He participated in assessments with our district psychologist as well as with the admitting psychiatrist with the Clarke Institute of Psychiatry. He was under 24 hour supervision within the Keele Community Corrections Centre. All access to the community had to be under escort.

The residents living near the centre, community organizations and local politicians mounted such a strong and effective opposition that Mr. Oatway himself requested to be returned to prison in British Columbia.

Under Bill C-55, the Oatways will not be a threat to communities either in B.C. or in Parkdale—High Park. The principle concern that remains within my constituency is why was Bobby Oatway not declared a dangerous offender. The application for dangerous offender must be submitted by the crown upon conviction. This did not occur in this case and the Correctional Service Canada does not have the legislative powers to impose such a designation.

Under the proposed changes the government will now have up to six months after conviction to bring in a dangerous offender. Under the proposal a convicted person found to be a long term offender would be subject to a prison sentence suited to the offence with an additional period of supervision for up to 10 years.

In April I attended a public meeting at Indian Road Crescent Public School where I received almost 1,000 signatures concerning Bobby Oatway. The petition was forwarded to the Minister of Justice and the Solicitor General of Canada and I am pleased that the Liberal government has listened to our communities right across this country by acting appropriately to seek improvements to dangerous offenders legislation and to ensure public safety.

It is my strong belief that these government amendments will extend controls over persons convicted of sex crimes and other violent offences and will give us the measure to monitor their activities. In the event that they recommit, these amendments will put them where they belong, in jail.

Through this legislation there can be an effective combining of policing, prosecution, sentencing, custody, supervision and rehabilitation strategies that will control high risk groups within our society and keep our streets and neighbourhoods safe for our children and the general public.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I will be brief since I know some of my colleagues would like to ask questions of the hon. member. I was very interested to listen to his remarks, especially the case of Bobby Oatway, which I am fairly familiar with.

I would like him to explain as succinctly as possible exactly how Bill C-55 will prevent Mr. Oatway from being released? How is it going to get him classified as the dangerous offender that he certainly is? I agree with the member's sentiments about Mr. Oatway, as would all members in this place.

My understanding of Bill C-55 is that they will be able to apply to have people like him classified as dangerous offenders and kept in prison for an indeterminate amount of time, if application is made six months after conviction. But it has been quite a long time. As the member said, Mr. Oatway has already served 10 years. It is not six months after conviction so how will Bill C-55 keep Mr. Oatway in jail where he should be?

Mr. Flis: Mr. Speaker, I thank the hon. member for the question and I am pleased that he knows the case. It affected communities in British Columbia as well as in Ontario.

Bobby Oatway was released because we did not have Bill C-55. This is why we are bringing in this legislation, so that the judge after sentence has six months to declare him a dangerous offender.

There is a very small population of Canadian criminals that fits into the category of dangerous offender. Before there was no such thing. We are trying to identify the very serious offenders who should not be allowed into communities. That is what this legislation will do. He can actually be in prison indefinitely. If the hon. member would study this bill, he would see that and would convince his party to support it and give it speedy passage.

• (1545)

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I have listened to the comments of the hon. member. I can really identify with what he is saying when it comes to the scenario he outlined regarding Mr. Bobby Oatway, a serious sexual offender. I too had a similar circumstance in my own riding. The unfortunate part is that I do not see Bill C-55 answering the hon. member's concern nor the concerns of other members who have similar situations in their ridings.

A serious sexual offender, unless he is declared a dangerous offender at the time of sentencing, cannot be declared one after that six month period time. Therein lies the problem. There are serious sexual offenders being released into the community after serving their sentence and all authorities have indicated that they are a high risk.

I would suggest that the hon. member look at that legislation the Minister of Justice is putting forward and seek to have him address that particular point because this bill does not.

Mr. Flis: Mr. Speaker, again we should make it very clear to the public that the Oatways and Olsons were out endangering communities because we did not have this kind of legislation.

Now, after a judge makes a conviction, the judge still has six months in which to identify him as a dangerous offender, if the information that is collected points this out. Members of the Reform Party are living in the past. They are quoting cases of criminals who have been out endangering our communities. These criminals were doing that because we did not have this legislation.

This legislation does allow us to identify the Olsons and the Oatways as high risk offenders and they can be imprisoned indefinitely if need be.

Mr. John Murphy (Annapolis Valley—Hants, Lib.): Mr. Speaker, I am pleased to rise today and speak in support of Bill C-55.

Since our government took office in 1993, improving public safety has been a major priority and we have passed a series of important legislative initiatives in this regard.

This bill is an important step in our efforts to keep our streets and our homes safe from violence. Members will recall in the 1996 speech from the throne our government pledged to ''focus resources on high risk offenders while developing innovative alternatives for low risk offenders''. This legislation will ensure that we will meet this commitment.

Let us look for example at the provisions in this bill dealing with high risk offenders. The bill includes a new long term offender designation that targets sex offenders and adds a period of long term supervision of up to 10 years following the release from prison. This designation will apply to people such as sex offenders who are less violent and brutal than dangerous offenders but are found to pose a considerable risk in reoffending.

Now undoubtedly members from the third party will say: ''Why not keep these people in jail, lock them up and throw the key away''. That seems to be their one and only solution on the issue of crime and justice they put forward.

The reality is that eventually prison sentences will come to an end. For a person who falls under this category, no matter how long they serve, they will some day be released. A long term offender designation will however ensure that offenders are closely monitored beyond the completion of their sentence. Rather than locking people up and throwing away the key, our government is working to find responsible, workable solutions to serious public safety issues.

• (1550)

I believe the best hope for rehabilitation is to gradually reintegrate an offender back into the community. By imposing on the offender an additional period of supervision in the community after the end of his regular sentence, we are giving the offender an opportunity to reintegrate into society. In doing so, we are not putting public safety at risk.

The second component of the bill includes strengthening the dangerous offender provision in the Criminal Code. Again, we have listened to Canadians who have expressed concerns about public safety and we have responded in a forceful yet reasonable manner.

Under the new provisions, anyone who is classified as a dangerous offender will be kept in prison indefinitely. The judge will no longer have the discretion to sentence a dangerous offender to a fixed term. As well, presently the dangerous offender application must be made at trial. Under Bill C-55, the crown will now be able to bring an application forward within six months after conviction.

While members of the third party grandstand day after day posing as defenders of the public's safety, our government is working to ensure that such measures are put in place, measures that will genuinely improve public safety in our communities.

The legislation also includes a new judicial restraint provision. This provision will permit controls, including electronic monitoring, to individuals who pose a high risk of committing a serious personal injury offence. Under these provisions, a judge will have the power to impose general conditions such as keeping the peace, specific conditions appropriate to the kind of threats posed by the individual such as staying away from places where children congregate.

As one of the conditions for example, a judge could order that the program of electronic monitoring be applied in provinces where this option is available. A breach of conditions would constitute a separate criminal offence which could lead to a jail sentence.

The tough new measures we are bringing forward in the bill will address many of the concerns we as members of Parliament hear from our constituents. Over the summer months I held a series of town hall meetings in my riding of Annapolis Valley—Hants. At these meetings the issue of crime and public safety was brought forward on numerous occasions. People are concerned. They want to know that they can walk safely through their communities. They want to know that the violent and sexual offenders will not be free to walk the streets because our justice system has been too lenient on them. They want to know that the punishment will fit the crime.

I would like to read a brief quote from a letter from one of my constituents on this issue. The constituent writes: ''I do not want to see a big brother society, but I feel strongly that peaceful citizens have a right to safety on the highway and in their homes''. I could not agree more. I believe that the tough new measures included in the bill will address the concerns that we members of Parliament are hearing.

Another important component of Bill C-55 is our approach to low risk non-violent offenders. I am referring to those offenders who have not committed a crime involving personal violence and whose risk of reoffending is assessed to be low. Unlike members of the third party, our government recognizes that not all offenders need to be imprisoned in order to improve public safety.

The experience of American states which have used such an approach should be a lesson to us that incarceration of all non-violent offenders does not necessarily lead to lower levels of crime. Our government recognizes that low risk non-violent offenders can be best dealt with by serving their sentences in the community with appropriate control and supervision. I strongly believe that in such instances our community is best served by promoting rehabilitation and community responsibility rather than just simply locking people up in jails.

Crime is certainly not a simple issue. Our government's approach avoids the kind of simplistic solutions we keep hearing from the third party. Flogging petty criminals and throwing more and more non-violent offenders in prison for long periods of time is not the answer.

• (1555)

Instead, we are taking serious measures to clamp down on violent, sexual or dangerous offenders in our society. At the same time we are promoting community oriented rehabilitation and treatment of non-violent offenders who are not considered a threat to our communities. This is the type of balanced and reasonable approach that will truly make a difference on issues of public safety and crime prevention. That is why I support Bill C-55.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, the member referred to the members of the third party, the Reform Party or whatever, as having an attitude on crime of lock them up and throw away the key.

I would like to know which member said that. I would like the member to refer specifically to whose opinion that is and who said that. I do not like a general comment that all Reformers are this or all Reformers are that. Not all Liberals are incompetent, just 95.5—

Some hon. members: Oh, oh.

Mr. Silye: The member also said that the punishment should meet the crime. In saying that, does he believe that the penalty for premeditated first degree murder is a review after 15 years? After someone receives a lifetime sentence subject to parole, subject to a

review after 25 years, another relaxation for a first degree murderer, a killer who premeditated gets a review after 15 years.

This is the kind of legislation the Liberal government has brought in and all the Liberals voted for. All the Liberals support the view that the punishment should meet the crime. Is that what he believes is an example of the punishment meeting the crime?

Mr. Murphy: Mr. Speaker, the member asked about the throwing away of the key.

I do not ever hear Reform Party members talking about rehabilitation and treatment. Instead I hear them say, as I perceive it and hear them day after day in this House, that they would prefer that people who commit crimes should be in jail.

Mr. Hill (Prince George—Peace River): You have not listened to my speech.

Mr. Murphy: You say it all the time.

Mr. Penson: Who said it? It must be in *Hansard*.

Mr. Murphy: I am sure it is there.

About the review after 15 years, I spent 30 years in psychiatry and mental health. I have always believed there is the possibility that people can change. If that possibility is there, then we can look at a review of a criminal after 15 years. If that person has not appeared to have any change of heart, has not appeared to have any treatment programs who has not looked like he can change, then we keep him in jail.

However, do we have to keep everybody in jail who has a sentence of 25 years and the opportunity for parole? We as a Liberal government believe that at times criminals can change. Their behaviour can change and they can come back into society to contribute.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I note the member did not answer the question of my hon. colleague from Calgary. I also note the member revealed that his background is in psychiatry and mental health. That points out the real problem we have here. In his remarks he said that he believes everybody can be rehabilitated.

Mr. Murphy: I never said that, no.

Mr. Hill (Prince George—Peace River): Check *Hansard* and see what you said, because that is what you said. Mr. Speaker, that is what the hon. member said.

• (1600)

I want him to very clearly state, because Reformers believe and the majority of Canadians believe, that there are some inherently evil people out there who cannot be rehabilitated. We talk about rehabilitation, but we believe that some people cannot be rehabilitated. They have to be kept confined, away from society and away from the opportunity to reoffend. I wonder if the hon. member would agree with that or not.

Mr. Murphy: Mr. Speaker, I want to reiterate that I did not say that everybody can be rehabilitated. I said some can be rehabilitated with treatment programs. I still believe some people need to be kept in jail because they are going to be violent criminals for the rest of their lives. I believe that is true as well.

Reformers do not agree that they say this. They say in very subtle ways that with these people they would throw the key away. I do not believe that is the case.

The Speaker: Will the hon. member for Prince George—Peace River be speaking for the 20 minutes or splitting his time?

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I will be speaking for the 20 minutes or close to it.

Perhaps before I get into the text of my speech I would like to rebut what the hon. member from across the way just said in his closing remarks. I do not know of any Reform member that is subtle about anything. Take that as it is.

I am pleased to rise today to speak to Bill C-55 which finally attempts to respond to the concerns that Canadians have regarding high risk offenders in our society. Too many convicted offenders injure or kill after their release and we have become weary of a justice system that caters to the rights of high risk offenders. Unfortunately this legislation does not go nearly far enough to ensure Canadian communities enjoy safety and protection from violent criminals.

While I find it encouraging that the government may actually recognize that the justice system currently fails to adequately deal with dangerous offenders, I am disappointed in the shallow nature of Bill C-55.

As I have stated in this House during debate on Bill C-53, which makes the ludicrous proposal to expand temporary absences for convicted criminals, and during the debate on Bill C-41, which proposes a strong-arm invasive approach to enforcing child support payments, there is a recurring theme in government legislation that is being brought before members for consideration. That theme is an election theme. Evidence of it can be found in the recent series of government bills that attempt a quick fix on hot issues.

