



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Tuesday, October 20, 1998**

**Speaker: The Honourable Gilbert Parent**

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# HOUSE OF COMMONS

Tuesday, October 20, 1998

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1000)

[*English*]

### NUCLEAR AMENDMENT ACT, 1998

**Mr. David Chatters (Athabasca, Ref.)** moved for leave to introduce Bill C-443, an act to amend the Nuclear Energy Act and the Nuclear Safety and Control Act.

He said: Mr. Speaker, my bill attempts to correct a longstanding and I think outrageous conflict of interest in that the same minister of the government responsible for protecting public interest and public safety is also responsible for the sale of nuclear technology around the world.

I do not believe it is possible for the same minister to fulfil both of those roles without being in conflict of interest, so we are attempting to correct that situation.

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

\* \* \*

• (1005)

### CRIMINAL CODE

**Mr. Myron Thompson (Wild Rose, Ref.)** moved for leave to introduce Bill C-444, an act to amend the Criminal Code.

He said: Mr. Speaker, I am pleased to be able to introduce this private member's bill today.

The concept for it began when Craig Powell, Amber Keuben, Brandy Kueben and Stephanie Smith were all instantly killed by a drunk driver on June 23 near Morley, Alberta as they were returning from a camping trip.

The drunk driver in this case was Christopher Goodstone. He was charged with four counts of criminal negligence causing death and one count of criminal negligence causing injury.

Criminal Code sentencing provides that a court must, in imposing a sentence, take into consideration various things including whether the offender is aboriginal.

I believe that all offenders should be treated equally. With this enactment the court would no longer be mandated to give special consideration because of race or ethnic origin.

I am happy to submit this bill on their behalf.

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

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### PETITIONS

#### YOUNG OFFENDERS ACT

**Mr. David Chatters (Athabasca, Ref.):** Mr. Speaker, I would like to present a petition this morning on behalf of Kay Malmas, a constituent of mine in Westlock, who happens to be the mother of Barbara Denelesko who was senselessly murdered by three young offenders. These three young offenders are currently back on the street, only two years after the murder of Barbara Denelesko, which disturbs and outrages not only Mrs. Malmas but many other of my constituents.

I would like to present this petition demanding tougher penalties under the Young Offenders Act on behalf of Mrs. Malmas.

#### MARRIAGE

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I am pleased to present a petition on behalf of Canadians living in my riding from Chestermere Lake and in and around the Calgary area. The petitioners request that the House of Commons support and enact Bill C-225 which would prohibit the definition of spouse to be changed from its traditional status and that the definition of marriage be as between a single male and a single female.

#### CHILDREN

**Mr. Eric Lowther (Calgary Centre, Ref.):** Mr. Speaker, I would like to present three petitions.

The first petition comes from residents of my riding who are concerned about sexual offences against children. The petitioners support Bill C-284, which is currently on its way to committee. This bill would allow parents to make informed decisions on the hiring of those who care for children.

*Supply*

## ABORTION

**Mr. Eric Lowther (Calgary Centre, Ref.):** Mr. Speaker, I have two additional petitions that I would like to present which relate to abortion. These citizens point out that the legal rights of the unborn are protected under the United Nations charter on the rights of the child.

These citizens are calling for a national referendum to determine whether people are in favour of government funding for abortions on demand.

## MULTILATERAL AGREEMENT ON INVESTMENT

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I have the honour to present a petition which is signed by many residents of my constituency of Burnaby—Douglas, the Vancouver area and elsewhere in British Columbia that notes with concern that the Government of Canada continues to be at the table to negotiate an international trade agreement called the multilateral agreement on investment, or the MAI, and I might add, despite the fact that France has pulled out of this particular discussion.

They note that the MAI is the latest in a series of regional and global agreements which in the name of liberalizing trade and investment expands the powers of multinational corporations at the expense of the powers of governments to intervene in the marketplace on behalf of our social, cultural, environmental and health care goals.

• (1010)

The petitioners point out that the MAI is undemocratic. Therefore they call upon parliament to reject the current framework of MAI negotiations and instruct the government to seek an entirely different agreement by which the world might achieve a rules based global trading regime that protects workers, the environment and the availability of governments to act in the public interest.

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, I too have a couple of petitions concerning the MAI in which the petitioners call upon parliament to reject the current framework of MAI negotiations and instruct the government to seek an entirely different agreement by which the world might achieve a rules based global trading regime that protects workers, the environment and the ability of governments to act in the public interest.

This is almost exactly what the prime minister of France said should be sought when he rejected, on behalf of France, the current negotiations at the OECD. I am sure that these petitioners would want the Canadian government to follow suit, pull out of the negotiations at the OECD and seek an entirely different table at which to settle these difficult issues.

## FOREIGN AFFAIRS

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, I have a petition from Canadians of Serbian descent criticizing the actions of the Canadian ministry of foreign affairs with regard to Serbia.

The petitioners ask the House of Commons to consider the best interests of all citizens in Serbia for peace and democracy in the Kosovo crisis and to act on the above with honesty and integrity.

\* \* \*

[Translation]

## QUESTIONS ON THE ORDER PAPER

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I would ask that all questions be allowed to stand.

**The Acting Speaker (Mr. McClelland):** Is it agreed?

**Some hon. members:** Agreed.

## GOVERNMENT ORDERS

[English]

## SUPPLY

## ALLOTTED DAY—APEC INQUIRY

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** moved:

That this House urges the government to agree to the request of the RCMP Public Complaints Commission inquiring into incidents at the Vancouver APEC summit that the government provide separate funded legal representation for the complainants in the inquiry.

He said: Mr. Speaker, before I begin I would like to indicate that I will be sharing my 20 minutes with the hon. member for Burnaby—Douglas.

This motion is certainly a timely motion, given the decision by the government last week not to provide funding for the students who are appearing at the RCMP Public Complaints Commission. We believe that justice demands that they be given this funding. We believe that this demand is justified not only by an elementary sense of fairness in this respect, but also by the demands and the requests of the commission.

As you know, Mr. Speaker, we have been debating this in the House for some days now. The point that the government seems not to appreciate or does not want to acknowledge is that the commission has twice asked the government for funding for these students.

*Supply*

Why this unusual request? Because the government itself earlier requested that it be allowed to do something out of the ordinary and have a battalion of lawyers there on behalf of the government and the RCMP. It is not out of the ordinary in terms of fairness for the students to expect that something similar might be done for them. It is not out of the ordinary as far as the commission is concerned because it has twice requested that the government do this.

By putting this motion today the NDP hopes to give the opportunity to the House and particularly to Liberal backbenchers to express their outrage at the position the government has taken.

We have learned that the Liberal backbenchers are being whipped into shape as usual. We are disappointed to hear that, but we hope that by the end of the day we might be able to persuade some of them, if not all of them, to come around to the wisdom of this position and vote with us. Vote with us not just for the sake of the students, but perhaps also to draw a line against the increasing arrogance of the Prime Minister's office and the Prime Minister himself and the way in which dissent is constantly being stifled on that side and throughout the country. The pepper spraying of the students at the APEC summit has become a symbol of that for all Canadians.

• (1015)

It is not just a question of pepper spraying but also other things that happened at the APEC summit. People were being asked to take signs down when the signs posed absolutely no threat to the security of any of the leaders at the APEC summit. People were being asked to sign pledges that they would not do so again. They were basically being asked to sign away their charter rights to freedom of expression.

There were all kinds of things happening at the APEC summit which concerned Canadians and the NDP. In that respect, although we have had a lot of attention paid to this issue by everybody in the last little while, I want to remind the House that this issue was first raised in the House of Commons on November 26, 1997 by me on behalf of my party. I asked the Deputy Prime Minister at that time whether he would apologize for the joke the Prime Minister had made with respect to the pepper spraying. It was the incident where the Prime Minister was asked on TV about the pepper spraying and he said "Well, pepper is something I put on my plate". We went after the Deputy Prime Minister at that time as the Prime Minister was not present. We asked him about the appropriateness of those remarks and other things that had happened at the APEC summit.

It all could have been different if the Prime Minister at that time had taken an entirely different approach. Nobody takes any joy in this, but how different it would have been had the Prime Minister said how sorry and concerned he was about the students who had been pepper sprayed and that he was going to look into it. Afterward he might have come forward and said that perhaps they

had overmanaged the APEC affair and they may have been too zealous in their concern for the comfort of visiting leaders, particularly Mr. Suharto. They could have said it was regrettable and that they would not let it happen again.

Would that not have been preferable, I say to my Liberal colleagues, than all that we have gone through now. The Prime Minister, the solicitor general, the government and the Liberal Party itself are digging themselves in deeper and deeper just out of a refusal to admit a simple mistake.

I would hope that this debate today will provide an opportunity for the government, as we have tried to provide other opportunities in question period, to fess up and say that it has handled this wrong. Or are the Liberals going to insist and are Liberal backbenchers going to collaborate in insisting that they have done nothing wrong, that nothing untoward has happened and it is only a matter of letting the RCMP Public Complaints Commission do its job, as we have heard time and time again in this House?

I think this raises a larger question, one which we have certainly paid attention to on this side of the House in the NDP. That is, is there any truth to the argument often forwarded by the government that if we simply put aside human rights, labour standards, environmental matters and all these difficult questions that get in the way of unregulated commerce and the marketplace, if we trade with everybody in an uncritical way and devote our entire foreign policy to cutting deals, to team Canada and to just making money, that this will help other people to become like us. So goes the argument offered by the government, that somehow our values will rub off on them.

APEC shows us that there is a very real danger their values rub off on us when we invite authoritarian and dictatorial leaders to this country and we act in a way as to protect their sensitivities. What are their sensitivities? Their sensitivities are about democracy. They are very sensitive to the whole idea of democracy. They are not just sensitive, they are allergic to the whole idea of democracy.

• (1020)

Instead of giving them a lesson when they come here about dissent and democracy and the fact that Canada and other democratic countries operate in a different way, instead of using that opportunity to stand up for our own values, we back off. We cater to them.

I think we do the wrong thing. And it is not just myself and my colleagues who are saying this. There are people very experienced in the world of dealing with east and west matters who say that the only way to deal with these things is to stand up for our own values and to play hardball with people who want to question those values. I am thinking more recently of the former governor of Hong Kong, Chris Patten, who has said that you do not get anywhere by kowtowing to people who have different values.

*Supply*

Yet this is not what the Liberal government has made a name for itself in doing. In fact it has made a name for itself by being almost supine in its relationship with these other countries, to the point where it has made former governments which did not have outstanding records on human rights look good.

I think we express today the embarrassment, the indignation and the regret many Canadians have at the way APEC was handled in the first place, but even more so in the way the government has refused to admit that something wrong happened there, that the Prime Minister was wrong in the way he dealt with this issue and the casual way he has now joked many times about this issue, as if he just does not get it. He just does not get it.

I tell my Liberal colleagues that we are going to persist with this until somebody over there gets it. This is their opportunity to show the rest of Canada that they get it, even if their Prime Minister and their leader does not. This is their opportunity to show that they take no comfort in the fact that baseball bats were not used and only pepper spray was used. Imagine, this is the argument offered by the Prime Minister. Instead of offering up an apology for his jokes about the use of pepper spray, he asks us to take comfort in the fact that well, after all they were not hit on the head with a baseball bat.

This is a pretty low time in Canadian politics. We hope that our colleagues opposite in the Liberal Party will take an opportunity to show a little independence, not just on behalf of their own self-esteem and self-respect, but on behalf of the democratic values that all of us hold in this place.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I am pleased to rise to join with my colleague, the hon. member for Winnipeg—Transcona, to explain why it is we believe that this is one of the most important motions to come before the House and why we chose to allot a full day of debate on this fundamental issue.

This is about whether or not we as Canadians and we as elected members of the House are seriously prepared to say that indeed we do want to get at the truth to the extent possible within the framework of the public complaints commission. We want to get at that truth and we want to ensure that the students who are the complainants before that commission have equitable and fair representation.

I had the opportunity to attend some of the commission hearings. There is at the present time a profound imbalance. On the one hand there is a battery of lawyers representing the RCMP and the federal government; in fact just last week they hired three more lawyers. On the other hand there is a group of students, complainants in what is clearly an adversarial process, who have no legal representation funded whatsoever. That is profoundly unjust.

It is not just New Democrats who are making that argument. The public complaints commission itself on two separate occasions has

appealed to the government, to the solicitor general, to do the right thing, to recognize that fairness demands legal representation for these students.

Madam Justice Barbara Reed of the Federal Court of Canada has made the same appeal. She could not have been clearer when she said in July "Without state funded legal representation, the complainants will be at a great disadvantage. There will not be a level playing field".

• (1025)

The allegations and the issues we are dealing with are profoundly serious. The allegations are that during the time leading up to the APEC summit and indeed at the summit itself, far from looking solely at security concerns, the Prime Minister, his senior officials and other ministers were more concerned about the comfort of foreign dictators like Suharto. They were concerned about avoiding embarrassment to those dictators.

Therein lies the line between a democracy and a police state. I say that very seriously because in a police state there is political direction of the law enforcement apparatus of the state. That is what we saw during the APEC summit.

We saw students peacefully and non-violently protesting, being arrested and being forced to sign conditions of release, which were illegal, that they would not demonstrate against APEC or any country in APEC. We saw banners torn down. We saw the Tibetan flag at the graduate students centre taken down. We saw women, students strip searched. We saw Indonesian bodyguards, thugs with guns being allowed into Canada and the Indonesian ambassador asking what happens if they shoot somebody. We saw most ominously in many respects a young man named Jaggi Singh, one of the organizers of the APEC alert being arrested, wrestled to the ground on the UBC campus by three plainclothes police officers, handcuffed, thrown in the back of an unmarked car with tinted glass, driven off and locked up during the APEC summit.

Those are police state tactics. Those are the kind of tactics we have seen too often in countries like Indonesia, Malaysia and China, as my colleague from Winnipeg—Transcona has said. It was not long ago that we saw those tactics in Chile. As a New Democrat I join with my colleagues in saying that we celebrate the fact that the United Kingdom and Spain have said that Augusto Pinochet is going to be locked up and I hope tried for crimes against humanity that he committed against the people of Chile during those dark years. We welcome that.

Today is the moment of truth for Liberal MPs. There is no doubt that every member on this side of the House is going to support fairness, justice and equity for those students. I am making a direct appeal today to those Liberal members of parliament, an appeal in particular to the member of parliament for Vancouver Quadra who represents the UBC area. He has said "Yes, I believe students



*Supply*

should have funding". He has his chance today. He has the opportunity today to show us whether he is serious about that or whether he will be whipped into line to say no like one of a bunch of trained seals.

That member has suggested, as some other Liberal members have suggested, that it is okay because the commission has the power to use the \$650,000 allocated in supplementary funds for legal fees for the students. That is absolutely false. The commission has said that it does not have that power.

More important, it is not just a legal opinion. Madam Justice Barbara Reed of the Federal Court of Canada said "It seems reasonably clear that the commission does not have the authority to issue an order to provide funding for the legal representation of students". It could not be any clearer than that. If Liberal MPs say that the commission has the power to allocate those funds, I say to them that they are misleading Canadians. The federal court itself has said that it does not have any such power.

• (1030)

Yesterday the Canadian Federation of Students, the National Action Committee on the Status of Women, the Canadian Labour Congress and many others joined in appealing to this government to do the right thing, to recognize that there must be a sense of fairness to this process, that in the absence of that, the complaints commission is a travesty of justice. It is a one sided farce.

This government keeps saying let the commission do its work. The commission cannot do its work unless the complainants who appear before the commission are properly funded.

To Liberal MPs, this is their chance to stand up for fairness for those student complainants. We should listen. The members on the government side of the House should listen to the Law Society of British Columbia which wrote to the solicitor general and said an essential principle of a democratic government is that all people are equal before the law and are equally entitled to fairness and due process.

The inquiry is an adversarial process and the complainants appearing before the commission are acting as representatives of the public interest.

The students at UBC were demonstrating not just for themselves but for all of us as Canadians with some pretty important, fundamental values. They deserve to have fair and equitable representation.

I again appeal to members on the government side of the House and to all members to do the right thing, to provide that funding and to make sure we get at the truth, so that this is not just a cover for some pretty appalling police state tactics that took place.

I move:

That the motion be amended by adding after the word "House" the following: "strongly"

**The Acting Speaker (Mr. McClelland):** Debate is on the amendment.

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, the member for Burnaby—Douglas was challenging Liberal members to vote for this motion, to show some independence.

I remind the House this is not a confidence motion. The Prime Minister to my knowledge has not said it is a matter of confidence. If he did he would be even more ridiculous than he was yesterday.

The language of confidence has been taken out of the standing orders with respect to opposition day motions in 1985. For a long time we have strived toward a political culture in this place where members on both sides would feel free to vote as they wished on opposition day motions without regard to the matter of confidence.

Regrettably, we have lost a lot of ground in that respect in the last little while in the way this government has decided to treat opposition day motions.

It is not just a question of justice and fairness for the student demonstrators at APEC who made their complaint before the RCMP public complaints commission.

• (1035)

It is also a matter of parliamentary integrity that they stop acting like a bunch of trained seals when it comes to these opposition day motions. When we put motions before this government that call on it to do things it knows are right this government should take that opportunity and do so. Perhaps the member would like to comment on that.

Perhaps the member would like to comment on whether there are ways in which the Canadian public, in the absence of help from the government, can give aid and comfort to the students who are seeking justice in Vancouver as we speak.

**Mr. Svend J. Robinson:** Mr. Speaker, I thank the hon. member for those very thoughtful and incisive comments.

The member is absolutely right. This has nothing to do with the fundamental issue of confidence in the Government of Canada. This is a question of whether or not members on the government side of the House are prepared to support the fundamental principle of a level playing field before a federally appointed commission. That is what it is about, not whether or not the government should fall. We all have our views on that. But that is not the motion

*Supply*

before the House. I trust that Liberal members will look at this in that light.

With respect to the second issue my colleague raised, there is an opportunity for those Canadians who do believe deeply that there should be legal funding if the government does not do the right thing. There is a fund which has been established by the B.C. Federation of Labour and I give the federation full credit for doing this. That fund is called the APEC protesters legal support fund. They are urging that Canadians from coast to coast make contributions. I know many have already done so very generously. I join in appealing to Canadians to do that.

I note once again what this is all about. A young student named Craig Jones on the UBC campus held up three signs. One said democracy. One said free speech. One said human rights. Those signs were torn down. Mr. Jones was wrestled to the ground and he too was locked up during the APEC summit.

That is what this is about, a profound violation of the basic charter of rights of Canadians all to kowtow to a brutal foreign dictator. We saw that.

What about the upcoming APEC summit, the ruthless suppression of the rights of people in Malaysia, the denial of funding by the Canadian government of assistance to the peoples summit there? We question this whole APEC agenda, the so-called trade liberalization agenda which really is about trampling on human rights, on the environment and on the rights of people and putting corporate profit before people.

We say no to that agenda and yes to funding for students to get at the truth about what happened in those black days around the last APEC summit in British Columbia.

[*Translation*]

**Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Mr. Speaker, I must say that, as a Canadian—and I am not saying this for the sake of it or because I happen to sit in this House—I am truly and always concerned about anything that relates to human rights.

Without getting into specifics, I want to give you a few examples of what I mean. I had the pleasure of leading the delegation that travelled to Chiapas to talk about human rights. Incidentally, I am very pleased with the progress made by the Reform Party which, at the time, showed no interest in coming to see what the human rights situation was, but which has now suddenly become a champion of these rights.

I played an active role regarding the land mines issue. I also tabled a petition on behalf of the Chinese minority in Indonesia, whose rights are being trampled. I will stop here, but I do think I

have a very specific interest in human rights. That is why I would like to know what really happened at the Vancouver APEC summit, in November. I would really like to know.

• (1040)

This truth is important to me on several levels—naturally on the level of human rights and on the level of how we conduct ourselves as a democracy. I think Canadians have the right to know that.

Beyond the TV images that upset me as they did everyone, what really happened? There is an organization, an institution established a number of years ago, whose role was and remains to direct us to the truth we are all after.

This commission was set up specifically to hear public complaints about the conduct of the RCMP. Clearly the mandate of the commission—not only as it appears in the texts establishing it, but also in the interpretation given it by its own chair—enables it to determine the truth we are after.

The interesting part of this is that the commission is an example of the commissions and administrative tribunals established by the legislator so that complainants would not have to pay for legal representation for justice to be done.

I think the motion before us today runs counter to the spirit of the legislator in establishing this commission. In purely emotional terms, it would be appealing to support this initiative. However, we must consider, as the government—and I was going to say as responsible members—the consequences of our actions.

And what are these consequences? If administrative tribunals were set up by the legislator so complainants would not need the services of a lawyer in order to be heard or for justice to be done, we are moving in the opposite direction and questioning the very principle of administrative tribunals. We are questioning the initiative of the legislator, who, regardless of the party in power, established this procedure to give the public a forum it previously lacked. The public has access to this forum without legal representation.

If we agree with the principle underlying this motion, it means—and we have to realize this—that we are creating a precedent. By creating this precedent, we are indicating our willingness as a government to adhere to the principle of providing and paying for legal services in other tribunals or in this one for other cases. This touches on the question of the costs that may be incurred as well as the real purpose of these organizations.

There is, of course, a fundamental question we must ask ourselves: Is this in the Canadian public's interest? Is this in the interest not only of the complainants in this case but also of those who may file a complaint in the future before this commission or any other administrative tribunal? Is it in the interest of complain-



*Supply*

ants to say that, from now on, lawyers will be provided or that they will have to be represented by lawyers? We would then create a precedent so that things would have to be done the same way in future.

Before making such an important and far-reaching decision, I think the least we can do is to give it careful consideration. I have no lessons in democracy to learn from anyone. I say this in all humility and simplicity. This debate is not about defending democracy. Any time someone rises in this House or takes a stand nationally for democracy, whether from the NDP or any other party represented in this House, I will be the first to support any initiative to ensure that democracy in this country is not only respected but also furthered.

• (1045)

That is not the issue. The issue is whether it would be legitimate and responsible to fund legal representation for an individual complainant or group of complainants who have access to justice by extremely clear means that lawmakers intended to make accessible to all?

I cannot help but conclude on a somewhat sad note. Today, we are asked to fund legal representation for complainants before this commission. But for weeks now, every initiative, each and every question the opposition has put to us in this House had a single purpose: to undermine the credibility of the RCMP public complaints commission as an institution. There is a fundamental contradiction: on the one hand, the credibility of this institution is not recognized and, on the other, they want funding for lawyers to make representations to this commission. This does not make any sense. I am sorry, but I do not see the logic here.

Too often, the members opposite accuse us of blindly toeing the party line. I have been in this august place for just over a year and I cannot remember when the New Democratic Party in particular allowed its members to vote as they wished. Unless I am mistaken, and I am sure somebody will be only too glad to correct me, those members vote along party lines, whether for private members' bills or other kinds of bills.

In a great majority of cases, the same is true for many political parties. I cannot say that this is always so, because I would have to look into it thoroughly, but what is clear, and I am sure those following our debates and votes on television see this too, is that these political parties vote along party lines, but as soon as we vote according to our conscience and that turns out to be the party's collective conscience, we are no longer entitled to do so or are doing something wrong.

It is a double standard. I do not think anyone is fooled.

[*English*]

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, I charge that the government is undermining the RCMP by making

this a biased process, thereby making it impossible for Canadians to believe that anything coming out of this inquiry which may exonerate certain actions of the RCMP is anything more than a cover-up. I think that is shameful on the part of the government.

I want to ask the parliamentary secretary a quick question on the basis of this quote from the solicitor general: "Civilian oversight is a very important instrument in a free and democratic society", in reference to the public complaints commission, "and in this case it is that very process, that informal process, that needs to be protected".

The government is sending the chief crown prosecutor from Ottawa, aided by two lawyers from Vancouver, to protect the Prime Minister and sending David Scott, a highly experienced jurist from Ottawa. Could the parliamentary secretary advise the House how the government's sending of four lawyers, probably at a cost exceeding \$1,000 an hour, works toward the so-called process of this being an informal process? The Prime Minister has turned it around and has not permitted it to be an informal process by this very high priced protection for him.

[*Translation*]

**Mr. Jacques Saada:** Mr. Speaker, I would have preferred not to have to address that, because I have a great deal of respect for my colleagues, but I am going to do so, because my colleague's question leaves me no choice. What we have just heard is not even a question, but an allegation.

All the airing of events that are supposed to have compromised the integrity of the commission and its work is the upshot of the deliberate disclosure of a private conversation on the strength of highly questionable moral principles.

• (1050)

In my opinion, the member opposite should be a little more honest and objective, and admit that we are not the ones undermining the commission's credibility. It is they who are doing so, with their repeated questions, unfounded allegations, insinuations and witch hunts. That is how they are undermining the commission's credibility. Them, not us.

When they talk about a cover-up, again this is an allegation for immediate political reasons that have nothing to do with the truth we are all seeking. As for the lawyers there to represent the public servants, that is normal practice. They are not the ones complaining. The complainants are complaining.

[*English*]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I have a number of items I would like to raise but I will limit it to one or two.

The parliamentary secretary mentioned that the inquiry and the commission were really designed to operate without counsel. Yet

*Supply*

we are seeing counsel on one side and not on the other. Twice the commissioners have asked for counsel to represent the students.

What we have heard and what we expect to hear further from the Liberals today is that the commissioners have the right to allocate some of their resources for the students to hire legal counsel.

Will the parliamentary secretary tell us right now if he believes the commissioners of the inquiry can give some of their \$650,000 plus to the students so that they can hire lawyers? Does he believe that is true in spite of the opinion of the federal court which clearly says exactly the opposite?

[*Translation*]

**Mr. Jacques Saada:** Mr. Speaker, the question surprises me. It is as if my colleague were unaware that the government has no right to dictate the conduct of the commission.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, this is a fundamental question. Does the parliamentary secretary believe, yes or no, that the commission has the power to use its own funds for legal aid to the students?

**Mr. Jacques Saada:** What I believe, Mr. Speaker, is of no importance whatsoever. What is important is to preserve the integrity of the commission's decision-making process. It is the one to decide.

Any response one way or the other would be an interference in the commission's integrity and independence.

[*English*]

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, I have the privilege of being able to speak to this debate. I spent eight days at the hearing and I can bring some perspective from having been an eye witness to what is going on.

I want members to understand the impact of no funding and what it means. We have a perspective that there is an ongoing political cover-up for the Prime Minister. That may or may not be proven. Time will tell. However, what I saw was a lack of funding, no funding for Craig Jones, the first complainant, the first student on the stand. I saw a very experienced counsel for the RCMP, Mr. Macintosh, Q.C., take Mr. Jones' testimony and completely turn it on its head.

He had Mr. Jones agreeing that the entire effort was focusing on security and did not really have anything to do with the political statement. The reason the complainant, Mr. Jones, was arrested without charge and detained for 14 hours was that he was protesting the fact that he was trying to make a political statement which was shut down by the RCMP at the behest of the Prime Minister. It was a very skilful cross-examination by Mr. Macintosh.

Mr. Macintosh, on behalf of the RCMP, also got a subpoena for Mr. Jones to provide 800 pages of his e-mail. When he gave the commission those pages, Mr. Arvay who was acting on his behalf in a unpaid part time capacity said "I am sorry, Mr. Jones, but I do not have time to go through these 800 pages to determine relevance of the pages". It fell on Mr. Considine, counsel for the hearing. Mr. Considine also said "I am sorry. I do not have time. I cannot possibly take a look through these documents to find out what is relevant".

• (1055)

I understand he then went to Mr. Jones and asked for his approval to turn over all 800 pages without any reference as to relevance of the pages to the inquiry. There was an assumption on the part of Mr. Arvay, Mr. Considine and Mr. Jones that Mr. Macintosh, their adversary, would also honour the fact that there would be the execution of an examination of relevance of the documents before they were ever used in the cross-examination of Mr. Jones.

I apologize that this is a little complex but it is very important to set the background. Mr. Macintosh either knew or should have known that, when he introduced the documents pertaining to the e-mails between Mr. Jones and Terry Milewski of the CBC, those documents were irrelevant. Those documents had nothing to do with the cross-examination of Mr. Jones.

I state again that Mr. Macintosh, Q.C., either knew or should have known that the documents were irrelevant. Therefore, what was the advantage of Mr. Macintosh on behalf of the RCMP introducing these pieces of paper?

What has been happening is that Mr. Milewski, a seasoned reporter of the CBC, had been carrying on a relationship with a number of people who were parties to the issue to try to get information that was not available to him from the Prime Minister's Office, from the RCMP or from any other source, Mr. Jones being one of them. Instead of exchanging verbal communication, as it happened they exchanged documents that ended up becoming documents on a piece of paper through e-mail.

Those documents show that Mr. Milewski and Mr. Jones were exchanging the information they had so that Mr. Milewski could bring the report to the CBC and to the people of Canada as to what was going on. I say that he is a reporter of some repute, a reporter who will check his facts, and a reporter who before these stories ever went to air made sure that he had it airtight. The Prime Minister did not like it. Mr. Milewski was like a terrier on the Prime Minister's ankle.

I come back to the question. Why did Mr. Macintosh, an experienced counsel, Q.C., not know? As we understand, he should have known these documents of exchange of information between Mr. Jones and Mr. Milewski were irrelevant.

*Supply*

I checked with a crown counsel in my constituency who advised me that it is completely wrong court procedure for documents to be presented in examination or cross-examination that are irrelevant and clearly for the purpose of simply introducing the documents to get them into public record. I will not say it any stronger than that because I am not a lawyer and I do not understand the implications.

Because of the lack of counsel for Mr. Jones and the lack of counsel for the students, we now have the Prime Minister's press secretary, Mr. Donolo, using what Mr. Macintosh did in getting Milewski's information into the public record to attack Mr. Milewski, getting him off the case and getting the one reporter who was probably the furthest ahead on this issue out of the way.

Was there collusion? I think that is a question the Canadian public has to take a look at. Was there actually a knowledge on the part of Mr. Donolo that Mr. Macintosh was to do this in order to deflect Mr. Milewski off the case, who after all was a most troublesome person for the Prime Minister?

It is clear that this is very high stakes poker for the Prime Minister. It is very clear because, as I just presented in my question to the Parliamentary Secretary to the Solicitor General, the Prime Minister is not only represented by Canada's chief crown prosecutor who has flown at public expense from Ottawa to Vancouver to protect the Prime Minister. He is also there aided by two Vancouver lawyers of some repute. Apparently they were concerned that perhaps this was not enough cover for the government's—the Prime Minister's—position, so they have now dispatched Mr. David Scott, QC, from Ottawa to Vancouver, a jurist of high repute. It is reported that his normal billing time would be in the range of \$350 an hour. We have Mr. Whitehall, the chief crown prosecutor for Canada, we have two assistants and we have a \$350 an hour lawyer protecting the Prime Minister.

• (1100)

The case I have cited of how they managed to use the system in a grossly adversarial way, perhaps even in connection between Mr. Donolo and Mr. Macintosh to get Mr. Milewski off the case is as clear an example as I can give the Canadian public of what this issue of lack of funding means.

On the issue of going forward with setting a precedent, the precedent has been set. Take a look at the number of inquiries where people, complainants, coming to inquiries have been funded. The only reason why this particular case is in the hands of the public complaints commission as opposed to an independent inquiry is part of the cover-up in the first place.

What is going on here is that the solicitor general has seen to it that the power remains in the hands of the Prime Minister and the government. The solicitor general has shamelessly acted and

continues to act as a cover for the Prime Minister rather than doing his job as the chief advocate for the people of Canada in his role as the Solicitor General of Canada.

**Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.):** Mr. Speaker, I was listening earlier to the NDP movers of the motion and now to the Reform. What is interesting to observe is that they had focused in their argumentation to a large extent on the very crucial issue before the commission itself, allegations I submit in respect of the commission that they had alleged on the floor of the House of Commons. Those are the very allegations that the commission will determine in its wisdom, whether they are based on solid ground and therefore relevant to the discussion of funding.

The public commission is almost like the Winnipeg police commission, almost like the unemployment insurance commission, almost like the CPP tribunal, the veterans appeal board, the workmen compensation board or the labour board in a province. They are quasi-judicial tribunals. When citizens with grievances against the bureaucracy of government come before these tribunals, I have not heard from the NDP in the House, from the Reform Party in the House, from the Tory party in the House or from the Bloc in the House whether those citizens with grievances have a right to legal representation.

I have appeared before these tribunals. The one distinction that we must make is that quasi-judicial tribunals, as the RCMP public complaints commission is, were created by parliament precisely to avoid the need for the formality of a knowledge of the rules of evidence and the rules of procedure. In other words, citizens without full legal knowledge can appear before them and could even have representations of laymen. Therefore I ask where is the precedent being created?

**Mr. Jim Abbott:** Mr. Speaker, I can only assume that the member was not in the House, either that or he had ear plugs, when I made my presentation.

The fact is it is the Prime Minister, the solicitor general, the justice minister, the Liberal government that have made this a political process, an adversarial process.

• (1105)

Count it. There are over \$2,000 an hour of legal fees either protecting the RCMP or protecting the Prime Minister in this process.

I cite again my example where with very high skill level the solicitor for the RCMP managed to twist the comments of the protester, of the complainant, and furthermore took documents that should never have been used. Had he a properly prepared lawyer on his behalf, Mr. Jones would never have seen those documents end up in the public record.

*Supply*

I saw what actually happened. Mr. Macintosh was asking Mr. Jones questions on the basis of the Jones-Milewski documentation. After he got Mr. Milewski's name into the record a couple of times he very quickly folded like a cheap deck of cards and sat down on that issue. He did not pursue it any further in spite of the fact that he had buck an unprepared Mr. Arvay. I say with the greatest respect unprepared because he does not have funding and did not have time to prepare himself.

Mr. Arvay was trying to stop the irrelevant insertion of these documents into the court proceedings. What the RCMP lawyer did by introducing that, I submit again, was to get Milewski off the case and the Prime Minister without the terrier on his ankle.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, somebody over on the Liberal side asked what about Mr. Considine.

Mr. Considine is the independent counsel to the commission and while he may be able to intervene to defend some witnesses against overly aggressive cross examination, he does not have a role to vigorously cross examine witnesses from the Prime Minister's office, from the RCMP and elsewhere. That is not his role. That is the role for counsel for the students.

**Mr. Jim Abbott:** Mr. Speaker, in this case Mr. Considine did not have time to look at these documents to determine relevance. He handed them over to Mr. Macintosh with Mr. Jones' approval on the assumption Mr. Macintosh was going to determine relevance himself. Mr. Macintosh did not only not determine relevance but he used documents in the case against Mr. Milewski, thereby tainting the whole news gathering process. I believe he did it—

[*Translation*]

**Mr. Richard Marceau (Charlesbourg, BQ):** I rise with some sorrow today to speak on the motion by my NDP colleague. In my opinion, this is a waste of the House's time, because it should be taken for granted that the federal government will assume the students' legal costs.

It is not necessary to repeat the facts surrounding the brutal repression of the students at the time of the November 1997 APEC summit. I would like to say this, however: during this peaceful demonstration, the students were roughed up and subjected to strong-arm tactics as well as pepper spray.

And now what is happening? The same thing all over again. Now this government wants to use the legal system to again subject them to legal strong-arm tactics, to pepper them all over again.

On the one side, we have the Liberal government with its high-priced lawyers at \$150 or \$200 an hour. Then we have the RCMP with its high-priced lawyers as well. On the other side, we have the students, with no legal representation, unable to afford it because they are students.

As a lawyer, I know this. Heaven only knows, in our system, if someone does not have a lawyer, the dice are loaded against him right from the start. It seems that this government, as usual, has decided to side with Goliath against David. The brutal repression at the APEC summit reminds us of the bad old days in Eastern Europe and the systematic repression so representative of the methods of dictator Suharto himself.

• (1110)

Worse still, the Prime Minister had the nerve to joke about this, to say the least, troubling situation on several occasions. Again yesterday, he lightly dismissed the RCMP's heavy-handed response, which he himself ordered.

Beyond the regrettable facts I have just presented, there is also the mystery of who authorized the brutal repression so at odds with the human rights principles of all Canadians and Quebecers.

The government justifies trade with various countries where democracy is non-existent, or very nearly so, by saying that Canada will be able to serve as an example of an open, democratic society that respects freedom of expression, but the Prime Minister is promoting a completely opposite image of the country. Instead of exporting our tolerance and our democratic system, the government is importing brutally repressive and, at the very least, reactionary tactics unfortunately still common to many countries.

We can only think that the Prime Minister himself took a personal hand in the security arrangements for visiting dignitaries. This attitude is utterly unacceptable.

For nearly two months, the government has been using the Solicitor General and the Prime Minister himself to divert opposition questions in every possible way, to conceal the truth, and to make sure Canadians do not really know what really happened in this affair.

Hiding behind phoney arguments, the government appears to be adopting the same cover-up approach as it did in the Somalia affair. This government is starting to make a habit of doing this. The desire for a cover-up is so strong that this government is refusing to help get at the truth by providing the students with assistance with their legal fees. There is only one reason for this, and I am weighing my words carefully: to conceal the truth.

By refusing to pay the students' lawyers, the Liberals are trying to muzzle the students, while the RCMP and the government are being represented by lawyers who are on the public payroll.

Again yesterday, in the Standing Committee on Justice and Human Rights, several motions were tabled with a view to casting some light on this matter. Unfortunately, to my dismay as a young activist, the Liberal backbenchers acted like well-trained puppy dogs. When the government tells them to do this or that, they do it.



*Supply*

They would jump off a bridge if they were told to. They have absolutely no independence, they cannot think for themselves.

Yesterday, all we wanted was for the Solicitor General and our NDP colleague to come and give their versions of the facts. The Liberal members voted against that motion. What we wanted yesterday was not to put the Solicitor General, or our NDP colleague, or any one else on trial, just to get at the truth. So, it would appear that this government is unfortunately allergic to the truth.

As I was saying earlier, it is a sad day for Canadian democracy when we have to discuss this matter in this House. As far as all Quebecers and Canadians are concerned, funding for the students is a matter of course. It is totally absurd to have the Solicitor General keep repeating that the commission has to be allowed to do its work as the Liberals reject the commission's requests.

As last week's *Maclean's* pointed out, this entire business reveals the veritable regime almost of terror the Prime Minister imposes on his cabinet and on the dog and pony show of members making up his caucus. This autocratic Prime Minister, who can even joke about one of the blackest periods in Canada's recent history, brooks no dissent and no independence.

• (1115)

I appeal to the mind and conscience of all members of this House, regardless of their political party, in asking them to vote in favour of this motion. No partisan consideration may be invoked to justify a vote against this motion. If there were ever a time to set aside partisanship, it is today.

Rather than contemplating the reprisals the Prime Minister might heap on them, the Liberal members of this House—a number are watching me today—should contemplate the position they occupy and the primary role that is theirs to play, that of representing their electorate. It is their duty to represent them well. They must have a sense of debt toward their electors.

At the end of the day, those who oppose this motion will be marked as collaborators in this violent act of repression and will have to live with the consequences.

[*English*]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I am very glad to have heard the remarks from the member from the Bloc. It was a very reasonable and balanced position and there is nothing I could not concur with in his remarks.

I draw special attention to one point regarding our trading with certain countries and the longstanding position of our government making the argument that we have an obligation to carry on trade relationships with some of these countries even though their human rights records are very poor because that will help to elevate the

standards of their human rights circumstances. Obviously what we have seen in the APEC summit was that we are harmonizing our human rights standards but we are harmonizing to the lowest common denominator. We are being pulled down to their level of human rights conditions.

I was at the APEC summit, as were the member for Burnaby—Douglas, the member for Vancouver East and the member for Yukon. All of us managed to avoid being pepper sprayed that day but certainly we can speak from personal experience that if this is the type of harmonization that takes place it speaks to the larger issue of the globalization of capital. I would be interested in hearing the member expand on that thought.

[*Translation*]

**Mr. Richard Marceau:** Mr. Speaker, I thank my hon. colleague for his remarks.

I realize that what we are talking about here today in discussing brutal repression and its political consequences is indeed the role Canada might play. Canada may blaze the trail, and Canadians can play this role because they are a free and democratic society.

Unfortunately, as my colleague said, by some form of osmosis, instead of western, liberal values—in the philosophical and not the political sense—being propagated around the world at such meetings, instead of being propagated from Canada to somewhat less democratic countries, the virus traveled the other way around. Human rights standards were indeed harmonized: everyone has been brought down to the same level.

I totally agree with my colleague, and this is at the core of this issue, a core issue. In a society such as ours, if peaceful, idealistic students out to change the world are not allowed to speak out loud and clear, then, on behalf of my colleagues in the Bloc as well indeed as the four opposition parties, I must say this is not the government we want; we want one that respects the rights and freedoms of all, and of young people in particular. We must not forget that they are the future of our society.

• (1120)

[*English*]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I will make my comments and questions short. I want to also commend the member. He spoke very eloquently and is rapidly making a name for himself in the House as a defender of human rights.

My question is to the member as a lawyer who has appeared in a courtroom and has taken part in the adversarial process that can occur in a courtroom. I would like to give the member the opportunity to voice an opinion on what he feels will be the outcome of an inquiry where we have students. I have had the

*Supply*

benefit of seeing these students on television but I have not been to the inquiry personally.

Where is the fairness in having these students representing themselves, their ability to effectively cross examine government witnesses, to effectively put forward arguments against the trained legal team assembled by the government and this process that has been undertaken? How can these students effectively rebut the case that is going to be presented by these government lawyers?

[Translation]

**Mr. Richard Marceau:** Mr. Speaker, the Liberal member opposite said that these students are very bright. They are indeed. But they are facing a half-dozen paid lawyers who have had years of training, not only through the law faculty, but through the bar and years of legal practice, to give a different spin to what students say and to cross-examine them. I say to members opposite that no one, whether that person is bright or not, stands any chance of making his or her point against a team of well-trained and well-paid lawyers supported by the government machine.

As someone who has represented clients in court, I appreciate my colleague's comments. I can tell the hon. member that a lawyer's role is to make a point, it is to be able to cross-examine someone and make that person say what he or she did not mean to say.

These capable and bright students do not stand a chance against a team of well-trained and well-paid lawyers, and that is unfortunate.

[English]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I am honoured to take part in this debate and to follow previous speakers who have very accurately and articulately, on the opposition side at least, put forward an argument as to why this government should be reconsidering its position.

I am pleased to speak on behalf of the Progressive Conservative caucus to the motion that has been brought forward by the member for Winnipeg—Transcona, my counterpart within the NDP caucus as its House leader and a respected parliamentarian.

This motion, it is fair to say, is a very worthwhile measure. It is a motion that deserves the support of all hon. members regardless of political affiliation. This motion touches on basic human issues of fairness and equity and we in the Progressive Conservative Party support this motion.

I commend the member for Winnipeg—Transcona for bringing this forward at this time. It is a very timely intervention and it is certainly an issue all Canadians are very concerned with, for we in this Chamber and we outside this Chamber should be truth seekers

first and foremost, not the hidiers of truth. Unfortunately there are many who would castigate parliament and parliamentarians for just that and if we are to rebut those feelings among the general population we should be starting today.

A former leader of the Progressive Conservative Party and a former prime minister, the Right Hon. John Diefenbaker, was a passionate defender of human rights in Canada and around the world. Under Mr. Diefenbaker's government Canada proclaimed the Canadian Bill of Rights and although the bill of rights has been superseded in many ways by the Canadian Charter of Rights and Freedoms entrenched in our Constitution in 1982, it continues.

In that original bill of rights there was a phrase which I suggest calls upon us to reflect today: "I am a Canadian, free to speak without fear, free to worship in my own way, free to stand for what I think is right and free to oppose what I believe is wrong".

John Diefenbaker described these principles as the heritage of freedom. Sadly, Canada's heritage of freedom seems to have been forgotten by the current government both in the months, weeks and days leading up to and including last November's APEC summit and in the summit's aftermath leading up to today.

The RCMP public complaints commission is presently investigating the RCMP's use of pepper spray and force on student protesters at the APEC summit. I have raised serious objections to the limits of the commission's mandate and with the appropriateness of this particular body's conducting an independent review of the entire APEC affair. I suggest adamantly that the mandate itself does not include the ability for this commission to go into the area of political interference.

• (1125)

I nonetheless recognize that the commission should be as arm's length as possible from government, that it must be fair and treat all witnesses and potential witnesses in a just and equitable fashion. Yet there is no fairness in a commission in which some witnesses and some participants have access to legal representation paid for by the Canadian taxpayer while other witnesses do not. This is not a level playing field. Justice as represented by the scales we so often see is not a balanced approach.

Canadians who believe in fairness for all recognize this very basic principle. I find it difficult to believe that no one in this Chamber would recognize it. The public complaints commission recognizes the principle and wrote to the solicitor general twice to seek federal funding to cover the costs incurred by the students.

We have heard members of the government, in particular the solicitor general and the Prime Minister, time and time again tell us in the opposition and Canadians to have faith in the process, to let



*Supply*

the commission do its work. They say the government believes this commission will get to the truth.

The commission has twice requested funding for these students. Once again we see this government exercising very restricted hearing, selective hearing. It hears what it wants and it says what it wants. The solicitor general has refused this request twice. He said no. I quote the Liberal government's own talking points in response to last Friday's decision. This government has expressed confidence in the commission yet it expresses no confidence in the commission's judgment in requesting funding for the students.

It is very perverse. I find it deeply disturbing that the Prime Minister, the solicitor general and the government were able to express so much faith in this commission and its judgment until the time the commission requested funding for the students. It is a convenient double standards that undermines an already precarious process.

The APEC double standards are not new to the Liberal government. It was this solicitor general who stood in the House and who in response to questions from the opposition repeatedly told parliament that the commission would not suffer from any political interference. The solicitor general then turned around and spoke freely in a public place about APEC without any regret or responsibility, none whatsoever. That was the first breach of his oath to office but not his last. Let us remember the issue of political interference by this government casts a very long shadow on the commission's consideration of whether the RCMP was justified in its use of pepper spray.

The gild is off the lily and the sheen is gone from the Prime Minister and this government. How can this government remove the stench of political interference when it uses taxpayer dollars to provide legal representation to every organization or person under its authority but gives nothing to the students, the alleged victims in this case? The students did not intentionally seek to have their lawyers in this public complaints commission process. One of the lawyers initially filed a motion early in the process to keep lawyers out of the inquiry and to maintain the commission's mandate as a non-adversarial fact finding body. Again I am quoting from Liberal talking points.

Did the government support this motion? No. It objected strenuously and demanded that lawyers be allowed to intervene on behalf of the commission's participants. I guess those participants did not include the complainants. The government in essence threw down the gauntlet at that point. Any claim that this was not an adversarial process had to be thrown out the window with that. The government has turned around and refused the same support for legal representation for students on two occasions.

Is there a single Liberal member of parliament who can pull his or her eyes from the prepackaged talking points and explain to Canadians why some commission participants get tax funded

lawyers while other participants get nothing? It is completely perverse and indefensible.

• (1130)

Instead of quoting these talking points, Liberal members would be well advised to remember the words of a former Liberal member of parliament and a former minister of justice, the hon. Ron Basford, who spoke eloquently at this weekend's Liberal Party meeting in British Columbia.

He said that surely we believe in the right to protest, the right to speak out and the right to be defended and that the best way to get to the facts in this inquiry where all people are represented is to put the facts forward and test them through vigorous cross-examination. Obviously that includes having students represented by proper legally trained minds.

Meanwhile I am unable to locate a line anywhere in these Liberal talking points that would explain how providing lawyers for some while depriving lawyers for others ensures a non-adversarial fact finding body.

For the Liberals to sit in the House and say this is fairness is like the commissioner of baseball saying that the New York Yankees and the Montreal Expos can fairly compete against each other regardless of a \$60 million gap in players salaries. Perhaps this is something that the current solicitor general can understand. The government has given one-sided resources to defend its interest before the commission while providing nothing to exclusively defend the other.

The Prime Minister has a taxpayer funded lawyer while the students do not. That is very curious, given the fact that the Prime Minister is not summoned, is not on the witness list and has indicated his reluctance to appear before the commission. Yet he has government funded layers there representing his interests.

For a process to be truly non-adversarial there must be a degree of commonality in the resources available to participants. The Liberals persist in contending that the government can fund lawyers for some but not for others and maintain a non-adversarial process. As soon as there was government insistence on having lawyers there the non-adversarial nature was gone.

In Canada we believe in legal equality for all, not special privileges for the government's chosen few. Good Liberals have been rewarded, will faithfully follow the talking points and will no doubt say that it is the government's role in the commission to protect the interest of the complainants. However, without those lawyers it is unable to do so.

In conclusion, I urge all members of the House to support the motion brought forward by the member for Winnipeg—Transcona.

*Supply*

This is the place and the time we should be debating this issue if Canadians are to have confidence in the process.

**Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.):** Mr. Speaker, the member alleged—and I believe he is a lawyer—that only the presence of lawyers in commissions like this one could ensure the resolution of the facts, could ensure the facts are established. Were we to accept that conclusion and the logic of the member who has just spoken, we would have to conclude that all previous grievances before the other quasi-judicial tribunals before which citizens did not have lawyers did not arrive at the truth.

In all modesty I have appeared before such tribunals and I say that quasi-judicial tribunals that do not need lawyers for representation of citizens have seen to it that the resolution of the facts, the search for the truth, was ensured. Therefore I have extreme reservation about the presumption of the member who has just spoken that only the presence of legally trained minds—and I have a son who is a lawyer—would ensure arrival at the truth.

**Mr. Peter MacKay:** Mr. Speaker, the logic of the question and the premise are completely lost on me because that is not what I am saying at all. I am saying if it is to be a level playing field we cannot have one side represented and the other side not represented. Within my remarks the House will find a reference to the fact that it was the students who first put forward the premise that perhaps there should be no lawyers involved.

I am guilty of being a lawyer and I do not for a moment suggest that the process cannot work without the presence of lawyers. What the process cannot do, if it is to be equitable, if it is to be fair, is stack one counsel table with trained legal minds and not the other. As the member for Charlesbourg indicated, members of the bar in Vancouver who have extensive legal experience as counsel are sitting at one table and the students are sitting on the other side of the room, at an empty counsel table, unable to articulate themselves in the same way and with the same vigorous legal training as on the government side. It is absolutely perverse to suggest otherwise. To stand here and defend the indefensible is further proof that the members of the backbench of that party are becoming nothing more than whipped dogs.

• (1135)

**Mr. Peter Mancini (Sydney—Victoria, NDP):** Mr. Speaker, I rise to ask a question of the hon. member for Pictou—Antigonish—Guysborough. For the most part I concur with his comments.

Another member asked whether it was only with the presence of lawyers that we could have some kind of justice, at which point my response was to have the government pull its own lawyers from the commission. Then, with the RCMP lawyers gone as well, we would have a level playing field.

I direct a question to the hon. member for Pictou—Antigonish—Guysborough who is a lawyer, as I am, as was my hon. colleague from the Bloc Québécois who spoke earlier. Would he agree that my experience reflects his in the courtroom, that people who are not represented, whether it is in court or before a quasi-judicial body, are often at a great disadvantage? They do not understand the rules of evidence. They do not understand the maxims that often apply to administrative tribunals.

Most members in the House have dealt with constituents who were trying to get Canada pension plan disability payments and have had to deal with social assistance boards. Would he indicate that his experience is like mine and reflects the inability of people to understand the process without legal counsel?

**Mr. Peter MacKay:** Mr. Speaker, the hon. member's comments are on all fours with mine. The process itself can be intimidating and overwhelming for members of the public. That is why lawyers are often called upon to intervene. That is not to say that it is any reflection upon people's intelligence or ability to defend themselves. They are in an atmosphere that has certain rules and precedents that have been set down in years previous.

We are talking about a system of equity, justice and fairness. Judges when crafting a sentence will look at a person's ability to express remorse. That is what has been completely lacking on the government side, a feeling of remorse and an admission that something was done inappropriately.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, today I am rising to speak in favour of our party's opposition day motion that the complainants, namely the students appearing before the RCMP Public Complaints Commission, be provided with separately funded legal representation. Before I get into the substance of my remarks, I will be sharing my time with the leader of our party, the member for Halifax.

As has been noted by previous speakers in the debate today, what was done last November was not done for reasons of security but because the Prime Minister wanted to spare President Suharto, a dictator from Indonesia, any embarrassment while he was visiting Vancouver at the APEC summit meeting. As a result dozens of people were arrested, mainly students, and police may have interfered with the human rights of hundreds of those individuals.

Professor Pue, a professor of legal history at UBC, has said that if these principles can be clearly violated then the political use of police forces to harass journalists, political opponents and other inconvenient individuals is no longer unthinkable. A very slippery slope lies between the APEC protesters and the rest of us.

As an aside, I go back to what happened two weeks ago today on the question of privilege concerning the solicitor general to say that in my brief tenure here it was the most shameful moment I have witnessed in the House of Commons. The solicitor general

stood in his place to categorically deny and to be personally offended at what I had overheard him saying to the gentleman who turned out to be Mr. Toole from Saint John, New Brunswick.

• (1140)

I can understand why on the day that the questions were raised there might have been some doubt and some uncertainty in the mind of the solicitor general. Upon reflection, upon sleeping on the matter and then getting up to essentially deny, deny, deny is unconscionable, and people over there talk about ethics in this matter.

With respect, what kind of message does that send to our young people? Does it not say they should just keep refuting the story and have all their friends stand up and applaud what they are saying? If they say it long enough and loud enough, the world will move on and talk about other issues. It is a great message for my children's generation or for any generation, for that matter.

Let me read into the record one of the many letters I have received. This one is actually an e-mail from a business person in Toronto who said "In the real world if I talked about a client, their business, my firm's relationship with that client, or if any other aspect of my firm's business and was overheard in public, the following would happen. I would be barely back in my office when I would be summoned to report to the CEO and be promptly fired on the spot. This would occur without opportunity to appeal, rebut or waste my partner's time with an explanation. It is in the voters (shareholders) best interest to have no tolerance policies when it comes to breaches such as the one you uncovered. With all due respect, only in politics or public life do serious indiscretions in conduct and judgment go undisciplined. Unfortunately this reflects poorly on the political process in democracies such as Canada and the United States. Members' credibility as effective and trusted managers of the public purse is once again challenged ultimately to the detriment of the constituencies they represent".

I would add that the solicitor general's actions or lack thereof not only reflect poorly on him but on all of us. Had he done the right thing and offered his resignation, it could have elevated our collective miserable reputations.

The solicitor general has been saying that he is not prejudging, that he has not prejudged the public complaints commission. Hypothetically let us suppose that we have a real, genuine hearing in Vancouver, that the students are funded legally, and at the end of the day the commission reports that in its opinion four or five RCMP officers acted with excessive force during a five minute period and recommends that Staff Sergeant Hugh Stewart take the fall, be disciplined or be dismissed from the force.

How can the solicitor general stand in his place and say that he has not prejudged the inquiry? That is exactly what he told Mr.

### *Supply*

Toole on the infamous flight on October 1. I believe I was doing my duty to bring that public discussion and debate forward in the Chamber.

If the solicitor general is careless in what he says in public—not only did he not say it in the House but admonished others not to say it, not to prejudge—I would have been derelict in my duty not to have brought it forward. His utterings were highly irresponsible on that flight but I ask the House not to take my word for it.

Let us listen to Patrick Monahan who teaches law at Osgoode Hall. I am sorry the member for Willowdale is not here. He was a former policy adviser to that member's brother, Ontario Premier David Peterson. Patrick Monahan said "I don't see how the solicitor general can maintain that this was a private conversation. Certainly he seemed to be discussing private matters, but the issue is that it was taking place in a public place. An airline certainly is public in the sense that there are people sitting visibly in the area where you are speaking so your conversation can be overheard".

He goes on to talk about the member for Palliser not acting in a deceptive way whatsoever. He said "He was simply sitting on the airplane immediately adjacent to where the solicitor general was sitting so he was sitting in full view and listening. He was not using any kind of special hearing device to pick up the conversation. To allege that there is anything improper about taking notes about a conversation, there is no basis to that".

• (1145)

John Grace, the government's own former privacy commissioner, said that "an airplane is a public place and when a public figure in a public place begins to talk about public issues within earshot of others he or she should expect that others will listen".

Today's motion simply asks that the government provide separate funded legal representation for the complainants at the APEC inquiry. I think that most Canadians listening to this debate or following this story basically cannot believe that this has not been automatic on the part of the government. It very much appears to any fair-minded observer that the government has deprived these young people of their basic human right to protest peacefully in order to cosy up to the Suhartos of the world. Then it turns around and denies those individuals legal assistance to help them get adequate representation. It is truly a David and Goliath story that we are witnessing.

It is a shameful incident in this country. The Liberal cabinet knows it, the Liberal back bench knows it, the solicitor general knows it perhaps better than most of us, and I think the Canadian public instinctively and intuitively knows it.

*Supply*

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I commend the hon. member for his comments. I know that on a personal level he became very embroiled in this entire matter and unfortunately suffered the slings and arrows of the spin doctors on the government side of the House in their attempts to deflect, throw up smoke screens and detract from the greater issue here.

I would like the hon. member to tell us his feelings on the appropriateness of the solicitor general and the Prime Minister, who may become the focal point of this inquiry on the issue of political interference, being tasked or given the discretion to fund the accusers, and the appropriateness then of those persons who may suffer from the public exposure given to the students at the inquiry and the appropriateness of those persons who become the focus in deciding whether those students should be given funding for lawyers.

**Mr. Dick Proctor:** Mr. Speaker, I think that one of two things should happen. Either the students themselves should receive adequate legal representation or, as has been suggested earlier, we should remove the lawyers from the other side, or sides as the case may be, so that it is a level playing field.

It has strange credulity when the Public Complaints Commission, the commission that the solicitor general has so much faith in and wants it to go ahead and do its work, has asked twice publicly for funding for the students appearing before the inquiry and the government then turns around and denies that request from the Public Complaints Commission. It just does not add up.

**Mr. Dennis J. Mills (Broadview—Greenwood, Lib.):** Mr. Speaker, I listened to the member for Palliser attentively. I do not want to get into all of the details of his supposed recording of the minister's comments on the plane, but I would like to deal with one specific part of the so-called written transcript.

Apparently the minister said something about this RCMP officer looking a bit excessive. We have watched the CBC treatment of the pepper spraying 1,000 times. Would that not be just sort of a natural, common sense reaction of any member in this House of Commons if he saw that clip on television? Did it not seem that the RCMP used a little—

**An hon. member:** He is the Solicitor General of Canada.

**Mr. Dennis J. Mills:** It is common sense. I put that question to the hon. member.

• (1150)

**Mr. Dick Proctor:** Mr. Speaker, if the member for Broadview—Greenwood, the member for Palliser, the member for Winnipeg Centre or almost anyone else here had said that, it would have been a fair comment and it would not have been worthy of recording or

reporting. However, when it is the solicitor general of the country who is, in effect, prejudging the outcome of the APEC inquiry four days before the inquiry even begins, then it certainly is outside the bounds of decency and good taste.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the motion that we are debating today is about the fundamental requirement that those of modest economic status be able to hold those of wealth, influence and position to account for their actions and their conduct. It is about something very dear to Canadians: justice. It is about something as simple as fairness. It is about asking the government to do something that should be second nature, namely, ensuring fair treatment for those seeking to uphold rights; rights to freedom of expression, assembly and protest; rights which together constitute the most sacred tenets of democracy.

I urge hon. members opposite to reflect carefully on the significance of this motion before they succumb to their whips' orders.

[*Translation*]

We are asking the federal government to provide specific financial assistance to allow the complainants before the commission to benefit from legal assistance. Such a request was made twice to the solicitor general by the commissioners, but was rejected both times.

This is a bad decision, a decision that goes against public opinion and that is very unfair.

[*English*]

The refusal of the Prime Minister and solicitor general to establish a level legal playing field will render the findings of the commission suspect. It will also erode Canadians' confidence in the public complaints process. The decision goes against the grain of widely held public opinion and flatly contradicts the weight of opinion in the legal community.

Once again the government has chosen to let short term political expediency obstruct its view of the right and just thing to do. It is a self-interested decision that will not go unnoticed, but Canadians will be the arbiters of that. It certainly has not been ignored by others. The public commission itself, Federal Court Judge Barbara Reed, the Law Society of British Columbia, the Canadian Civil Liberties Association, former Solicitor General Warren Allmand, the Liberal MP for Vancouver Quadra and the B.C. Liberal Party have all called for the government to reverse its decision and do the right thing.

The arguments in favour of funding legal representation are clear and persuasive.

First, there is a clear case of conflict of interest. The Prime Minister and the solicitor general have a manifest stake in the commission's findings. This means that they should not be in the



position of deciding whether the student complainants receive financial assistance.

[*Translation*]

Because of his comments, the solicitor general is in a conflict of interest situation. Everyone in the country can see that, except him and the Prime Minister.

Second, the tough cross-examinations conducted by government lawyers clearly demonstrate that the complainants need the help of a lawyer. To think otherwise is to be naive.

[*English*]

To imply that the commission counsel, Mr. Considine, can represent the interests of one of the parties is to seriously misunderstand his role.

• (1155)

Furthermore, only professional litigators can hope to get at the truth from government and RCMP witnesses.

The Prime Minister said yesterday in this House that the students have nothing personally at stake here. He is dead wrong.

Let me cite the Canadian Civil Liberties Association's submission to the solicitor general:

Such hearings have the capacity to inflict substantial injury on the reputations of everyone who participates. Damaged reputations, of course, are frequently accompanied by a plethora of unhappy consequences. That being the case, elementary justice requires that the complainants, as well as the officers, have recourse to government-funded counsel.

Recent high priced additions to the Prime Minister's legal team suggest that he is more than a little concerned about damage to his own reputation.

The Law Society of British Columbia has urged the solicitor general to recognize that:

An essential principle of a democratic government is that all people are equal before the law, and are entitled to fairness and due process. The complainants appearing before the Commission are acting as representatives of the public interest. That they should have to do so without legal representation is contrary to the principles of justice and equality to which we, as a democratic country, aspire. If equality before the law is to have any meaning, equality of legal resources is needed.

In her decision, Federal Court Judge Barbara Reed makes the very same argument. She wrote:

—when decision-makers have before them one party who is represented by conscientious, experienced and highly competent counsel—they prefer that the opposite party be on a similar footing. They prefer that one party not be unrepresented. An equality in representation usually makes for easier and better decision-making.

Precedents exist from other tribunals and inquiries in recent Canadian history. The Grange inquiry into deaths at Sick Children's Hospital in Toronto and the Alaska pipeline inquiry both

*Supply*

included funding for aggrieved parties to the dispute. I would submit that the APEC affair is no different.

Justice doit être faite. This House has a moral obligation to see to it that justice is done.

**Mr. Bill Matthews (Burin—St. George's, PC):** Mr. Speaker, I want to commend the hon. leader of the New Democratic Party for her comments, as well as all of those who participated.