Despite their ignorance of the fundamental problems plaguing child custody laws and many aspects of the justice system, the Liberals are ramming through legislation, any legislation, so they can tell voters during the next election that they did something to make changes that Canadians have been demanding.

We know that the Liberals have been content throughout the past three years to do very little in the way of substantial legislation, but with an election looming in their future they are scurrying to

appease voters in the areas that they have previously neglected. This includes the sorry state of our justice system. Canadians have been horrified with consequences resulting from the lenient treatment of dangerous, violent and repeat offenders. There have been demands for tougher sentencing, supervision and more legal options for the crown should it wish to seek dangerous offender status for someone convicted of crimes causing serious personal injury.

With one eye on the election, the Liberals have come up with Bill C-55, and like many Canadians, I am happy to see the government get tougher to any degree with these violent criminals. The bill does not include the fundamental changes required to effectively protect our communities from these individuals. To use an analogy, the proposed legislation may heal some superficial wounds but does little to stop the internal bleeding. With their usual kid glove approach to convicted criminals, the Liberals have barely scratched the surface. With a number of amendments this bill could actually make our streets safer.

• (1605)

I would like to discuss a few of the possible amendments. Reform has proposed that the bill be amended to allow the crown the right to seek dangerous offender status at any time during an offender's jail sentence. Bill C-55 suggests that the crown must give notice at the time of conviction that it may seek dangerous offender status for the convict. The crown will have six months after the conviction to apply for that status.

I do not see why there should be any limitation in seeking dangerous offender status for those who have caused serious personal injury to their victims. Who are we trying to protect: the victims or the violent offenders?

An hon. member opposite tried to clarify this point. I still believe that the hon. member was wrong in his assessment of Bill C-55. He used the example of a violent pedophile who is currently in jail. However, this bill will not prevent that individual from getting out of jail.

Reform has proposed an amendment to the bill which would require courts to automatically place dangerous offender status on anyone who commits a serious personal injury offence on two or more more separate occasions. Such criminals would be imprisoned for an indeterminate period of time.

Another glaring omission in Bill C-55 is the failure to specify the inclusion of pedophiles and sexual predators as dangerous offenders. It has to be solidly and definitively stated in legislation that these despicable criminals, such as Paul Bernardo, are dangerous and a high risk to the safety of our children and to the safety of the entire country.

Bill C-55 also makes an attempt to remedy section 761 of the Criminal Code which allows for the review of indeterminate sentences for dangerous offenders after just three years. The proposed legislation would increase the period to seven years. I must admit that this is an uncharacteristically rational approach by the Liberals, but, again, it does not go far enough. Given the nature of these offences and in the interest of punishment that fits the crime and the protection of society, Reform has proposed that these sentences be reviewed after 15 years of indeterminate imprisonment.

As I said earlier, it seems as though the government emphasizes taking a softer approach with convicted criminals than it does with the rest of society. In the Liberal version of justice the rights of the criminal are given careful attention, while the rights of society are irrelevant.

We only have to look at the injustice that millions of innocent, law-abiding citizens in the country face because gun control legislation, rammed through by the government, severely impairs their personal freedom. The Liberals encourage minimal incarceration for criminals, but because of Bill C-68, their gun control bill, a law-abiding citizen can face up to 10 years in jail for failing to register a firearm. Section 104 of this draconian bill also allows an inspector to obtain a warrant to search an individual's home for a firearm, even if there is no evidence that a crime has been committed or is about to be committed. Section 104 of Bill C-68 has no place in the Canadian justice system.

Rejecting an individual's right to protect themselves, their home, their family and their property is a frightening prospect. Were the civil liberties and rights of legitimate gun owners ever considered? Were civil rights considered in the drafting of this bill?

Bill C-55 includes a judicial restraint provision to impose restraints on individuals which an attorney general suspects may commit a serious personal injury offence. This might involve the suspected individual being ordered to report to correctional officials or police on a regular basis, or participating in an electronic monitoring program. Note that I used the words ''suspected'' and ''may''. That means that a person acquitted by a court of law for any charge or a person who has never been charged with a criminal offence could be forced to undergo monitoring.

There is a great deal of similarity between this provision and section 104 of the gun control legislation in that both impose a restriction on citizens who have not been charged or convicted. We know the Liberals are reluctant to take such invasive measures against convicted criminals for fear of infringing on their rights. However, when an innocent person's rights may be violated, the Liberal concern for the protection of personal freedoms and personal liberty is curiously absent.

• (1610)

Is this the kind of treatment we should expect in a free and democratic society? Is it worth risking an individual's civil rights for technology that is not guaranteed to protect Canadians? Electronic monitoring systems are expensive and impractical in crowded cities where buildings occasionally block out signals.

This clause constitutes a broad, indiscriminate infringement of personal liberty which violates the civil rights of individuals and should be entirely struck from Bill C-55.

It is puzzling that the idea of electronically monitoring unconvicted and uncharged individuals was introduced by the same justice minister who has steadfastly refused to repeal section 745 of the Criminal Code. Dangerous killers, such as Clifford Olson, have the minister to thank for preserving a law that gives them the right to have their sentences reviewed after just 15 years. This tells Canadians that the Liberals are not making the protection of society a priority.

On the other hand, the same minister attempts to justify the infringement of civil rights of innocent Canadians by claiming that the protection of society is paramount. This contradictory legislation is another result of the piecemeal, quick fix Liberal election strategy. It has been reported that even senior officials in the justice department and close friends of the minister tried to persuade him to drop this clause. Reformers think the minister should have listened to them.

The identified problem that the minister was attempting to address was the ineffectiveness of some restraining orders, but how will this clause be used in practice? What safeguards will be in place to prevent future abuse? Admittedly, there is a problem with restraining orders. The most vulnerable members of our society are the ones most at risk from what has become known as stalkers. There are a number of well documented cases where restraining orders have proved to be completely ineffective.

I believe the minister was attempting to solve the problem of improving the effectiveness of restraining orders by imposing electronic monitoring as a means to track these individuals. I support the need for something like this. We also must be cognizant of the possible abuse of this clause if it is not itself carefully monitored.

Another amendment I would like to discuss which will improve the effectiveness of this bill is the elimination of clause 15. It is the opinion of the Reform Party that all Canadians should be treated equally. This means that no individual or group should be given special status. The Liberals are rather fond of conferring special status on certain groups and this only results in inequality.

Under clause 15 aboriginal communities will have the right to receive notice of the release of a high risk offender into their community and the right to become involved in planning for that release. They are given this special privilege while other Canadian communities do not receive such notice or opportunity.

There is no logical or justifiable reason to provide these privileges to one community and not to another. Canadians from all communities have been requesting notification procedures for the release of high risk offenders. Why not enact legislation to implement these measures for all communities? This clause exemplifies piecemeal legislation that seeks to appease certain groups on selected hot button issues and it should either be scrapped or expanded to include notification to all communities.

I reiterate that Bill C-55 has some potential to make a difference. However, it comes up short in keeping our streets safe from violent criminals. I ask myself and many Canadians are asking themselves this question: What is stopping the Liberals from developing justice policies that keep these offenders in jail?

One issue that might answer this query is the severe over crowding and financial burden of the prison system. The Liberals are attempting to reduce corrections costs by letting criminals go free and therefore making more space available. They are instituting lenient parole legislation and letting violent, dangerous criminals out of jail. I emphasize this. There is absolutely no justification for allowing these high risk individuals to roam our streets. Second, it is irresponsible to encourage early release or expanded temporary absences for what the Liberals call lesser criminals, as we saw in Bill C-53.

• (1615)

What will really reduce the number of these types of criminals sitting in jails at taxpayers expense is deterrence. While the government strategy has been to rehabilitate these convicts, we have watched the prison population grow by 22 per cent in the last five years. This is despite the fact that the number of convicts out on probation rose by 40 per cent between 1990 and 1994, and 80 per cent of the 154,000 convicts in the correctional system were out on some form of community supervision in 1994.

The solution to overcrowding and financial problems in the prison system is deterrence. Hard jail time for those convicted of the so-called lesser offences will deter them from committing more crimes and deter those who might commit similar crimes.

Mandatory work, something I mentioned earlier, some outside during winter under conditions that taxpaying, working Canadians face every day, will do more to dissuade these individuals from a life of crime than the longest leisurely stay at a cottage style prison. Then there will be plenty of space and resources available for dangerous, violent, high risk offenders who deserve to rot in jail for raping, mutilating and killing their victims.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, to the member for Calgary Centre who asked us to name one person in this party who subscribes to the philosophy of lock them up for life, I would like to quote for his benefit *Hansard*, September 17, page 4316, the Reform member for Calgary Northeast:

> We say that for every criminal who is convicted of a violent crime for a second time, he or she should be sentenced to imprisonment for life without eligibility for early release or parole.

To me that means locking them up and throwing away the key. I hope I have answered the question for the hon. member.

The member who just spoke raised the question of why we are allowing the crown six months to apply for dangerous offender category? It is very simple. During that six months new evidence could arise that would be beneficial to the crown. I refer to recent cases such as the Bernardo case where there was evidence after the fact that tapes were available.

He also referred to the clause on stalking and he agrees that we should take measures to allow correctional services a mechanism to prevent stalking. I know statistics can be played with and some members are very good at that. But when we look at the statistics over 50 per cent of offenders are known to the victims. It is usually the husband or the spouse, a direct member, when sexual abuse and violence occurs. As a result there is no mechanism.

We have heard of a case from the Montreal area where a woman had been stalked by her husband for over a year and the police were helpless, until finally she was murdered. Then the police had the law to intervene.

I ask the hon. member if he believes we should remove this provision from the law. What procedure would he propose that would allow the police jurisdiction to intervene without necessarily infringing on the rights of people? If the member took the time to look at the bill he would know that before a restraining order can obtained, one must apply to a judge. It is not automatic. The judge would review the case and if the judge feels that there is sufficient grounds to justify the restraining order then it is very inexpensive way for us to monitor the movement of that person. With a bracelet for example, we would know at any time where the individual is. I ask the hon. member how he proposes to prevent fear in the women who are stalked night after night.

• (1620)

Mr. Hill (Prince George—Peace River): Mr. Speaker, I thank the hon. member for his many comments and questions. I will try to address them in the same order he made them.

The member's first comment was about some Reform members. He cited one who said that after a conviction for a second violent offence those people should be locked up forever. I guess the obvious question to pose back to the hon. member is how many times does someone have to commit a violent, horrendous, despicable crime on innocent members of society before the Liberals would lock them up and quit letting them out.

We say that if someone commits a crime twice it should be enough. Do the Liberals want them to do it five or six times and have more victims before they finally lock them up?

The second point made by the hon. member was an explanation for the provision of the six-month window to have the prosecution apply to the courts to have a convicted felon declared a dangerous offender. I understand the reason for the window, but what I suggested in my speech is that it should be wide open. We should be able to retroactively apply it to people who are already in jail to keep them there.

An hon. member: There are charter rules.

Mr. Hill (Prince George—Peace River): The member is indicating there are charter rules which prevent that. Then I am suggesting that we have to change the charter. We have to do something. We cannot simply sit here, as the Liberals do, and throw up our hands and say we cannot do it. That is simply not good enough.

Earlier when one of the member's colleagues was talking, he specifically mentioned a horrendous case, the case of Bobby Oatway, and said that Bill C-55 would solve this problem. The reality is that Bill C-55 does not solve the problem of existing dangerous pedophiles like Oatway who are currently in the prison system. It will do nothing to prevent them from getting out of jail, which is the point we are trying to make.

The last point that was made by the hon. member was what was my suggestion, if we drop this clause, to prevent stalking. I think he made a very good point. What I was bringing to his attention was that with this legislation I am concerned about possible abuse. I recognize, as I did in my speech, that there is a need to address this issue. My concern is not that it will be used where it is justified to help innocent victims who are in fear of their lives but that it will possibly be abused by the authorities, one way or another, to infringe on the rights of people who should not have to undergo electronic monitoring.

The Deputy Speaker: Before resuming debate, it is my duty, pursuant to our standing orders, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Saskatoon—Clark's Crossing, employment; the hon. member for The Battlefords—Meadowlake, agriculture.

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, I am pleased to rise today to talk about Bill C-55. It deals with an issue of great importance to my constituents, the whole issue of public safety and protecting Canadians from violent offenders.

While the proposals in this bill introduce tough new measures to deal with high risk offenders in our society, they also introduce a number of initiatives to deal with non-violent offenders who are at low risk at reoffending.

The proposed sentencing and corrections reforms incorporated in the bill build on current criminal and correction laws. They extend controls over those people convicted of sex crimes and other violent offences and aim to reduce the risk of repeat offenders.

One of the most significant parts of these proposals is the establishment of a new sentencing category. This category is to be called long term offender and I believe this is an important new designation that will work well for the better protection of society as a whole.

• (1625)

Most people are familiar with the dangerous offender provisions in the Criminal Code because this designation has proven to be a useful mechanism for sentencing serious offenders who pose a high risk of committing further violent offences.

This long term offender designation would be equally effective. Long term offenders would be subject to an application procedure similar to that of a dangerous offender. The procedure would apply to people convicted of sexual assault and other sexual offences.

Under the proposal the convicted person found at a special hearing to be a long term offender would be subject to an appropriate sentence and an additional supervision period of up to 10 years.

Every long term offender would also be subject to standard conditions such as keeping the peace and not being allowed to possess firearms. Further specialized conditions can also be added to ensure close supervision of the offender such as regular reporting to an assigned supervisor and mandatory participation in counselling, electronic monitoring and other rehabilitation programs.

I support this initiative and I support the government in its attempt to make our homes and streets safer for all Canadians.

Bill C-55 goes even further. Not only is the category of long term offender being created, the dangerous offender provisions are also being strengthened.

Because under the current law a judge has the discretion to sentence a dangerous offender to a fixed term, under these new proposed changes a judge will no longer have the discretion and will be required to impose an indefinite sentence, thus better protecting members of our society from these dangerous and repeat offenders and keeping them behind bars.

In addition, the crown will now have up to six months after conviction to bring in a dangerous offender application. Currently the application must be made at trial. Sometimes new information surfaces after the completion of a trial and this new information may be critical to the service of justice and to the protection of society from dangerous offenders. I definitely support this proposed change as well.

The reforms to Bill C-55 are simply the latest initiatives in a long series of federal justice initiatives designed to better protect Canadians.

Members of the third party stand in this House day after day and suggest that the government is not fulfilling its obligation to protect Canadian society against criminals, against violence. That is absolutely wrong. The Minister of Justice has produced strong legislation in this House time and time again that protects Canadians. The really strange thing about this is every time he proposes increased sentences, every time he proposes better protection of Canadians, the third party votes against it.

When we proposed and passed legislation that would have increased sentences for young offenders who commit violent crimes, the government supported it. It was government legislation. Look at the Reform Party. A vast majority of its members voted against young offenders who commit violent offences from having longer sentences. Check *Hansard*. The majority of them voted against it.

For my colleagues opposite, I will list some things. This one they will find difficult to deal with. We have created a national crime prevention council because part of dealing with criminals, part of dealing with justice in society is to work toward dealing with some of the underlying causes.

The third party might have some difficulties with that concept but we have dealt with it. We instituted a flagging system for use by Canadian police to identify high risk offenders.

We established a new mandatory five year sentence for those convicted of using violence to force children into prostitution. I guess that is being soft on criminals. We classify as first degree any murder committed while stalking. I guess that is being soft on criminals, according to the third party.

We have increased sentences for those convicted of stalking and we have specifically dealt with the issue of eliminating the drunken defence and giving the police the tools and means to issue warrants so that they can get DNA samples. I guess, according to the third party, that indeed is mollycoddling to criminals. It is not.

• (1630)

We talked about violence in society. It was the government that introduced legislation that increased the minimum sentence for using a firearm in the commission of a criminal offence by 400 per cent.

Mr. Hill (Prince George—Peace River)): That is a crock.

Mr. Mitchell: It classified the smuggling of firearms as an enterprise crime that carries up to a 10-year sentence.

Mr. Speaker, you can hear all the noise in the Chamber because they hate being told that the government is dealing with the justice issues. They simply ignore them and every time they vote against them.

Mr. Thompson: Why do the victims' groups not go away?

Mr. Mitchell: They vote against increased sentences. They vote against our efforts to help control violence in Canadian society. They try to have it both ways. They say they want increased criminal control, but when they have the opportunity to vote for it in the House what do they do? They vote against it. It is very difficult to understand the logic of that type of system.

Mr. Penson: Dispense.

Mr. Mitchell: Absolutely. Bill C-55 is legislation. It works toward controlling violent criminals in society. It provides a number of tools to the courts. It provides tools to crown attorneys. It provides tools to enforcement agencies to better protect Canadians.

The government is committed to a safer society, to ensuring that criminals are apprehended, to ensuring that criminals once apprehended who pose an ongoing risk to Canadians find themselves behind bars and that the tools are provided to monitor these individuals if and when they are returned to society.

This legislation deals with the issue of criminals. It deals with protection of Canadians. It deals with making our streets safer. It deals with making communities safer. It is good legislation. It achieves those important objectives.

Not only do I support that bill, but I believe in all good conscience every member of this House, including those opposite, should be supporting this bill because it does what we all want done. We all want a safer and more secure society and this bill achieves those important objectives. I will be pleased to support this legislation.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I appreciate you recognizing me when so many of my colleagues also want to ask questions of this hon. member.

I would like to state at the outset that this legislation, like every other piece of justice legislation that has been brought to the House by this Liberal government was designed by lawyers, drafted by lawyers, passed by lawyers for the benefit of lawyers.

When members opposite say that the Liberals are getting tough on crime it is an absolute joke. Everybody in this country knows that. Earlier the hon. member for London—Middlesex quoted Mr. Newark of the Canadian Police Association. The Liberals are bringing in Bill C-55 because the Canadian Police Association wants it and it going to do so much. Yet I find these same Liberals strangely silent when the same Canadian Police Association calls for the repeal of section 745. What a shock. It is also calling for a referendum on the return of capital punishment.

I would like to know from this hon. member who says that he wants to get tough on crime and that this government is getting tough on crime, how he voted on section 745. Would he support the repeal of section 745 as Canadians from coast to coast are calling for? Would he support a referendum to see the return of the death penalty for first degree, cold-blooded, premeditated murder?

Mr. Thompson: Never.

• (1635)

Mr. Mitchell: After those comments, Mr. Speaker, I am glad I am not a lawyer. My goodness, they might get some mail from the law society tomorrow.

Let us talk about section 745 because I know the member has been up a number of times. I want to make sure the Canadian people understand exactly what the third party voted against. Section 745 has been in the Criminal Code for quite a while. The government changed it. Reformers voted against a bill that would stop somebody who was a multiple murderer from having eligibility of parole. They voted against that. If their vote had carried the day, it would mean that people who were multiple murderers would have eligibility for parole after 15 years. They voted against that change.

What else did they vote against when they voted against section 745? Under the old regime only two-thirds agreement was needed of the jury of the individual's peers from the community from which the crime had occurred to set the individual free. This bill made sure the jury had to be unanimous. Reformers voted against that. Since they voted against it obviously they thought it only necessary to have two-thirds of the jury in agreement.

There was a third component to the revisions of section 745. Judges would have the ability to disregard an application for parole that was considered to be frivolous so the victims in those types of cases would not be subject to the actual hearings. Reform Party members voted against that too.

It is unbelievable. They are here trying to suggest that they have the complete corner on the issue of wanting to control violence, wanting to strengthen the criminal justice system, but every time it comes to a choice, every time it comes to a vote where they have an

opportunity to see those types of laws strengthened, what do they do? They vote against it. It is unbelievable. They vote against justice bills over and over again.

It is this Liberal government that has pursued a policy of controlling violence in Canadian society. If the legislation put forward in the 35th Parliament is checked, one initiative after another works to strengthen the criminal justice system. It works at keeping criminals behind bars. It works at keeping society safer, communities safer and streets safer.

The Deputy Speaker: I inform all members that there is an indication that the hon. member for York North is sharing his time. Therefore he has 10 minutes.

Mr. Maurizio Bevilacqua (York North, Lib.): Mr. Speaker, ''The proposed high risk offenders' legislation is the single most important improvement in Canadian public safety legislation in the last 20 years''. So said Scott Newark, executive officer of the Canadian Police Association. I could not agree more. The government has announced new measures to deal with high risk offenders.

The following three initiatives will toughen the sentencing and correctional regime for those who pose a high risk of committing another violent crime: a new long term offender designation that targets sex offenders and adds a period of long term supervision of up to 10 years following release from prison, strengthened and streamlined dangerous offenders provisions in the Criminal Code, and a new judicial restraint provision to permit controls, including electronic monitoring, to be applied to individuals who pose a high risk of committing a serious personal injury offence.

In the 1996 speech from the throne the government pledged to focus resources on high risk offenders while developing innovative alternatives to incarceration for low risk offenders.

● (1640)

Once again we have kept our promise and fulfilled our commitment to the Canadian public. After all, they deserve no less. Canadians are honest, hard-working people. They give much to their communities and expect very little in return. What they did ask for during the 1993 election campaign was safer homes and safer streets. That is what they are getting.

Canada's crime rate fell again in 1995, its fourth straight drop following 30 years of almost constant increase. Violent crime is down for the third year in a row. The homicide rate reached its lowest level since 1969.

The York region, which includes my riding of York North, has one of the lowest crime rates in the country. This is good, this is progress, but this is not good enough.

Criminals still commit offences and victims still suffer. That is why we have introduced Bill C-55. Under the proposed changes a new sentencing category, to be called long term offenders, will be added to the Criminal Code. It will target sex offenders who are less violent and brutal than those designated as dangerous offenders but are found to pose a considerable risk of reoffending.

The procedure will be similar to the existing dangerous offender application. On conviction the crown can ask for a thorough assessment of the offender's criminality and the risk he or she presents.

On the basis of the assessment report, the crown can then bring a dangerous offender or a long term offender application. With a long term offender application, a special hearing is convened and evidence is heard, including the assessment report.

If a long term offender finding is made, the judge will impose a prison sentence suited for the offence and add a period of long term supervision of up to 10 years to start when the incarceration period, including any parole, expires. Every long term offender will be subject to standard conditions, such as keeping the peace and not being allowed to possess firearms.

Further, specialized conditions can be added to ensure close supervision of the offender, such as regular reporting to the assigned supervisor and mandatory participation in counselling, electronic monitoring and other rehabilitation programs.

The long term offender designation, by imposing on the offender an additional period of supervision in the community after the end of the regular sentence, gives the offender a real opportunity to reintegrate without putting the community at risk.

Public safety is improved because Correctional Service of Canada and the parole board can set stringent conditions on the offender, monitor the offender closely and pull the offender back if there is a breach. An offender who breaches these conditions can be persecuted and reincarcerated.

Next we looked at the dangerous offender category. This classification has proved to be a useful tool in increasing public safety. Dangerous offender applications have been used successfully in approximately 150 cases and we are building on this success. Anyone who is classified as a dangerous offender will be kept in prison indefinitely. A judge will no longer have the discretion to sentence a dangerous offender to a fixed term.

Currently a dangerous offender application must be made at trial. Under Bill C-55 the crown will have a window of six months after conviction to bring a dangerous offender application based on newly received information. The process has been streamlined.

The number of psychiatrists required to testify at a hearing has been reduced from two to one.

Third, a new judicial restraint provision will be added to the Criminal Code. This procedure will focus on persons who pose a risk of committing a serious personal injury offence. It can be applied to people who are not under sentence as well as those who have completed their sentences. The crown attorney will be empowered to bring an application where there are reasonable grounds to fear that an individual will commit a serious personal injury offence. These grounds will be examined at a hearing before a judge. The judge will have the power to impose general conditions, such as keeping the peace, and specific conditions appropriate to the kind of threat posed by the individuals, such as staying away from schools and playgrounds or certain neighbourhoods.

• (1645)

As one of the conditions, the judge could order that a program of electronic monitoring be applied if such a program were available in the province. The judicial restraint would last up to one year and could be renewed.

A breach of conditions would constitute a separate criminal offence which could result in a jail sentence. This is an important step forward for the victims of domestic abuse. The reality is that we live in a country where women are six times more likely to be killed by a spouse than by a stranger. In fact, spousal homicides continue to account for one out of every six solved homicides. Of those women who were registered married and who were killed by their spouse, almost one in four were separated at the time of the incident.

Community safety has always been a priority for this government. The high risk offender package is a big step forward. Bill C-55 provides the tools necessary for the justice system to do its job. Law enforcement officers are empowered to protect their community. The chair of the law amendments committee of the Canadian Association of Chiefs of Police said: ''It will help law enforcement officials, especially at the local level, to deal better with the people who pose the greatest danger to community safety''. It gives judges more options when deciding which course of action would be best, both for society and for the offender, when handing down sentences.

In bringing forward these measures to control high risk offenders, we are strengthening our society and building a safer future for all Canadians.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I listened to the member support the present bill. I suppose that for him to criticize the bill in any fashion would be difficult, given that he is from the Liberal side of the House.

I am concerned about this legislation in that when a dangerous offender application is made, it points out that the application must definitely be put forward prior to the imposition of sentence. Therefore there is a window of six months to supply the necessary information to support that application. That is not a very long period, given that maybe an offender, a pedophile for example, could be sentenced to a 10 year stint and there would be no opportunity after to make application for dangerous offender.

In fact, in the legislation a pedophile or a sexual predator is not listed in the area of dangerous offender. I think people seek to have those individuals classified as dangerous offenders. In my opinion that is one very major flaw in this legislation.