As one member of this House of Commons I wonder really what is going on in the minds of Canadians when they reflect upon this APEC situation. How can they understand that the Prime Minister and the solicitor general will not provide legal counsel for those students?

How can anyone have faith with the whole process? How can anyone have faith in us as parliamentarians when we see a government take action such as it did against the former chairman of the fisheries and oceans committee and against the member for Vancouver Quadra who basically spoke the opinions of Canadians?

Polling shows that what the hon. member for Vancouver Quadra said is really the wishes of Canadians and the wishes of the students, that legal counsel be provided.

I ask the hon. leader of the New Democratic Party how she thinks Canadians view this situation. How can they have faith in the legal system of this country? How can they have faith in the operations of this very parliament when the Prime Minister and the solicitor general have denied a basic right to those students?

**Ms. Alexa McDonough:** Mr. Speaker, I welcome the question. It is not an exaggeration to say that this is a dark moment in Canada's history. If the only problem resulting from the APEC fiasco and the government's disastrous handling of the APEC fiasco was an erosion of confidence in the Liberal government, in the federal government, then we would be hypocrites to be rubbing our hands with concern and saying "Is that not a terrible thing?" But let us be clear that what is so deadly serious about the government's mishandling of this matter is that it shakes the confidence of Canadians in our justice system. That is what is so very very serious.

• (1200)

In addition to that, I can speak for my own constituents and I can speak for people from all across the country with whom I have been talking and from whom I have been hearing. I know my colleagues in my caucus are finding the same thing, that overwhelmingly Canadians understand that the justice system depends upon two very important things. One is the impeccable impartiality of the solicitor general. It has been demonstrated that that impartiality does not exist with the current solicitor general as evidenced by his mishandling of this matter. The other is that the justice system depends upon there being legal representation available to parties

*Supply*

who are appearing before such an inquiry. That goes to the very heart of our justice system.

The fact that the government feels completely warranted to overrule, to reject the pleadings of the public complaints commission in itself is astounding. The commission is saying that this process cannot work and justice cannot be done unless the Government of Canada responds to the representations for legal council. Yet the Prime Minister and the solicitor general have completely refused to acknowledge the conflict of interest which they are in by overruling the recommendations of the commission.

I have already referred in my comments to the long list of legal experts and judicial figures who have expressed their support on the side of the argument for legal representation. That is the motion which is before the House. I think it is going to be a test of whether there is any sense of justice and decency left, at least on the backbenches of the Liberal government.

**Mr. Ted McWhinney (Vancouver Quadra, Lib.):** Mr. Speaker, you know the respect that I hold for all members of the House, members of the opposition. It is one of the strong points in our parliamentary system that we live and work in an atmosphere of mutual respect.

Members will allow me then to celebrate the 30th anniversary of the glorious revolution of 1968 that brought Pierre Trudeau to power by citing one of his best aphorisms. He was referring to Lord Acton that power corrupts. He then said "but absence of power corrupts absolutely". He was using this as a way of distinguishing the different roles of government and opposition MPs. It is the duty of the opposition to attack a government. It is the duty of the government to seek solutions. It sometimes means in the pursuit of the opposition role that we get some very strange combinations.

I am reminded of a reverse image of the biblical gathering at the cave of the Adullamites, a strange collection that brings together all four opposition parties in spite of the disparateness of their ideology, and one might even say their personalities and their conception of life. But there it is, an unholy alliance is there. I do not denigrate the motives or the contributions made by opposition members. I would simply say to three of the opposition parties, welcome aboard.

It is true the NDP raised this issue on November 25. I thought I was the first; I raised it on December 1, 1997, but I am happy to have the correction. It seems to me the other three opposition parties joined in only a few weeks ago, which is an interesting fact.

Mr. Speaker, I neglected to say that I am sharing my time with the hon. member for Mississauga West, a very honourable member.

To get on to this issue, the role of government MPs is basically an issue of problem solving and producing solutions. I have had

certain experience in this area. Sometimes in Canadian politics the problem solving role appears to be more difficult and complex than it was in negotiating with the Russians during the cold war. But there it is. We have interesting and diverse personalities. Our role has always been to make sure that the issues involved which I saw on television in the APEC meeting at UBC are debated fully, that the constitutional issues and the possible collision of constitutional values are properly heard.

• (1205)

There is in fact a certain antinomy. The 1973 treaty on protection of visiting heads of government codifies customary international law. It is the fourth in a series of anti-terrorism treaties, in respect to two earlier ones of which I was the chairman rapporteur of an international commission that did the drafting. But there is also the matter of the charter of rights, the right to free speech, which includes the right even of objection to visiting foreign dignitaries. How to make the balance is what we have been referring to.

In my first communication with the solicitor general I urged the convening of this RCMP complaints commission not because it necessarily is the best of all commissions but it is the one available, it is there. That is the first point. When the issue of the commission being created was established, I raised the funding issue. I have a series of communications which I will deposit in the National Archives. Mr. Speaker, you will be around 30 years from now and will be able to read them with great pleasure and enjoyment. I have maintained that point.

Let me bring us to the events of the last several weeks when the solicitor general advised that in interpreting his office he could not make funds available for individuals appearing before the commission other than the RCMP officers. When the solicitor general raised that issue, I and others began exploring other alternatives.

One of the questions raised was could the commission itself in its discretion use its powers and its funds to fill gaps, lacunae in the legal argumentation. That has taken a good deal of time and a good deal of work and it is an ongoing process. I am able to assure the House that in communications with the government, it has been established that there is the extra supplementary budget, \$650,000. It is in the commissioners' discretion to use those funds.

It has been suggested that there are legal objections or obstacles in the way of the commission. One of the issues raised is there is a legal opinion by a professor, there is a ruling by a government agency and there is an opinion by an unnamed government official in the justice ministry. These are not, I would say from my own experience as a royal commissioner, insuperable obstacles. In fact I do not think they are substantial.

I have had the advantage of talking at length with the gentleman referred to earlier in this debate, the hon. Ron Basford who was



*Supply*

Minister of Justice and Attorney General of Canada. We believe those objections could be overcome.

Basically I think the ball is now in the commissioners' court. It is for them to make the judgment.

I was able to attend one day of the commission's hearings in Vancouver. I myself felt that the role of the commission was more muted than it should have been. Frankly I felt that the commissioners might have interrupted the examination or cross-examination. It seemed to me it got into the very issues I am talking about, the 1973 treaty and the balance with the charter of rights. That is the sort of issue in my judgment in which the commissioners could decide that they need supplemental legal argument and if I were they, I think I would do so.

In other words we are saying that funds are available. There is a discretion there. My own inquiries establish in my mind that there will be no blocking to their initiatives and there will be co-operation in removing legal articles.

In a communication to the government, I had originally suggested that a special supplementary grant be made. I suggested \$50,000 to \$100,000 which was in no way intended to be a cap. But I am also worried about fees for lawyers. In France at administrative tribunals no one is entitled to a lawyer. That makes it simpler and less expensive. I am assured again that there is not a cap, that in other words it is open to the commission to ask for more funds.

• (1210)

Two of the three commissioners are young and they struck me as decent, honourable people. If they seize the initiative, they can make sure that substantive justice is done to all people involved. This has involved a good deal of work for a number of people on the government side. It is quiet work that gets no headlines. It is not the sort of thing that can turn a phrase in a newspaper editorial but it is part of my responsibility as a government member to exhaust all possibilities.

I place more expectations in the civil litigation pending before the Supreme Court of British Columbia. Because of the backlog of court business, there are delays in when that will come to court. It has been the policy of the justice ministry to fund ordinary private litigation where substantive constitutional policy issues arise. Why should the taxpayer not fund private litigants when they carry the burden of making in effect constitutional law? It is constitutional law in motion. In the logic of events, the case for funding of the civil litigation is very clear.

It is often forgotten that the charter of rights rests on what Dicey called the common law rights of Englishmen. Today we would say of Englishmen and Englishwomen. It is also in the American bill of rights. These are decisions of individual courts in individual concrete cases. In Dicey's view the constitution is not the source of the rights but the consequence of the rights as defined in litigation.

In civil litigation before the courts, I would have the expectation of a definitive ruling. The case for funding there is very strong. I would be very surprised if it does not occur.

In the meantime with the limited mandate of the commission, my advice to the commissioners is to exercise more control over counsel. They are entitled to. They should also exercise their discretion. If they feel they need more light on the legal issues, fund it and let others set up the legal objections.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, I have listened with care to the member for Vancouver Quadra. It is unfortunate that he did not listen with the same care to the members of his own party in British Columbia who voted overwhelmingly this past weekend at their convention, the BC federal Liberal Party convention, to urge the government to provide funding.

I will put a very specific question to the member. He has an opportunity now to stand up and be counted on this issue, to stand up for his constituents. He does represent UBC.

I suggest with respect that the member is misleading this House. I am sure it is inadvertent. He is misleading this House when he says that the commission has the discretion to use the funding it has been given, including the \$650,000, to fund legal assistance for the students. He talked about various legal opinions. However, the member for Vancouver Quadra did not talk about the fact that Madam Justice Barbara Reed of the Federal Court of Canada specifically said that the commission has no jurisdiction to provide one cent of funding for those students. I quote from the commission—

**The Acting Speaker (Mr. McClelland):** We have to keep going.

**Mr. Ted McWhinney:** Mr. Speaker, let us make some corrections. I was at the Whistler meeting. I spoke to Ron Basford. I spoke to the students. I discussed this operational problem solving strategy and they agreed. The member does not know. He was not there.

On the issue of funding, let us face it. Once one gives a press conference as the hon. member did yesterday, and says that the object of this resolution is to put government members on the spot, what is this being turned into? A political game? Do not play politics. Do not go after cheap newspaper headlines. I work on solving the problems. The hon. member does not.

I understand the limits of the opposition role and of the government role, but I wish we would take this seriously and go to the gut issue of getting the funding.

• (1215)

**An hon. member:** What about the federal court.

*Supply*

**Mr. Ted McWhinney:** You are the last person to bend the knee to an obiter dictum by one judge. If you have had a good constitutional law course, and I know have, you would know these issues are open—

**The Acting Speaker (Mr. McClelland):** I remind all hon. members to address each other through the Chair.

**Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.):** Mr. Speaker, it is apparent to me that the hon. member from across the way has not shown respect for the member for Burnaby—Douglas. It is not a question of who his professor was. Maybe the hon. member from across the way thinks he is above all of us.

He has the opportunity tonight to represent the people of his constituency, to represent the B.C. wing of the Liberal party, and he has the ability to represent the common and decent thing to do here. Is the hon. member going to support this motion when it comes up for a vote tonight, yes or no?

**Mr. Ted McWhinney:** Mr. Speaker, may I accept the challenge and simply say to the hon. member that it is good to have her on board on this issue to speak on civil liberties. I have not heard much from her side of the House on this point until now.

I fought for this since December 1997. The hon. member has not. So let us get down to the substance. On this particular issue she has joined the gathering at the cave of the Adullamites, the unholy alliance. Let us cease playing political games. I want funding for students. She is there for the headlines.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, it is very sad to see what has happened here when an honourable and distinguished member has abandoned his earlier courageous position. I did not hear a clear answer on the last question posed.

It is also said that the backbench would abandon this man's ethics by letting him stand alone in his courageous position.

Is the hon. member prepared to defend or to be loyal to the Prime Minister and the government ahead of his loyalty to Canadians?

**Mr. Ted McWhinney:** Mr. Speaker, the lesson has been lost. The hon. member is one of the most promising of the opposition people but unless and until you understand that the role is to get results, not to make the cheap debating points, we are not doing much service to the House. The issue here is the funding.

**Mr. Steve Mahoney (Mississauga West, Lib.):** Mr. Speaker, we hear chirping that that was a poor answer. The answer was bang on. I find it particularly interesting to have the member for Burnaby—Douglas say in this House, Mr. Speaker allowed it to stand on the

record, that the former speaker was misleading this House. I did not think that was appropriate.

**The Acting Speaker (Mr. McClelland):** I listened very carefully to the debate and very carefully to the words of the member for Burnaby—Douglas. The implication in his words as interpreted by me are not reflected in what the member just said. So we have a difference of opinion.

**Mr. Steve Mahoney:** Then I suspect, Mr. Speaker, you will be just as generous in interpreting what I am about to say because there are very clearly some people misleading the Canadian public on this issue.

The hon. member just spoke about this being a political game. It is absolutely clear that is exactly what this is. To see the the unholy alliance lining up is really quite remarkable.

I refer to November 1985 when the member for Burnaby—Douglas described Bill C-65, which established the public complaints commission, as taking us out of the dark ages. Those are his words. Today that same member is trying to marginalize the public complaints commission. He is trying to suggest that in some obscure way this commission is unfair. It is clearly remarkable to see members opposite, lawyers opposite, standing up and simply fighting for money for lawyers.

● (1220)

The young lawyer who represented the students and who walked out with them claimed that he had fees in excess of \$80,000. I would like to see the dockets. I would like to examine the billings. What is going on here? This is not a court of law. The members opposite know that.

The hon. leader of the New Democratic Party made reference to the fact that inquiries in the past had intervener funding provided. She used the example of the Dubin inquiry. Let us talk about that. Canadians know what that was. That was the alleged Ben Johnson affair, the investigation into the use of drugs by athletes. There were accusations. There were charges. The inquiry is named after Chief Justice Dubin. He sat in a judicial inquiry role. He had people who were accused of breaking the law come before him. Of course there would be legal representation for someone who was accused of breaking the law.

This is not a judicial inquiry. The Canadian public understands that, in spite of the nonsense and the rhetoric that goes on around here about their poor rights being taken away.

It is amazing to see members from the Reform Party stand up as great champions of human rights. It is really quite remarkable. This is the party that has repeatedly told this government to get rid of the

*Supply*

court challenges program. It has called for that. The question which should be on the minds of Canadians, recognizing the the court challenges program provides assistance to people involved in a court procedure, not simply a commission, is how can this party claim that there is no need to provide legal funding for disadvantaged individuals and groups involved in actual litigation and now turn around and claim that we need special funding for a public complaints commission.

What is the commission? This public complaints commission was set up to receive complaints from the public about the actions of the RCMP. Members know that. But it is in the interests of the members in the opposition to try to mark up the Prime Minister or the government. The proof that this is a political game and a political football is here. If we look at the photograph in the Toronto *Star* Thursday, October 15, under the headline "Students quit APEC inquiry", the byline says: "Stage Walkout: Two members of the Raging Grannies lead APEC demonstrators Jonathan Oppenheim and Garth Mullins out of RCMP commission hearings in Vancouver yesterday". If we look carefully at the photograph we see behind one of the students the hon. member for Burnaby—Douglas. Was he advising these students? Was he counselling them?

The Reform member does not seem to get the point. The difference quite clearly is that this is politically staged. He is virtually walking out arm and arm with the students. He is giving them advice. He is encouraging them to leave. Then he gets the grannies to walk out in front. It is a wonderful photo op. Do they think the Canadian people are stupid? They can see what is going on. They can see that they are abusing the system attempting to create some issue. It is scandal envy. They see the press and the Republicans.

The Reform Party gets all its advice and policies from south of the border. We all know that. It sees the scandal, the media attention and everything going on with President Clinton. Reformers imagine getting the Prime Minister subpoenaed to appear in front of a commission. They want to twist this around to try to create some kind of false sense of scandal.

• (1225)

Should we simply believe that rhetoric or perhaps would it be more appropriate to believe the latest witness reported in the media who came to the commission? This is University of British Columbia Professor Chris Gallagher. Should we believe him? He said: "It seems there was no other alternative. From my perspective it appeared that pepper spray was used where it had to be".

I do not know if Gallagher is right. What we want to see happen here is have the public complaints commission do its job. This is not a court of law. This is not a judicial inquiry. The students have been charged with nothing. We are not talking about their legal rights being in jeopardy. They are witnesses. They have been asked to come forward and tell this commission, duly established by

parliament in 1986, in their own words and based on their memory what happened.

Mr. Gallagher who was a witness within 45 meters of the actual events describes how a fence was torn down and students were clamouring to get over the fence. He goes on to describe how there was no punching, no kicking and no physical activity in the sense of hitting any of these demonstrators. They used pepper spray. I do not know if it is appropriate to use this. I am not a commissioner on the complaints commission.

However, the feeding frenzy that is going on over here is totally laughable. If the opposition had any idea how foolish it looks in attempting to portray this as some kind of White House, oval office scandal, it is absolute nonsense.

This commission has integrity and an international reputation for fairness and for examining the issues. It has paid counsel available to advise and to ensure that witnesses are not intimidated and that their rights are protected.

I submit to this House and to the Canadian people that what we see here is purely opposition politics, tactics that perhaps I am not totally unfamiliar with having spent time in opposition in the Ontario legislature, but based on absolute nonsense and no facts. Let the commission do its job.

I reiterate that these students are not before a judge, not before a court of law and not in jeopardy of being charged for having their legal rights violated in any way whatsoever.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, it is nice to know that rhetoric has not died. We have the king of rhetoric over here from Mississauga West. If he thinks this is laughable, I am sorry but it is not laughable. This is an attack on the very rights that we expect to enjoy in Canada, the freedom of speech, the freedom of association, the freedom of expression, all of which are being suppressed.

Let me get right to the point. The commission was set up to examine complaints against the RCMP. The commission has an excellent reputation. The three commissioners right now are doing their level best to do their job and I admire their tenacity but this is the wrong venue. The is the wrong venue to be taking a look at the political interference and connection that has been clearly established between the Prime Minister, the Prime Minister's office and the police of this country. That is what the question is.

This commission, with all its great reputation, does not have the ability or the resources to get to the bottom of the question. Why does he not admit that?

**Mr. Steve Mahoney:** Mr. Speaker, how about the Reform member for New Westminster—Coquitlam—Burnaby who claimed that the court challenges program I referred to "only

*Supply*

serves as a taxpayer supported platform for radical feminists, the gay and lesbian agenda and other social engineering groups”.

Does the member feel the same way about providing taxpayer supporter lawyers to every complainant who comes before the complaints commission?

Canadians know that the Reform Party's posturing on constitutional rights is nothing more than an attempt to score false political points. They know that this party called to have the charter of rights abolished. I do not know why I always wind up with quotes from the member for Wild Rose. He said on January 17 in the *Calgary Herald* “we should scrap the whole thing”. That is their idea of protecting civil rights. The issue is not laughable, they are.

● (1230)

**Mr. Peter Mancini (Sydney—Victoria, NDP):** Mr. Speaker, I listened with great interest to the member. I have two questions which are fairly straightforward, things he ought to be able to answer.

He says he just wants to have the public complaints commission do its job. The public complaints commission has instructed its counsel to request from the solicitor general funds for legal representation for the students.

Would the member encourage the solicitor general to do that in allowing the commission to get on with its job? If his answer to that is no, he has gone on to say that this is not a judicial inquiry or a court room, they are not before a judge and they do not need lawyers. If that is the logic I ask him if he would instruct his caucus colleagues to suggest that the government withdraw its own lawyers and answer the question why they need them if the students do not.

**Mr. Steve Mahoney:** Mr. Speaker, I will give a very direct answer. The only people in jeopardy of being charged with anything are RCMP members. They are the only people who are being investigated, examined and whose conduct at the APEC hearing is being questioned. Not one of the students is under any cloud or suspicion of wrongdoing. Not one of them requires legal protection to prevent a charge from occurring.

In a democracy when someone in the law enforcement business is being challenged, accused of wrongdoing or is subject to potential criminal activity or criminal charges down the road, I would have assumed that members opposite would be concerned about protecting their rights. This would happen at any level of policing and I would have thought Reformers of all people would have supported this.

The only rights the opposition wants to protect is its rights to make this an issue that does not exist. The students do not need legal counsel. The RCMP may if the findings of the commission lead to some kind of criminal charge.

**Mr. Bob Mills (Red Deer, Ref.):** Mr. Speaker, it is a pleasure to talk about the issue and problem the students have in Vancouver.

I was there for four days of the APEC meetings and know what the security was like and the situation was on the ground. I would like to take my time today to quote largely from a student at UBC, a teacher in my constituency who was there on the front line of the whole issue.

He has taught English at Lindsay Thurber high school since 1986. He has taught at Red Deer College, at UBC, and at the University of Hawaii. He has a bachelor of education with distinction from the University of Calgary and a masters degree from the University of Victoria. He was the Rotary international ambassador of goodwill from my home Rotary Club in the University of Hawaii for a year. He is now a Ph.D. candidate at the University of British Columbia. His area of special interest is social justice in education.

He was at this event. He was part of it. He was there throughout the whole thing, the preparation, the weeks and months prior to APEC. The kind of person he is tells it all. He served as a board member of the Alberta multiculturalism commission. He is the vice-president of the Alberta association of multicultural education, among a number of other distinguished positions he holds in the community.

● (1235)

In 1987 Darren spearheaded an action group in our community of students and teachers opposing prejudice, a group known as STOP. This became a model for students across Canada and through the U.S.

In 1998 he received the race relations award from the Federation of Canadian Municipalities and in 1993 he received the Canadian student rights achievement award from the league for human rights of B'Nai Brith Canada.

In 1996 he received a Reader's Digest national leadership in education award and in 1987 he won the Alberta human rights award.

This gentleman is married, has two small children and was a student at this assembly. This was not some kind of kook who was there as a rebel, as we so often hear described in this House by people who obviously have not taken time to even look at the issue.

This is his experience and I think this might tell the House more than anything else. He wrote:

Last November I witnessed a disturbing spectacle that has shaken my faith—in this country.

As a resident of student housing at the University of British Columbia, however, the upcoming meeting took on a more ominous tone as November 25 drew nearer. At random intervals throughout the day and night thundering military helicopters made low passes over the treed peninsula.

A groundswell of public discontent was rising, as fair minded people began to question how the Prime Minister could ignore basic human rights.



Many UBC scholars and students spoke out against APEC and our welcoming leaders notorious for brutality against their own citizens. The protest rally being planned for the meeting day was taking shape as an important display of the democratic right to free expression. But what transpired would tarnish a campus, the police forces involved, a government and its leader.

A vibrant, almost festive tone characterized the early stages of the protest; activists performed skits and speeches and the Raging Grannies sang—Meanwhile, stiff plainclothes officials milled through the crowd, some taking pictures, others talking into headsets, as choppers whirred overhead.

The march toward the meeting area gained momentum with more chants and songs, and the crowd grew to nearly 2,000 peaceful protesters by the time we reached the approved protest zone.

I think this says it all:

I froze as I noticed sharpshooters surveying the crowd from atop the nearby Chan Centre for the Performing Arts. At the graduate student building, the Tibet flag, a silent reminder of one brutal Chinese campaign of genocide, was removed by RCMP "on special orders".

Barking police attack dogs intimidated those near the front, and city police officers in cycling shorts used their bicycles as battering rams to keep protesters back from the fence after it came loose.

Suddenly and without warning, RCMP officers began emptying dozens of fire extinguisher-sized canisters of pepper spray into the eyes of those nearest to the front. Random chance determined that I and my colleagues from the faculty of education were spared an agonizing attack, while many around us winced in pain.

[The Prime Minister] may say he puts it on his plate, but this ostensibly harmless "pepper" is known to have caused at least 60 deaths in the past seven years in the U.S.—

He quotes the source of that statistic.

He goes on to talk about how at Green College, a place for high academics, the very best from the world attending, they had signs in their windows that were removed by the police saying such offensive things as free speech and democracy. Now we have to look at this whole situation. We have to look at how the government has treated this whole affair. In our foreign affairs committee, because the Prime Minister and the foreign affairs minister will not show up at the hearings and will not tell how it really was, we asked that they appear there. Even one Liberal spoke in favour of that. The hon. member for Vancouver Quadra was removed from committee the next day. That is how the government responded to that.

● (1240)

The next week a motion came that we should fund these students because we had a David and Goliath affair going on here. It is fine for the Prime Minister to stand up and say Mr. Considine can handle that whole thing. But there is no way that one man can be expected, no matter how good he is, to handle the affairs of these students and to give them a level playing field against all of these government lawyers. No matter what anybody says in the House, the public now knows how the government abused these students and their complaints.

### *Supply*

Whether they are right or wrong is not the question. The point is they are Canadians. They were not treated in a Canadian manner. The government did not give us pride in our country and we are embarrassed for the way it treated these students.

Very simply, I believe this motion is speaking to the very issue of free speech and of right of assembly. The Prime Minister, in his joking way about baseball bats, pepper steaks and pepper on his plate, is insulting all of us as Canadians. He should be embarrassed and he should be chastised by his own caucus for his embarrassing performance that Canadians have to witness day after day on television.

I think Canadians are now seeing the sort of person he really is. He really is that guy who will choke somebody. He really is that guy who will have a soapstone under his bed to bash somebody on the head. He really is that kind of person.

The truth hurts. Members across the floor obviously do not like to hear this because they are liberal minded, they care about human rights and they care about people. They are obviously demonstrating that they have none of those features.

I failed to mention at the start that I will be sharing my time and another member will be picking up from here.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, there is an old saying that if a person wants to be their own lawyer they have a fool for a client, speaking to the idea that no one should go into a forum like that without representation.

There is an even more pertinent point in law which says that a person can be presumed to have intended the probable consequences of his or her actions.

I raise this now because I would like to hear the hon. member's views on this. Could it be that the probable consequences of denying representation to the students are that the government does not want the message to come out? It does not truly want to reach the truth or the bottom of this whole story, where these orders really came from or if there was political interference into the police force of the country. Could it be we have people who are deliberately trying to avoid getting to the truth by doing just as we fear, denying representation and advocacy for those students, the predictable consequences we are well aware of?

**Mr. Bob Mills:** Mr. Speaker, it is certainly a question that if the hon. member had more time he would say more about. That is just the point.

I watched the Somalia inquiry and watched how it was planned. The planned thing was to carry on these long extensive hearings, to shoot any messengers who happened to come forward who might want to testify and give the truth, to go after the media and blame

*Supply*

the media for some aspects and to then go on to try to single out some of the lower guys in the chain of command, find an RCMP officer, find a private somewhere and go after him and pummel him and make him look like the victim. Then the other tactic is to draw it out as long as we can so that fatigue itself destroys the whole honesty of the process.

● (1245)

I hope Canadians will get tired of this approach. I hope they will not accept the fact that two or three RCMP officers will be expected to take the fall at the end of the inquiry. Meanwhile, the guys who organized it at the top get off scot-free. They have gone through that process one too many times and are about ready to pay the price.

**Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.):** Mr. Speaker, it was interesting to listen to the debate this morning. It upset me to hear some of the comments from government members. They do not seem to understand the concern of Canadians. I have heard the excuses. I have heard the comments that it is not a court situation, that it is a semi-judicial body. To an extent they are right. The public complaints commission is a semi-judicial body with commissioners that has been set up to find out whether there is any merit in the complaint.

The government has used the excuse that it is an informal process. The question from the opposition side has been that if it is an informal process then why does the government need to have its lawyers there. If the government has decided that it requires legal advice and legal presence at the commission, how can it possibly justify not having the students represented by lawyers to make sure that their representation is given a fair hearing?

I have heard comments that students are not being charged with anything. Neither is the RCMP at this time. The commission is not mandated to sanction or impose penalties. That is not the commission's role.

If the commission finds that perhaps there is basis for the students' complaint and if the RCMP decides to take it one step further and discipline members of the RCMP, there will be a separate hearing, a separate process, at which time they will have legal counsel. However, if the process is strictly an informal one, there is no justification for the government to bring on its lawyers.

Another issue I would like to raise is the question of fairness. I have heard from constituents. One of them is a colleague of the member for Vancouver Quadra. Some of them do not necessarily agree with the students' protest. They do not necessarily agree with the manner in which it was held, but they feel that the public commission process must be fair. Even if they do not agree with the students in their initial protest, they do agree that if lawyers are there for the government side, paid by taxpayers, there should be lawyers there for the students, also paid by taxpayers.

Why? It is not because they agree with the issue or with the students' position but because they believe in the Canadian democratic society there is the question of fairness and equality. If it is fair for the government to have taxpayer funded lawyers then it is also fair for the students to have the same consideration.

I wonder how government members would feel if, Mr. Speaker, you decided that one day only the opposition would be allowed to debate a bill and that the government would not be heard. I wonder how they would feel if only one side of the issue was given the ability to represent one side of the story. I am sure they would not feel that was a fair and proper representation of democracy.

● (1250)

Canadians expect that in a public complaints commission both sides will have equal opportunity to present their positions so that a non-biased group can make a decision based on the information put before it. No Canadian feels that in this case it is an equal playing field.

Let me just share with the House and with Canadians who happen to be watching who supports taxpayer funding for the students, who feels that this is not a level playing field and is not fair.

The public complaints commission feels that the students should have some funding from the government. All opposition parties in the House feel that the students are justified in having some support. Citizens from coast to coast, even though they are not part of the whole APEC scene that happened in Vancouver, feel that the students should have some legal representation paid by the taxpayer. Last but not least, the B.C. wing of the Liberal Party of Canada voted at its weekend meeting for the government to provide funds. Even federal Liberal members in British Columbia feel that it is not fair.

It would appear to me that the only people who do not seem to recognize the unfairness of students trying to represent themselves when the government has overloaded itself with lawyers are the Liberal members who sit on the other side of the House. There will be an opportunity later this afternoon for government members to do the right thing, to recognize that Canada is a great democracy simply because we recognize the freedom of our citizens to express themselves publicly. The government does not have control to the extent that some dictatorships have over their people. Canada is not a Tiananmen Square type of government.

Sometimes we on this side of the House wonder in what direction the government is taking our country. As I was saying, at the end of this afternoon government members will have an opportunity to do the right thing and to support Canadian democracy. They will have an opportunity to say that we need to make sure we protect democracy by maintaining a level playing



field and by giving both sides of the debate equal opportunity to represent their sides of the question.

I hope they will do the right thing and will support the request through the motion to provide legal funds for the students so that they have the same opportunity as the government members, the Prime Minister's Office and the RCMP to present their side of this debate in a fair and equitable manner.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, one thing we have been hearing from the Liberals on the other side, not only today but in previous interviews, is that they believe the commissioners in the inquiry already have the authority to use some of their money to hire lawyers for the students. This seems to be contravened by Madam Justice Reed of the federal court who ruled that this was not the case, and we do not believe it to be true.

Would the member care to comment on the practicality of having the commissioners simply use some of their resources to hire lawyers for the students? Does she see that as a possible option?

**Ms. Val Meredith:** Madam Speaker, I thank the hon. member for his question. It is quite clear that the commission will be stretched for financial resources for its own needs without even contemplating paying legal fees for the students.

The court has made a ruling on that. Unless that ruling is appealed it does not really allow flexibility for the commission to use its very tight resources to pay lawyers fees for the students.

• (1255)

It also undermines the commitment the federal government needs to make in the fairness of the process. It has been suggested by other colleagues of mine on the opposition side that if the federal government were really concerned about fairness and not prepared to use taxpayers' funds to fund a student, in that acceptance of fairness it should take its lawyers out of the courtroom.

The lawyers are not required. The process can function quite well without them. It would at least give the appearance to Canadians that the government accepts the concept of fairness, equality and justice being served.

**Mr. Gurmant Grewal (Surrey Central, Ref.):** Madam Speaker, I listened with interest to the hon. member for the last few minutes talk about freedom of our citizens and democracy in our great country. She also mentioned that only one party in the House did not believe in equality or equal opportunity for the students in the inquiry.

We have been listening to jokes about pepper spray on plates and pepper steaks from the government side, particularly from the

### *Supply*

Prime Minister. Yesterday the Prime Minister said that students are lucky the RCMP is not using baseball bats.