The second point that troubles me about Bill C-55 is that once the application is made and there is a conviction for a dangerous offender, the whole process again can be appealed. So now they can go through a course of appeals. I find that difficult to understand when members across talk about getting tough on crime and there is a recourse for appeal and this very narrow window in which to make application for dangerous offender designation and so on.

What is wrong with including pedophiles and sexual predators, which the bill does not address, in that list of Criminal Code offences and automatically seeking the courts to place a dangerous offender finding on anyone who commits on two or more separate occasions an offence constituting a serious personal injury offence?

• (1650)

Mr. Bevilacqua: Mr. Speaker, I thank the hon. member for his question. If he were to look at the bill as an entire package he would find that it is certainly an improvement to the existing laws.

I reject one major point that he made. We have a civilized society with a justice system that is fair and just to all individuals, yet somehow he rejects the whole concept of an appeal procedure. The hon. member should understand that as fair as our system is, everyone should have the right to appeal if a wrong decision was made in a lower court.

This speaks to the notion and the type of logic that the Reform Party has toward social justice and the whole justice system. The only answer Reformers have is to throw criminals in jail, lock the door and leave them there.

The reality is that even when it comes to the issue of getting tough on crime, as my eloquent colleague from Parry Sound—Muskoka stated, they have voted against any piece of legislation presented by the Liberal government to get tough on crime.

However, I want to stick to some of the facts because facts are things that escape the Reform Party on most issues. Look at the major components of Bill C-55, the new long term offender designation that targets sex offenders and adds a period of long term supervision of up to 10 years following their release from prison. We have strengthened and streamlined dangerous offender provisions in the Criminal Code and we have a new judicial restraint provision to permit controls which include electronic

monitoring. Members can rest assured that Canadians from coast to coast will applaud this initiative.

Let us be honest in this Chamber. I am sure Reformers are all honourable members; at least they are addressed as such. The crime rate is declining and we are bringing safer homes and safer streets to the Canadian public.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, I will be splitting my time with the member for North Island—Powell River.

Before I enter into my semi-prepared remarks, I will comment on something the member said about the declining crime rate. I think we have heard this convenient juggling of statistics about eight times in the House today.

Yes, there has been a temporary blip in the last couple of years in the rate of violent crime, a slight decrease. But if we do statistical analyses—if members do not believe me, talk to people at Statistics Canada—we do not go on blips. We take the long term timeline. In this case we can take it over the period beginning with 1962.

There has been a steady progressive increase in the rate of violent crime. During this period there have been years when the crime rate has dropped precipitously. There have been years when it has risen precipitously. But if we look at the trend, there has been an increase of almost 400 per cent since 1962. That is the gospel according to StatsCan and we all know that the Liberal government never argues with anything StatsCan says.

• (1655)

This bill, as with so many other major pieces of legislation brought forth by the Liberal government, is like the bishop's egg, it is good in parts. However, it always has the problem of making it this grand melange of the good and the bad which makes it almost impossible for any normal human being to either support or oppose it. This is strategy. Fine.

The thing I could support and which I do not find offensive in the bill is that the crown will no longer have to apply immediately for dangerous offender classification when a prisoner is sentenced. It will have as much as a six month window of opportunity in which to do it. I do not object to that at all, but I wish the government had gone the whole nine yards and allowed the crown to make dangerous offender applications through the entire length of the sentence.

An hon. member: You cannot because of the charter.

Mr. Morrison: It is easy for the hon. member to say we cannot. If we do not have that then any prisoner who refuses to co-operate in any sort of counselling or rehabilitative program cannot be nailed. He will still get out in the usual period of time.

The minimum sentence for dangerous offenders will now be increased from three to seven years. I approve of that but in the end, dangerous offenders will continue to be turned loose on society, and that is wrong. The 10 year supervision, as I understand the act, is not aimed at dangerous offenders. It is aimed at what is referred to by the member as long term offenders such as pedophiles, people who are not considered potentially very brutal, sadistic and extremely undesirable folks.

Unfortunately, while this act will religiously protect the rights of the convicted, the justice minister has no compunction in the same bill in threatening the rights of people who have never been convicted of anything or even charged with a crime. Under his judicial restraint section, a person deemed likely to commit a serious crime can be required to accept supervision, including the wearing of an electronic bracelet, for up to one year without being convicted of anything or even formally charged. All it would take to set the process in motion would be for a crown attorney to believe that a person might injure someone. So much for the hard won principle that one is innocent until proven guilty.

An hon. member: A judge has to approve.

Mr. Morrison: The hon. member says he would have to appear before a judge. That is quite correct. Who makes the decision of whether one appears before a judge? The crown attorney. No charges need be laid.

The government's approach to justice is developing a very frightening pattern. Vicious convicted criminals are assured of due process and every possible consideration of their rights but ordinary citizens had better beware because it will be possible under this legislation to impose criminal sanctions on the basis of rumour, misinformation or malice. If someone is having boundary troubles with a neighbour and has had heated words with that individual, watch out, they could end up with an electronic bracelet around the ankle if the fellow is well enough connected.

If someone is involved in a dispute with a vindictive or vengeful ex-spouse, watch out, he or she could end up with an electronic bracelet around the ankle. As a matter of fact, anybody could.

• (1700)

All of this is not really surprising when we consider the past Liberal record toward civil liberties. It was a Liberal government that incarcerated Japanese Canadians during the war without any formal legal proceedings. It was a Liberal government that invented the War Measures Act and used it in peacetime. It was a Liberal government that brought in Bill C-68 which, if it is ever enforced exactly as it is written, would require penalties for even the mere possession of an unregistered firearm which could be

stiffer than penalties people are receiving right now for assault, arson or drunk driving causing death.

It is absurd, but that is the Liberal concept of justice: treat vicious, depraved monsters with a lot of TLC but come down like a ton of bricks on ordinary citizens who for one reason or another just do not fit in or who do not conform. This is the Liberal social engineering tactic. It is a kick them in the head philosophy we have lived with for the better part of a half century. This is just a logical continuation of what we have been about.

I hope there are people opposite—they are not sitting there right now—who care about civil liberties so that when the amendments which we will be proposing to this bill come before the committee, the section on judicial restraint will be stricken from the proposed legislation. It is a brutal and indiscriminate infringement on personal liberty that unduly violates the civil rights of everyone.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I have to explain to the member again because he does not seem to understand. Sometimes I wonder if it is a lack of taking the time to read or if it is a lack of taking the time to understand. I will tell him how judicial restraint will work for the third time this afternoon.

I remind him that the crown attorney will be empowered to bring an application where there are reasonable grounds to fear that an individual will commit a serious personal injury offence. These grounds will be heard at official hearings by a judge. The application will be made and the judge will hear it. He will analyse all the information he has at his disposal and will make the decision.

I will ask the member again. If he wants that part of the bill stricken out, would he tell the House how he proposes to prevent innocent women from being stalked by their husbands or their lovers? Do we have to wait until they are victimized before the police can act, as is the current case?

Mr. Morrison: Mr. Speaker, I am sure that wearing an electronic bracelet will protect anyone who is truly in danger. I have never heard such an absurdity in my life.

There are provisions in the Criminal Code and someone can be prosecuted for stalking, for uttering threats. These should be rigorously enforced and with due process. That is the key phrase. That is something Liberals should learn. They should write it on their blackboards: due process. We have 200 years of tradition in this country.

● (1705)

Mr. Discepola: Mr. Speaker, I want to take two minutes to bring the member up to speed on this new technology.

It is called GPS. GPS stands for geographical positioning system. It is based on the positions of satellites. Through technology we can within 15 feet determine where the inmate is at any location on Earth. With the technology we can also determine if that person, who happens to have a special profile whether it be a person out on parole or whatever, is near a school but should not be. We can determine whether the person is near a spouse but should not be. The technology is there. It is a very convenient way of using today's technology economically without further burdening the taxpayers.

I do not understand what is so difficult about understanding that.

Mr. Morrison: Mr. Speaker, having used the GPS myself in my line of work, I did not really need that explanation as to how it functions.

The point is, if we can tell where someone is who is wearing the bracelet, that will not help anyone if the police take three-quarters of an hour to get there. If someone is really dedicated to harming a person, it will not stop them.

There are many places in my riding where the potential victim might have to wait for two hours for police assistance. The hon. member is wearing his urban blinders. He does not realize that the whole country is not Toronto.

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, before us today is Bill C-55. The purpose of the bill is to address those offenders who present a high risk of violently reoffending. As well, we have a new designation of long term offender with a provision of supervision for up to 10 years in the community. That is in addition to the sentence for the offence.

At the outset let me say that the Reform Party will not stand in the way of Bill C-55.

The bill is composed of three components: a new and expanded dangerous offender provision; a new long term offender provision; and a new judicial restraint clause.

The Reform Party supports adding a new definition to the Criminal Code which will deem any person who on two or more separate occasions commits an offence causing serious personal injury to be a dangerous offender and subject to an indeterminate period of imprisonment.

The new dangerous offender provision in Bill C-55 recognizes that the current process by which certain criminals are assigned dangerous offender status and therefore required to serve an indefinite penitentiary sentence is not sufficiently strong to protect Canadian communities against violent criminals. Therefore, Reformers applaud those new provisions in Bill C-55 which expand the criteria for designating violent criminals as dangerous offenders.

Who in the House could find fault in designating a person as a dangerous offender who has been sentenced for armed robbery,

unlawful confinement and shooting at a police officer and who, during a jail sentence, commits a further 40 offences including a stabbing?

Sadly, this was not the case when career criminal Paul Butler was granted day parole in September 1993 in Prince George and then went on to murder Dennis Fichtenberg, the son of a constituent of mine, Marjean Fichtenberg. Despite Mr. Butler's criminal record and an arrest weeks before the murder was committed, the parole board agreed that Mr. Butler posed no risk to society and was not dangerous. Tell that to Marjean Fichtenberg and her family who suffer their loss and whose only satisfaction has been some recommendations made by a coroner's request initiated last year by the attorney general for B.C.

• (1710)

The government had an opportunity in this new dangerous offender provision as contained in Bill C-55 to let the Marjean Fichtenbergs of this world know that she and her family, the victims, have rights too. However as usual, the proposed changes for designating certain criminals as dangerous offenders once again do not go far enough.

Specifically the proposed changes in Bill C-55 would allow the crown up to six months after conviction to bring about a dangerous offender application. Even under the proposed changes this provision would apply only if the crown gives notice at the time of conviction of the possibility of a delayed dangerous offender application and where relevant information also emerges to support the application.

What Reformers want, what the Marjean Fichtenbergs want, and what all level headed Canadians want is for dangerous offender findings to be made at any time after sentencing. To be precise, the crown should be given the right to seek dangerous offender status for persons convicted of crimes causing serious personal injury at any time during that offender's penitentiary sentence. Would 40 offences while in a correctional institution including a stabbing be good enough for the Minister of Justice?

Reformers also propose that Bill C-55 require the courts to automatically place a dangerous offender finding upon any person who commits on two or more separate occasions an offence constituting a serious personal injury offence. This proposal would also include that the dangerous offender be subject to an indeterminate period of imprisonment.

If we are going to begin to address the agony, loss and frustration of the type Marjean Fichtenberg and her family feel, our amendments are essential. We propose a further essential change to Bill C-55 and that is to expand the list of Criminal Code offences upon which a dangerous offender application may be brought about to include pedophiles and sexual predators.

A basic tenet of Reform policy is for violent offenders to serve their full sentence. Once released, some violent offenders and all repeat offenders should be under parole supervision, and I do not mean unsupervised parole which was applied to Paul Butler and under which he committed murder.

My colleagues have spoken to the long term offender provision. It is incumbent that we broaden the range of offences committed to include sexual predators or pedophiles so that they cannot only be designated long term but can also be designated as dangerous offenders, because many of them are.

The judicial restraint provision proposed in clause 9 of the bill contributes a broad indiscriminate infringement of personal liberty which unduly violates the civil rights of individuals. The judicial remedies proposed in this clause should only be contemplated in matters where individuals have been convicted of offences under the Criminal Code and according to due process of law. We propose striking this clause in its totality.

On the one hand we do not go far enough in the dangerous offender clauses by excluding sexual predators or pedophiles. On the other hand we have the potential of allowing the attorney general to lay information against anyone he believes will commit a future offence, even though the individual may have been acquitted of any charge or never even charged with a criminal offence.

I will now turn to clause 15 of Bill C-55 concerning long term offenders, specifically the provision regarding aboriginal communities. Clause 15 allows that for long term offenders who express an interest in being supervised in an aboriginal community, the aboriginal community must first receive notice of the supervision and have the opportunity to propose a plan for the release and integration into the community.

• (1715)

In other words, aboriginal communities have the right to become involved in planning for the release of a high risk offender into their community and the right to become involved in the planning for that release. Other Canadians do not share this proposed right and consequently receive no such notice. We think they should. Why is the government doing the right thing for aboriginal communities and not for other Canadian communities?

The government should be uniting Canadians with a standard of behaviour. Canadian citizens everywhere deserve the same notice and planning provisions as those proposed for the aboriginal communities.

Besides all that, the minister of defence should resign.

Mr. John Maloney (Erie, Lib.): Mr. Speaker, my colleague has suggested that an application for dangerous offender designation could be made at any time during the period the individual is incarcerated. He used the example of an individual who committed

40 offences during the period of his incarceration and one of those being a stabbing.

My concern is that in our rules of law we can only really be tried for an offence once. The fact that you are incarcerated does not mean that you have carte blanche to commit crimes willy-nilly and go unprosecuted. Surely these 40 offences, especially the stabbing, are of themselves offences deserving of charges being laid, being brought to trial and sentencing again. Would that not be an appropriate time then to bring this dangerous offender application?

Mr. Duncan: Mr. Speaker, that is an option but of course that adds complexity to the arrangement. One of the concerns that I have about a lot of the legislation is the way the parole boards operate, the way the courts operate and so on. We have so much complexity now into the system that there are too many avenues of things falling between chairs.

If you look at the Paul Butler case I was describing, I have only described the tip of the iceberg. What we had here was an incredible set of complex circumstances. When you talk to someone like Marjean Fichtenberg who has lived and breathed this case since the murder of her son, you hear descriptions of all of the rules, the guidelines, the terms of reference, the different bodies involved in terms of applying or trying to interpret policy, all the various ways things cannot happen that are supposed to happen. The more straightforward the legislation is, the less likely that is going to happen.

If it involves having to go back to court, the likelihood is that the authorities will not pursue it in many cases because there is once again an opportunity for too many things to happen. I think that is one way to respond to the question.

● (1720)

Mr. John Maloney (Erie, Lib.): Mr. Speaker, watching a repeat child molester walk out of a prison, unrepentant and unreformed, understandably drives people crazy with anger and betrayal.

Many Canadians want the justice system to do more with chronic pedophiles and rapists than simply wait for them to strike again. I agree.

My colleagues, the Minister of Justice and the Solicitor General of Canada, have responded to this genuine concern and recently announced new measures to deal with high risk offenders. Bill C-55 will toughen the sentencing and correction regime for those who pose a high risk of committing another crime. This is good legislation. This is responsive legislation.

These tough new restrictions on high risk, violent offenders will make Canadian homes and streets safer. The measures fulfil commitments made the red book as well as in the speech from the throne. The 1996 speech from the throne pledged that the government will focus resources on high risk offenders while developing innovative alternatives to incarceration for low risk offenders.

The following initiatives will strengthen the sentencing and correctional regime for those who present a high risk of violent reoffending, particularly sex offenders: a new long term offender designation that targets sex offenders and adds a period of supervision of up to 10 years following release from prison; strengthening the dangerous offender provisions in the Criminal Code and a new judicial restraint provision to permit controls, including electronic monitoring to be applied to individuals who pose a high risk of committing a serious personal injury offence.

Bill C-55 positively amends the Criminal Code and these changes have been welcomed by the Canadian Police Association and the Canadian Association of Chiefs of Police, a very sound endorsement.

The government is also committed to developing alternatives to incarceration for low risk offenders. This set of initiatives includes amendments to the Corrections and Conditional Release Act to allow for earlier parole for offenders convicted of crimes which did not involve violence to support rehabilitation and return to the community.

Let us review some of these provisions in more detail, first the long term offender provisions. Under the proposed changes a new sentencing category to be called long term offender will be added to the Criminal Code. Long term offenders will be those convicted of sexual assault, sexual touching, sexual exploitation, indecent exposure, aggravated sexual assault and sexual assault with a weapon or causing bodily harm.

This is a useful designation and is not necessarily the same designation as dangerous offender which is applied to those who have been convicted of repeatedly committing crimes of violence. It will target sex offenders who may be less violent and brutal than those designated dangerous offenders but are found to pose a considerable risk of reoffending.

The category will also include those offenders convicted of another crime such a break and enter with clear intent to commit sexual assault.

To better protect the community, offenders in this category will be subject to an additional period of supervision for up to 10 years after they have completed their parole and prison sentences.

This designation could be applied to first time offenders with psychological histories or other factors that indicate a possibility that they will likely repeat their crime; again, such as a pedophile convicted of assaulting a child. The long arm of the law will not miss such perpetrators.

The long term offender process will be similar to the existing dangerous offender application. Upon conviction the crown can ask for a thorough assessment of the offender's criminality and the risk he or she presents. On the basis of the assessment report the crown can then bring a dangerous offender or long term offender application.

If a long term offender finding is made, the judge will impose a prison sentence that suits the offence and add a period of long term supervision of up to 10 years to start when the incarceration period, including any parole, expires.

An effective program for rehabilitation is to gradually integrate offenders back into the community under controlled conditions. The long term offender designation by imposing on the offender an additional period of supervision in the community after the end of the regular sentence gives the offender a real opportunity to reintegrate without putting the community at risk, and that is very important.

Public safety is improved because Correctional Service Canada and the parole board can set stringent conditions on the offender, monitor the offender closely and pull the offender back in for any breach. An offender who breaches these conditions can be prosecuted and reincarcerated.

● (1725)

These safeguards address the fear that potentially dangerous criminals do the crime, finish their time and then are free to disappear back into the community without any monitoring.

I will also address the issue of dangerous offenders. The dangerous offender category will be improved by keeping such an individual in prison indefinitely. A judge will no longer have the discretion to sentence a dangerous offender to a fixed term. It will be an indeterminate term.

Currently a dangerous offender application must be made at trial. The crown will now have a window of six months after conviction to bring a dangerous offender application based on newly received information that may not have arisen at trial.

The process has also been streamlined. The number of psychiatrists required to testify at a hearing has been reduced from two to one. These are very positive and effective developments.

I would like to briefly touch on judicial restraint orders. The judicial restraint provision will be added to the Criminal Code and is another measure for the protection of the public. This procedure will focus on people who pose a risk of committing a serious personal injury offence. It can be applied to people who are not under a sentence as well as those who have completed their sentences.

Under this provision the attorney general would apply for a special hearing before a provincial court judge where there are reasonable grounds to believe that an individual is at high risk of committing a serious personal injury offence.

A judge will be able to impose general conditions such as keeping the peace and specific conditions appropriate to the kind of threat that could be posed by the individual. Two examples are staying away from places where children might congregate and staying away from an estranged spouse. As one of the conditions, the judge could order electronic monitoring in provinces where such programs exist. The judicial restraint would last for up to one year and could be renewed. A breach of conditions would constitute a separate criminal offence which could result in a jail sentence.

The judicial restraining order has been a topic of much conversation on the basis of its constitutionality, especially when it involves individuals who have no criminal record or charges pending. I well understand that this is an option to deal with stalkers and others who are difficult to convict.

As a member on the Standing Committee on Justice and Legal Affairs, I look forward to examining this provision further. On one hand, it may be no different than court orders now being granted that restrict known sex offenders from hanging around schools and playgrounds. These orders are granted rarely and officials must prove the person constitutes a serious threat. While I have my concerns about this section I reserve judgment on this provision until further study is completed.

The low risk non-violent offender is also addressed. In tandem with these tough new controls on high risk violent offenders, the Liberal government has introduced initiatives to deal with low risk non-violent offenders.

The first priority of the government's justice agenda is the safety of Canadians. The Liberal approach balances tougher penalties and restrictions with necessary community based efforts at rehabilitation and prevention. In co-operation with other levels of government, the federal government will promote measures which include sentencing reforms and community diversion programs as alternatives for imprisonment of first time non-violent offenders at a low risk of reoffending.

The route this government has taken is to get tough on repeat violent offenders while finding alternative sentencing for low risk offenders. There is no doubt this is a move in the right direction.

The Liberal government's safe home, safe streets agenda draws a clear distinction between low risk and high risk offenders. This balanced approach will help to ensure an effective criminal justice system with the penalties appropriate to the gravity of the crimes.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, I listened to the member's reflections on Bill C-55. He has certain

reservations about the portion of the bill which deals with judicial restraint. The Reform Party also has reservations about that point.

I need a good clear explanation from the member, given that I was a police officer for 22 years prior to this past election, how electronic monitoring would apply to stalkers. I have had to personally answer a number of complaints in that regard as a police officer, and time is quite factor.

I would like to know how it would be applied and how it would be able to save a victim like an individual in my riding, Kelly Howe. Recently a trial was completed where an individual was convicted of the first degree murder of Kelly Howe. How would it save a person like Kelly Howe who was killed by her ex-boyfriend?

Mr. Maloney: Mr. Speaker, I am not familiar with the circumstances of Kelly Howe's death, but as was indicated earlier, the electronic monitoring which is called the GPS system can pinpoint an individual within yards of his or her position.

One of the Reform members was concerned about this having application in rural areas. I believe it would be easier to pinpoint someone in a rural area. If an offender is living in a major centre like Calgary, where the member comes from, and it is found through the system that he is now 30 miles away where his estranged spouse lives, we know darn well that he is not in a place where he should be. It is certainly easier to pinpoint him than it would be perhaps within a block or two of the city.

How would it work? The wisdom and benefit of the technology today can do these things. That is where I am coming from in answering the member's question.

Mr. Bob Speller (Haldimand—Norfolk, Lib.): Mr. Speaker, I want to thank the hon. member for his concern on this issue.

I have in the gallery today a member of the OPP who comes from my riding, Mr. Alex Williamson. I wonder if the hon. member would be confident in telling Mr. Williamson, who is a long term member of the OPP, given the opposition says this motion is weak and ineffective, that we are making a strong case against dangerous offenders.

Mr. Maloney: Mr. Speaker, I welcome the member's question. To be honest, I thought he was getting up to speak on another matter. Could he just quickly rephrase that question?

The Deputy Speaker: Time has expired. I cannot let the member ask the question again even though he has a friend in the gallery.

It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business.

PRIVATE MEMBERS' BUSINESS

[*English*]

RADIOACTIVE WASTE IMPORTATION ACT

Mr. Chuck Strahl (Fraser Valley East, Ref.) moved that Bill C-236, an act to prevent the importation of radioactive waste into Canada, be read the second time and referred to a committee.

He said: Mr. Speaker, as always, it is a special privilege to stand in the House and talk about a subject that I have taken some time to develop, study and put forward and to see if perhaps I can get the concurrence of the House on this concept that I have developed.

Bill C-236 is called an act to prevent the importation of radioactive waste. As members know, there are over 400 commercial nuclear reactors worldwide and an untold number of small research reactors at universities, on ships, submarines and what have you, which all generate a certain amount of radioactive waste. That waste needs to be dealt with.

Over the years these reactors have generated and will continue to generate enormous amounts of toxic nuclear waste that will have some toxicity depending on when one would be in contact with it, but it will last for thousands of years.

Canadians in general do not want radioactive waste in their backyards. I realize there has always been the nimby syndrome where people do not want any kind of garbage in their backyards. In this case, people in Canada have a very strong feeling that we will look after our own radioactive waste but they do not want to import radioactive wastes from other countries for disposal here.

As an example, it took eight years and over $20 million for the siting task force struck by the former Minister of Natural Resources to even find a place for our low level radioactive waste alone, not including the high level radioactive waste for which it has yet to find a spot. I will say right up front in deference to my learned colleague behind me that a lot of this is because of ignorance. People have so much fear of radioactive waste, even low radioactive waste that is relatively harmless, they are afraid to have it in their neighbourhood.

• (1735)

That is why, in the entire country, only the town of Deep River finally said yes in September 1995 to accepting low level radioactive waste. In all of Ontario, only two communities even considered the question.

There is widespread opposition to handling or storage or anything regarding radioactive waste, some of it because of ignorance. The truth is that we will not be able to find communities that will be willing to handle this waste. That is the truth. People in Canada

do not want it. They feel they should not have to have it in their back yards. It will have to be dealt with, but there is this problem.

At the start, I should also mention that just because people do not want to handle it, do not want to talk about the subject, the truth is we need to discuss what is going to happen and how we will handle radioactive waste in Canada.

It is like an intergenerational transfer of wealth or intergenerational transfer of responsibility to say: ''We are going to generate this waste from our nuclear production facilities and we will leave it to some other generation to look after''. The truth is we have to say in our generation and for generations, that we are benefiting from nuclear power, that we are benefiting from nuclear research and that we will look after the waste too. We will look after it in the generation that got the benefits.

We do not want to dump this multibillion dollar problem on future generations. When talking to young people, they say that too much has been dumped on their plate already. The least we can do is look after our own garbage.

It is an absolute truism that the importation of nuclear waste from other countries for disposal in Canada is not acceptable to Canadians. As I will explain, there are some very good reasons that I ask that this law be set in stone.

From the outset, I want to make clear that this bill would not ban the importation of plutonium from the U.S. and Russian warheads. One of the proposals is to burn it in our Candu reactors. It is important to note that all the current proposals—there are several being tossed around—in the deactivation of the warheads call for the plutonium to be reworked and fabricated in the United States and then shipped to Canada to be burned as fuel.