Does the hon. member think this is a display of arrogance by the Prime Minister? Is the Prime Minister disrespectful of Canadians? Is the government removed from Canadians and not listening to them or understanding them? What does the hon. member think about this arrogance and the jokes?

**Ms. Val Meredith:** Madam Speaker, I would be the last person to try to justify what the Prime Minister says publicly. It is only one more example of the arrogance shown by the government of the day and by the Prime Minister's caucus.

Today's debate has been a real eye opener as far as the lack of respect for somebody else's opinion is concerned. Whether we agree with these students is not the issue. The issue is a fair hearing so the public complaints commission can decide whether or not the students complaint was justified.

The concern of the opposition right from the beginning is that this process, this public complaints commission, may not have been the vehicle to have investigated the involvement of the Prime Minister's Office and the government in police activities. We were assured by the government that the public complaints commission would be able to do the job. Now we see interference, if in no other way, by a heavy barrage of government lawyers manipulating the process.

This shows the arrogance and the lack of appreciation of the government of the desire of Canadians to get to the bottom of this matter, find out the truth and make sure the process is fair and equitable.

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Madam Speaker, I will be sharing my time with the member for Scarborough East.

I am pleased to rise in the House today to debate the issue surrounding APEC and the civilian oversight, and I do so on behalf of the residents of Waterloo—Wellington.

Having served for 10 years on the Waterloo Regional Police Service and as chairman, I know firsthand about the importance of our police and what they represent for all Canadians. The police in Canada are highly respected. There is no question that in order to maintain that level of respect we must have the ability to address concerns about police conduct, especially where we feel we have not been treated fairly.

Civilian oversight bodies such as the RCMP Public Complaints Commission do precisely that. Civilian oversight is a time honoured principle in democratic societies. It provides needed objectivity and credibility to investigate police conduct.

*Supply*

Police officers work in difficult circumstances. The task of ensuring Canadians remain safe in their homes and on their streets can be very complicated. It is a task we believe police carry out with dignity and with fairness.

• (1300)

There are times when police must use the force necessary to apprehend criminals or to prevent tragedy. Canadians expect police to do exactly that. There are times however when the use of force is drawn into question. The ability to question any perceived wrongdoing makes up a fundamental component of our criminal justice system and indeed of our human rights as a nation.

The RCMP Public Complaints Commission is an independent agency which was established in 1986 to investigate complaints from the public about the conduct of RCMP members. At that time Canada was a forerunner in creating the agency which was hailed as a significant step forward in support of democratic rights as we know them. We have seen a range of review agencies emerge over the years from local police service boards to provincial complaint bodies. Civilian oversight mechanisms now exist in almost all jurisdictions in Canada. All of these organizations have provided the necessary checks and balances of independent civilian oversight and effective review. That is important to note.

I will take a moment to review the role of the RCMP Public Complaints Commission. The PCC is an independent body and not part of the RCMP. It is an administrative tribunal created by parliament in 1986 to protect the public with an efficient independent mechanism with all needed powers to consider complaints against the RCMP. The PCC acts in the public interest both to protect human rights and to protect RCMP officers from groundless accusations of improper conduct. The legislation establishing the commission provides for a chair, a vice-chair and up to 27 other members from across Canada. The PCC has been in existence for over 10 years. Over that time it has become known nationally and internationally for its fairness and integrity.

I also want to review the mandate of the RCMP PCC. It is not a decision making body. It makes recommendations to the commissioner of the RCMP concerning complaints from members of the public. It makes recommendations for improvements to RCMP practices to the commissioner and the solicitor general, the minister responsible for the RCMP.

Each year the RCMP receives about 2,600 complaints from the public, most of which are resolved satisfactorily without input from that commission. Each year the PCC receives approximately 1,000 complaints from the public regarding the RCMP.

While other countries may have different structures for civilian oversight, most are built upon fundamental principles of fairness, equality, equity and independence. I am firmly convinced that

civilian oversight can only be successful in an atmosphere of mutual respect, co-operation and understanding of each other's views and roles. The public complaints commission has moved successfully in that direction since its inception.

The competing demands of our society make it even more necessary for police, our communities and government to continually look at how we can do things better. Policing the police is a phrase we often hear to describe the need for monitoring police services and conduct. There is no question that we need that monitoring in order to maintain the high level of confidence that Canadians rightfully have in their police. One way to help us do that in law enforcement is through civilian oversight. It is an effective mechanism to help make our law enforcement system even better.

At this time I want to review the specific mandate of the PCC panel that is looking into APEC. The chair of the PCC established a public interest hearing on February 20, 1998 to look into: events that took place during or in connection with demonstrations during the APEC conference in Vancouver between November 23 and November 27, 1997; whether the conduct of RCMP members involved in the events was appropriate to the circumstances; and whether the conduct of RCMP members involved in the events was consistent with respect to the fundamental freedoms guaranteed by section 2 of the Canadian Charter of Rights and Freedoms.

I also briefly want to review the provisions of funding to complainants before the panel looking into APEC.

• (1305)

The public complaints commission was created by parliament to act in the public interest in relation to complaints by the public against the RCMP. I want to note that the PCC hearing process is fair to all participants and is not a trial. The government does not need to ensure counsel are provided for complainants. The PCC will ensure that there is no abuse of cross-examination of witnesses and that all relevant issues will be brought before the panel and will be examined thoroughly. It will also enable the panel to address thoroughly and fairly all aspects of the hearing. In order to do this the government has provided the PCC with an additional \$650,000 and in response to its request, that money is now flowing.

It is important to note that it has the authority to investigate complaints independently. Witnesses can be called for example, and reports and other documents can be subpoenaed. Once the examination is complete, a report is provided to the solicitor general and to the complainant.

Policing is everybody's business, everybody in Canada. Without effective community relations, police work is hindered. Crimes may not be reported and witnesses may not come forward.

*Supply*

[Translation]

Canada is a country envied by many around the world, and the Canadian government will continue to look after the interests of all Canadians.

[English]

It is very important that communities have confidence in their police forces. Police officers are accountable to the communities they serve and rightfully so. That is why it is essential that we respect the process of the review mechanisms currently in place. It is essential that there be an independent and an arm's length relationship between communities, police and governments.

I believe that we have that independence in the public complaints commission. I also believe it is incumbent on all of us to respect that commission's process. We do so in order to get to the truth and to all the facts as we know them. That is what I believe Canadians want. I also believe it ultimately will serve us well in order to get to the truth.

**Mr. Peter Mancini (Sydney—Victoria, NDP):** Madam Speaker, I have listened with some interest to the hon. member. I think the comments he makes about the police in this country are important.

I agree with him that the job of the police and the RCMP is difficult. They have to exercise great care in making difficult judgments. Clearly the RCMP are answerable to Canadians through things such as the public complaints commission. If Canadians do not have faith in the process of this commission because there is not a level playing field or even if that perception is there—and I think the evidence in this debate is that it is—even if the process exonerates the members of the RCMP, is it not then unfair to those members of the RCMP to have them come out of a public inquiry that already appears to be tainted?

Would it not go further to help the interests of those police members if the students were given independent legal counsel so that if the public complaints commission found that there was no wrongdoing, then that finding may well be beyond reproach? However, to leave it on an unlevel playing field as it currently is will surely prejudice any outcome, thereby harming the RCMP members themselves.

**Mr. Lynn Myers:** Madam Speaker, I happen to believe that we do have a fair process in place. I happen to believe that the truth will emerge through this process. It seems to me that over time we will see the facts come out.

When I was chairman of the Waterloo Regional Police many a time I had to bite my lip and swallow very hard as we initially saw

the one side come forward. We had to patiently wait until we could get our side out and allow our facts to emerge.

Canadians will be able to decide and view very carefully all the facts as they see them. They will be able to judge and judge properly. The process is one that is intact. It is there for all Canadians and it is one that ultimately protects us in the best interests of this great country of ours.

• (1310)

I reject totally and outright the notion that somehow by funding these people we would have something more fair in place. The whole purpose of a public complaints commission is to allow ordinary people to come forward and tell their side of the story and to get their facts and information out and to be heard in an objective fashion. That seems to fall on deaf ears as far as the NDP opposition is concerned. It does not seem to understand that the public complaints commission is there for a very precise purpose. That precise purpose is to get at the truth. We will see precisely that happen.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Madam Speaker, the member has been questioned by the member opposite about whether or not there is a level playing field.

Would the member who has the floor now not agree that this public complaints commission, which was established by parliament and has been in place for 10 years, has had a very level playing field for the 10 years? Perhaps the member might wish to speculate on what, if at all, the non-level playing field has been for the last 10 years. Is there not an ombudsman role here with a very level playing field for complainants and has it not been functioning well for 10 years?

**Mr. Lynn Myers:** Madam Speaker, I thank the hon. member for the question.

Our public complaints commission is known internationally in terms of the kinds of work that it does. As the member points out, it provides a level playing field.

We are fortunate in this great country of ours to have these kinds of processes in place that benefit all of us and ultimately protect all of us in the best interests of truth and justice.

**Mr. John McKay (Scarborough East, Lib.):** Madam Speaker, it is a pleasure to rise today and speak on this issue.

I would like to refocus the debate on the motion at hand which says in part that the government provide separate funded legal representation for complainants at the inquiry.

Some members of the House and some of the complainants appearing before the PCC panel in Vancouver have complained and the media has demanded that legal fees for the complainants at the

*Supply*

APEC hearing be paid. They say that it is unfair for the government to fund counsel for its own officials and for the RCMP members but to deny it to the complainants.

When addressing the issue of funding for complainants, it is important to remember why the PCC was created by parliament. It was created by parliament just so that these complaints can be dealt with in a fair and open process. It was created in 1986. The member for Burnaby—Douglas is quoted as saying that it takes us out of the dark ages. With that I agree.

Since its creation it has developed an international reputation for fairness. It is a proper dispute resolution process. It is observably impartial. It is not adversarial. I would argue that it is a far better forum to resolve a dispute of this kind than is this House. This is not the place to conduct a trial.

When the question of providing funding for complainants first came before the PCC panel, it noted that it could not read into its enabling legislation this responsibility. The PCC chose to seek guidance on the question of providing funding for complainants from the Federal Court of Canada.

In her decision of July 20, Madam Justice Reed noted:

It seems reasonably clear that the commission does not have such authority. This follows in large measure from the terms of subsection 45.45(13) of the Royal Canadian Mounted Police Act—. That subsection provides for payment by the commission of certain expenses incurred by complainants in certain circumstances. The payment of legal fees to allow them to be represented by counsel before the commission is not among these.

The presence of authority to pay for some expenses with an absence of authority to pay for legal fees leads to the conclusion, by implication, the commission does not have the authority to pay for the latter. In addition, the authority to pay amounts from the public purse is usually not a power that exists unless expressly conferred.

• (1315)

It is clear, as the hon. member for Burnaby—Douglas has stated, that the Commission has no jurisdiction and no authority to fund the complainants. Madam Justice Reed suggested in her decision that a panel could choose to recommend that the government provide funding for the complainants' counsel. The panel did approach the government regarding the granting of funding and the solicitor general, after serious and careful consideration, turned down that request.

In his letter to the panel the solicitor general said that the government is of the view that the panel can address all the complaints before it in an open and thorough manner without need for the government to provide funding for legal counsel for the complainants.

The PCC is already vested with broad authority. It can, under the terms of the RCMP Act, do the following: Summons any person before the board and require the person to give oral or written

evidence under oath and produce such documents and things under the person's control as the board deems requisite to the full investigation and consideration of the matter.

I remind members opposite that there are no limits on who can receive a summons. To summons any person includes any member of the government, including the solicitor general and the Prime Minister. There are no limits on the availability of witnesses to the commission.

In addition, it can administer oaths. It can receive and accept, on affidavit or otherwise, such evidence and other information as the board sees fit, whether or not such evidence or information is or would be admissible in a court of law. The rules of admissibility are waived. Therefore, this can be far beyond the limitations that are imposed upon a court by the rules of admissibility and materiality.

It also specifies that any person whose conduct or affairs are being investigated by a board of inquiry or who satisfies a board of inquiry that the person has a substantial and a direct interest in the matter before the board shall be afforded a full and ample opportunity, in person or by counsel or by representative, to present evidence and make representations as needed. I would respectfully suggest to members opposite that the media have questioned the role of the government and that that, in and of itself, is sufficient reason for the government to retain counsel.

Therefore, it is clear that the complainants have considerable leeway to make their own views known. In this they will be assisted by counsel of the panel who has explained publicly that, in accordance with the PCC mandate, all efforts are being made to ensure that relevant evidence is heard by the panel and that unrepresented participants at the hearing shall be comfortable with the process.

May I suggest to the member for Burnaby—Douglas that if he goes to the Sparks Street mall today and is assaulted, the accusation will be dealt with in a court of law. It will be processed through the court of law by a crown attorney. It will be subject to proof beyond a reasonable doubt. There will be limits on the evidence that can be presented; limits on materiality and relevance. He will be vigorously cross-examined by a defence lawyer.

If, however, the same member has a complaint about the police in the same incident, he will be accorded a hearing before the commission. He will be afforded commission counsel, two additional counsel and three additional investigators. Evidence will be allowed that would never be allowed in a court of law and he will be able to state his complaint freely and fully.

It is ridiculous to suggest that a person who is a victim of an assault should receive independent counsel. It is equally ridiculous



to submit that a complainant to a process such as this also have independent counsel.

The commission counsel will take all participants through the evidence. They will be asked in advance of and after their cross-examination if there is anything else they wish to bring to the attention of the panel. If so, the participants will then be given another opportunity to speak.

● (1320)

I would suggest that this honourable House is, in some respect, missing the point by focusing on this motion.

The first point is that there has been no comment on the tragedy befalling ethnic Chinese in Indonesia. There has also been no comment upon Canada's role and relationship with countries that routinely abuse human rights.

The opposition wants to talk about pepper spray, but the government wants to talk about its proper relationship in these deep and troubling circumstances.

I would suggest to hon. members that they reject this motion. This is not a motion that is appropriate. There will be a full and fair hearing. The rules of evidence are wide open and there will be a full and complete hearing of this matter.

**Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP):** Madam Speaker, I guess it is pretty much acknowledged, at least on this side of the House, that the government has a problem with a level playing field when it comes to a lot of issues.

We can compare APEC with a lot of issues where there is a lot of unfairness and where there is no level playing field. If we look at what is happening with students, when it comes to post-secondary education, there is no level playing field. There are students who can afford post-secondary education and there are students who cannot afford it.

There are women involved in the pay equity issue. I would be very concerned if anybody in here would disagree that there is certainly not a level playing field when it comes to the pay equity issue that both the Conservative government and the Liberal government have refused to settle.

Women are being attacked by employment insurance changes which are forcing them back into the kitchen with no income. They are being forced to stay at home, sometimes facing violence. They no longer have an income.

These are all decisions being taken by this Liberal government. One would almost think that we have a government that wants to silence Canadians.

### *Supply*

We know that the students were picked up and thrown into jail, but nobody was charged. Why were the students not charged? Why were they thrown into jail and treated like criminals when no charges were laid?

**Mr. John McKay:** Mr. Speaker, I would hope that particular question would be addressed by the commission itself.

I want to speak to the issue of the level playing field.

I cannot, under the circumstances, imagine a more structurally level playing field. First, a complainant is just that, a complainant. The complainant is not accused of anything. Their liberties are not at risk. A complainant has a complaint about a police officer or the police. They are then afforded an opportunity to bring forward that complaint to a panel. The panel is able to waive normal rules of evidence and listen to that complaint in full. Even after the complaint they will be asked if there is anything else that the complainant would like to speak about.

When they bring forward a complaint about police officers or a complaint about any other matter, they will be subject to an examination by government counsel and by RCMP counsel because the person is complaining about the behaviour and the careers of these particular individuals and they have every right to be very careful in their response to the complaint.

● (1325)

**Mr. Jean Dubé (Madawaska—Restigouche, PC):** Madam Speaker, I listened to the comments of the member on the government side about fair process and a level playing field. I am having a real hard time with that, considering that we are talking about students and big government. It certainly is not a level playing field. Big government, once again, qualified for legal aid and the students, who have enormous debts, did not.

The member said that he has difficulties because we are not talking about problems in other countries such as China. Is he suggesting to the House that we should speak of these other things and not speak of our home country, and our own students who were affected by this debacle?

**Mr. John McKay:** Madam Speaker, I will speak to that issue. What the students were concerned about were human rights abuses in Indonesia. On that issue all government members are on the same page with the students. There is terrible abuse of human rights and it is something about which all members should be legitimately concerned.

But what the debate has focused on is the trivia, the irrelevance of the issue. Talking about getting our priorities out of whack, this is a clear statement of priorities that are completely out of whack.



*Supply*

[Translation]

**Mr. Bernard Bigras (Rosemont, BQ):** Madam Speaker, I will share my time with the hon. member for Laval East.

I rise in this House today to speak on a motion of utmost importance. It is a matter of equity, justice and freedom in the face of the arrogance and cynicism of a Liberal government that will stop at nothing to please a foreign dictator.

The motion before us today is simple. It asks that the government allocate sufficient, separate funding to the students repressed by police to ensure fair and equitable legal representation.

So far, in debating this motion, we have gone over every connection between the Prime Minister's Office and the pepper spray used to repress students peacefully demonstrating against the presence of Indonesian dictator Suharto at the APEC summit held in Vancouver, in November 1997.

Previous speakers also noted the Prime Minister's arrogance in pointing out every move made by his office to hide his real involvement in the repression of students campaigning for the right to speak.

That is why I will be speaking today about how crucial the vote on this motion, following this debate, will be. In point of fact, this vote will show how far the Prime Minister is prepared to go to crush any dissidence on the part of Liberal members who may have been in favour of ensuring fair and equitable representation for students subjected to repression.

I would tell the hon. members across the way, who have been deprived of their most basic right to free speech, just as the students were before them, that they should thank their lucky stars they have a civilized Prime Minister. There is one thing they can be sure of, that the leader will not use a baseball bat to make them toe the line.

Unfortunately, the Liberal members have every reason to be afraid of their leader today, if they heed their consciences and vote in favour of equity and freedom of expression. They need only look at what happened to their colleague from Vancouver Quadra, who was forced to keep quiet after commenting that the RCMP Public Complaints Commission could not cast full light on what had happened at the APEC summit.

If this is not enough to convince them there is no freedom of speech left within their party, they just need to recall what happened during the vote on financial compensation for all Hepatitis C victims. At that time the Liberal MPs, who had always come out in favour of full compensation, were forced to vote against their consciences.

If that is not enough, they can also hark back to when female Liberal MPs were forced to keep silent when this government

broke its promise and refused to obey the Human Rights Tribunal's decision on wage equity. That time it was their turn to get the prime ministerial pepper treatment.

● (1330)

The Prime Minister does not draw the line at just restricting freedom of speech on the streets of Vancouver or within his own caucus; he also goes after journalists.

Last week, in fact, the PMO tried to intimidate all journalists by unjustly attacking the reputation of one of their number. His office wrote an unjustified, and unjustifiable, complaint against an eminent CBC reporter, wasting no time in making sure the complaint was widely known so anyone who had not yet got the message would understand the price to be paid for telling the truth about the Prime Minister.

This is further evidence that the Prime Minister is prepared to do anything to impose his view of things, even to the point of accusing a journalist of lacking objectivity, when the journalist in question won a Gemini award for the quality of his work on the dubious events surrounding the APEC summit.

From now on, no one can talk of isolated facts. Repeatedly, the Prime Minister has acted to threaten the freedom of expression of those who do not think as he does. He uses cayenne pepper if he wants the RCMP to repress young students, threats when he wants to muzzle the members of his party and official complaints when he wants to intimidate journalists.

There is no longer any doubt about the attitude of this old politician at the end of his career. This is why he is today denying the students who were victims of the RCMP repression access to fair legal defence against the police and his government, which have a battery of lawyers and communications experts who are being paid out of the public purse.

In addition to denying basic legal aid to the students, the Prime Minister keeps making jokes about the repression they faced. Yesterday, he was back at it and pointed out to them that they were lucky they were peppered with cayenne instead of being beaten with a baseball bat. He even tried to calm the students by saying that the RCMP carried towels to wipe away the effects of the cayenne pepper.

However, intimidation, threats and arrogance are unacceptable, and it will not take the Prime Minister long to discover that. A big organization like the CBC was able to dismiss the Prime Minister's threats by standing behind the integrity and objectivity of its journalists.

The Prime Minister has learned it is difficult to destroy the credibility of a person with the means to defend himself. This is why he will do all in his power to deny the students the public funds

that will give them fair representation before the battery of lawyers defending him and the police at our expense.

All of the opposition members are prepared to provide this financial help to the students so this entire matter may come to light.

I solemnly appeal to the members of the Liberal Party today to liberate themselves once and for all from the attitude of their leader and to vote according to their conscience. I appeal especially to the Liberal members from British Columbia, who already gave their support for funding to the students, but who may well remain silent today in the face of the thinly veiled threats of the Prime Minister.

These members should rise and vote in favour of the most elementary justice. It is time they set the example for all who still believe in freedom of expression and for their Prime Minister, who has yet to understand that this freedom underlies our democratic system.

**Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP):** Madam Speaker, first of all, I would like to thank my Bloc Québécois colleague for his speech. I think he gave a very good description of what is going on in this country.

As I mentioned earlier, he drew a very apt comparison with the pay equity situation, which shows once again that this government is refusing to recognize the human rights tribunal. What is more, in 1992 the Prime Minister promised Mrs. Wry in writing before she died that he would honour the decisions of the human rights tribunal. Then he went back on his word.

• (1335)

This is a frequent occurrence. The incident with the students in Vancouver is not the only example. We have seen it happen throughout the country.

The Liberal government seems to want to muzzle Canadians. Would my colleague agree with me that the Prime Minister perhaps had his reasons for wanting to keep Mr. Suharto happy?

**Mr. Bernard Bigras:** Madam Speaker, I thank the hon. member for Beauséjour—Petitcodiac for her comments and her question. This gives me an opportunity to elaborate on the requests made yesterday by the Canadian Federation of Students.

The government opposite talks a lot. It has a hard time answering our questions. Had it paid more attention to the Canadian Federation of Students, it would have understood what is really at stake here.

Yesterday, Canadian students made three requests to the Prime Minister. It is important to mention them again. First, they are asking that adequate funding be provided to pay for lawyers' fees. I think this is a matter of fairness.

### *Supply*

Given that the government opposite has a whole team of lawyers before the complaints commission, it would only be fair to provide the necessary funding to the students, so that they can be adequately represented.

The students' second request is that the Prime Minister make a public apology. Again, this is a matter of fairness.

**An hon. member:** A real apology.

**Mr. Bernard Bigras:** A real apology, as the hon. member says.

The Prime Minister must realize that some irresponsible action was taken. There is an issue of human rights that must be defended in this parliament, and the Prime Minister should apologize to the public and to this House.

The third request is that a public commission of inquiry be appointed to review the whole issue. How can one possibly think that the RCMP complaints commission is the best court to examine this political issue? It does not make sense. The commissioners are being put in an untenable situation. They are not comfortable with this issue and we can understand why.

The young members of the Canadian Federation of Students are asking for a public inquiry, so that light can be shed on this issue. The New Democratic Party and the Bloc Québécois are asking this government to take its responsibilities.

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Madam Speaker, I was delighted to hear what my colleague from Rosemont had to say. He painted an excellent picture of the political situation we have under the government of the Prime Minister and member for Saint-Maurice.

When things do not go to the minister's liking, he issues directives himself, and when the RCMP officers do not see what they should see, what he sees, mainly from behind his big dark glasses, he attacks the protesters directly. I remember what happened on the other side of the river when Bill Clennett, a man before his time, was protesting against the new employment insurance rules. Now we have the figures. Yesterday a survey indicated that only 42% of those paying into EI can draw benefits.

I am asking my colleague whether he has merely neglected to mention Bill Clennett, who ended up with a couple of broken teeth.

**Mr. Bernard Bigras:** Madam Speaker, my answer will not deal specifically with that case, but the Liberal Party currently has a modus operandi whereby it is through threats and arrogance that both the members opposite and the general public are forced to react. We will be having a vote on this today. Some hon. members have had the courage to take a stand. I would ask them to be consistent with that stand and to vote along with the opposition on this.

*Supply*

• (1340)

**Mrs. Maud Debien (Laval East, BQ):** Madam Speaker, last year in Vancouver, several hundred people wanted to protest peacefully the presence of the Indonesian dictator, Suharto, at the APEC summit.

During the protests, the RCMP intervened and destroyed signs bearing pro-democracy slogans. Nearly 50 people were arrested. Some of them were released after promising to give up their democratic right to protest. We subsequently learned that the PMO had apparently promised Suharto he would not be bothered by protesters during his visit to Canada.

Pressured from all sides to examine these events, the Prime Minister could have enlightened us on the role his office played in the grave violations of the freedom of expression. Under the principle of responsible government, the Prime Minister must account to Parliament for his actions. However, instead of acceding to the requests of the opposition, he decided to sacrifice one of his ministers on the altar of cynicism and arrogance. But both of them are saying nothing. They have told us to await the results of the investigation by the RCMP public complaints commission.

The Prime Minister could have said from the outset that he was prepared to testify before the commission, but he decided to remain silent, even though he is ultimately responsible for orders his office apparently gave to the RCMP.

The silence of the Prime Minister and his Solicitor General will cost taxpayers close to \$1 million, the amount the RCMP complaints commission expects to spend before this inquiry is over. And what will there be to show for it? Because the government is refusing to come up with the few thousands of dollars the student victims of these events need to pay their lawyers, they will not be able to present their case properly.

The Prime Minister even tried to cast these victims of the RCMP in the role of aggressors. Yesterday, here in the House, while briefly taking the heat off the Solicitor General, he once again denied the unfortunate students the most basic tool of justice, the right to legal representation.

In his defence, he said:

The police and the government being challenged have a lawyer to defend them. But there is no complaint against the students. They are the ones complaining and they can make their case—

They are the ones complaining against the police. Of course the police want to defend themselves because they are the ones being accused.

Finally, he said:

The RCMP is being attacked. Some people in my office have been asked to testify because members of parliament claimed that they are responsible.

Who is doing the attacking, and who is being attacked? These young students were merely implementing a few sections of the Charter of Rights and Freedoms, passed when the Prime Minister was justice minister. But, to add insult to injury, the Prime Minister of Canada even went so far as to defend the RCMP's actions as civilized. I quote him again:

Instead of using baseball bats or other weapons, the police are now trying to use more civilized methods and that is why they also had towels to help out.

That is the ultimate insult. The Prime Minister's attitude is unworthy of a government leader. Must he stoop so low and depict protesting students as violent? Is he so panicked that his judgment is slipping?

Why raise such spectres? Is it because we are getting close to Halloween, or because this government has some skeletons in its closet?

Canada will soon become a member of the UN security council, and this is certainly to the credit of the Minister of Foreign Affairs. However, at the rate things are going, one wonders if, before long, Canada will still deserve its enviable reputation on the human rights.

This is a timely opportunity to ask ourselves how Canada will exert its influence on world powers. During the two years that it will be a non permanent member of the security council, will Canada deploy as much efforts for official development assistance, defence industry conversion and human rights protection, as it does for debt reduction, light weapon exports and trade expansion?

• (1345)

These are important questions which we must put to this government. The Prime Minister's behaviour since the APEC summit is unworthy of his position. While he is boasting about studies that put Canada among the world's best countries, he acts like a mercenary at the service of dictatorships.

Since human rights are still being trampled in Malaysia, does the Canadian government intend to take the initiative and ask that the next APEC summit take place elsewhere than in Kuala Lumpur?

Could the Prime Minister tell us whether the government's position is to praise human rights activists, as it did during President Mandela's visit, or to attack ordinary citizens participating in a peaceful demonstration against dictatorship?

Until it has been ascertained what course will be taken in terms of foreign policy during its tenure at the security council, I would appreciate it if the Government of Canada were to put its money where its mouth is and shed light on the allegations of repression made against the government and the RCMP.

In this respect, is the Prime Minister prepared to tell us whether or not the RCMP was acting on his orders when it trampled the democratic rights of demonstrators? Does the Prime Minister intend to apologize to all these citizens who were either arrested or pepper-sprayed, particularly those who, a few weeks ago, were awarded the Carole Geller award in recognition of their contribution to human rights advocacy?

Yesterday, in highly hypothetical terms, the Prime Minister offered the merest suggestion of regrets in response to the question of a member who noted the case of a person who was hurt by the police's action. He said:

I said that if this lady has suffered something because of this abuse by the police it will be judged by the commission. I apologized to her on behalf of the police.

This sure sounds like an admission on his part. The Prime Minister shot himself in the foot. If the RCMP public complaints commission finds the RCMP guilty of improper conduct during these events, the Prime Minister will have to take the blame.

To conclude, if the Prime Minister does not answer very soon all the questions put to him in connection with this matter, people will say that Canada's reputation as an advocate for human rights and fundamental freedoms is overrated. You will understand that, for these reasons, the Bloc Québécois supports the NDP motion urging the government to provide funded legal representation for complainants in the inquiry and has proposed an amendment to ensure that sufficient funding is provided so that the legal representation is fair and equitable. This is a matter of fundamental justice.

[English]

**Mr. Carmen Provenzano (Sault Ste. Marie, Lib.):** Madam Speaker, I liked the reference made by the member opposite to Hallowe'en. It is the members opposite who are wearing the mask on this entire issue. None of the members opposite has touched on any issue that relates to payment to whom, how much and for how long. That is where they wear the mask. None of them wishes to be associated with open ended funding on this matter nor would they wish to be associated with funding with restrictions and conditions. That also brings its problems. So it is they who wear the mask.

[Translation]

**Mrs. Maud Debien:** Madam Speaker, I would like to answer the question of the member opposite by referring to the questions he has not asked. He simply mentioned that I had not discussed the whole matter of the payments and the duration of the payments and that no one wanted to be associated under these conditions.

I would like to know from the hon. member whom he was talking about, what payment he meant, how long a payment was he talking about. When he said no one wanted to be associated under

### Supply

these conditions, he did not even indicate the conditions. So, I find it very hard to answer a question that has not been asked.

● (1350)

I think the member wanted to draw attention to the facts, without providing any specifics.

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Madam Speaker, I would like the opinion of my colleague, the member for Laval East, on the demonstration at the APEC summit in B.C.

The orders came directly from the Prime Minister's office, and, in all likelihood, the place had to be cleared by 4 p.m. The RCMP officers had cylinders of pepper spray, and they had a good supply, since, on the news, we could see they were not small 10 ounce cylinders but 48 ounce ones.

Since, as the Prime Minister so aptly put it, the RCMP had a cylinder of pepper spray in one hand and damp towels in the other to wipe the demonstrators' eyes, I would like to know from my colleague from Laval East whether in her opinion the actions were premeditated. To use colourful language, it is like cutting off somebody's leg and then rushing them to the hospital to try to stick it back on or do the necessary stitching.

**Mrs. Maud Debien:** Madam Speaker, I would like to thank the hon. member for the question. In my opinion, there is one thing on which we must agree right at the start. According to the motion brought forward by the New Democratic Party, the students' right to express themselves freely and peacefully was violated at the time of the APEC summit. Refusing them financial assistance would therefore be tantamount to denying that right a second time, by preventing them from having proper representation at the commission hearings. These are fundamental principles.

To do otherwise would be to accept that the dice are loaded against the penniless students who are up against a whole army of lawyers on the public payroll. Finally, the third matter of principle is that this is not a run-of-the-mill case. It sets an important precedent. It raises vital questions, particularly on a government's political involvement in the justice system and on the violation of the fundamental rights of individuals.

These are the three fundamental principles that must be kept in mind when the entire matter relating to the APEC summit events is being addressed. In a more direct response to my colleague, I believe that we have proof, from all the documents we have been able to obtain and all the statements that have been made, including those from the dean of UBC, that the entire affair had been a long time in the planning.

[English]

**Mr. Alex Shepherd (Durham, Lib.):** Madam Speaker, it gives me pleasure to enter the debate on this motion.



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Canada has always respected the basic fundamentals of freedom of speech and freedom of assembly. I do not think there is any other country in the world that is more widely regarded as Canada in promoting these values not only within our country but throughout the world.

On behalf of this side of the House, we continue to cherish those basic fundamental freedoms and continue to ensure that they exist within our country.

It is an unusual debate today. I am sure those people with us today will wonder why with the problems of the nation, finance, poverty and other things, we have been able to spend so much time on one conference which occurred in Vancouver almost a year ago. When all the smoke has cleared, what is the damage that has been done? The damage appears to be no broken bones, nobody in the hospital, nobody incarcerated. The damage seems to be some hurt feelings.

• (1355)

What is the process? The process is the public complaints commission which was set up by a previous government basically to review the action of a police force. That, as I understand the complaints procedure, is just that. A person can be a complainant and appear before the commissioner. The commissioner has significant resources to carry out his duties of examining the complainant's claims. There has never been any provision to provide legal fees for complainants.

What we are talking about today is creating a precedent we will have to live with. The next time someone has a demonstration and they feel they were not properly taken care of or perhaps were insulted or someone stepped on their foot or something, they will be able not only to go before a complaints commission but to have access to legal advice and legal representation.

The way members are talking in this House, one would think we were all there. Everyone seems to have a definition of exactly what happened. I was not there and I am willing to say that is why we have a complaints commission examining what happened. Why do we not allow the commission to do its job, which it is well paid to do? I note that the government has provided additional funding over and above its regular funding of \$650,000.

In other words, we already have this incident in Vancouver costing up to a million dollars to the taxpayers and the opposition now is asking for more money that essentially will delay and continue this process for no one knows how long, an open ended situation. Just give us more money. The more money we get, the more complainants we will get. How long does it go on? What precedents are we setting for other similar incidents?

**The Speaker:** My colleague, you still have at least six minutes left and I know you will take advantage of that in continuing your representations after question period.

[Translation]

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

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## STATEMENTS BY MEMBERS

[Translation]

### CANADIAN MISSION IN CHIAPAS

**Ms. Raymonde Folco (Laval West, Lib.):** Mr. Speaker, on October 4, at the invitation of the electoral council of the State of Chiapas, I led a Canadian mission to Mexico to observe the election there. Voters went to the polls to choose representatives for the 40 seats of the local assembly and mayors for 111 municipalities.

The joint Senate and House of Commons delegation was accompanied by a delegation from the Assembly of First Nations. To our delight, the election was a calm event with no bloodshed.

We are happy to note that government officials and citizens in the State of Chiapas are headed in the right direction, that is to say towards a stable and resounding democracy.

This mission shows once again the spirit of co-operation and assistance underlying our relations with our neighbours in Mexico. We wish the best of luck to our Mexican colleagues and thank them for their warm welcome.

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[English]

### ROYAL CANADIAN MOUNTED POLICE

**Mr. Chuck Cadman (Surrey North, Ref.):** Mr. Speaker, despite recent criticisms of the RCMP there is good news.

Last year the Surrey detachment decentralized services by dividing the city into five districts, each with its own police station. The move has proven to be very successful. Citizens appreciate the proximity of the stations, district commanders take pride in improved community relations and frontline members have taken ownership by creating logos and giving nicknames to their district offices.

The Surrey model is now used as a textbook case study for college and police academy courses. Surrey detachment is the largest in Canada with an average resident to police ratio approaching an unacceptable 900:1.

• (1400)

I commend Chief Superintendent Terry Smith, his senior staff and the members of the Surrey detachment. Despite monumental funding and resourcing problems compounded by a federal government which does not seem to care, they have shown that when it

comes to innovation and commitment the RCMP rank and file is second to none.

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### VIOLENCE AGAINST CHILDREN

**Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.):** Mr. Speaker, I am pleased to inform the House that October is Child Abuse Prevention Month.

Violence against children is a problem that concerns us all whether it takes the form of sexual abuse, physical, emotional maltreatment or neglect. All of us must work to prevent child abuse by promoting social and economic conditions that support parents and reflect the way we value children. We must intervene when we suspect a child is being threatened, hurt, neglected or sexually exploited.

The federal family violence initiative, in partnership with community, national, corporate and volunteer organizations, has developed innovative prevention and intervention approaches to protect children. They are being used across Canada to support efforts to eliminate child abuse. Together we must continue to do all we can to protect Canada's children.

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### INUIT CIRCUMPOLAR CONFERENCE

**Mrs. Karen Kraft Sloan (York North, Lib.):** Mr. Speaker, last summer the Inuit Circumpolar Conference held its general assembly in Nuuk, Greenland. The assembly passed a resolution calling on national governments to act on the elimination of toxics that make their way to the north. Where enough evidence exists legislators must act in a cautionary manner to ensure the protection of public health.

I congratulate the ICC for its foresight and political leadership. The right to a safe environment is an Arctic issue that must be reckoned with immediately, especially in light of mounting evidence of the presence of toxic contaminants at high levels with the potential to cause harm to humans and animals.

It is my hope that all governments will heed the ICC's resolution to ensure a healthy and vigorous Arctic environment.

\* \* \*

[Translation]

### CANADIAN ECONOMY

**Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.):** Mr. Speaker, the figures are making liars of the opposition parties, who predicted economic disaster for the country.

*S. O. 31*

Yesterday, for example, Statistics Canada reported that manufacturers' deliveries were up 7% in August. It also reported that most analysts see the August figures as an important step forward for the economy.

But our government's message remains unchanged: caution is the order of the day. We must maintain optimal conditions for a lasting economic recovery. Fortunately, we are not following the advice of the opposition parties. Their idea is to increase the deficit in the years ahead. Perhaps they think we will not eventually have to pay the piper.

Our government has opted for a cautious approach, an approach that also focuses on creativity, growth and improving the quality of life for Canadians.

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[English]

### TELUS MOBILITY

**Mr. Eric Lowther (Calgary Centre, Ref.):** Mr. Speaker, the National Quality Institute announced yesterday that the 1998 Canada Award of Excellence has been won by an Alberta Company, in fact a Calgary based company. Telus Mobility provides wireless communication services to Alberta. Yesterday in Toronto, Telus Mobility was called to the front to accept this most prestigious award.

This company learned and applied methodologies that made it number one. These included clearly defined and communicated objectives, independent assessment of progress toward its goals, and recognition and rewards at all levels for quality improvements. The government must learn how to gain efficiencies from Canadian business people like these who are achieving world class quality results.

Congratulations to Mr. Harry Truderung, President of Telus Mobility, for the consistent leadership he has shown and to all employees who made it happen.

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### SCIENTIFIC RESEARCH

**Mr. Ted McWhinney (Vancouver Quadra, Lib.):** Mr. Speaker, last Wednesday we saw the opening of the Ekati Diamond Mine in the Northwest Territories with the promise of a new era of prosperity for Canada's north.

There was also a diamond connection to last week's biggest surprise. In the largest individual charitable donation in Canadian history, Vancouver scientist, investor and diamond prospector Stewart Blusson announced a donation of \$50 million to support scientific research at the University of British Columbia.

This donation was made under the Canada Foundation for Innovation announced in this spring's federal budget, meaning the donation will ultimately translate into a \$150 million investment into research infrastructure and equipment.

*S. O. 31*

Thanks to Mr. Blusson's generous donation and the success of the Canada Foundation for Innovation initiative, the University of British Columbia will remain on the cutting edge of scientific research and will continue to provide valuable application which will benefit all Canadians.

\* \* \*

● (1405)

[Translation]

**THE LATE NORMAND RACICOT**

**Mr. Mark Assad (Gatineau, Lib.):** Mr. Speaker, the City of Gatineau is mourning the loss of a great citizen and public servant, Normand Racicot. Mr. Racicot was respectively executive assistant under two mayors, director general, secretary-treasurer and clerk of the City of Gatineau.

Normand Racicot was a kind, polite and professional person, as can be attested by all those who knew him. He had an extraordinary sense of community, he kept to his word, he was renowned for his ability to maintain harmony among city staff, and he was always available to anyone.

Normand Racicot was faithful to his friends and he fulfilled his commitments so as to promote the well-being of his fellow citizens. People were proud to say "Normand is a friend of mine".

I extend my deepest condolences to his family.

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[English]

**BILL GOLD**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Mr. Speaker, tonight in Calgary a dinner will be held to honour one of Calgary's favourite chroniclers. For over 30 years Bill Gold brought his own powerful observations to readers of the Calgary *Herald* on the issues that mattered most to his adopted city.

It makes sense that he started out life as a carnival worker before entering journalism to become an insightful political commentator. We well recall his dispatches from Ottawa in which he blew away the smoke and shattered the mirrors to show his readers what really goes on here.

Carnival worker, war correspondent, political commentator, editor and ombudsman, Bill Gold did it all and he did it eloquently and with passion.

We hope that students awarded the Bill Gold Scholarship for Studies in the Humanities will know and embrace the humanity of their benefactor.

We know Bill will laugh when we call him a giant, but our response to Bill is "if you are not a giant, why have so many people looked up to you over all these years?"

**LESTER B. PEARSON CENTRE**

**Mr. Brent St. Denis (Algoma—Manitoulin, Lib.):** Mr. Speaker, I rise today to inform the House that the Elliot Lake Centre in my riding of Algoma—Manitoulin will be renamed Lester B. Pearson Centre at a special ceremony this Saturday, October 24.

This honour reflects the many achievements of a former member of the House, a diplomat, prime minister and Nobel Peace Prize laureate. It coincides with the 50th anniversary of Mike Pearson's first election as member of parliament for Algoma East, a riding which he served admirably for 20 years from 1948 to 1968.

The Elliot Lake Centre was established as a centre of excellence in education and the performing arts in February 1965 with the encouragement and support of Lester B. Pearson. In the years since the founding of the centre, the city of Elliot Lake has been transformed from a one industry mining town to a community with a more diversified economy.

The Elliot Lake Centre has evolved as well and is at the forefront of the redevelopment of the city as it approaches the new millennium. The centre has been instrumental in the development—

**The Speaker:** The hon. member for Hochelaga—Maisonneuve.

\* \* \*

[Translation]

**POVERTY**

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, the suffering generated by poverty is one of the worst violations of human rights and the greatest failure of our political institutions.

I salute the courage of the millions of children, women and men who, every day, struggle to survive, without ever having the right to express their distress.

Moisson Montréal tells us that the number of meals served in various help centers in Montreal has increased 38% in the last two years, and that children now make up 40% of their clientele.

What is the millionaire who owns Canada Steamship Lines doing in the face of this ever increasing poverty? He is about to take the \$20 billion surplus accumulated in the employment insurance fund and give it to the rich.

As if this were not enough, the Minister of Finance refuses to repay the billions taken from the provinces and needed for health care, income security and education.

We condemn the insensitivity of a minister who is more concerned with his ships than with fairness and social justice.

[English]

### FOREIGN AFFAIRS

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, last weekend British police arrested Augusto Pinochet, the army general who led a bloody coup in Chile 25 years ago. At the request of Spain, the British detained him because Spaniards were among those murdered following that coup.

[Translation]

General Pinochet overthrew a democratically elected government and had President Salvador Allende assassinated the day of the coup.

[English]

[Editor's Note: Member spoke in Spanish:]

[English]

Thousands were executed. Many were thrown to their deaths from helicopters. Thousands more disappeared forever. Hundreds of thousands were exiled, many of them to this country where they have made a great contribution.

● (1410)

This caucus, and we hope all members, congratulate Britain and Spain for sending a clear message that dictators like Pinochet can run but they cannot hide indefinitely.

**The Speaker:** Of course there is no problem at all when speaking any other language than English and French in the House, but we would hope that you would give this part at least to the interpreters so that we can all understand what was said.

\* \* \*

[Translation]

### CIRQUE DU SOLEIL

**Mrs. Maud Debieu (Laval East, BQ):** Mr. Speaker, the circus is in town. Indeed, the Cirque du Soleil is making news these days with its all new show called "O" in Las Vegas as well as the "Saltimbanco" tour, in town until November 8.

Since its inception in 1984, the Cirque du Soleil has astonished 17 million spectators with its wonderful amalgamation of the talents of street performers and circus artists. This Quebec company headquartered in Montreal currently employs 1,300 people and will generate approximately \$300 million in billings in 1998. In addition, the Cirque du Soleil commits nearly 1% of its income from ticket sales to supporting young people suffering socio-economic hardship.

*S. O. 31*

This is an example of success made in Quebec, where arts, business and solidarity have come together. I urge all my colleagues to attend the circus and wish every success to these ambassadors—

**The Speaker:** The hon. member for Bourassa.

\* \* \*

### CÉGEP DE MAISONNEUVE

**Mr. Denis Coderre (Bourassa, Lib.):** Mr. Speaker, in September, some disgraceful acts took place at the Cégep de Maisonneuve, when the rights to freedom of expression and representation, that is the very foundation of democratic rights in our country, were very clearly interfered with.

The Société générale des étudiants et étudiantes at Maisonneuve college has its own goons responsible for vandalizing stands set up by political parties. Not only did they kick young PQ members out with much fuss, but on September 30, they vandalized the young Liberals' stand, arguing that no political party was welcome. A note posted on the association's billboard read "We boot them out".

I am sure that the students of Cégep de Maisonneuve—

**The Speaker:** The hon. member for Tobique—Mactaquac.

\* \* \*

[English]

### NEW BRUNSWICK BYELECTION

**Mr. Gilles Bernier (Tobique—Mactaquac, PC):** Mr. Speaker, on behalf of the Progressive Conservative caucus I am proud to congratulate New Brunswick leader Bernard Lord on his two byelection victories last night.

In Fredericton South, PC MLA-elect Bradley Green beat out his challengers to capture a riding that has been Liberal for 11 years. He replaces the former Liberal minister of health who left the health care system anything but healthy.

In Moncton East the leader of the opposition came one step closer to becoming the premier of New Brunswick. Bernard Lord won the seat held by former Liberal Premier Ray Frenette for the last 24 years.

New Brunswick has a Liberal government that is old, tired and has become arrogant. Most of all, it has lost its respect for voters and last night we saw the inevitable consequences.

Bernard Lord showed that if one has trust and listens to the people there is no limit to what one can accomplish.

Congratulations again to the entire PC caucus from all of us. As they prepare for next year's election, we wish them Godspeed.



*Oral Questions***WOMEN'S HISTORY MONTH**

**Mr. Lou Sekora (Port Moody—Coquitlam—Port Coquitlam, Lib.):** Mr. Speaker, I rise in the House to recognize Women's History Month in Canada. In honour of this important occasion I would like to discuss the increasing involvement of women in science and technology.

In the 1960s few women studied chemistry and engineering because the attitude was that girls were not engineers. Today the number of women working in science and technology is on the rise, but we still have a gender imbalance.

Statistics Canada reported that in 1994 only 12% of students or professionals in the natural sciences, engineering and mathematics were women. Encouraging and developing the talents of young Canadian women can only benefit our country and help keep Canada competitive in the global economy.

Government initiatives such as the National Research Council's women in engineering and science program and support for organizations such as the Canada Coalition of Women in Engineering, Science and Technology will help ensure that this indeed happens.

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## ORAL QUESTION PERIOD

[English]

**APEC INQUIRY**

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, let us get this straight. Yesterday the Prime Minister said that the students at UBC should be thankful that they were not beaten with baseball bats at last year's APEC summit. Then this morning he referred to water cannons.

• (1415)

Did the Prime Minister really mean to say that students should thank him for not attacking them with baseball bats and water cannons?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I want the commission to look into that for the people of Canada to know exactly what happened. If there were some means that were used that were not acceptable we will be advised. I am sure the police will make the proper decision.

In order to achieve this what we want to do is let the commission study the problem, hear the witnesses and come to a conclusion. The opposition wants to debate this in this House because they do not want to listen to the witnesses at the commission. I want to know the truth from the commission.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, every member in this House heard the Prime Minister's reference to using baseball bats on students yesterday. We were not relying on hearsay. We were not relying on the unreliable memory of the solicitor general.

The Prime Minister was asked yesterday to apologize for using pepper spray on students and instead he said they were lucky he did not use baseball bats.

Will the Prime Minister apologize today for that insulting response he gave yesterday?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, if someone should apologize it should be the Leader of the Opposition who is trying to use this incident to try to score political points.

I am very concerned about these incidents and what I want is the commission to look into the matter, look at all the facts, hear all the witnesses and report. I think the citizens of Canada, I in particular, are very concerned about having a very civilized society. It is why I was the minister who introduced the charter of rights for all Canadians.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, the Prime Minister used to present himself as the little guy from Shawinigan, the friend of the underdog, but now a different picture is emerging. It is a picture of someone who cannot tolerate dissent, someone who cannot tolerate embarrassment and who thinks people should be thankful he is not carrying a baseball bat.

If the Prime Minister does not like this ugly portrait that is emerging of himself why does he not start to tell the whole truth about his role in the APEC security scandal?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I would like to say thank you to the Leader of the Opposition for confirming that I am still the little guy from Shawinigan. I am very proud of it.

I want the inquiry to ask all the questions because, I repeat, I have no preoccupation with the abilities of the RCMP to handle the situation in Vancouver. They did a fantastic job at the G-7 meeting in Halifax. It was the only G-7 meeting where leaders of the countries were able to shake hands with citizens because the RCMP—

**The Speaker:** The hon. member for Kootenay—Columbia.

• (1420)

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, the only place that this Prime Minister is a little guy from Shawinigan is in his own mind.

Why is he so stubborn? Does he not realize that the reference to baseball bats yesterday and then trying to placate people by talking

*Oral Questions*

about water cannons today is totally unacceptable and completely offensive to Canadians? Why will he not apologize?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I want the commission to look into that. It is the opposition that keeps raising these problems.

The situation is that we have a committee in Canada that permits any citizen who has a complaint against the police to be heard and have the complaint disposed of. It is exactly why we have said to the commission to do its work as quickly as possible. It is why the solicitor general has made more resources available to it so it can do a thorough job so Canadians will know the truth.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, one thing I will say about the Prime Minister is at least he is consistent. In 36 years he has never apologized for anything.

In this instance he is wrong to be talking about taking baseball bats to students' head. Why will he not apologize?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, on the CBC French network a reporter said I apologized six times yesterday. I can understand that the member does not watch French TV but it is what I heard.

I have said many times I have no problem apologizing to anybody. I want people to understand that it is the opposition that should apologize for depriving the Canadian people of an independent body to look into that problem.

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the more questions we ask about the Peppergate affair, the more we begin to understand what really went on in Vancouver and, more to the point, what the Prime Minister thinks about it.

Is the Prime Minister not refusing to get to the bottom of the APEC incident because he basically agrees with the heavy-handed intervention of the RCMP, as long as it used cayenne pepper, and not baseball bats?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I hope that, when the police intervene, they use nothing else, and that they maintain order as simply as possible.

The RCMP does this very well in all sorts of circumstances. I would like the commission to look at all aspects of the Vancouver controversy and inform Canadians of the truth, after which the government will take appropriate action.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, does the Prime Minister realize that he is in a conflict of interest situation, because not only he is one of those accused, but he is also denying those who complained legal representation?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the commission is examining the incidents. Complaints were filed against the RCMP in Vancouver and the commission of inquiry is studying the problem, as it is required to do by law.

There are no accused in all this; the students have been accused of absolutely nothing. According to the students, a few police officers were a bit heavy-handed and the commission will determine whether or not that was the case.

**Mr. Richard Marceau (Charlesbourg, BQ):** Mr. Speaker, the Solicitor General is the minister most implicated in the Peppergate affair.

He is the one responsible for the RCMP. He is also the one who decided that the young student victims of police brutality could not have lawyers.

Is it not a serious lapse of ethics for the minister most implicated in Peppergate to be the one denying legal representation to the victims, who have filed a complaint against the RCMP?

• (1425)

[*English*]

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, as I said many times, the public complaints commission was established some 10 years ago to give ordinary Canadians access to a process that would not require them to have a lawyer. It was intended to be informal. I think it is very important. There are many similar tribunals across government and it is very important that we preserve the right of Canadians to have access to such informal processes.

[*Translation*]

**Mr. Richard Marceau (Charlesbourg, BQ):** Mr. Speaker, the Solicitor General has already looked silly enough in the Peppergate affair. If he is unwilling to provide legal representation for the students, what is he waiting for to end this parody of justice?

[*English*]

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, as I said, I think it is important and I think Canadians want to get to the truth in this matter. The public complaints commission is exactly the forum to do that and I have every confidence that is exactly what will happen.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, I have a question for the Prime Minister.

During the summer the public complaints commission asked for funded legal representation for students. The government said no. Strike one. Earlier this month the commission asked a second time. The government said no again. Strike two. Today the commission's request in the form of a motion is before this House.

*Oral Questions*

Before the Prime Minister strikes out can he explain how justice is served by saying no to students yet again?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I explained yesterday that there is a commission established by the Parliament of Canada to make sure that when people have complaints against the RCMP the commission provides them with the support they need so that they can testify.

This system has existed for 10 years. As I said in the House yesterday, the lawyer of the commission is willing to help the students testify.

There is no accusation against any student. They are just complainants and the commission is looking at the complaints they have before the commission.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, on APEC this government has loads of money for pollsters to tell it what Canadians are thinking, loads of money for PR consultants to tell Canadians what they should be thinking, loads of money for lawyers to make the Prime Minister look good but no money for students, no money for justice.

The commission itself says pay. The federal court says pay. Why not do the right thing and just pay the students' legal costs?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, as has been explained many times before, we did increase the amount of money available to the public complaints commission by some \$650,000 to facilitate their participation, as was originally intended when the public complaints commission was established and as it will be after this investigation is over.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, either this government has complete faith in the competence of the public complaints commission or it does not.

The commission has twice requested funding for the students yet the solicitor general refuses to accept this advice. The solicitor general knows there is a precedent, that inmates from the Kingston prison for women were provided with legal funding to pursue their complaints with the request of the Arbour inquiry.

Will the solicitor general show the same confidence in this commission's judgment, stop covering for the Prime Minister and restore fairness to this process by approving student funding today?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, it is my confidence in the public complaints commission that allowed me to make available the \$650,000 in additional funding to facilitate this process.

It is also my confidence in the public complaints commission's comments to me that it is very convinced that this can be done fairly and thoroughly, and justice will indeed be served.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, the solicitor general is one of two law officers whose obligation to parliament supersedes any political loyalty to the Prime Minister.

By consulting with the Prime Minister's office on the issue of funding for the APEC hearings the solicitor general has yet again compromised his office and tainted a process which he has so vigorously defended.

Once upon a time the solicitor general had a responsibility to parliament yet he has repeatedly betrayed this loyalty. Will he recognize his failing, show some respect for this institution and offer his resignation?

• (1430)

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, as I have said many times, the application of this argument applies to a number of tribunals that cost not only the federal but provincial governments as well. Consequently the idea of consulting with colleagues broadly on this issue is the responsible thing to do.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Mr. Speaker, I spent 22 years on the Calgary police department and during part of that time trained as a riot squad member. The only time I ever used a baseball bat was when I took my son to the park and we played baseball. Bats are not police issue nor are water cannons. They are only used to disperse students in third world country dictatorships.

When will the Prime Minister stop maligning the good reputation of Canada's police forces and admit that he was at the root of the APEC clamp down?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I suggest that the hon. members across the way should quit maligning the process.

**An hon. member:** Resign.

**The Speaker:** The hon. solicitor general.

**Hon. Andy Scott:** Mr. Speaker, the important issue at this time is to get to the bottom of the events that happened in the interest of Canadians, in the interest of the truth and in the interest of the complainants who filed the original complaint before this commission. That is what we are here to preserve.

**Mr. Art Hanger (Calgary Northeast, Ref.):** Mr. Speaker, we are here to preserve the truth and what happened at the APEC conference.

I spent my entire life fighting crime and criminals. The Prime Minister here has been fighting students—

**Some hon. members:** Oh, oh.

**The Speaker:** Colleagues, I am sure you want to hear both the question and the answer. The hon. member for Calgary Northeast.

*Oral Questions*

**Mr. Art Hanger:** Mr. Speaker, the Prime Minister is fighting freedom of speech and people protesting. He wants to blame the CBC, the RCMP and even the students for the pepper spray scandal.

Will the Prime Minister stop with the jokes, come clean with Canadians and take responsibility for what happened at APEC?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I just want to say that if the hon. member has any respect for the RCMP, he will stop using scandal involving the RCMP and he will wait to see what the commission reports on the conduct of the RCMP.

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[Translation]

**EMPLOYMENT INSURANCE**

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, for months and months, the Bloc Québécois has been reminding the Minister of Human Resources Development that fewer and fewer of the unemployed are covered by employment insurance. This is all the more shocking because a study by his own department has not been able to refute this.

Now that he has confirmation that the reforms have hit the unemployed very hard, what is the minister waiting for before he changes the plan to improve its accessibility?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, what our departmental study showed clearly is that close to 80% of workers who lose their jobs are covered by the employment insurance system.

The Bloc Québécois has been using the contributor-jobless-recipient ratio for the past year in an attempt to try to get us to backtrack, to bring people back to dependence on an employment insurance system which discouraged them from working. They were wrong. The employment insurance system covers 78% of unemployed workers.

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, are we not to understand that the purely technocratic jargon of the minister disguises an intention to use these studies to disguise the sad reality of the jobless who are excluded from benefits under the program?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, what the study has very clearly shown is that the majority of those not covered by employment insurance are people who never worked and therefore never contributed to the employment insurance system. They are people

who are self-employed, and therefore not covered, people who were working and left—

**Some hon. members:** Oh, oh.

• (1435)

**The Speaker:** The hon. Minister of Human Resources Development.

**Hon. Pierre S. Pettigrew:** Mr. Speaker, it is clear that most of the changes to our program were intended to help people stay in the work force. But what these people would like to see is a system which encourages an undesirable dependency.

These people were not covered by the EI system. The people who ought to be covered are properly covered.

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[English]

**THE SENATE**

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, the Prime Minister tried everything in his power to sabotage yesterday's Alberta Senate elections. He instructed his provincial wing not to run a candidate. He called the process supported by 90% of Albertans a joke. Then he appointed another patronage hack in the middle of the election. But Albertans ignored this Prime Minister and went to the polls in record numbers yesterday to give Bert Brown the largest democratic mandate ever given to a candidate in Canadian history. Will this Prime Minister abide that democratic mandate and appoint Bert Brown to the next Senate vacancy?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, in Alberta the Conservative Party provincially and federally had no candidate, the NDP federally and provincially had no candidate, the Liberals federally and provincially had no candidate, all the people from Alberta who thought this process was not very useful. The people in Alberta went to vote yesterday in very few numbers. I am told that twice as many voted on the video lottery referendum than voted on the Senate.

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Mr. Speaker, this government is laughing at democracy. Yesterday nearly half a million Albertans cast ballots, the largest result for a candidate in Canadian history. Bert Brown yesterday won more votes; more Canadian citizens cast votes for Bert Brown than have cast votes for this Prime Minister in his entire political career, and he calls it a joke.

Will he apologize to Albertans for his arrogance and his contempt for democracy? Will he appoint one of the elected candidates to the next vacancy in the Senate, yes or no?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we have a Senate that is not elected. We on this side voted for an elected, equal and effective Senate while the Leader of the Opposi-



*Oral Questions*

tion campaigned against the Charlottetown accord. We have a Senate that has been given to us by the Brits. It is like the House of Lords. And here I am, a French Canadian from Quebec defending a British tradition.

\* \* \*

[Translation]

**EMPLOYMENT INSURANCE**

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

The minister is trying to tell us that the employment insurance program meets the needs of the unemployed. That is just not true.

Is the minister simply not trying to justify the fact that employment insurance will not be improved and that the Minister of Finance can siphon money from the pockets of the unemployed without fear?

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I say very clearly that the unemployed not covered by the employment insurance system are generally those the system was not designed for, in other words, those who have never worked or have never contributed, those who are self-employed and those who have worked only a few weeks.

• (1440)

I want the opposition to know that we are concerned about these people too. We have set up programs for them. This is why we set up the transitional jobs fund and the youth employment strategy, which are far more useful than having them go on unemployment as the Bloc members would like.

**Mrs. Christiane Gagnon (Québec, BQ):** Mr. Speaker, is this heartless speech by the Minister of Human Resources Development not recognition of his defeat by the Minister of Finance and of the fact that the theft of the employment insurance fund may take place?

**Some hon. members:** Oh, oh.

**The Speaker:** I would prefer that members not use the word "theft" in their questions.

**An hon. member:** He is a fund looter.

**Some hon. members:** Oh, oh.

**The Speaker:** The Minister of Human Resources Development.

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I can say one thing: we as the

government have taken a balanced approach intended to help Canadian workers remain in the labour market as long as possible. This is why we set up programs outside the employment insurance fund, financed by the Minister of Finance in recent years, such as the transitional jobs fund and the youth employment strategy.

The employment insurance system serves those it is supposed to serve, and we are looking after the others with very good programs through the government's consolidated fund.

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[English]

**TAXATION**

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, last week the finance minister had the choice to give Canadians tax relief and he did not. Instead he blew two-thirds of the \$9 billion surplus. He just spent it away.

Canadians were promised tax relief when the budget was balanced. Well, it is balanced now. Where is the tax relief? Canadians have had it with the empty promises. Where is it?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, in the last budget we introduced measures that will bring over the course of the next three years \$7 billion worth of tax relief.

Let me check the numbers out: 1998-99, \$1.5 billion; 1999-2000, \$2.3 billion; the year 2000, \$3.1 billion. The Reform Party voted against it.

**Mr. Monte Solberg (Medicine Hat, Ref.):** Mr. Speaker, the finance minister takes \$10 out of people's pockets and gives them back 25 cents and expects them to be grateful. That is ridiculous.

The fact of the matter is since this finance minister came to power he has taxed back 155% of the wage gains Canadians have received. I think Canadians have been more than patient. I think the finance minister owes them big time.

Canadians need tax relief now. When is he going to fulfil his promise? When are they going to get real tax relief?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I have just told the member where the tax relief is going to come in this year, next year and the year after.

Let us understand that the difference of opinion between the Reform Party and ourselves is not about reducing taxes. We want to reduce taxes. The difference is Reform wants to do it by cutting health care and by cutting equalization and we will not do that.

*Oral Questions*

[Translation]

**HEALTH CARE**

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, last week the Minister of Finance announced that all his budget surplus would be used to reduce Canada's debt.

How will the minister, who intends to go door to door during the next election campaign in Quebec, explain that not one penny will go to health, even though this is what Quebec's premier and all the other premiers are asking for?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, again, opposition parties are having a hard time doing their homework.

The member is asking us if we are prepared to transfer money for health. In the last budget, the 1998 budget, most of the \$900 million transferred was for health. In 1999 and in the year 2000, it will be \$1.5 million. In the year 2000, \$1.5 million again will go to health. We have done that.

\* \* \*

[English]

**TRADE**

**Ms. Sophia Leung (Vancouver Kingsway, Lib.):** Mr. Speaker, my question is for the Minister for International Trade.

Since 1975 Australia has prohibited the import of Canadian salmon due to bogus health concerns.

• (1445)

Can the minister tell us what is happening with Canada's complaint to the WTO on this matter?