That is not waste. We can still do that. I think Canadians are willing to consider that option because they feel it is part of what we can do. If we can get rid of the number of nuclear weapons around the world, we certainly are prepared to do our part.

We will burn that fuel. Candu reactors can handle it with modifications. I think Canadians will consider that option, depending on how many dollars are involved. Nothing in this bill would prohibit that. We can import fuel. Fuel is not waste. Fuel is a product that we can use. The measures in the bill would not ban the importation of plutonium to be burned. We can do our part for world peace and for nuclear disarmament, if it comes to that.

There will be some retooling necessary at our plants in order to use this plutonium. One of the proposals calls for the Bruce reactor to burn it. While Canadians are willing to consider that, we want to see how many dollars are involved. It will be a very costly process to upgrade our reactors to handle that product. We need to see all the dollars and cents laid on the table before we agree to any of it. That is obvious and that is in the future.

Let me address what this will mean to Canada, if we accept this plutonium. It looks like the amount they are talking about from Russia is about 50 tonnes over the next 25 years. That sounds like a small amount if we are thinking in terms of wheat, but in terms of plutonium it is a lot for Canada to handle. That is how much plutonium will be generated from the dismantling of approximately 40,000 nuclear warheads. It is a huge proposal and if we could take part in it that would be useful.

• (1740)

By way of comparison, at the moment we already have 22,145 tonnes of high level waste in Canada stored at nuclear reactor sites. It includes 78 tonnes of plutonium. By the year 2025 there will be 58,000 tonnes, which will include 206 tonnes of plutonium.

Another 100 tonnes of plutonium from the U.S. and Russia would increase that portion of the plutonium waste by a third. It is a significant amount if we were to accept it. It is a significant factor in our handling of nuclear waste. The price which Canadians would have to pay would be in the handling of the waste. I believe we would be prepared to do that because we could burn it. Once it is ours it is our waste and we would have to deal with it as we would other by-products.

This bill does not affect the possible plutonium deal. We can still do that. Canadians will want to debate the matter but we can still press ahead with it if Canadians so desire.

Why do we need this bill? There may be people who will try to profit from burying high level radioactive waste. There are profit oriented groups which may want to import waste for money. In other words, dispose of it in Canada for a buck.

America alone has an enormous amount of highly radioactive waste. There is enough to fill 86 football fields a metre deep. That may not be too astounding, however, under current proposals it would cost about $57 billion to dispose of it. It would be a huge expense to dispose of it.

The total clean-up costs in the U.S. alone are projected to approach $230 billion. It is a huge project. The U.S. has 77,000 tonnes of this waste to bury and more is being produced all the time. Initially, the Americans wanted to bury it in Nevada, but they found 32 fault lines running through the burial site. In fact in 1992 there was an earthquake on the site. Now they do not know what it will do with the waste.

It is not that I believe the Americans are our best friends, but they will be looking for another place to bury it. They will look north. That is what this bill is meant to address.

There are 413 commercial reactors worldwide. There are 26 countries with nuclear reactors. Pressure all over the world is growing to bury this waste.

Canada has a lot of vacant land. The Canadian shield is an ideal location to bury nuclear waste. In fact, in 1981 the Geological Survey of Canada identified over 1,300 potential suitable locations for burying radioactive waste in Ontario alone. Many countries around the world are looking to Canada as a possible place to dispose of their waste.

Why worry about it? Who would want to bury this waste anyway? Nobody wants this kind of stuff. It is too politically sensitive. It is too environmentally uncertain. All kinds of problems could arise, including the transportation of the waste.

There is a proposal or two in the works. The Meadow Lake Tribal Council, which represents nine Indian communities in northern Saskatchewan, was reported in February of last year to be considering offering their land, which lies over the Canadian shield, to be used for disposal for a price. That is part of their 20-year economic development plan. As a matter of fact, a major environmental assessment of the deep rock disposal concept is currently ongoing. If the Meadow Lake group or any other group or company met the standards of environmental assessment, what would prohibit them from demanding and receiving a licence to import waste? There is no law against it.

● (1745)

Now they might even be able to go to the courts to obtain it. Aboriginal self-governments in Canada in this example have much wider powers than ordinary groups or companies to take part in and direct environmental assessments.

Just as an example, in my own area, in western British Columbia, if the Nisga'a agreement in principle passes, and it looks as if it will pass both by the NDP government and the Liberal government in power here, the Nisga'a government will have the power to take part in any environmental assessment on its land. I will read from the relevant section of that agreement:

> Nisga'a Central Government may make laws in relation to the environmental assessment of projects which are on Nisga'a Lands—where a Nisga'a Central Government law and the law of another Party requires an environmental assessment of a project on Nisga'a Lands, the project will be assessed under the process prescribed by Nisga'a law—

It is unclear in the agreement in principle if the federal government could step in and overrule that. I am just using that as an example.

Even handling the process of how environmental assessment takes place is a very powerful tool, as we know. The process of environmental assessment in essence will give us the result we are looking for. Some of my colleagues will be talking about that aspect in more detail. Again, we being the Canadian people in general, could lose this by default.

The Nisga'a agreement in principle is considered to be a template for 60 other aboriginal self-government agreements in British Columbia. It is being used as a template for many groups across the country.

There is also another group. That is the Whiteshell task force which was struck this spring to investigate alternative uses for AECL's Whiteshell Laboratory in Pinawa. They may have considered using the underground research laboratory site as a disposal area. I have been down in that deep dark hole a long way under the earth and they have some very interesting and exciting ideas for disposing of radioactive waste.

If this site were used for Canadian waste, I think Canadians should consider that. It is something to consider and the debate will be entered into as to whether it should be used for Canadian waste. It is not Canadian waste that I am worried about. We should look after our own waste, our own problem. It is the international waste that I do not want to have trucked up to Pinawa or any other site and that is what this bill is meant to address.

In June the motion came before the regional municipality in Manitoba to change AECL's lease to allow it to bury high level waste at the Pinawa site and it was turned down by one vote. In other words, we are one vote away from pushing this idea that perhaps we could accept waste from around the world for burial at that site.

Over the past 15 years Atomic Energy of Canada has spent nearly half a billion dollars studying the concept of deep rocks disposal. The site at Pinawa has been specifically dedicated to that study. AECL, like every other government department, has become stressed because of the cutbacks and budgetary problems. Whether it is at the Chalk River research plant and the cyclotron there, at the Pinawa site or wherever, more and more it is looking for ways to make money and profit.

I hope it proceeds and pushes this idea of disposal of Canadian waste in that method. I cannot see another method. I think it is a viable one. Again, that is for Canadian waste. It is a Canadian problem, made in Canada, disposed in Canada. Let us do what we have to do. But I do not want to have 413 other nuclear reactors around the world giving up and saying to ship it all to Canada. That is what this bill is meant to prevent.

The temptation to go the disposal route increases in proportion to the closeness of our relationship with the United States. I mentioned this earlier. We are closer geographically to the U.S. than to any other country. We are also under their economic influence because of our special trade arrangements.

I want to address the question raised by environmentalists who say that under chapter 9 of the NAFTA, Canada does not have the

power to legislate the ban or to ban the importation of toxic substances. We do have the power, at least in theory, because it is hard to say how the Americans will argue with us, in that article 904 of NAFTA states:

> Each party may, in accordance with this agreement, adopt, maintain or apply any standard-related measure, including any such measure relating to safety, the protection of human, animal or plant life or health, the environment or consumers, and any measure to ensure its enforcement or implementation. Such measures include those to prohibit the importation of a good of another party—

• (1750)

We do have the power, at least theoretically, to follow through on this bill. I want to read another clause from that same article:

> —each party may, in pursuing its legitimate objectives of safety or the protection of human, animal or plant life or health, the environment or consumers, establish the levels of protection that it considers appropriate—

Under NAFTA we can theoretically ban the importation of any kind of waste and we can establish any levels of protection we want. Of course the United States may choose to challenge our high environmental standards under NAFTA. They have a dispute resolution process where they can say our standards are too high, but I think it is going to be pretty hard to say that our standards are too high when we are dealing with one of the most toxic substances on the planet.

There is a little bit of a wrinkle in the works in that cabinet has already decided to export PCBs southward across the border. That may establish a precedent the U.S. could use in our NAFTA challenge. If we are willing to export our highly toxic PCBs, why could the U.S. not export its own highly toxic nuclear waste to Canada? That argument may come up. It is not impossible that we will be challenged on this, but I think it is therefore doubly important for the House of Commons and the Canadian people to take a stand now before it becomes a critical issue.

I think there will be a profit seeking group within Canada accompanied by a NAFTA challenge sometime in the future that will make a proposal that Canadian soil be used for these purposes.

Currently Bill C-23, the nuclear safety and control act, is before the Standing Committee on Natural Resources. It was introduced the week after I introduced my bill. Clause 26 of the bill allows the Canadian Nuclear Safety Commission to ''possess, transfer, import, export, use or abandon a nuclear substance''. All the commission has to do is grant any group a licence to do any of those things. The commission should not have that discretionary power. I do not believe the people of Canada want to give that to the commission.

The fact that Bill C-236 is votable is important. This will affect the passage of the nuclear safety and control act by highlighting this important aspect of this bill. Perhaps if this House voted to send my bill to committee the principle in it could be incorporated into the nuclear safety and control act. The House would have spoken here and given its express opinion on this subject, having sent it to committee and instructed the committee to incorporate it.

I appeal to the members of the natural resources committee to listen carefully to what I have had to say, and reconsider the clause in Bill C-23 that allows for the importation of radioactive waste into Canada.

I have gone through the reasons but I will give a quick summary. It has negative implications for international trade. It has negative implications for aboriginal self-government. It has negative implications for the safety of future generations of Canadians. It may be our only golden chance to send a message to the United States and to profit seeking groups within Canada. It is an opportunity to affirm the desire of the people of Canada that importation of substances harmful to Canadians, such as radioactive waste, will not be allowed by this government and by Parliament.

[*Translation*]

Mr. René Canuel (Matapédia—Matane, BQ): Mr. Speaker, I listened carefully to my colleague from the Reform Party. He presented a very strong argument, that I think may get many people thinking.

I am pleased to speak to Bill C-236, an act to prevent the importation of radioactive waste into Canada. In order to fully understand this bill, you need to know that the federal government divides radioactive waste into three broad administrative categories: high level waste, HLW; low level waste, LLW; and uranium tailings.

• (1755)

HLW remains highly radioactive for at least 500 years and its handling requires appropriate measures to ensure the protection of human beings and, obviously, the environment.

What my Reform Party colleague was saying earlier is true. People say this waste must be got rid of, somehow eliminated, but not in their back yard, of course. I can understand people's fear. I have seen children in my riding from East Bloc countries and, after so many years, probably because certain nuclear power plants lacked protective controls, these children are handicapped for the rest of their lives.

We took in several in our riding, and we will host others this summer, and we can see that there can never be enough precautions to protect the environment, and especially the health of human beings.

There are two kinds of LLW: historic waste and operational waste. The bulk of LLW consists of historic waste. Unfortunately, Canada does not have, at this time, any permanent storage facility for radioactive waste, either HLW or LLW.

Since 1978, the Government of Canada has been trying to find a solution to the disposal of HLW through a research and development program, but I think that the people doing this research are taking an awfully long time to find safe and effective solutions.

In May 1995, the Auditor General of Canada tabled an entire chapter on the management of radioactive waste by the federal government. He said that ''Natural Resources Canada should work toward establishing an agreement among the major stakeholders on their respective roles and responsibilities and the approaches and plans for implementing solutions''.

The federal government has jurisdiction over and regulatory authority for nuclear energy, including radioactive waste. Yesterday, the natural resources committee heard from some very specialized people from Ontario Hydro, Hydro-Québec and New Brunswick Power. I asked them the following question: ''Is there some way, on the international level, of having some sort of regulation?'' As we are well aware, there are nuclear plants just about everywhere in the world, and Canada is proud of ours, but some countries that have built plants do not necessarily have the same environmental standards. A rather cavalier neglect of these plants sometimes ensues in certain countries, because environmental protection is not a concern.

Questions would therefore have to be asked, and I would propose that this be the occasion for creating international regulations which would govern all countries.

We also know that Ontario produces the most waste. As at December 31, 1992, the total number of spent fuel bundles was estimated at 900,000. One bundle is about the size of a fire log, and the 900,000 would fit into one and one-half Olympic-sized swimming pools.

Approximately 87 per cent of this fuel came from Ontario Hydro, 6 per cent from NB Power, 4 per cent from Hydro-Quebec, and 3 per cent from Atomic Energy Canada Limited.

• (1800)

By the year 2033, the volume of spent fuel would be the equivalent of 17 Olympic pools-full, or four million bundles. An enormous figure, and a potentially very scary one as well.