**Hon. Sergio Marchi (Minister for International Trade, Lib.):** Mr. Speaker, I thank the hon. member from British Columbia for raising the question.

The position of the Government of Canada has been all along that access has been undeniably illegal. In June the WTO panel agreed with our position. Earlier today the panel once again rejected the appeal by the Australians and agreed with the Canadian position.

It just goes to show that not only do we have world class salmon, but rules in the WTO can work for Canada.

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**EMPLOYMENT INSURANCE**

**Mr. Dick Harris (Prince George—Bulkley Valley, Ref.):** Mr. Speaker, the finance minister talks about the disposal of the EI funds as being some sort of public debate.

The fact is that the debate has already been held in the finance minister's back room. He has clearly shown in his budget that he has already used up all the EI surplus.

What kind of a line is he trying to hand Canadians? Why does he not come clean and tell Canadians he has already made up his mind, he has scooped the EI funds and Canadians are getting nothing back?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, may I ask the hon. member to go back and read his party's platform where it states unequivocally that its recommendation was to use 100% of the notional EI account to offset the deficit?

He is now rising in the House and arguing against his party's policy. Is the same thing going to happen to Dick Harris that happened to Jim Hart?

**Some hon. members:** Oh, oh.

**The Speaker:** My colleagues, I would hope that we would not address each other by name and that that will be the last time it happens today.

The hon. member for Prince George—Bulkley Valley.

**Mr. Dick Harris (Prince George—Bulkley Valley, Ref.):** Mr. Speaker, while the Liberal trained seals may clap on cue for the finance minister, the fact is that over the last five years 155% of any wage gains that Canadian working people have made has been taxed back by this finance minister. Canadians are in a net 55% deficit on any wage gain.

I ask the finance minister: Why does he not simply do the right thing, the thing he has promised but has not fulfilled, and promise today that some real tax breaks are going to come for hard working Canadians?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I have already said that we have provided over \$7 billion in tax breaks for Canadians.

What does the hon. member think the \$3.5 billion the Reform Party wants to take out of health transfers to the provinces will do? What is that going to do to middle class Canadians who want decent hospital services? What is going to happen when \$1 billion is taken out of equalization transfers for Saskatchewan and Manitoba? Are they not going to have to pay increased property taxes and increased provincial taxes?

What the Reform Party is recommending is that Canadian property owners and municipalities—

**The Speaker:** The hon. member for Acadie—Bathurst.

[Translation]

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, if there is one person who relies on employment insurance, it is definitely the Minister of Finance.

*Oral Questions*

The minister of Human Resources Development is manipulating employment insurance figures. With respect to the number of recipients, he does not take into account those left behind by the system: the long term unemployed, unemployed independent workers and a number of workers who had to quit their jobs.

In all, those who no longer qualify for benefits now account for 62% of the unemployed. Why does the minister deny the reality most unemployed Canadians are facing?

• (1450)

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I want to draw to the hon. member's attention the fact that the classes of unemployed he just referred to were never covered by the employment insurance system in Canada. The long term unemployed were not covered previously. The system never applied to individuals who have never worked.

The change is that our government established programs like the transitional jobs fund and the youth employment strategy precisely to help those not covered by the employment insurance system to enter the labour force and contribute to society, because that is what people want.

**Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP):** Mr. Speaker, I would like to say to the minister that, knowing the employment insurance system, his figures are wrong. What he is saying is absolutely wrong.

The number of unemployed who receive benefits dropped from 83% to 38% in nine years. One half of this drop is the result of government reforms, while the other half is due to the Liberals' inability to adjust employment insurance to the new realities of the labour market. With a \$20 billion surplus in the EI account, what is the minister waiting for to improve access to benefits?

The figures quoted in the House today are wrong. Sixty-two percent of the unemployed do not qualify for employment insurance benefits.

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, 78% of the Canadian labour force—

**Some hon. members:** Oh, oh.

**The Speaker:** The hon. Minister for Human Resources Development.

**Hon. Pierre Pettigrew:** Mr. Speaker, I can assure you that, according to the data confirmed yesterday and released by my department, 78% of Canadians who have a connection with the labour force and who lost their jobs for valid reasons are covered under the employment insurance system.

Those who are not covered by the system—

**Mr. Yvon Godin:** That is wrong.

**Some hon. members:** Oh, oh.

**Mr. Yvon Godin:** Paul Martin has all the money. That's the problem.

**Some hon. members:** Oh, oh.

**Mr. Yvon Godin:** That's where the money has gone. It's the finance minister who is spending it.

**Some hon. members:** Oh, oh.

**Mr. Yvon Godin:** He should be ashamed.

**Some hon. members:** Oh, oh.

[English]

**The Speaker:** Colleagues, I appeal to you. When question period breaks down we cannot hear the questions or the answers. When a question is asked, surely courtesy would demand that we listen to the answer. As well, when a question is being asked courtesy would also demand, surely, that we listen to what the question is. I appeal to you, my colleagues, to please contain yourselves.

\* \* \*

#### AIRCRAFT SAFETY

**Mr. Bill Casey (Cumberland—Colchester, PC):** Mr. Speaker, my question is for the Minister of Transport.

Since the horrible crash of Swissair Flight 111 off Peggy's Cove in Nova Scotia there have been several cases of emergency landings in Canada due to smoke in the cockpit, including another one just last night in St. John's, Newfoundland.

Many aviation experts have identified kapton wiring as a possible cause for frequent wiring failure in aircraft. Considering that the minister often says that safety is the number one priority in his department, what is the minister doing, if anything, to assure that kapton wiring is not a hazard in these aircraft?

• (1455)

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, we are quite concerned with these forced landings of various aircraft. I think it is very important that we have the full evidence from the transportation safety board, whether it is on the Swissair crash, the landing last night by British Airways or even the incident last week involving an Air Canada jet landing at Thunder Bay, before we jump to any conclusions.

There has been a lot of speculation about insulation and kapton wiring as being the cause of smoke in the cockpit, but until we have the evidence we cannot bring in any regulatory measure to deal with it until we know what we are talking about.

**Mr. Bill Casey (Cumberland—Colchester, PC):** Mr. Speaker, I believe there is ample evidence now that there could be a hazard

with kapton wiring. In fact the minister of defence has ordered that the kapton wiring be removed from some of his aircraft. In 1987 the American airforce removed it from some of its aircraft and since 1995 no manufacturers have used it.

I believe there is ample evidence to move ahead on the national transportation safety board inquiries and act now.

Will the minister appoint a task force to determine whether this aircraft wiring is unsafe or not?

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, we do not need to appoint any task force because Transport Canada, as the regulatory agency, is looking into all of these problems on an ongoing basis and dealing with questions of insulation and wiring.

On the question of kapton, we are looking at the situation. We have not come to any determination that it constitutes a safety hazard as long as the planes are properly maintained. Transport Canada maintains a rigorous inspection of all commercial aircraft in the country.

Again, we have to look at the TSB reports before we actually act to find the true cause of these accidents and take preventative measures.

\* \* \*

## JUSTICE

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, this week has been proclaimed by Canada's YWCA as a week without violence. The Minister of Justice knows of the high degree of concern among Canadian women about crimes of violence generally and in the home.

Will the justice minister tell the House during this week without violence what her ministry is doing to bring about a reduction in criminal violence in our homes and in our communities?

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the hon. member raises a very important issue. On behalf of the government I want to congratulate the YWCA for declaring this a week without violence.

We on this side of the House not only condemn violence, we work to prevent violence. Let me say in particular as it relates to violence against youth and violence against women that we have put in place a crime prevention strategy that targets violence against both young people and women in the home. Rather than sitting here—

**The Speaker:** The hon. member for Esquimalt—Juan de Fuca.

## Oral Questions

### HEALTH

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.):** Mr. Speaker, in October 1997 Motion No. 222 passed in this House. It dealt with constructive solutions to fix the organ donor crisis in this country which has claimed 140 lives this year so far. Since that time nothing has been done.

Will the Minister of Health stop pondering and start acting to implement Motion No. 222 before another 140 Canadians die, and will he do it before the end of this year?

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the member is quite wrong in saying that nothing has been done. I do acknowledge his interest in the subject and thank him for having met with me about it and providing me with information, which I considered carefully.

I want the hon. member to know, indeed the House to know, that the department of health is working with provincial ministries of health, medical associations and other interested persons to find a way forward on encouraging availability of organs for donation. We are doing that through consultation and by encouraging people to fill out organ donation forms in the provinces. We are also looking at other strategies that we believe will be effective.

The member should know that we are working with all those involved to find a better way.

\* \* \*

[Translation]

### THE ENVIRONMENT

**Mr. Ghislain Fournier (Manicouagan, BQ):** Mr. Speaker, Transport Canada has admitted that it was responsible for the contamination of the water table in the Sept-Îles beach area. In order to correct the situation, the government has decided to distribute bottled water to the families affected, until the year 2007 if necessary.

The people in my riding want to be supplied again with drinking water. What does the Minister of Transport intend to do to solve the problem caused by his department?

• (1500)

[English]

**Hon. David M. Collenette (Minister of Transport, Lib.):** Mr. Speaker, the hon. member is quite correct, this is a very serious problem. It was brought to the attention of the residents by Transport Canada ourselves. We have taken remedial measures.



*Supply*

The solution of bottled water in the short term is not the long term solution and we are working with the town officials and other residents to make sure this issue is addressed.

\* \* \*

**PRESENCE IN GALLERY**

**The Speaker:** I would like to draw the attention of members to the presence in the gallery, first of all, of Mr. Gerry Adams, the leader of the Sinn Fein Party of Northern Ireland.

**Some hon. members:** Hear, hear.

[*Translation*]

**The Speaker:** I also wish to draw the attention of members to the presence in our gallery of members and performers of Cirque du Soleil.

**Some hon. members:** Hear, hear.

**The Speaker:** As you know, a reception will be held for them in room 216 after Oral Question Period.

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**GOVERNMENT ORDERS**

• (1505)

[*English*]

**SUPPLY**

## ALLOTTED DAY—APEC INQUIRY

The House resumed consideration of the motion and of the amendment.

**Mr. Reg Alcock (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Madam Speaker, I am delighted to have this opportunity to speak to this particular issue.

I was absent from the House for the first three weeks of this session as I was at home in Winnipeg assisting my wife with our new baby. I cannot take as much credit for it as she can, but I think it was a wonderful experience anyway.

However, I had an opportunity to be a spectator or an observer of what has gone on here in the last little while, so when the opportunity arose to speak on it I was only too eager to do so.

I am in my 11th year of elected office. I served two terms in the provincial legislature in Manitoba, in opposition, and I am now in my second term as a federal member. One of the things I learned

very quickly when I was first elected was that it is very easy to inflame passions on all sorts of issues. In a sense, when people are in opposition, as I was, they are rewarded for it. When I used to not want to be quoted on something I would step out into the scrum and say something quiet, reasonable and considerate and I would be guaranteed never to appear in print.

However, if I went out and pounded my fists, screamed, yelled and talked about how outrageous and terrible it was, I would be guaranteed a clip. I would even get a camera. Unfortunately this is the environment that we live in. I say unfortunately because when I meet in committee outside of this place with members from all sides of this House that is not the discussion or debate that I take part in. I take part in a discussion about how we do things to improve things for Canadians.

Something every now and again goes wrong around here, but I am not sure what it is. I have only seen once before in my rather short experience that an issue kind of captures the attention of the media and we get sort of a self-reinforcing dance that goes back and forth between members of the opposition who glean all this wonderful attention and the media who have something to write about.

It surprises me when an issue accelerates the way this one has. It is a very serious issue. We have a charge from a group of Canadians that the RCMP have infringed their rights by acting in a way that is above and beyond the way in which they have to act. We have those complaints regularly. We have them in my own province and city. We have something called LERA, the Law Enforcement Review Agency. If somebody feels that a police officer has been abusive to them they have the ability to go before a citizen panel, lay a complaint and have that complaint acted upon. The system acts on their behalf. They do not have to incur any charges. They do not have to incur any costs. They go forward and say "A policeman assaulted me. A policeman abused me". The system will then act to protect the rights of that citizen. That is the kind of country that we have.

• (1510)

We have a serious charge. I am not going to prejudge it. I do not know, as I was not there. I did not witness it. I have been on both sides of demonstrations. I grew up in an RCMP household. I have also worked on the streets with kids that were badly abused by the police. I am not going to prejudge this situation.

We have a process that has been in place for nearly 12 years that receives a thousand complaints a year and that adjudicates 300 a year. It has had 3,000 cases in its history. We have never felt it acted irresponsibly, under political direction or unethically. In this country we have always felt that the commission defended our rights.

I sit at home and watch the House talk daily about the dishonesty of people, members hearing things in the corners and running out to tell the media, or somebody hearing something in a gym. A

*Supply*

member in the House stood up to apologize to somebody privately, saying "If I caused you any hurt, I am sorry". The member ran into the hallway to tell the press. What are we creating? How are we going to do the work that we all really want to do if that is the kind of atmosphere that we create?

The solicitor general is not just my colleague, he is a friend. I have worked with him for a long time. Members opposite who have an interest in the issues have worked with us together. I know that those members know that the solicitor general would never interfere with the operation of that commission. It is not in his manner, demeanour or ethics. It is not the way he has conducted himself his entire life. That is the reality. This is the man I know and work with and this is the man members on the other side have known and worked with. Yet daily people stand in the House and impugn his motives and call him all sorts of outrageous things. I am shocked by it.

Ed Greenspon wrote an article in the *Globe* yesterday. I know Greenspon and I know his work. I like him. I think he is a good reporter. He said that the solicitor general's problem was that he spoke too long, he was too open and too honest. Is that a problem? Should we decide it is better to be duplicitous, to duck, weave and hide, not tell the truth and criticize a person in our national paper for being too open? There is something wrong in this debate.

The commission has to investigate. The students are not being charged with anything. The commission is there to act on their behalf. The commission has an additional \$650,000. If it feels it needs to access more expertise and resources, it has the budget. It has the power to make those decisions and it always has acted independently. There is a point when we have to get off the merry-go-round and start to deal with the business of Canada in the House.

I heard today a question about fire safety on an airplane. People have died. There is a possibility that planes are unsafe. This is the first time in five weeks that somebody even spoke about it in the House. They are too busy trying to figure out new and cute ways to slander somebody. At some point we have to stop and consider what we are doing and let the process work. If the RCMP have acted improperly, they should be dealt with. If they have not, they deserve our support.

**Mr. Grant McNally (Dewdney—Alouette, Ref.):** Madam Speaker, I thank my colleague for his speech and his appeal for reason. Unfortunately there are some facts missing from what he had to say.

He said he was surprised by the acceleration of this incident. He cannot understand why opposition members are concerned about this. The truth of the matter is that it is Canadians who are concerned about this. They are concerned about the actions that were taken at APEC. They are concerned that there are notes in police officers' files saying things such as PM wants tenters out, or there is a direct link between the Prime Minister's office and the operations of APEC. Canadians are concerned about the fact that there is not a level playing field for the students.

• (1515)

In fact the opposition members will not stop bringing these issues up until the government comes clean with some answers, until it admits its responsibility. The Prime Minister is the one who ducks and weaves. The solicitor general is the one who said he could not remember who the individual was who sat beside him and then it turns out it is a friend he has known for 15 years. That is unbelievable.

The solicitor general may be a nice man, but if he is going to stand in this House as an elected representative and take on the role of solicitor general, then he has to abide by the responsibilities of that job. That is what we are talking about here.

I do not see my hon. colleague in this place to respond to the question, so I will just simply make that comment. That is why we are continuing to ask the government why it simply will not tell us what it is that happened at APEC, the Prime Minister's involvement, the solicitor general's involvement, the fact that he prejudiced the outcome of the PCC investigation by his comments on the plane and he will not resign.

It is because of that fact that opposition parties will continue to pressure the government on this issue and other issues. It is our role and our job to keep this government accountable for its actions. We do not apologize for it. In fact, we promise the government more of the same.

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Madam Speaker, I would also like to make some comments and raise some questions following the speech by the member for Winnipeg South.

The member in his attempt to appeal for reason in this chamber has clearly underestimated the seriousness of the issue we are dealing with. As my colleague from Winnipeg Centre has just said, he has very much trivialized the issues at hand.

What is so clear today is that we are dealing with a fundamental matter of human rights and the pursuit of freedom and justice in a democratic state. All of those questions are in doubt today surrounding the actions pertaining to student demonstrators at APEC last year.

The comments of the member for Palliser on the conversation he overheard pertaining to the solicitor general are all serious. The member for Winnipeg South is disregarding the importance of this input and this debate. I would very much like to ask the member for Winnipeg South if he does not feel that we need to operate on the basis of a level playing field. We need all the facts on the table. We need to understand that the proceedings before the complaints commission have not been prejudiced or prejudged.

The member for Winnipeg South was no doubt at the meeting in Winnipeg when his leader the Prime Minister cracked another joke pertaining to pepper. I wonder how the member feels about the way

*Supply*

in which this matter has been trivialized by the Prime Minister and whether he would not join us in acknowledging that these kinds of jokes do not help the matter. They are not funny and they certainly are hurtful for the people involved.

**Mr. Peter Mancini (Sydney—Victoria, NDP):** Madam Speaker, I should indicate at the outset that I will be sharing my time with the hon. member for Vancouver East. I would appreciate some signal from you and I expect I will get it when my time is almost up.

I am pleased to speak on behalf of the motion that my party has introduced into the House of Commons today. It is an important motion. I think it is a simply worded motion. It is one that has no ambiguity; it is one that is clear and direct. I will read it so that those listening to this debate and reading the transcript of it later will know exactly what we are asking of the government and all members of the House of Commons today:

That this House urges the government to agree to the request of the RCMP Public Complaints Commission—

It is not our request, not the students' request, but is the request of the RCMP Public Complaints Commission.

—inquiring into incidents at the Vancouver APEC summit that the government provide separate funded legal representation for the complainants in the inquiry.

• (1520)

I rise to speak to the motion, having addressed this issue some time ago. As my colleagues who have spoken to this motion have noted, the day this House resumed sitting after the summer recess, my colleagues and myself at a press conference asked the government to set up a judicial inquiry to look into the role of the Prime Minister's office in the security arrangements at APEC. The Prime Minister and the solicitor general have ignored this request and they have continued to say let the public complaints commission do its work.

In the absence of a forum of a judicial inquiry, we are asking today that the public complaints commission's own request be acceded to by the government and that funding be provided for those students to at least level the playing field.

Like many of the members in this House who have spoken to this issue, I come from a legal background. I am a lawyer. I spent many years in Nova Scotia as a legal aid lawyer representing the very people, many of them students, who did not have the resources to go before public boards, public inquiries or courts without legal representation. I can unequivocally say that when one side is represented in a hearing and the other side is not, there is not a level playing field.

That is why the public complaints commission has asked for the students to have funding for legal counsel. It is not just to level the playing field, it also makes the whole process operate more

smoothly. There are not questions of evidence that are not understood by one party. There can be agreements negotiated when everybody knows the rules so that the lawyers for one side and the lawyers for the other knowing the ruling can come together and simplify the process to get to the truth faster. That does not happen when there is only legal counsel for one side.

It is unfair to those people who are going before the commission unrepresented to ask them to understand all of the nuances, all of the rules that occur at a public complaints commission hearing or indeed at any other hearing.

I mentioned today in one of my questions, how many of us as members of parliament have had to help our constituents when they have had to appear before Canada pension plan disability hearings. Try to explain to a person uneducated in the law what it means to present yourself at a tribunal, what it means to understand the rules of evidence, what it means to cross-examine someone. It is unfair because they do not understand it.

Some have said that this has not happened before, that the public complaints commission has not had a history of funding counsel for those who lay a complaint. This is true. But this is an extraordinary hearing. This is not a normal everyday run of the mill complaint against the RCMP. The reason it is not has nothing to do with the students' complaints. It has to do with information that has come before the commission which has made it broaden its scope because there is evidence—and I am not making unfounded accusations, I am simply stating the facts—that leads to the very highest corridors of power in this country.

There is evidence that suggests the involvement of the Prime Minister's office and perhaps of the Prime Minister himself in the security arrangements at APEC. I am not prejudging it. I am saying that takes this inquiry out of the normal run of the mill inquiry and raises the threshold. Therefore the procedural fairness has to be beyond question if Canadians are to have any faith in the final outcome of the commission's hearing.

These are extraordinary hearings. It is not right to say we may be setting a precedent, that if we fund these students we will have to fund every other group that comes before the public complaints commission. Maybe we will, if in every single instance it indicates that the Prime Minister's office is involved. However I think we can say with some safety and some rational thought that we are now beyond the normal scope of the public complaints commission and what it usually deals with.

The pointing of fingers to the most influential people in this country has raised the threshold. Yet despite repeated requests by the commission and despite the Federal Court of Canada suggesting the students should have independent counsel, we meet with refusal after refusal after refusal by the solicitor general and his

*Supply*

government to provide the funding that is necessary to level the playing field.

• (1525)

There are those who say that there are more important issues. The Prime Minister alluded to this in answering questions the week before last. They ask why the opposition is focusing on this public complaints commission. They say we should let the commission move on and do its work while we talk about something else.

There are many important issues in this country, not the least of which are economic issues. I come from an area of the country that has huge unemployment problems. However, I say on behalf of all Canadians that nothing is more precious in this country than our rights and our freedoms. When those are lost, when there is no justice, then all else crumbles. Justice is the foundation of a civil society. Without it there is anarchy.

The Prime Minister smiles, jokes and says that there are other issues. I say in reply that one may smile and smile and still be a villain. Canadians know, we in this party know and we ask this House to consider how important those civil liberties are. When they are infringed upon, the process of determining the truth is as important as what the findings themselves are.

I said in this House in my last question to the solicitor general before the House adjourned that justice must not only be done, it must be seen to be done if Canadians are to have faith that the answer is a true one. Without a level playing field, without Canadians knowing that these students have had fair representation, the same representation as the government and the RCMP, the findings of that commission will be suspect whether or not they should be.

Justice must not only be done, it must be seen to be done. The price of freedom is eternal vigilance. We in this party and those who have spoken in favour of this motion understand that we must be vigilant in guarding not only the rights of Canadians but also the process of ensuring that those rights are guarded in a fair and decent way.

I spent the morning reading some papers and about how the late Justice Dickson had the courage to interpret the charter of rights. The courage to look after our rights is something we have pride in. The students at APEC who are challenging the police have that courage.

The question on this vote will be whether the members opposite have the courage to protect the rights of Canadians in the same way the students before this inquiry have and the same way the veterans who fought for those rights have. I ask everyone who watches or listens to this program to watch the way their member of parliament votes tonight on the very important issue of Canadian civil liberties.

**Mr. Jack Ramsay (Crowfoot, Ref.):** Madam Speaker, I thank the hon. member for his comments. There are lawyers to represent the RCMP and there are lawyers to represent the witnesses who may be called from the Prime Minister's office. Who will pursue the evidence that leads to the Prime Minister's office if there is not legal representation for the students? If there is no legal representation in this area, how will that evidence be pursued? How will it be examined? How will it be determined whether or not there was political interference in the exercise of police authority at the APEC summit?

• (1530)

**Mr. Peter Mancini:** Madam Speaker, I thank the hon. member for his question. Having served on the justice committee with the member, I know his questions are often to the point. This is one that is because it goes to the very core of what I was saying.

Without proper legal representation, that trail is left to the students themselves. There will be some assistance by the counsel for the commission. He is to be commended and he said he will do what he can to assist the students.

I have very real questions regarding this forum even getting that far. This is why I wanted a judicial inquiry into the matter to begin with. In the absence of that, it is left to the students to try to find a way to infiltrate the very corridors of power in this country.

What that means is issuing subpoenas, understanding what subpoenas mean, understanding the time limits under which they can be served and understanding the rules under which they can be served.

I dare say few members of this House understand those rules. There are many lawyers who do not practice courtroom litigation. I dare say many of them would not understand the rules.

In the absence of legal counsel for those students, they are left to figure out the very complex rules of getting documents that the government will say are protected by cabinet secrecy, mark my words. It will say that and it is left to the students to figure out how to launch an appeal to the Federal Court of Canada to open the door to get those documents.

Those students will have to figure that out because they do not have a lawyer but the lawyers for the government will know the ways to close those doors before they are even open. I think that is the answer to the hon. member's question.

**Mr. Mac Harb (Ottawa Centre, Lib.):** Madam Speaker, let us be clear here. What we have before us is an issue where the students are the ones who are launching the complaint against the RCMP.



*Supply*

What would have happened if, for example, the RCMP did not take the controlled action it took at the demonstration in order to ensure the security of our guests attending the conference?

The gentlemen on the opposite side would have been the first ones up in the House to attack the government for not ensuring the safety and security of those who were here as our guests.

This is a tremendous waste of our democratic process. These guys are standing up and trying to milk what I believe is an important issue for political expediency, nothing more, nothing less.

**Mr. Peter Mancini:** Madam Speaker, there are two underlying assumptions I think Canadians need to recognize.

Regarding the first point made by the hon. member, the students are the ones who lodged the complaint. Why in the name of God should they have legal counsel? The underlying assumption in that question is that those who dare to challenge authority ought not to receive the support of the state in that challenge. The underlying assumption is don't dare question those with pepper spray because you have no right to and certainly the state will not protect you.

Second, he said what would happen if there was no protection. The RCMP is perfectly capable of providing protection. The Prime Minister's office is not an expert in that area.

**Ms. Libby Davies (Vancouver East, NDP):** Madam Speaker, I am very pleased to rise in the House today to join with my colleagues from the NDP in speaking to our opposition day motion that really is a very important question. It has taken up an enormous amount of time in the House over the past few weeks.

The reason for bringing forward this motion today is to simply, as my colleague from Sydney—Victoria and other members of our caucus have outlined, put the question fair and square to the members of the House that the student complainants at the public complaints inquiry commission have a right to receive independent legal representation. The question before the House today is that straightforward and that simple.

• (1535)

I was in my riding of Vancouver East last week. It was not surprising to me that wherever I went and whatever discussions I had on many topics, the issue of the complaints inquiry came up. Everywhere I went, whether it was talking to seniors, students, unemployed people or community members, this issue came up. To hear government members today dismiss this motion and this issue as something that is politically expedient in terms of the opposition raising this issue tells me that government members have already

closed their ears. They have stopped listening to what the people of Canada have to say.

After several weeks of questioning in the House, last Friday all of Canada was waiting to hear whether the solicitor general would finally agree that the students must have legal representation and the funding for that to happen. When the announcement was made and we heard the solicitor general's weak and very limp response, it was a shock. Many of us expected that this was an opportunity for the government to set the record straight and to begin to do the right thing. It was a huge disappointment after two requests from the commission the solicitor general told the House that we have to have faith in that he refused the two requests from the commission for independent funding.

It raises the question of the conflict of interest that the solicitor general is now in. On October 9 I along with my colleague raised in the House the question that the solicitor general had to acknowledge the conflict which he had placed himself in and the jeopardy that he had created for the process he had defended in the House. The conflict of interest and the fact that the very students he is denying funding to are the students who want to call him as a witness is a very serious conflict that has yet to be addressed.

It is important to go back and look at what has caused us to be at this incredible juncture today which is one of the most important questions we have considered in this parliament. We have to remember that the reason students were protesting democratically, the reason they were protesting peacefully and the reason they were exercising their democratic rights was their concern around the APEC summit in Vancouver last November.

I along with my colleague from Burnaby—Douglas and other members and activists attended the peoples summit to express our very deep concern about the role the Canadian government was playing in hosting foreign leaders who not only deny and violate human rights in their countries but who were coming together to promote a system of a capital intensive marketplace that supersedes all human needs and human rights. That is why those students were protesting. That is why those students were holding up their little signs on the way to UBC. They were really putting their point on the record. The travesty that has unfolded since that time has dug us deeper and deeper into a situation where now we seriously question the honour and the credibility of this government in what it really stands for.

How many times have we heard the Prime Minister get up and say he is here defending the rights of young people or Canada has a good track record on human rights? Here is the proof, here and now today in terms of this public complaints commission inquiry. This is where Canadians make the determination as to whether we stand for democracy, whether we stand in defence of those students or

whether we are about to abandon those rights. The government has made it clear where it stands.

Last September I was very fortunate to be a part of a delegation hosted by the Canadian Council for International Co-operation. It visited two of the countries that are living the consequences of what APEC and trade liberalization are all about. I visited Indonesia and Thailand and saw for myself, along with other members of parliament and members of the NGO and international community, the devastation of what the so-called economic miracle in trade liberalization has been in those two countries.

• (1540)

It was very ironic after meeting students in Indonesia who have led the struggle there for democracy and economic and social reform at great personal risk as many of them have been jailed to come back to Canada and learn that the public complaints commission inquiry was beginning and that security here had been used as a cover to suppress the political and democratic expression against students who were exposing the same situation in Indonesia.

Very often we think that what we hold dear in this country is something that maybe we take for granted. I think we learned that day in November that we can see a government that becomes incredibly arrogant through the decision of a Prime Minister and that interference at a political level can violate those democratic rights and basically trample on young people who are trying to defend their rights here and to speak out against dictators like Mr. Suharto and other thugs who have suppressed their own people's rights. I think it was a very sad irony that that sort of situation exists.

As this story unfolds and as the government digs itself deeper and deeper into a situation that it seems unable to recover from, one of the most disappointing things has been to see the role that the Prime Minister has taken on. We had the first joke last November, a totally inappropriate comment. The Prime Minister did not learn from that. He went on to a second and a third joke. Even in the House we have now heard comments about baseball bats and water cannons. It really is a very serious matter and it is something that Canadians do not want to hear jokes about.

The Prime Minister continues to trivialize and make light of the very serious protest that these students undertook and their seriousness in trying to bring this complaint. They have had a complete lack of support from the government. That the government is doing its very best and spending a ton of money to undermine the process is something that really is very dishonourable in the House. It brings a great deal of shame on us.

I remember listening to Mr. Nelson Mandela in the House in September. It was a day when we remembered the honour that Canada had brought in the struggle to end apartheid. Yet very sadly

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it was also a day when we were in the midst of this crisis of a government that was unable to see what the right thing was in supporting these students and making sure we have a proper inquiry that is not undermined but will seriously get at the truth.

This motion today is very simple and straightforward. We would like to ask who on the government side will stand up and defend democracy and affirm that we are here in the House to represent the people of Canada and to defend democracy. It is not to protect a government when it has botched a job and it is not to defend a Prime Minister who is absolutely wrong and callous in his regard for people's human and legal rights.

The question is straightforward. Will the House agree and will Liberal members to have the courage to stand up and say that it is not too late to change a grievous wrong to those students and the people of Canada and to make sure that inquiry, limited as it is, will at least enable those students to get a fair shot at getting their case heard and having their complaints fairly heard? We have called for a full judicial inquiry. We ask the government members to have the courage to support this motion.

**Mr. Jason Kenney (Calgary Southeast, Ref.):** Madam Speaker, I thank the member for her remarks.

She said she visited some of the countries represented at the APEC summit and had seen the economic devastation that trade had brought to those countries.

• (1545)

It is unfortunate that she took the focus off what is a pretty broad consensus about the need for due process in these hearings. The vast majority of people who live in places like Thailand, Indonesia and Singapore would agree that while they are going through an enormous economic turmoil currently, their standard of living has increased exponentially over the last 20 years as a result of international trade. Many tens of millions of people have been lifted out of poverty because of the benefits of trade notwithstanding the current structural difficulties.

While I am sympathetic to the case for legal counsel for the students, the member painted a picture of them as completely altruistic, innocent students expressing their belief in democracy. We know that was certainly the case in many instances. In fact I have carried picket signs outside the Chinese embassy protesting the presence of Jiang Zemin. I joined many people in that moral outrage about human rights abuses.

Surely the member would admit that we should not prejudge the inquiry and that there were some students or even non-students who were members of groups such as the International Socialist Workers Party and other radical organizations who were clearly there to disrupt the summit, posing a security threat and tearing down a security wall separating them from heads of states.

*Supply*

Surely the member would recognize a balanced perspective here, that while there were some legitimate protesters there may also have been at the same time some people who unduly provoked the police.

**Ms. Libby Davies:** Madam Speaker, in reply to the first part of the member's comments and question in terms of my visit to Indonesia and Thailand, I raised that because it is important for us to understand what it was that the students and a very diverse part of the community in Vancouver and across Canada were protesting and voicing their concern about in terms of the APEC gathering.

Having just come back from those countries I can tell the hon. member it is simply untrue that there are millions of people who were lifted out of poverty as a result of trade liberalization. Quite the contrary is true. Those economies are now in complete shatters. There are people who are facing unemployment, hunger and devastation.

I believe these issues are related. We have to understand that there was huge concern in Canada about Canada's role in promoting this kind of unfettered market force and movement of capital that are basically put ahead of what are urgent and human needs.

On the point about there being some people who did something wrong and that maybe some of the students were protesting in a way that was acceptable but others were not and broke the law, I am not aware of instances where there were any protesters who broke the law or in any way threatened the security of the visiting leaders.

One of the disgusting things about the APEC summit is that the word security was used as a cover to basically deny people the right to protest in a democratic and open society. Whether it is the socialist workers party or students at UBC or anti-poverty activists in my own riding of Vancouver East, people were exercising their democratic rights.

Frankly I am surprised to hear the member from the Reform Party raise that as though somehow those actions were not in order. They in no way threatened the security of the leaders or the summit itself. To state that is simply false.

**Mr. Rey D. Pagtakhan (Winnipeg North—St. Paul, Lib.):** Madam Speaker, I will be sharing my time.

The motion before us introduced by the NDP and then a few minutes later amended by another NDP member suggests to me that it was a motion not introduced in earnest to come to the very fundamental issue before us.

During debate, for example, by the mover of the motion and by the next speaker from the NDP, about 75% or 80% of their debate was spent on making allegations about the facts of the case. What is curious is that out of all those allegations the speakers then concluded that their allegations were true.

• (1550)

Where is the fairness in the process if that is the process we were to follow? We cannot make allegations and at the same time be judge and jury. I question the agenda of the party that introduced the motion.

The other opposition members during debate alluded that this thing was done at the behest of the Prime Minister. Again it was another allegation. Then they concluded that it was a fact. Making conclusions before the RCMP Public Complaints Commission has had a chance to thoroughly, carefully and thoughtfully consider the allegations is a process we should not pursue.

The motion does not tell us by how much we should fund the students, at what rate of legal fees per hour and for how long? No limits were mentioned. I do not think the member who introduced the motion was very serious about it.

May I remind all members that when the Royal Canadian Mounted Police Public Complaints Commission was established by the House of Commons, the Parliament of Canada did not in its wisdom at the time provide for a particular mechanism of funding citizens who lodge complaints against the RCMP. Why was it that those opposition members, particularly the member who introduced the motion, a veteran of parliament, did not in his wisdom at the time introduce an amendment when the act was being debated in the House 12 years ago? Why all of a sudden now? Should we call this political opportunism? I will leave it to the judgment of the people.

Perhaps we should remind ourselves that this commission is entrusted in section 46, subsection (2) which states:

All proceedings before a board shall be dealt with by the board as informally and expeditiously as the circumstances and considerations of fairness permit.

There is no formality needed as in a court of law. We do not have to know the specific and very delicate rules of evidence. We do not have to know the rules of procedures of the commission. The commission is a friend of the Canadian citizenry at large.

When we have allegations during debate of the information before the Canadian public, for the opposition to conclude that these allegations are conclusions of fact when they are only allegations in a very real sense is trying to impugn not only the credibility, the integrity and the honour of the people affected but the integrity of the commission itself.

I have faith in the commission. I once served on the Winnipeg Police Commission for three years before I entered parliament. I have appeared before quasi-judicial bodies, before the labour board and the Winnipeg compensation board although it is under provincial jurisdiction. I have appeared before the UI board. I have appeared before the UI referee presided by Justice Muldoon of the Federal Court of Canada serving as an umpire. I have appeared

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before the CPP tribunal as a member of parliament. I have appeared before the immigration appeal board.

When one appears before quasi-judicial bodies the tribunal members are friends of the citizens at large. They are truly there to serve the cause of justice and truth. I can say in all modesty that in my three years with the Winnipeg Police Commission before I entered this hallowed House I pursued the sense of justice and the search for truth. I did not need the argument of lawyers before me.

Let me remind hon. members that during those hearings when complaints were against the government, the government side was represented by lawyers. We had cases which we won for citizens at large and we had cases where we found the complaints were groundless. That is the mandate of the RCMP Public Complaints Commission.

• (1555)

The report issued in June 1998 states that the commission, referring to the RCMP Public Complaints Commission, acts in the public interest both to protect human rights and to protect RCMP officers from groundless accusations of improper conduct. In other words what we have here is that the commission will see to it that the rights of the accused will be balanced with the rights of the complainant.

Since these students are the complainants in this instance they can articulate their intuition. They can articulate their thoughts. They can articulate their arguments. They can present their facts, and the commission will be there to guide them in that direction.

The same report states on page 2 that the commission should not be fettered by the kind of precise rules that govern criminal and civil trials. This is not about a civil trial. It is not about a criminal proceeding. It also states that timeliness and efficiency contribute to the credibility of our response, in other words of the commission's response to public complaints. We have here a process, a body created by the House of Parliament, to see to it that we search for the truth and that we establish and secure justice for all.

What we have heard so far is a rush by opposition members to score some political points. I do not blame them because they are in opposition and that is part of our parliamentary system. I do not blame them at all for raising the issue, but let us see the perspective in totality. I can assure members that the commission is truly an independent commission.

The commission counsel stated on several occasions that all efforts would be made to ensure that all relevant evidence would be heard by the panel and that the participants would be seen through the evidence, would be taken to the evidence and would be asked about it in advance and that they would have a say again after cross-examination of witnesses.

The chair of the public complaints commission says that it will follow the evidence where it leads and that the scope of the investigation will be broad.

Just in case members have some doubts that the scope of the investigation will be broad and in case it has missed the attention of members, page 10 of the June 1998 report states that after the demonstrations at the University of British Columbia during the Asia-Pacific Economic Co-operation Conference in November 1999 the commission received a large number of complaints about the conduct of certain RCMP officers who were involved in those events and as a consequence has established this public inquiry.

I am convinced we will have the truth and we will have justice. A Winnipeg editorial of October 15, 1998 states that the complainants were trying to use the inquiry to humiliate the Prime Minister and to pursue a purely political agenda in opposition to aspects of Canadian foreign policy, that the federal government is being asked to pay for the lawyer as long as the inquiry continues, and that it would be perfectly reasonable to make the complainants pay their own lawyer to defend their own private interests in the process they have initiated.

I equally wish that we have the conclusion of the inquiry, but let us not prejudge its proceedings. Let us wait for the results. Let us wait for the recommendations and then and only thereafter can we truly make our fair comments.

**Ms. Louise Hardy (Yukon, NDP):** Madam Speaker, I bring to the attention of the government that the whole process surrounding APEC has been unfair. There were \$57 million funded for APEC and \$200,000 for the people's summit. Here we have at least seven state funded lawyers lined up against the students with no lawyers.

• (1600)

I listened to the solicitor general say that this process was meant to be fair, informal and accessible to the general public and that a legal representation would not necessarily be needed. However, in a situation where the students have no legal representation and are faced with seven lawyers, it is no longer accessible, equal or fair. I would like to see the government make it a fair process.

**Mr. Rey D. Pagtakhan:** Madam Speaker, I did not hear any question but I did hear comments and I would like to respond to them.

I have noted that the RCMP receives on average 1,000 complaints a year. If we would follow the formula of funding that is being implied in this case, we ought to be funding to the tune of about \$6 million.

Where were opposition members with respect to the citizens who appeared before other quasi-judicial tribunals? Where were



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they? Were citizens aggrieved about the CPP handicapped by not having a lawyer? How about the citizen who appeared before the UI board? How about the citizen who appeared before the veterans board?

When I hear opposition members speak only to this issue on behalf of citizens I question the integrity of their agenda.

[*Translation*]

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Madam Speaker, the member for Winnipeg North Centre seems to be speaking from both sides of his mouth. The students were merely exercising the civil right to express disagreement, which has been recognized for as long as there has been a Canada, a Quebec, a New France.

This was all planned ahead of time. Along with the big cans of pepper spray came out wet towels to wipe off one's eyes. On the one hand, the government plans to invest more than \$2 billion in millennium scholarships for our young people in Canada and Quebec. Nothing is too good for our youth to ring in the new millennium.

On the other hand, as the end of this millennium nears, actions are being taken here, in Canada, that were unheard of in a democracy, actions that only Russia, Iraq or Iran would have taken. And they are refusing to provide a few million dollars so that recognized lawyers can be hired for the students. This is scandalous, from a government that claims to be democratic and to respect civil rights.

[*English*]

**Mr. Rey D. Pagtakhan:** Madam Speaker, I would readily spend any extra money we have and would suggest that the government spend it on scholarships for students.

The situation here is not as painted by the opposition. We will be able to arrive at the truth. We will be able to get the facts because we have a public body, the RCMP Public Complaints Commission, which has a solid record of 12 years of credibility and integrity in producing results. The commission had found in the past some isolated cases of excessive use of force. I have faith in this body being able to arrive at the truth.

It does not need any counsel because those cases in the past did not have legal counsel. On those 1,000 cases every year, where were opposition members? Did they ask for funding for those 1,000 citizens every year? Where were they?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Madam Speaker, I would like to take the time allotted to me to lay out some basic facts about the public complaints commission and its mandate.

• (1605)

In the debate swirling around the APEC issue some very basic facts have been lost which do point to a reasonable and earnest government effort to have all the facts come out.

We have to begin with the creation of the public complaints commission by parliament in 1988. It was deliberately designed as a civilian and independent organization, not part of the RCMP. It reports to parliament through the solicitor general although I remain at arm's length. In fact I tabled the commission's most recent annual report which shows that each year Canadians make approximately 1,000 complaints against the RCMP of which about 300 a year are the subject of independent investigations.

The public complaints commission was created by parliament in 1988 to act in the public interest when complaints are lodged against the RCMP. I stress the words act in the public interest. These are extremely important words because they go to the heart of the *raison d'être* of the commission. The commission is there to act for Canadians. The commission has very competent members and they have always conducted themselves with impartiality and integrity.

There is no doubt in the government's mind that the commission panel made up of very talented and skilled members can get to the bottom of the issue to the satisfaction of Canadians. Why are there legal counsel at the hearings? First, they represent RCMP members who can face consequences to their careers because of the hearings. They are compelled to attend and testify and anything they say can be used against them in the future. The complainants face no such consequences.

Moreover, the government counsel present are there to assist the panel, helping it to deal with the considerable documentation related to APEC in a timely and efficient manner. Finally, one should remember that the counsel will represent the interest of the government keeping in mind that a class action suit has been brought on behalf of some of the complainants.

The panel certainly has the resources to carry out its mandate in support of the special public interest hearing. The three able panellists are served by a chief counsel, two assistant counsel and three investigators who have assiduously to comb through the documents, help prepare the panel and direct the examination of witnesses in a fair and responsible manner in search of the facts. It is this apparatus that serves the public interest in getting to the bottom of the issue, and get to the bottom of the issue it will.

Members of this team have been hard at work for some months now in preparation for these hearings. They have an impressive number and variety of witness to ensure all sides of the story are examined. Witness from the RCMP, the complainants including the

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University of British Columbia, and from the government will all be examined in an exhaustive search for the truth.

As I have said, the government has provided \$650,000 in additional funding to ensure the commission can undertake the hearings properly and that the government will continue to fund the panel. What we need here is to have everyone give the hearing process a chance to work. The commission panel has begun. Let it carry on.

This is not to be an adversarial hearing. It is not a court of law. It is a hearing in the public interest not governed by the precise rules that govern criminal and civil trials. This relative informality is the great thing about the process under the public complaints commission.

Parliament deliberately did not intend for the public complaints commission panel process to be a criminal court. It is a fact finding body. All the issues raised by the complainants will be dealt with by the hearing. Most important, the commission and the panel have emphasized in no uncertain terms that witnesses will be treated fairly and with dignity. The panel has the specific authority and mandate to see to it that all parties are treated fairly. I think that has been well demonstrated so far.

Over the course of its existence the public complaints commission has distinguished itself and the government has confidence in this process, if only others would stop undermining it through excessive rhetoric and prejudice. It has an international reputation for dealing with complaints seriously and effectively. It is a made in Canada model for giving Canadians an arm's length, independent method of examining their complaints.

It is obviously the government's view that the lawyers for the complainants should not be funded by taxpayers. I do not think that the members opposite have a full appreciation of the arguments outlined in my letter to the public complaints panel on October 16. I would like now to revisit some of these arguments to provide some substance to the debate. In this letter I wrote:

As I stated in my earlier letter, the PCC was established in 1988 by parliament to represent the public interest in relation to complaints by the public against the RCMP. Since then, the PCC has distinguished itself by treating members of the public appearing before it with respect and fairness as well as dealing effectively with complaints brought before it.

The government believes the panel's work is important and has expressed public confidence for the process on a number of occasions.

It also believes that the panel, with the assistance of commission counsel, has the necessary authority and means to carry out its mandate with integrity. As a result, the government endorses the view expressed in your letter that all parties appearing before the panel will be treated with dignity and fairness.

Finally, the government is of the view that the panel can address all the complaints before it in an open and thorough manner without the need for the government to provide funding for legal counsel to complainants.

As you know, further to the commission's request, the government recently provided the PCC with additional resources in the amount of \$650,000 to support the panel's work. The government will continue to provide the commission with the necessary means to complete its inquiry.

For all the reasons stated above, the government believes that the panel continues to enjoy the full confidence of Canadians and we await your findings and recommendations.

• (1610)

If hon. members would step back a minute and reflect, they would see that they are indeed taking a very short term view of the issue that only serves to undermine an institution and a process that is tailor made to deal with the issue at hand.

I believe I am right in my decision. It is the right decision in terms of the proper governance of our institutions in Canada. It is the right decision in terms of not having an adverse impact on several other government departments and agencies.

Let us let them do their work.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Madam Speaker, I have listened to the solicitor general. Let me say no one has done more, unfortunately, to undermine the commission than the solicitor general himself with his comments on the possible outcome of the commission and then his failure to fund.

I want to ask the minister a very important question about the issue of funding. The Federal Court of Canada has said that the commission does not have the authority to extend funds to the student complainants. It was very clear on that. It quoted from section 45 of the RCMP Act.

The solicitor general has given money, \$650,000. Does the commission in his view have the authority to use that \$650,000 or the additional fund that he is talking about for legal aid for the student complainants at the APEC inquiry? Does it have the authority, according to his understanding as the solicitor general responsible for this act, to use those funds in that way? Yes or no.

**Hon. Andy Scott:** Madam Speaker, the federal court has been quite clear on that. The important feature here is the fact that the counsel to the commission is in a position to facilitate the exercise.

We need to keep in mind in this whole debate the fact that the complaints commission was established very specifically to allow Canadians the opportunity in an informal way to have access to a process that was not intimidating and that would encourage them to come forward. I think that is exactly the way it was structured and is the reason the additional funds were made available to the

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commission and would be used by the counsel to the commission to facilitate the exercise.

[*Translation*]

**Mr. André Bachand (Richmond—Arthabaska, PC):** Madam Speaker, the Solicitor General has not answered the question. I will be brief. He says he has confidence in the process and the commission, which is extremely credible. So why is he rejecting the request made twice by the commission that he provide help for the complainants in this matter? Twice now the Solicitor General has refused to pay. In this particular case, the complaint is special.

• (1615)

Here again, I repeat: \$650,000 more for the commission. This has never happened since the commission's inception. Twice the commission has asked the Solicitor General to pay for the students. The federal court has spoken. A slew of lawyers is being paid at huge cost. I hope the Solicitor General will tell us how much that costs, especially the travel back and forth between Ottawa and Vancouver. Why is the Solicitor General refusing to help the complainants?

Is the Prime Minister telling him what to do or is the Solicitor General big enough to say "Yes, I will help the complainants?"

[*English*]

**Hon. Andy Scott:** Madam Speaker, I made the decision last Thursday and communicated it to the panel last Friday.

It was a very considered decision, one that included consideration of the large numbers of wards and tribunals, not just with the federal government but with the provincial governments as well which might be affected by the precedent that would be set.

It was my judgment that the best way to allow the complainants to exercise the opportunity to lay a complaint in this case and to do it in a way that could be done in the future was to recognize the need for additional funds to deal with this particular case and to make those funds available to counsel. I was assured in the letter of request from the panel members that they believed the process could go ahead fairly and with dignity for the complainants.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Madam Speaker, the solicitor general is in the unique position to be able to answer my colleague's question from Burnaby about the \$650,000 given to the commission.

Is it his view that the commission can give staff, legal help, support for the complainants, independent of Mr. Considine—

**Mr. Jerry Pickard:** Why independent?

**Mr. Jim Abbott:** Because they require independence in order to get the job done.

In his judgment can the commission use some of the \$650,000 for legal assistance for the students? We need a simple yes or no.

**Hon. Andy Scott:** Madam Speaker, as I said, the federal court has spoken on the authority of the counsel.

The reality is that the commission counsel exists specifically to assist the complainants. Having additional revenues available, which is our decision, makes it easier for the commission counsel to do his work and be more easily facilitated.

**Mr. Eric Lowther:** Madam Speaker, I rise on a point of order. I would ask the House for unanimous consent, because of the importance of this particular issue, to extend the questions and comments portion of the debate at this time.

**The Acting Speaker (Ms. Thibeault):** The hon. member is asking for additional time, if I understand him correctly, to ask more questions of the solicitor general.

Is there unanimous consent?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Thibeault):** There is not unanimous consent.

[*Translation*]

**Mr. André Bachand (Richmond—Arthabaska, PC):** Madam Speaker, with your permission, I will be sharing my time on this very important issue with the hon. member for Madawaska—Restigouche.

We were very honoured, or almost, by the presence of the Solicitor General in the House for a few minutes. Once again, however, it is apparent that the Solicitor General has more answers to questions when he is in an airplane, or a gym with a towel wrapped around his waist, than in the House. It is a little bit unfortunate, but I would rather see the Solicitor General in his suit, here in the House, even if he does not answer my questions, than in a gym.

The important thing is that the government has been telling us for weeks that we must put trust in the commission, in the process, in the commission's credibility. Our problems are not with the commission.

• (1620)

The commission itself admits, in two letters it sent to the Solicitor General, that in the interests of legal fairness to the complainants and of credibility in this exceptional situation, the students should be given legal financial assistance.

The government, probably the Prime Minister, told the Solicitor General: "Now listen, you are not paying for the students. Figure your own way out of that. It is your turn at the bat." It is as clear as

that. He comes and wastes our time in the House by trying to use up his full 10 minutes and saying almost nothing.

The commission is important. There is fear of creating a precedent. I was listening to the Parliamentary Secretary here in this House this morning talking about setting precedents, and all that. The precedent has been set. First, provisions of the Canadian Charter of Rights and Freedoms are being attacked. That is one precedent. The second is that an additional \$650,000 is being given to the commission. This has never been done before. And nearly a year of preparation for the hearings. That too has never been seen before.

Lawyers are hired, not legal aid lawyers working for minimum wage. A whole gang of lawyers traipsing from Ottawa to Vancouver and probably earning hundreds of dollars an hour. I have no problem with their earning a good living, but I do have a problem with their being allowed to travel from Ottawa to Vancouver. Vancouver is a very fine city, but could the students there not also be helped to defend themselves properly?

This process is tainted with political influence. Everyone knows this, but the other side of this House will not admit it. There is fear of creating a precedent but, I repeat, the precedent has been set by the Prime Minister's political intervention at the APEC summit, via the RCMP.

A precedent has been set by the Prime Minister's buffoonery about the events in Vancouver. Only someone as foolish as those on the other side of this House could say everything is just fine and make ridiculous comparisons, like the reference to baseball bats. The Prime Minister may not be Mark McGwire but the Solicitor General does bear some resemblance to a baseball catcher, as he is the one who always ends up with the ball. This must stop. It is a matter of credibility.

The Solicitor General said it. For weeks now he has been discussing this issue with the Prime Minister and with cabinet members. He talks about it to everyone, but he refuses to discuss it in this House. He is probably not comfortable with parliamentary immunity in this House. We should all go sit on the lawn in front of the Parliament buildings, and perhaps we would get real answers to our questions.

This is unacceptable. Of course, it is a poor analogy, but it would not be the first time that administrative tribunals or quasi-judicial bodies have helped complainants. It may not be comparable from a strictly administrative point of view, but it is important.

The National Energy Board gave money to aboriginals, because they did not have the means to challenge the pipeline route. This is a quasi-judicial administrative tribunal.

When it was discovered that female prisoners in Kingston had been subjected to treatments that were in clear violation of human

### *Supply*

rights, they received financial assistance. Salaries paid to inmates are rather low. They receive some money every week for the canteen, but that is all. So, these women got some help.

Nobody objected to that. Nobody said "we are setting a precedent. We are now going to have to fund prisoners to go after police officers and prison guards and spark riots in all the jails". Nobody said that. This was done once, and it was an excellent decision.

It is the first time that the RCMP complaints commission has to deal with such an important case. It is the first time that students, who simply wanted to show that they did not appreciate having dictators come to Canada, were charged in such a brutal manner.

This is very disturbing. Apparently, the Prime Minister and the Solicitor General talk to each other several times a day about this issue. We hope the Prime Minister will tell the Solicitor General "Listen, enough is enough. Go back to the dressing room for a few months. We will make a substitution. There will no longer be any political interference regarding what happened to the students at the APEC summit".

• (1625)

I hope our Liberal colleagues will support the NDP motion. The member for Vancouver Quadra, for example, former secretary to the Minister of Foreign Affairs, supported the request. The B.C. Liberals also agree that the students should get help. Things are being blocked here in Ottawa at the PMO.

I do not understand. I hope all the members, back and front benchers alike, will support the motion to defend the most important thing in this country: fundamental rights. I hope they will.

I would like to ask the member opposite to consult his colleagues and the people from British Columbia. It would be a good thing if the Liberal Party agreed to support the NDP motion to prevent abuse of the most fundamental rights.

I also hope that the members will tell the public and the students why they think the students do not need financial help to pay their lawyer. Talk about legal balance! It is totally disgusting.

So, that said, I sincerely hope that, in future discussions on fundamental rights and the Canadian Constitution, the Prime Minister does not go bragging about having signed the charter of rights. He did not invent the wheel either. The Bill of Rights existed under Diefenbaker.

The Prime Minister is gloating over that, but showing no respect for those whose charter rights have been trampled. This is very serious. The Prime Minister is breaking his oath to uphold the Canadian Constitution and all the related provisions of the Charter of Rights and Freedoms.



*Supply*

I hope that the student plaintiffs in Vancouver will get all Canadians and all Quebecers to understand and accept their message so that this situation will never recur. One of the ways to ensure that it never happens again is for the back-benchers, the front-benchers, and those in between, to support the NDP motion.

If the government has managed to find close to three-quarters of a million dollars to fly lawyers off to one of the most beautiful cities in the country, Vancouver, I believe it could have given 25 cents on the dollar, as the saying goes, to the students. It could give the students just one-fourth of what it is spending on its lawyers' hourly fees and expenses for accommodation, transportation and so on. That would be a beginning, but it refuses to do so.

There is no bottom to the pockets of the government and the RCMP when it comes to the number of lawyers it can afford to send to the commission of inquiry. This makes sure the plaintiffs will be at a total disadvantage.

[English]

**Mr. Jean Dubé (Madawaska—Restigouche, PC):** Madam Speaker, I state my support for the motion put forward by the member for Winnipeg—Transcona. Since our return to the House of Commons on September 21 we have watched daily how the government has continuously fumbled the ball with regard to the APEC inquiry.

[Translation]

Things are definitely going from bad to worse, for what value do Canadians hold more sacred than freedom of speech? It seems that what matters most in this instance is, instead, protecting the Prime Minister's reputation.

In the fall of 1997, the Prime Minister gave orders for repression of the students. It is now obvious, a year later, that he has not learned any lesson from this. His repression of the students continues.

This time pepper spray is not being used. Now the principles of natural justice are going by the board.

• (1630)

While the government is arming itself with an impressive collection of lawyers, the students are left to their own devices, the excuse being that they are the complainants in the case and that there is therefore no obligation to pay for their lawyers.

In fact, at the very time it was refusing to cover the students' legal fees, the government had just engaged three additional lawyers. It has also retained the services of an expensive public relations outfit to do something about its tarnished image.

But it continues to tell us it is unable to cover the students' legal fees. There is something very hollow sounding about the govern-

ment's arguments. It is as though it were trying to convince us there was no such precedent in the Canadian legal system. Has it forgotten the court challenges program? This is a program that allows individuals to challenge the actions of various levels of government when they are inconsistent with the provisions of the Canadian Charter of Rights and Freedoms.

Why can the government not take a page from this program and provide the students with adequate representation before the commission? What is it afraid of? In my opinion, those involved are afraid of damaging their almighty reputation. What they do not realize is that, with each passing day, each new allegation, and each attempt to cover up the truth, their reputation is slipping ever lower in Canadians' eyes.

The proof is in the editorial pages across the nation. Already they are calling for the solicitor general's resignation. There are plenty of other examples of newspapers handing down the verdict of Canadians.

Does the solicitor general really think that denying the students funding will improve his reputation with the public? And what about the Prime Minister's reputation?

[English]

The recent cover story in *Maclean's* in my opinion clearly points out what is wrong with this government. The problems it has incurred are directly related to the actions of the Prime Minister. In the article Donald Savoie of the University of Moncton, who has recently finished conducting interviews with past and present cabinet ministers for his upcoming book, concludes that our national institutions, starting with parliament, and I will include cabinet, are in bad shape. They are being bypassed.

What is slowly being revealed is the existence of our own dictatorship right here in the Prime Minister's office. We have watched the Prime Minister go from not knowing what pepper spray was to being something he puts on his plate. He then makes the weakest of apologies and goes on to declare only a few days later that he was happy to have pepper spray instead of rubber chicken.

Yesterday he floored Canadians when he went on to say that the pepper spray victims were lucky that they were not beaten with baseball bats.

Pepper spray is a banned substance in Canada. It is illegal to bring it across the border from the United States. Women can no longer purchase it to protect themselves. Yet the Prime Minister feels it was civilized and appropriate for the dispersal of a gathering of non-violent protesters on a university campus. Plain common sense would tell us that those remarks were inappropriate. However, the Prime Minister makes no apologies. I conclude he must believe he is above that.

The students have been victimized in the affirmation of their charter of rights. Now the solicitor general has victimized them again by refusing the commission's second request for funding of legal representation for the complainants. The common sense approach to this would be to either provide both parties with legal representation or to have both parties appear before the commission without legal representation.

• (1635)

Day after day the solicitor general has told this House in question period that he has every confidence in the commission to find the truth. He states we should let it do its work.

Meanwhile, the commission has told him not once but twice that it requires funding for the students' legal representation. In the commission's view this is needed for it to continue to do its work in proper fashion.

We have seen some very courageous and sensible arguments today on this motion. Common sense is something we have come to realize is desperately lacking in the government today.

Our ancestors fought world wars and sacrificed their lives to assure future generations of this country the freedom to express their views without censorship. The power of freedom of expression is a notion that came alive for us in this House when we had the privilege of hearing Nelson Mandela's powerful words only a few short weeks ago. It is sad to watch this hypocrisy before us now.

The PC party was never afraid to face down a bully on this planet. I take great pride in telling this House that my caucus will not take a step backward from the bully who runs this government today.

We have seen time and time again the Prime Minister and his cabinet being guilty of abusing their powers of office. They have gone on witch hunts in the Airbus allegations. They cancel helicopter contracts only to purchase others, costing taxpayers hundreds of millions of dollars for their partisan views.

More recently we have seen the way they act by whipping their backbenchers to vote down the full compensation to the hepatitis C victims. We have seen them shuffle those within their own ranks for speaking up for Canadians, for speaking up for the very people who put us here. They spoke in the context of common sense and were then gagged for doing the right thing. The bullying arrogance of the government has become its greatest curse. Canadians are beginning to see the true colours of this government.

This motion does not ask the government to admit any wrongdoing. However, it does appeal to all in the House today to grant the commission its request to a level playing field. Let us give the students the funding they need to present their case. Let us all use

### *Supply*

our common sense and do the right thing. Let us allow the complaints commission to do its work in seeking the truth.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, I thank the Progressive Conservative Party for its support on the NDP's opposition motion today. I have just one simple question for the member.

Two questions were asked to the solicitor general earlier in our debating back and forth about whether in his opinion the \$650,000 which was recently allocated to the commission could go toward funding the legal assistance for those students. I would just like to get the member's opinion about this.

**Mr. Jean Dubé:** Mr. Speaker, certainly some of this money should go to the students.

When we look at big government today we see that it is certainly represented by legal assistance and has qualified for legal aid, but our own Canadian students who are unemployed, have little revenue and are facing high debts when they exit university are faced with borrowing money to have good representation.

• (1640)

I find the government certainly should compensate these people and make sure there is a level playing field at the commission and all parties are equally represented. If they are not going to give representation to these students, they should not give representation to anybody else on this commission.

**The Speaker:** It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Acadie—Bathurst, employment insurance; the hon. member for Madawaska—Restigouche, the APEC summit; the hon. member for Kamouraska—Riviere-du-Loup—Témiscouata—Les Basques, the millennium scholarship fund.

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker, it gives me great pleasure to speak against the motion proposed by my colleague across the House for many reasons, one of which is because this motion is purely and simply politically motivated and partisan in nature. It is not in the public interest and it has created a lot of confusion throughout the country.

All my colleagues had to do was look to the solicitor general's report on the public complaints commission which was tabled some time ago in the House. I think if we were to have a close examination of this report we would see that it speaks eloquently to the important civilian oversight role the commission plays in our society as a whole. This report discussed how important it is to stay true to the form and function of its mandate as parliament intended.

The introductory message from the chair is quite to the point in this regard. Madame Heafey wrote:

### *Supply*

Our role at the RCMP public complaints commission is to help to maintain the harmonious relationship that must exist between the public and the RCMP. The commission's primary mandate is to ensure that the public complaints process is conducted with impartiality and fairness both to members of the public and members of the RCMP.

The chair goes on to say that the process can be too often litigious, with the net effect being to restrict the benefits that flow from the resolution of disputes, disagreements and misunderstandings.

In her annual report the chair vows to focus more sharply on effective results:

The commission must always seek the least formal and most efficient options to resolve complaints, without compromising the values of impartiality, fairness and transparency.

I forgot to mention that I will be splitting my time with one of my colleagues.

It is this issue of the relative informality and less legalistic approach to dealing with and resolving complaints that is so important to the average Canadian. The commission can make findings and recommendations based on a balance of probabilities, not the criminal law standard of beyond a reasonable doubt. It is this kind of pragmatic and practical approach that Canadians find reasonable. The commission chair writes:

Often, the commission, as a neutral third party, is able to pinpoint the cause of disharmony between the public and the police, with the result that both parties can acknowledge and accommodate their differences.