Recently, Canada lifted its ban on shipping PCBs to the United States. The purpose of doing so was to have them destroyed in the U.S., not stored. Why then would Canada import radioactive waste for storage? If we woke up tomorrow to find metric tons of radioactive waste lined up at our borders ready for storage, there would be some questions asked. If this waste entered Quebec freely, there would be still more questions. We would not be thrilled in the least. I trust that we do not wish Canada and Quebec to become a giant dump site.

This bill is a very worthwhile one, and I congratulate my colleague for introducing it, thus giving us the opportunity to ask ourselves some very serious questions. Shortly, we shall be making additions to the bill which will increase its value.

[*English*]

Mr. John Harvard (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, thank you for the opportunity to participate in the debate on Bill C-236, an act to prevent the importation of radioactive waste into Canada. Although I shall not be supporting it, I am glad that the member for Fraser Valley East has introduced this bill. He has provided us with an opportunity to discuss a topic of great importance to the government, the sustainable development of nuclear energy within Canada's supply mix of energy resources.

It is recognized that all energy sources present some advantages and some disadvantages. The mix adopted by governments necessarily takes into account the specific conditions in each country and the advantages and disadvantages for each energy source.

Nuclear energy is seen as an environmentally sound energy option that does not contribute to any greenhouse or acid gas emissions. Many countries have recognized the significant advantages of nuclear energy for the production of electricity. Others are considering the use of such energy for the undertaking of future development activities.

Members of the House will recall that the government has introduced Bill C-23, an act to replace the current Atomic Energy Control Act with more modern legislation entitled the nuclear safety and control act. This act will ensure the federal government continues to exercise fully its responsibilities for the control of nuclear energy in Canada.

Bill C-23 received second reading by the House of Commons in June and is before a parliamentary committee for a review as we speak. Members of the House are well aware of the government's position on the entire matter of Canada's domestic and international approach to nuclear safety.

Bill C-23 goes on in 127 clauses to define a comprehensive regime that is designed to regulate practically, thoroughly and strictly all aspects of nuclear activity in Canada. The Canadian nuclear industry is already one of the most strictly regulated in the world. As for the radioactive waste specifically, the Government of Canada takes the proper management of this material very seriously.

On July 10 the Minister of Natural Resources announced the government's policy framework for radioactive waste which will guide Canada's approach for radioactive waste disposal into the next century. This framework, which reflects consultations with

waste producers and owners, incorporates three principles that will ensure the sound and effective management of radioactive waste in Canada.

The first principle is that the federal government will ensure that radioactive waste disposal is carried out in a safe, environmentally sound, comprehensive, cost effective and integrated manner.

• (1805)

The second principle is that the federal government has the responsibility to develop policy, to regulate and to oversee producers and owners, ensuring they comply with legal requirements and meet their funding and operational responsibilities in accordance with approved waste disposal plans.

The third principle is that waste producers and owners are responsible in accordance with the principle of polluter pays for the funding, organization, management and operation of disposal and other facilities required for their wastes.

These principles highlight the roles of the federal government and the waste producers and owners for the management of radioactive waste while recognizing that the management may be different for the three types of radioactive waste encountered in Canada, nuclear fuel waste, low level radioactive waste, and uranium mine tailings.

Regardless of the type of radioactive waste, the primary concern of the government is to ensure that no undue risks are posed to workers, the public and the environment. Much work has been done to date to establish national directives regulating the management and transportation of waste, whether classified as hazardous or radioactive.

Any proposed projected associated with the management of such waste, which has a component falling under federal responsibility, would be subject to all relevant legislation and regulations. Most prominently, even before the project could proceed, it would have to undergo a thorough environment assessment review process under the Canadian Environmental Assessment Act.

Currently other legislative instruments include the Canadian Environmental Protection Act, 1992, with its regulations for the exportation and importation of hazardous waste; the Transportation of Dangerous Goods Act and Regulations, 1992; the 1946 Atomic Energy Control Act and its proposed replacement, the Nuclear Safety and Control Act, which is currently under review by Parliament.

Internationally, considerable effort has been spent recently by countries to come to an agreement on the proper management of hazardous and radioactive waste, including the trans-boundary movement of this material, implying that the practice of importing and exporting radioactive waste is not in itself detrimental if it is managed appropriately.

Examples include the regulations for the safe transport of radioactive materials published by the International Atomic Energy Agency; the International Atomic Energy Agency code of practice on the trans-boundary movement of radioactive waste; the decision of the Organization for Economic Co-operation and Development concerning the trans-frontier movements of hazardous wastes and their disposal; the Basel convention on the control of trans-boundary movements of hazardous wastes and their disposal; the safety standards on radioactive waste now under development by the International Atomic Energy Agency; the international convention on the safety of radioactive waste management now under development by the same agency.

Officials from the Department of Natural Resources and the Atomic Energy Control Board continue to participate actively in these international efforts. Canada has over the years acquired an enviable reputation. Canadian officials are often called on to mediate disputes during international discussions.

For instance, Canada has been asked to chair several international working groups associated with the ongoing development of the international convention on the safety of radioactive waste management.

I have in the last few minutes endeavoured to list initiatives to clearly show that this Parliament, this government, other governments and international organizations have already devoted a great deal of attention to the vital issues of the management of radioactive waste. The work by people with international as well as national experience is continuing.

We can see that there is ample evidence of continuing, comprehensive, close attention by national and international organizations to the management of radioactive waste, including the importation and exportation of this material.

Bill C-236, which purports to be necessary for the protection of the health and environment of Canadians, is essentially unnecessary given the extensive regulations already existing or under development in this area. It is important to understand that we do have existing regulations and other regulations are under consideration and under development.

• (1810)

I use my last few seconds to simply recommend to all members of the House on this side and on that side that they not support Bill C-236, an act to prevent the importation of radioactive waste into Canada.

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I am pleased to join the debate on this subject, probably more from my perspective as the natural resources critic for our party.

This has has been an ongoing debate in this country for many years, going back to the creation of the first nuclear power plant in Canada when the question of what to do with the waste was asked. I found the reaction from the government side interesting. I really have to wonder about the wisdom of approving and licensing an energy source in Canada before dealing with the whole question of the disposal of radioactive wastes in Canada.

Certainly energy from nuclear materials does not create the problems some of the other energy sources do but some of the other energy sources do not have the potential for the human disaster this energy source does. I think the disaster at Chernobyl brought home very quickly to people all around the world the potential disaster that the creation of powerful nuclear energy does have. The destruction in Ukraine and the rendering unproductive of a huge area of some of the most productive agricultural land in the world and the human suffering and disaster that it created and even the effects that it had around the globe should scare Canadians and everyone in the world when they start talking about this source of energy.

This bill my colleague introduced does go a long way to meeting the fears of Canadians about the disposal of the world's nuclear waste in our own backyard and I think that is important. However, the question which also needs to be debated and needs to be continually debated is the continuing production of nuclear waste in Canada before we tackle this question of what we are doing with it. I believe that is a very important question we have to deal with.

When we look at Canada and at the debate going on in every metropolitan area about what to do with landfill sites, what to do with the mountains of garbage produced every year and the great difficulty in even locating landfill sites, it certainly makes the possibility of finding an acceptable site for high level nuclear waste disposal pretty remote.

In my province very close to my residence, we have had a similar debate going on for some years about a hazardous waste disposal site in the Swan Hills area of Alberta. It began with all the same promises that we heard from across the way about safety and the promise to not become a site for the disposal of anyone else's hazardous waste. Because of the monetary considerations, the money to be made or lost in the destruction of hazardous waste, quite quickly that plant has become a site for the importation of hazardous waste from all over Canada and proposals have been made for importing hazardous waste from the United States for disposal at this site.

● (1815)

Residents who live around that site, including me, have great concerns about the impact that would have on our air and water quality. We were never in favour of the importation of hazardous waste to that site and we remain opposed to it today, in spite of the fact that it is happening.

The assurances that the Government of Canada will always dispose of nuclear waste in a safe and responsible manner do not give me a lot of comfort. I would like to know where the disposal site will be and what it will cost.

There has been research done about the safety of burying the waste deep in the Canadian Shield. When the minister appeared before the committee she assured me that the cost of disposal has been built into the rate which the utilities charge for the energy. I wonder how that is possible when nobody has established what the cost will be.

If we are going to talk anybody, be it First Nations people or anybody else, into burying the waste in their backyard, it will not be done cheaply. There will have to be a major incentive involved. I do not believe that anybody has determined what the cost will be.

The natural resources committee is dealing with Bill C-23. It is very unfortunate that it does not deal with some of these issues.

As my colleague pointed out, the body which regulates nuclear waste and nuclear production in the country allows companies to import and export and do virtually whatever they want with nuclear waste in Canada. Most Canadians would not accept that group's having that responsibility without some controls being placed on it by Parliament.

It is unfortunate that the government did not incorporate this bill into the provisions of that bill and take a stand for the protection of Canadians and the environment. There is a huge stockpile of this waste which is growing every day all over the world which will need to be disposed of.

I support the bill. I would encourage other members of the standing committee to consider amendments which would incorporate this bill into Bill C-23. It would be a giant step in protecting Canadians and their environment.

Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, it is a fortunate opportunity that I have to join the debate today. The hon. member for Fraser Valley East has brought up a subject which is of concern to all Canadians and indeed to the government.

I agree with my hon. friend that the management of radioactive waste brings up policy matters of vital interest to thoughtful Canadians.

This issue by its nature is an international one and of considerable importance. Governments must respect the wishes of other

national governments to decide whether they wish to provide management services for the waste originating in other countries. For example, many African countries, recognizing that they may lack the necessary legal, administrative or technical capabilities, have officially banned the importation of hazardous and radioactive waste. However, when an authority has been established that does indeed have the proper legal, administrative and technical capabilities it is a necessity to consider that position.

There are significant volumes of various types of radioactive waste in Canada. They include low level radioactive waste, nuclear fuel waste and uranium mine tailings. Canada has acquired much experience in the safe management of these wastes. Included in the management are handling, treatment, transportation, storage and disposal. The element of transportation is particularly important when considering the importation or exportation of radioactive waste.

• (1820)

Developing expertise and safe transportation have always been important to Canada. In view of the large land mass of our country, they are extremely important. The expertise acquired by Canada over the years is recognized by many countries. In recognition of this, Canada plays an important role in the development of transportation regulations by the International Atomic Energy Agency.

As mentioned previously, the government confirmed on July 10, 1996 that it continues to take seriously the proper management of radioactive waste by establishing a radioactive waste policy framework. The elements of this framework consist of sets of principles governing the institutional and financial arrangements for disposal of radioactive waste by waste producers and owners.

The principles would guide the implementation of radioactive waste disposal in Canada in a safe, comprehensive, cost effective and integrated manner. The federal policy role continues determining the broad financial institutional arrangements that would be acceptable as well as developing a cost effective integrated approach to radioactive waste management. In parallel, the federal regulatory role continues to ensure that management of radioactive waste is carried out in a safe and environmentally sound manner and that adequate financial guarantees are in place.

In keeping with the government's environmental agenda, the policy framework adds to Canada's efforts and expertise in radioactive waste management. The bill that we consider today is a proposal of blanket legislation to prevent the importation of any and all radioactive waste into Canada.

First of all, let me make it clear that there are no plans to import any nuclear fuel waste into Canada. In fact, eight years ago in 1988 the Government of Canada responded to the report of the standing committee on environment and forestry, ''High Level Radioactive Waste in Canada: The Eleventh Hour''. In its response the government indicated that it agreed with the committee's recommendation that a public review process be launched if the then department of energy, mines and resources should envisage the possibility of accepting nuclear waste from any country.

It bears repeating that today such a review would be considered under the Canadian Environmental Assessment Act. At the same time, the minister of EMR indicated to the committee that it was not the government's policy to accept used nuclear fuel from other countries.

The disposal concept of nuclear waste is currently undergoing a federal environmental assessment review. As I mentioned earlier, radioactive waste also includes low level radioactive waste. Many countries around the world routinely export and import low level radioactive waste resulting from certain uses, for example, the use of radionuclides for environmental, agricultural health purposes. For instance, hospitals in developing countries may wish to profit from considerable advances in the use of radionuclides for diagnostic and therapeutic uses in treatments.

Use of this material necessarily produces a certain amount of low level radioactive waste. Exporting this waste to countries that can be responsibly managed and make material advantage for those countries is the only option. Developing countries may also wish to use radiation and radionuclides to produce the nuclear energy for development of methodologies that enhance environmental protection, agricultural production and public community health.

To do so they may have to depend on the waste management services of developed countries. Those developed countries that agree to import low level radioactive waste do so for many reasons which include honouring international conventions and agreements, assisting in the development of responsible management of nuclear activities on a global scale, participating in global developments in environmental technology vital to the future of sustainable development of several nations around the world, and solving potential world environment and health problems in the area of radioactive waste management. Canada has not been one of these developed countries.

• (1825)

In conclusion, the bill proposed as a blanket to act to prevent the importation of any and all radioactive waste into Canada is not needed, desirable, appropriate or effective. Moreover, I believe the member for Fraser Valley East did not fully appreciate that this bill would not provide any added benefit to the health and environment of Canadians.

Therefore I recommend to the members of the House that they cannot support Bill C-236, an act to prevent the importation of radioactive waste material into Canada.

[*Translation*]

Mr. André Caron (Jonquière, BQ): Mr. Speaker, let me start by saying that I am somewhat surprised to hear what members opposite have to say about from the Liberal government's position on the management of radioactive waste.

According to the hon. member for Winnipeg—St. James, who brilliantly defended the government's position, and according to the hon. member who just spoke, there is no problem, the existing regulations are effective and future legislation will settle the whole issue of the importation of radioactive waste. However, there is also that surprising comment by the auditor general in his May 1995 report, in which he said that Natural Resources Canada should concentrate on reaching an agreement with the major stakeholders on their respective roles and responsibilities and on approaches to and a plan for the implementation of solutions. He was referring to the management of radioactive waste.

According to the auditor general, radioactive waste management is not entirely satisfactory in this country. So it is somewhat easier to understand why the hon. member for Fraser Valley-East presented his bill to prohibit the importation of radioactive waste into Canada.

It is clear that, when there are no policies, no clear cut regulations and no legislation on the whole issue of radioactive waste management, it would be immoral for a country to allow its importation. For the same reasons as my colleague from Matapédia—Matane, I am inclined to approve the bill presented by the hon. member for Fraser Valley-East.

However, when we consider the tenor of the bill, a number of questions arise. The hon. member who presented the bill mentioned that what we have here is the famous not in my backyard syndrome. However, the fact remains that waste is being produced, whether industrial or radioactive, in all countries. We see it in our own regions where we often have problems.

If I look at my own riding of Saguenay—Lac-Saint-Jean, discussions have been going on for ten years in an effort to find a landfill site. For some reason, every community designated by the appropriate authorities to have a waste treatment site often manages by means of petitions and protests to ensure the site is not located in that community. Although today, things are starting to change.

• (1830)

Nevertheless, there comes a time when Canadian and Quebec citizens will have to realize that the industrial society in which we live has produced waste and that steps will have to be taken initially to prevent all this waste from damaging the environment and subsequently to treat the waste.

If we look at the whole issue of radioactive waste, I think it is disturbing to see what is happening throughout the world, not just in Canada. I am quite willing to admit we have been negligent in Canada, but look at what has happened in Russia and the Ukraine. I probably know the situation a bit better because of my role as a parliamentarian. I had an opportunity to look at the situation and to visit the country and I realized there was a problem. There was a problem worldwide with radioactive waste management.

I realize that I do not have much time left, but I want to say that like the hon. member for Matapédia—Matane, I certainly agree with the bill because in Canada we cannot afford to receive radioactive waste. We are not even able to handle what we have. Nonetheless, I think that Canada has a responsibility, as an advanced industrial society, to look for ways of helping other societies that are perhaps having a little more trouble right now, such as Russia, such as the Ukraine, to find ways of treating the nuclear waste produced, because it is a question of survival not only for Canada and for Quebec, but for all of humanity.

So that is the appeal I wish to make. At some point, we must quit saying ''not in my back yard'', seek information, and take the necessary measures in terms of research and development so that we can find a solution to the situation we are now facing.

My colleague said it, with what is now going on in Canada, looking at the waste produced in Ontario alone, and in thirty years, it will have increased fivefold, so if we do nothing, if we are content with temporary solutions, if we do not take the measures necessary and if we simply look for holes in which to bury the waste, I think that then we will not have found a solution.

It is high time that Canadians and Quebecers realized that this is a problem that must be solved, and we are going to support the bill presented by the member for Fraser Valley East. This does not change the fact that much remains to be done in Canada and in Quebec in this regard.

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

ADJOURNMENT DEBATE

[*English*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

EMPLOYMENT

Mr. Chris Axworthy (Saskatoon—Clark's Crossing, NDP): Mr. Speaker, a while ago I asked the finance minister to explain to Canadians why the government had broken its promise to create jobs and how did he feel about the government telling Canadians that they will have to accept and get used to high employment? The government does not have any long term vision of how to deal with Canada's unemployment.

Canadians know why we have high levels of unemployment. It is because federal economic and social policies continue to create unemployment not only through significant numbers of layoffs of federal civil servants, but there is no commitment to full employment. That has been made clear by this government.

There is no long term economic or industrial strategy, no vision of how to address the very real challenges posed by continue globalization of trade, no strategy for the economic advancement of less developed regions, no rejection of failed policies of privatization and deregulation, no long term vision.

Quite plainly the federal government has its priorities wrong. It has abandoned middle class and working Canadians and instead has listened to and responded to the concerns of its wealthy corporate friends.

Recently there have been numerous reports of record corporate and bank profits at a time of continued and unacceptably high unemployment. The heads of major corporations are being paid at a rate 212 times that of the pay of average workers. The gap between the executive suite and the shop floor has increased fivefold in the last 30 years.

• (1835)

Something is wrong when a bank president or a large corporation president can announce record profits one day, cash a six figure paycheque the next, lay off a thousand workers on day three, on day four hold a news conference to demand that the government force middle class families to get by with less, and on day five attend a $1,000 per plate Liberal Party fundraising gala.

Something is tragically wrong when the Prime Minister and the federal finance minister support all this and wash their hands of their electoral commitment to get Canadians working again. It is dead wrong in terms of the direction for Canada.

The government is irredeemably short term in its economic policy. The Liberals, Conservatives and Reformers are obsessed with the market even when the market fails. The government runs things for the few at the top, not the many.

We can begin to seriously address Canada's high unemployment levels only when we have a national reconciliation on the economy. There needs to be a co-ordinated approach in which all the major stakeholders play a role in generating a vision for the Canadian economy. A critical part of this must be the full blown pursuit of full employment and a commitment to full employment.

The ability of high tech and knowledge based industries of the economy of the future to provide jobs needed by Canadians must be seriously addressed as competition from newly industrializing countries continues to undermine traditional industrial sectors.

Measures to encourage industrial and business innovation and a financial sector committed to job creation must be developed. Our educational systems and our commitment to education must be revamped to address these challenges, and the federal government has a major role to play in all this.

Only when Canada knows where it is going as a country can Canadians design and implement the effective measures needed to ensure we get there. The federal government should show leadership in this regard, not just wash its hands of the problems faced by the millions of unemployed Canadians and their families across this country.

Needless to say an important part of this strategy is for Canada to work with other countries to make full employment the goal of global economic development. The presence of unprecedented numbers of unemployed across developed nations and in Canada indicates how far away that goal is.

I challenge the federal government to look beyond the status quo and toward proposals that promote real and effective change. Canadians are demanding it and it is time for the government to take a lead in meeting those demands. After all, in the red book it promised it would.

Ms. Maria Minna (Parliamentary Secretary to Minister of Citizenship and Immigration Lib.): Mr. Speaker, jobs are and continue to be the Government of Canada's highest priority.

Since the government took power it has worked very hard to create the climate necessary for job creation and economic growth. A number of measures have been taken to stimulate employment growth in Canada, including the $6 billion infrastructure program, a national tourism promotion program and the reform of the Small Business Loans Act to improve access to capital for small businesses.

In the speech from the throne and the 1996 budget, the government re-emphasized its commitment to increasing job opportunities for Canadians. For example, it doubled its contribution to student summer job creation this year and it launched Technology Partnerships Canada, a $250 million fund to support technology development and job creation in the aerospace, environmental and biotechnology sectors.

The government also launched the expansion of the Community Access and SchoolNet programs to improve access to the information highway.

The results so far show that the job strategy of the government is working. Since October 1993 over 639,000 additional new jobs have been created across the country, and these jobs are mainly full time jobs. In the meantime, the unemployment rate declined by almost two full percentage points from 11.1 per cent in October of 1993 to 9.4 per cent in August of 1996.

Since the government came into office, helping young Canadians make the transition into the workforce has been our particular priority. Three hundred and fifty million dollars was allocated to youth employment initiatives over a three-year period, sixty million of which was allocated to summer employment programs this past summer creating more than 60,000 summer jobs for young Canadians.

In addition, the findings and recommendations of last spring's ministerial task force on youth and of the recent youth conference will help in the development of a new youth strategy. The strategy is expected to be announced later this fall.

The government has a job creation record to be proud of. It will continue in its effort to help Canadians find and keep jobs, working in collaboration with provinces and the private sector.

AGRICULTURE

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, this summer I watched as the prairies produced one of the best crops I have ever seen or ever heard about. Wheat, oats, barley, canola, peas, lentils and even the hay crops were good.

Prior to the harvest the sun came out and baked the fields for several days.

• (1840)

These were marvellous pre-harvest conditions. Farmers across the prairies began their harvest in earnest. Then the rain hit. For almost three weeks during the time when the combines should have been running full out, very little harvesting took place.

According to official records, about 50 per cent of the crop came off the fields and got put in the bins before the rain came. Just as the rain stopped and the weather forecasters predicted clearing and warming, the frost hit and then it snowed.

As members have seen on TV, more than an inch of heavy snow hit my part of Saskatchewan on the last weekend in September, a time that is a traditional prime harvest period. Now, during the past two days, more than a foot of heavy snow has hit standing crops in Saskatchewan, Alberta and Manitoba.

Farmers are beginning to worry. The summer had produced a lot of optimism at a time when optimism was sorely needed but hardly deserved. Farmers know they had just come off 10 very bad years. Incomes had dropped substantially, crops had been poor, interest rates were high, prices were depressed and bankruptcies were occurring too frequently.

More recently, Tory governments in Saskatchewan and Ottawa had changed the way agricultural emergencies were financed. In other words, what used to be a federal responsibility became a shared responsibility. The province had less of an ability to finance agricultural emergencies than did the federal government.

Therefore a new safety net program, the GRIP, came and went in a flash as a result. When the government changed, the Liberal government in Ottawa maintained the cost sharing principles and is currently negotiating with the provinces to establish a new crop insurance program.

The changes to be made to the crop insurance have not yet been agreed to, let alone implemented. At the same time, the new Liberal government did away with the Crow benefit, a program designed to share the cost of transporting grain from the farm gate on the prairies to the ports on the coast with all Canadian taxpayers. This move immediately increases the costs of operating the farm.

Other input costs have increased. As a result, a lot more money than usual has been put into the ground or paid to railways this year in preparation for the year's harvest.

A good crop this year was necessary not only to pay the bills but to make up for the debts created from past years. Let us face it, everyone was looking forward to a good crop and is still hoping that little damage has been done by the weather.

Yes, we may take in a good crop but we cannot ignore the fact that farming depends on the weather. If the weather does not co-operate, we as a nation cannot afford to just let farmers go. We cannot afford to lose our capacity to produce food for the world and to generate the revenues necessary to maintain rural populations.

Therefore even in good times it is important for governments to ensure that contingency plans are in place just in case there is a crop failure or something happens to reduce the incomes necessary to produce the next year's crops.

I ask the minister if these contingency plans are indeed in place so that we can reduce the stress already being felt in the farming community.

Mr. Jerry Pickard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the federal and provincial governments assist producers across Canada with significant financial protection against weather related problems. Crop losses, through government safety nets, are covered.

The federal-provincial crop insurance program is specifically designed to protect producers against crop losses such as those associated with current weather conditions on the prairies.

In the event of poor harvesting conditions, it provides direct compensation to insured producers for yield and quality losses which can result in reduced revenues.

In 1996 about 80 per cent of the grain and oilseed crop acres in Manitoba, 55 per cent of the acres in Saskatchewan and 45 per cent of the acres in Alberta are insured.

Recent reports indicate that harvesting is well advanced and that the percentage of harvesting completed are as follows: Manitoba, 75 to 80 per cent; Saskatchewan, 50 to 55 per cent; and Alberta, 65 to 75 per cent.

In addition to crop insurance, most producers participate in net income stabilization account program, or NISA. NISA encourages producers to build up funds for use in periods of difficulty by matching producer contributions on a dollar-dollar basis and by providing a 3 per cent bonus each year of the producer contributions held on account.

The funds in a producer's NISA account can be drawn on if revenues, due to weather related and other losses, fall below the five year average. Currently, prairie producers have about $1 billion in their NISA accounts.

In addition to the above measures, the minister may authorize the Canadian Wheat Board to make advance payments to ensure producers of grain to better finance the drying of damp or tough grain.

While we hope the weather will improve so farmers can harvest their crops, if it does not, existing safety net programs are in place to assist with the losses which can result.

The Deputy Speaker: Colleagues, the motion to adjourn the House is now deemed to have been adopted. The House stands adjourned until tomorrow at 10 a.m.

(The House adjourned at 6.43 p.m.)

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