• (1645)

The chair of the public complaints commission goes on to say that the commission is not a court of law. This is important for my colleagues to hear:

Even in more challenging disputes, we must not lose sight of the fact that the commission's public hearings are, essentially, inquiries of public interest; the commission should not be fettered by the kind of precise rules that govern criminal and civil trials. Timeliness and efficiency contribute to the credibility of our response.

Here in a nutshell is what is so important about the process, one which would be adversely affected by injecting into it extra counsel that is publicly funded.

The chair promises a revitalization that will in the year ahead strengthen the commission's ability to make a positive and constructive contribution to Canadian society.

I would like to remind my colleagues on the opposite side that Canada is a very peaceful nation which places a premium on the rule of law. Our police always respect this rule of law and the value of human rights. The public has a high regard for the police. One only has to compare public sentiment toward the police in this country with that of other democratic countries with roughly

equivalent systems of government to see that we live in one of the finest democracies in the world. We have the finest police forces in the world at all levels, municipal, provincial as well as federal.

As the commission pointed out in its annual report, complaints about the RCMP normally arise from the stresses of policing. Usually these issues are more about degrees of conduct than about true violations of Canadian standards and values. This may or may not be the case with the issue at hand, but it is clear that too many of my colleagues are rushing to judgment. Society's expectations of police are high and nowhere are they higher than with the RCMP.

The RCMP, our federal police, also act as the provincial police in eight of the ten provinces as well as the territories. The RCMP has given Canadians exemplary police services over the years. They are determined to maintain that high standard. That is why the RCMP, as does the government, want this hearing to take place, to be expedited and to come to its finding as soon as possible.

I think that as Canadians watch the hearings in Vancouver take place, they see a vital Canadian institution in full flower. They see a comprehensive public hearing being conducted with rigour and fairness by a very able panel assisted by very able staff.

The public sees a commission counsel who leads the witnesses through their testimony, introduces documentary evidence, protects the witnesses and explores all facets of the issue. The public is getting the most exhaustive examination of the issue possible.

Members should also be mindful that the commission initiated this hearing. It was not at the government's request; the government did not ask for this hearing. The commission decided independently to undertake it on its own. Its finding will be independent and unfettered by government influence. The government cannot edit the report; the commission presents it as its findings.

In short, let the commission do its work using the process put in place by parliament. Let us not second guess its outcome, its ability, nor its ambit. Let it follow the evidence and testimony wherever it may lead, for the benefit of all Canadians, with the ultimate aim of reconciliation.

• (1650)

I do not want to belabour the issue but my colleagues on the opposite side are trying to milk this issue for all its worth. It is plain partisan politics, pure and simple. I find it shameful for my colleagues in the New Democratic Party to stretch the issue to that extent without full knowledge of the mandate and responsibilities of the commission in its independent role.

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, it is interesting to hear the member talk about justice and

*Supply*

democracy while we know full well that his entire party has been whipped into opposing this motion tonight. If he believes in democracy, why do the Liberals not hold a free vote on the issue and allow the individual members of the Liberal government to decide their fate?

The member talked about the RCMP and what a great job they are doing. Yes, the RCMP do a wonderful job in this country. At the same time, the Liberal government cuts funding to the RCMP, shuts down the base in Regina for a period of time and continually harasses police officers across the country with cutbacks to their services, making their job more and more difficult.

The real problem in what the students did was that they did not fight back. If the students had pepper sprayed the police, they would have been charged before a court of law and their legal fees would have been handled by the courts. They would have been handled by the government of the day. Is he suggesting that in the future if students are going to have peaceful protests, they should resort to violence in order to have their legal fees covered?

**Mr. Mac Harb:** Mr. Speaker, you heard it yourself. I have never seen anyone so totally out of touch on the issue. It is my colleagues in this party who are standing up now to speak. The member's colleagues are undermining our democratic institutions and our democratic process. They are the ones who are undermining the ability of our police to do their work. They are the ones who are taking the time of the House of Commons in order to debate an issue we have gone through over and over again.

The commission is an independent body and not a court of law. Any citizen has the right to appear before that commission and have his or heard case heard.

Now the member is telling me that he wanted the students to spray police. What a shameful suggestion for my colleague from the New Democratic Party to make in this House. It is obvious he is not serving the institution as well as he should be. Otherwise he would have stood up and said that he would not make any comments before the commission made its finding, that he would not comment before the commission had a chance to hear the cases and make its report to parliament. Frankly, the hon. member is out to lunch.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, it saddens me to hear this level of debate from that member. I believe him to be an intelligent person. Therefore he must be wilfully ignorant of the facts that surround this issue. He chooses to ignore the fact that the people of Canada may deem this to be a biased and unreliable commission which would be to the chagrin of the commissioners.

I am fully supportive of the three people who are doing that job against all the odds set up by this government, the solicitor general and the Prime Minister. I am fully supportive of the public

complaints commission process. But the government has chosen to fund the protection of the Prime Minister and the Government of Canada with about \$2,000 an hour of lawyer's fees on one side. What fair minded Canadian cannot possibly arrive at the very logical conclusion that this is stacked against the protesters?

**Mr. Mac Harb:** Mr. Speaker, I do not understand where my colleague got the information that the public has no faith in the public complaints commission. It is the opposite. Canadians have every faith in the public complaints commission.

Canadians have every faith in our democratic institutions. They know that anybody who appears before this commission will have a fair hearing. The counsel for the commission clearly stated that he will assist the witnesses, that he will help them out in order to make sure their case is heard before the commission.

• (1655)

Frankly, and I said this a little earlier in a question to a member of the NDP, had any mishap taken place at that meeting, my colleagues from the Reform Party would have been the first ones on their feet in this House trying to attack the government for not providing security to our guests, dignitaries visiting our country for this international meeting. They would have been the first ones to stand and attack the government.

They cannot have it both ways. They have to let the police do their work. This is a police initiative. The police are doing what they have to do within the framework of the law in a most comprehensive and humane way. Let them do their work. My colleagues should back off and let the commission conduct its hearing. They should stop yapping on this issue until such time as we get a report.

**Mr. John Bryden (Wentworth—Burlington, Lib.):** Mr. Speaker, I rise in this debate without any feeling of pleasure whatsoever because I feel the debate has been a misuse of this parliamentary forum. I will tell you why, Mr. Speaker.

I sat during question period today and all the previous days when the accusations were flying back and forth. There were accusations that the Prime Minister had to apologize for something no one knew for sure he had done or not, this kind of thing. There were the attacks on the solicitor general for having made some remarks in an airplane. I looked up at the public gallery today and I saw a school group that had come to watch parliament at work. They heard accusations, innuendoes, catcalls and jeering. It was very loud. There were hardly any questions of any substance.

Indeed on other occasions in this House all the questions have been on this very subject of APEC and statements made by the solicitor general, while all kinds of other issues, issues of great importance to this country, have been ignored. We went through a



*Supply*

whole period in which this country was in dire jeopardy because of the collapse of financial markets around the world. It was a serious problem. I do not know about people on the opposite side but I can say many on this side were thoroughly frightened by what was happening in southeast Asia and Latin America. And we are not past that crisis yet. There was not a word in the House on that.

There was not a word about issues like hepatitis C. That was such an issue with the Reform Party at one point and now it has disappeared.

I am saddened because I remember. I must say that with respect to the New Democratic Party, I expect nothing more of them and I expect nothing more of the Conservatives either. This type of tactic in the House of Commons was the hallmark of the NDP and the Conservatives in the years before 1993. I will say at the very least that one of the reasons parliament changed after 1993 was that the Bloc Quebecois and the Reform Party really did come here to try to make changes and try to bring dignity to parliament.

In these past weeks this has all been lost. Now they sit there. I am sorry there is not a school group in the House so that they could see my colleagues opposite who have nothing more to do but to catcall and heckle. They know I am speaking the truth and they know they should be ashamed of themselves.

I will take another step along in this argument. One of the key points in this argument was the fact that the member for Palliser was sitting on an airplane and overheard a private conversation that was occurring a few seats over from him. This has caused great controversy in this House. The suggestion has been that this has compromised the public complaints commission hearing into the APEC situation.

I would suggest that the contempt that was shown for that commission was shown by the member for Palliser who brought it up in this House and made it a point of public debate. Had that conversation remained private, the public complaints commission never would have heard of any thoughts of the solicitor general. I suggest it is the member for Palliser who ought to search his conscience in compromising the public complaints commission.

When we talk about people talking out of school and being recorded by their colleagues, let me say that walking down the corridor last week I happened to encounter the member for Kootenay—Columbia who is a Reform member.

• (1700)

He expressed to me pleasure at the questions he was asking on APEC. He said he was having such fun and that there was no limitation on what he could do. There was not even any control in his own party.

In other words, he did not tell me that he was doing something he thought was important for the nation or he thought was really exposing a problem with the Prime Minister or the government. He said that he was having fun and that he was getting the Reform Party's name in the media. That is what it is. It is a media game.

I should point out that I know what I am talking about because I spent many years in the media. Something I am disappointed about that has occurred with my colleagues in the Reform Party, and less so perhaps with the Bloquistes, is that they are talking with the media and they are conducting question period in terms of the type of headlines they hope to get rather than addressing substantive issues.

I will give members a classic example. Yesterday in this House we debated Bill C-54. This is important legislation that deals with the privacy of individuals. This is legislation introduced by the government that would set rules and regulations governing the way private enterprises can disclose personal information about the citizens of Canada.

This is important legislation. When I spoke I said that the legislation had flaws and that it needed to be debated. The Bloc Quebecois responded many times with very compelling arguments.

What is so very interesting about that debate is that if we look at *Hansard* we will find that only one Reformer spoke. Only one Conservative spoke. Most of the exchange occurred between the Liberals and the Bloc Quebecois.

Who cares about good governance in this country? Who cares about the future of Canadians? It is the people who engage in meaningful debate, not the hecklers, not the ones who can sense an opportunity and go on the attack using innuendoes that have no foundation in truth. People who engage in those tactics should be ashamed.

I expect nothing more than that from the NDP and nothing more than that from the Conservatives because they come from the traditional parties that did nothing more. But I expected much more from the Reform Party and I am disappointed. I think members of the Bloc Quebecois have acquitted themselves quite reasonably in this instance. At least they debate real legislation.

Now I come to the issue of financing for lawyers for the students who are appearing before the Public Complaints Commission. Whatever happened to candour? What is wrong with young people coming before the commission and explaining what they saw happen? Why can they not speak from their hearts? Why do they have to get lawyers?

What is wrong with this country is that because of previous political parties giving funds to all kinds of special interest groups we are lawyered to death.

*Supply*

We read in the paper last week about the hepatitis C issue, which was pursued persistently by the opposition. What did we find? We found a gaggle of lawyers on the west coast who hope to gain millions upon millions of dollars in contingency fees if the government pays up for the hepatitis C victims. Is that what members on the other side want? Are they out to benefit lawyers?

I am very surprised. I expected more of my colleagues who were elected in 1993 and in 1997 who came to parliament to change things. I deplore seeing parliament turned into a heckle house, into a chicken coop, a place where sheep cross the floor.

Look, when you baa, we baa. You baa, but you are the ones who are baaing first. You are following the example of the press. You are allowing yourself to be led into controversies that have no substance.

I can tell members opposite that I am getting no complaints in my office. Those members are fond of saying they speak for Canadians. Quite frankly, they are not speaking for Canadians. They are speaking for themselves. They should be ashamed of themselves. Those members should have brought dignity to this parliament. I do not know what to do with them.

I know Canadians are looking at this debate and making their judgment because in my office, on my constituency lines, I only hear silence. Nobody is on the side of people who will merely throw garbage across this floor.

• (1705)

I beg members of the Reform Party to bring back to this House the kind of dignity it once had. Maybe they could follow the lead of members of the Bloc Québécois because they have shown themselves to be far better parliamentarians than any of the others on that side.

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, I would like to comment on a couple of things that the member said.

He talked about the importance of the issues that need to be discussed in the House of Commons and what was taking place. I would like to know, exactly what does the member think about democracy?

We have a group of people who are doing what men and women died for on the fields of war. They died so we could have freedom of speech and freedom of expression. In a democratic country we have the right to do this. Does the member dare to stand up and say that democracy is not an important issue when it has been abused so severely?

It is true that a commission was set up to deal with this issue. Unfortunately, the government had a blabbermouth. When he opened up his mouth and started talking about the issue the

commission plainly said that jeopardized its investigation. Now we are getting into a legal process. This government and its absolute disregard for democracy is what has caused the problem, not the students. Those members had better recognize that and recognize it now.

**Mr. John Bryden:** Mr. Speaker, with the greatest of respect, I say to the member opposite, what rubbish. He cannot give me lessons on democracy. He knows full well that this is a country which respects the dignity of individuals, probably to the highest degree of any democracy in the world.

We have the Public Complaints Commission to make sure that our police forces, be they the RCMP or any other police force, do not step out of line. That does not happen in other countries.

We talk about the incident. I was not there when the incident occurred with the demonstrators. However, as a former student, I know what it was like to demonstrate in the late 1960s because I was one of those sixties individuals. That was the era of the protest march. We protested all kinds of things. We tried to elicit a reaction from the police or from the politicians because that is what we did in those days. We sought that type of response. It was a game. We have to allow for the fact that perhaps these students may not have had all the right motives when they engaged in this particular protest.

[*Translation*]

**Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ):** Mr. Speaker, in the remarks he just made, the member for Wentworth—Burlington referred to oral question period.

From my seat, I noticed two groups of grade-12 students in the gallery behind you, Mr. Speaker. These students are likely to vote for the first time in the next provincial or federal election.

The member said time was being wasted and he was ashamed. I think he is completely confused. He is probably not ashamed to see students in this place, but more likely ashamed of his Prime Minister's lack of respect for students.

First of all, he ridiculed them by saying that pepper is something he puts on his plate, when we have seen time and time again on television how pepper was used. That was holding up students to ridicule.

Yesterday, during oral question period, the same Prime Minister said students were better off being pepper-sprayed than beaten on the head with baseball bats.

• (1710)

What kind of Prime Minister is this? Is the member ashamed of the opposition or ashamed of his Prime Minister and his government?

*Supply**[English]*

**Mr. John Bryden:** Mr. Speaker, shame on the opposition.

The member opposite illustrated it perfectly. Instead of raising a point that is substantial to the governance of this country he admitted that question period has been engaged for weeks on one or two maladroit remarks made by the Prime Minister or the solicitor general.

There are all kinds of problems out there that we should be addressing as a parliament.

Let me also say that when I saw the film clip of the RCMP spraying the students I was alarmed. I was very concerned. Do not ever mistake that. I think it is absolutely right to have the Public Complaints Commission investigate this. But we Canadians do not prejudge people.

**Mr. Jack Ramsay (Crowfoot, Ref.):** Mr. Speaker, I want to make a couple of points on this issue and tell the House why we should be supporting this motion.

The complaints commission is to deal with two or three issues which are very important. One is to determine whether or not excessive force was used by the police. Another is to determine whether or not the police action constituted illegal acts. In other words, did they do things without legal authority and, if they did, were they motivated by instructions from the Prime Minister's office?

There is evidence to suggest that this situation has to be looked at. There is no question that the lawyers for the RCMP are not going to pursue that evidence. There is no question that the lawyers for the government are not going to pursue that evidence. That leaves it up to the commission counsel. That is not good enough.

There must be a legal pursuit of any evidence that suggests that there was manipulation by the Prime Minister or members of his office that caused the RCMP to act in a way that was improper or illegal. The commission must have the capacity to do that.

I submit that we do not have that now. We must have trained, experienced legal counsel to make submissions and motions for further documentation that they feel is necessary to be examined by the commission, all types of motions to ensure that this area has been completely and thoroughly exhausted so that when the report comes down we will have the answers. Was excessive police force used? Were there illegal acts committed by members of the RCMP in taking down signs where there was no constitutional or legal authority to do so? Was there any action taken by the police, particularly that which may be termed to be without legal foundation, which was motivated by instructions from the Prime Minister's office?

The commission must have the capacity to do that. What the motion before the House today, which we will be voting on later, clearly indicates, and what the discussions and the debate today indicate, is that we do not have that capacity within the commission

now. That is one of the reasons, I suggest, the commission has asked for legal representation for the students.

If we want to rest assured when the report comes in that all avenues of investigation have been exhausted to determine those points—whether excessive police force was used, whether illegal police force was used, and whether any of it was motivated by instructions, or counsel, or intimidation, or whatever from the Prime Minister or his office—we must have legal counsel there.

That is why all members should consider supporting this motion when we vote on it later today.

• (1715)

**The Acting Speaker (Mr. McClelland):** It being 5.15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Mr. McClelland):** All those in favour of the amendment will please say yea.

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Acting Speaker (Mr. McClelland):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Mr. McClelland):** Call in the members.

• (1745)

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

*(Division No. 239)*

## YEAS

## Members

Abbott  
Alarie  
Asselin  
Bachand (Saint-Jean)

Ablonczy  
Anders  
Bachand (Richmond—Arthabaska)  
Bailey

Bellehumeur  
 Bergeron  
 Îles-de-la-Madeleine—Pabok  
 Blaikie  
 Brien  
 Cadman  
 Casey  
 Chatters  
 Crête  
 Davies  
 Debieu  
 Dubé (Lévis-et-Chutes-de-la-Chaudière)  
 Duceppe  
 Duncan  
 Forseth  
 Gagnon  
 Gilmour  
 Godin (Acadie—Bathurst)  
 Goldring  
 Grey (Edmonton North)  
 Hanger  
 Herron  
 Hill (Prince George—Peace River)  
 Jones  
 Kenney (Calgary-Sud-Est)  
 Laliberté  
 Lebel  
 Lill  
 Lowther  
 Mancini  
 Marceau  
 Mark  
 Martin (Winnipeg Centre)  
 Mayfield  
 McNally  
 Mercier  
 Muise  
 Pankiw  
 Perron  
 Plamondon  
 Price  
 Ramsay  
 Robinson  
 Schmidt  
 Solberg  
 St-Jacques  
 Strahl  
 Thompson (Wild Rose)  
 Venne  
 White (Langley—Abbotsford) —106

Benoit  
 Bernier (Bonaventure—Gaspé—  
 Bigras  
 Breitreuz (Yorkton—Melville)  
 Brison  
 Cardin  
 Casson  
 Chrétien (Frontenac—Mégantic)  
 Dalphond-Guiral  
 de Savoye  
 Doyle  
 Dubé (Madawaska—Restigouche)  
 Dumas  
 Earle  
 Fournier  
 Gauthier  
 Girard-Bujold  
 Godin (Châteauguay)  
 Grewal  
 Guimond  
 Hardy  
 Hill (MacLeod)  
 Hilstrom  
 Keddy (South Shore)  
 Konrad  
 Lalonde  
 Lefebvre  
 Loubier  
 MacKay (Pictou—Antigonish—Guysborough)  
 Manning  
 Marchand  
 Martin (Esquimalt—Juan de Fuca)  
 Matthews  
 McDonough  
 Ménard  
 Meredith  
 Nunziata  
 Penon  
 Picard (Drummond)  
 Power  
 Proctor  
 Riis  
 Sauvageau  
 Scott (Skeena)  
 Stinson  
 Stoffer  
 Thompson (New Brunswick Southwest)  
 Vautour  
 Wasylycia-Leis

## NAYS

### Members

Adams  
 Anderson  
 Augustine  
 Beaumier  
 Bélanger  
 Bertrand  
 Bonin  
 Boudria  
 Brown  
 Bulte  
 Caccia  
 Cannis  
 Carroll  
 Cauchon  
 Chan  
 Chrétien (Saint-Maurice)  
 Coderre  
 Collenette  
 Copps  
 DeVillers  
 Dion  
 Drouin  
 Easter  
 Finestone  
 Folco  
 Fry  
 Gallaway  
 Graham  
 Grose  
 Harb  
 Hubbard  
 Ifitody

Alcock  
 Assadourian  
 Bakopanos  
 Bélair  
 Bellemare  
 Blondin-Andrew  
 Bonwick  
 Bradshaw  
 Bryden  
 Byrne  
 Calder  
 Caplan  
 Catterall  
 Chamberlain  
 Charbonneau  
 Clouthier  
 Cohen  
 Comuzzi  
 Cullen  
 Dhaliwal  
 Dromisky  
 Duhamel  
 Eggleton  
 Finlay  
 Fontana  
 Gagliano  
 Goodale  
 Gray (Windsor West)  
 Guarnieri  
 Harvard  
 Ianno  
 Jackson

## Supply

Jennings  
 Karetak-Lindell  
 Keyes  
 Kilgour (Edmonton Southeast)  
 Kraft Sloan  
 Lavigne  
 Leung  
 Mahoney  
 Maloney  
 Marchi  
 Massé  
 McGuire  
 McLellan (Edmonton West)  
 McWhinney  
 Mills (Broadview—Greenwood)  
 Murray  
 Nault  
 Pagtakhan  
 Parrish  
 Peric  
 Pettigrew  
 Pickard (Chatham—Kent Essex)  
 Proud  
 Redman  
 Richardson  
 Rock  
 Scott (Fredericton)  
 Serré  
 St. Denis  
 Stewart (Northumberland)  
 Szabo  
 Thiabeault  
 Ur  
 Volpe  
 Whelan  
 Wood—135

Jordan  
 Karygiannis  
 Kilger (Stormont—Dundas)  
 Knutson  
 Lastewka  
 Lee  
 Longfield  
 Malhi  
 Manley  
 Martin (LaSalle—Émard)  
 McCormick  
 McKay (Scarborough East)  
 McTeague  
 Mifflin  
 Mitchell  
 Myers  
 O'Brien (London—Fanshawe)  
 Paradis  
 Patry  
 Peterson  
 Phinney  
 Pratt  
 Provenzano  
 Reed  
 Robillard  
 Saada  
 Sekora  
 Shepherd  
 Stewart (Brant)  
 St-Julien  
 Telegdi  
 Torsney  
 Vanclief  
 Wappel  
 Wilfert

## PAIRED MEMBERS

Axworthy (Winnipeg South Centre)  
 Canuel  
 Guay  
 MacAulay  
 Minna  
 O'Reilly  
 Speller  
 Tremblay (Lac-Saint-Jean)

Barnes  
 Desrochers  
 Laurin  
 Marleau  
 Normand  
 Rocheleau  
 St-Hilaire  
 Turp

**The Speaker:** I declare the amendment lost.

The next question is on the main motion.

**Mr. Bob Kilger:** Mr. Speaker, I rise on a point of order. If the House would agree I would propose that you seek unanimous consent that the results of the vote just taken be applied to the main motion.

**The Speaker:** Is that agreed?

**Some hon. members:** No.

**The Speaker:** Shall I put the question on the main motion?

**Some hon. members:** Question.

• (1750)

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

**Some hon. members:** Agreed.

**Some hon. members:** No.



*Supply*

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

• (1755)

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

*(Division No. 240)***YEAS**

## Members

Abbott	Ablonczy
Alarie	Anders
Asselin	Bachand (Richmond—Arthabaska)
Bachand (Saint-Jean)	Bailey
Bellehumeur	Benoit
Bergeron	Bernier (Bonaventure—Gaspé—
Îles-de-la-Madeleine—Pabok)	Bigras
Blaikie	Breitkreuz (Yorkton—Melville)
Brien	Brison
Cadman	Cardin
Casey	Casson
Chatters	Chrétien (Frontenac—Mégantic)
Crête	Dalphond-Guiral
Davies	de Savoye
Debien	Doyle
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Dubé (Madawaska—Restigouche)
Duceppe	Dumas
Duncan	Earle
Forseth	Fournier
Gagnon	Gauthier
Gilmour	Girard-Bujold
Godin (Acadie—Bathurst)	Godin (Châteauguay)
Goldring	Grewal
Grey (Edmonton North)	Guimond
Hanger	Hardy
Herron	Hill (Macleod)
Hill (Prince George—Peace River)	Hilstrom
Jones	Keddy (South Shore)
Konrad	Laliberte
Lalonde	Lebel
Lefebvre	Lill
Loubier	Lowther
MacKay (Pictou—Antigonish—Guysborough)	Mancini
Manning	Marceau
Marchand	Mark
Martin (Esquimalt—Juan de Fuca)	Martin (Winnipeg Centre)
Matthews	Mayfield
McDonough	McNally
Ménard	Mercier
Meredith	Muise
Nunziata	Pankiw
Penson	Perron
Picard (Drummond)	Plamondon
Power	Price
Proctor	Ramsay
Riis	Robinson
Sauvageau	Schmidt
Scott (Skeena)	Solberg
Stinson	St-Jacques
Stoffer	Strahl
Thompson (New Brunswick Southwest)	Thompson (Wild Rose)
Vautour	Venne
Wasylcia-Leis	White (Langley—Abbotsford) —105

**NAYS**

## Members

Adams	Alcock
Anderson	Assadourian
Augustine	Bakopanos
Beaumier	Bélair
Bélanger	Bellemare
Bertrand	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bryden
Bulte	Byrne
Caccia	Calder
Cannis	Caplan
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Saint-Maurice)	Clouthier
Coderre	Cohen
Collenette	Comuzzi
Copps	Cullen
DeVillers	Dhaliwal
Dion	Dromisky
Drouin	Duhamel
Easter	Eggleton
Finestone	Finlay
Folco	Fontana
Fry	Gagliano
Galloway	Goodale
Graham	Gray (Windsor West)
Grose	Guarnieri
Harb	Harvard
Hubbard	Ianno
Iftody	Jackson
Jennings	Jordan
Karetak-Lindell	Karygiannis
Keys	Kilger (Stormont—Dundas)
Kilgour (Edmonton Southeast)	Knutsen
Kraft Sloan	Lastewka
Lavigne	Lee
Leung	Longfield
Mahoney	Malhi
Maloney	Manley
Marchi	Martin (LaSalle—Énard)
Massé	McCormick
McGuire	McKay (Scarborough East)
McLellan (Edmonton West)	McTeague
McWhinney	Mifflin
Mills (Broadview—Greenwood)	Mitchell
Murray	Myers
Nault	O'Brien (London—Fanshawe)
Pagtakhan	Paradis
Parrish	Patry
Peric	Peterson
Pettigrew	Phinney
Pickard (Chatham—Kent Essex)	Pratt
Proud	Provenzano
Redman	Reed
Richardson	Robillard
Rock	Saada
Scott (Fredericton)	Sekora
Serré	Shepherd
St. Denis	Stewart (Brant)
Stewart (Northumberland)	St-Julien
Szabo	Telegdi
Thibeault	Torsney
Ur	Vanclief
Volpe	Wappel
Whelan	Wilfert
Wood—135	

**PAIRED MEMBERS**

Axworthy (Winnipeg South Centre)	Barnes
Canuel	Desrochers
Guay	Laurin
MacAulay	Marleau
Minna	Normand
O'Reilly	Rocheleau
Speller	St-Hilaire
Tremblay (Lac-Saint-Jean)	Turp

**The Speaker:** I declare the motion lost.

\* \* \*

[Translation]

**TOBACCO ACT**

The House resumed from October 8 consideration of the motion that Bill C-42, an act to amend the Tobacco Act, be read the second time and referred to a committee.

**The Speaker:** Pursuant to order made Thursday, October 8, 1998, the deferred recorded division is on the motion at second reading of Bill C-42.

• (1800)

[English]

**Mr. Bob Kilger:** Mr. Speaker, I propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House, with Liberal members voting yea.

**The Speaker:** Is there agreement to proceed in such a fashion?

**An hon. member:** No.

• (1810)

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

(Division No. 241)

**YEAS**

Members

Adams  
Alcock  
Assadourian  
Augustine  
Bakopanos  
Bélaïr  
Bellehumeur  
Bergeron  
Îles-de-la-Madeleine—Pabok  
Bigras  
Bonin  
Boudria  
Brien  
Bryden  
Byrne  
Calder  
Caplan  
Carroll  
Cauchon  
Chan  
Chrétien (Frontenac—Mégantic)  
Clouthier  
Cohen  
Comuzzi  
Crête  
Dalphond-Guiral

Alarie  
Anderson  
Asselin  
Bachand (Saint-Jean)  
Beaumier  
Bélangier  
Bellemare  
Bernier (Bonaventure—Gaspé—  
Bertrand  
Blondin-Andrew  
Bonwick  
Bradshaw  
Brown  
Bulte  
Caccia  
Cannis  
Cardin  
Catterall  
Chamberlain  
Charbonneau  
Chrétien (Saint-Maurice)  
Coderre  
Collenette  
Coppes  
Cullen

de Savoye  
DeVillers  
Dion  
Drouin  
Duceppe  
Dumas  
Eggleton  
Finlay  
Fontana  
Fry  
Gagnon  
Gauthier  
Godfrey  
Goodale  
Gray (Windsor West)  
Guarnieri  
Harb  
Hubbard  
Iftody  
Jennings  
Karetak-Lindell  
Keyes  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lastewka  
Lebel  
Lefebvre  
Lincoln  
Loubier  
Malhi  
Manley  
Marchand  
Martin (LaSalle—Émard)  
McCormick  
McKay (Scarborough East)  
McTeague  
Ménard  
Meredith  
Mills (Broadview—Greenwood)  
Murray  
Nault  
O'Brien (London—Fanshawe)  
Paradis  
Patry  
Perron  
Pettigrew  
Picard (Drummond)  
Plamondon  
Proud  
Redman  
Richardson  
Rock  
Sauvageau  
Sekora  
Shepherd  
Stewart (Brant)  
St-Julien  
Telegdi  
Torsney  
Vanclief  
Volpe  
Whelan  
Wood—175

*Supply*

Debien  
Dhaliwal  
Dromisky  
Dubé (Lévis-et-Chutes-de-la-Chaudière)  
Duhamel  
Easter  
Finestone  
Folco  
Fournier  
Gagliano  
Galloway  
Girard-Bujold  
Godin (Châteauguay)  
Graham  
Grose  
Guimond  
Harvard  
Ianno  
Jackson  
Jordan  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lalonde  
Lavigne  
Lee  
Leung  
Longfield  
Mahoney  
Maloney  
Marceau  
Marchi  
Massé  
McGuire  
McLellan (Edmonton West)  
McWhinney  
Mercier  
Mifflin  
Mitchell  
Myers  
Nunziata  
Pagtakhan  
Parrish  
Peric  
Peterson  
Phinney  
Pickard (Chatham—Kent Essex)  
Pratt  
Provenzano  
Reed  
Robillard  
Saada  
Scott (Fredericton)  
Serré  
St. Denis  
Stewart (Northumberland)  
Szabo  
Thibeault  
Ur  
Venne  
Wappel  
Wilfert

**NAYS**

Members

Abbott  
Bachand (Richmond—Arthabaska)  
Benoit  
Breitkreuz (Yorkton—Melville)  
Cadman  
Casson  
Cummins  
Doyle

Ablonczy  
Bailey  
Blaikie  
Brisson  
Casey  
Chatters  
Davies  
Dubé (Madawaska—Restigouche)

*Supply*

Duncan  
Elley  
Gilmour  
Goldring  
Grey (Edmonton North)  
Hardy  
Hill (Macleod)  
Hilstrom  
Keddy (South Shore)  
Laliberte  
Lowther  
Mancini  
Mark  
Martin (Winnipeg Centre)  
Mayfield  
McNally  
Pankiw  
Power  
Proctor  
Riis  
Schmidt  
Solberg  
St-Jacques  
Strahl  
Thompson (Wild Rose)  
Wasylcyia-Leis

Earle  
Forseth  
Godin (Acadie—Bathurst)  
Grewal  
Hanger  
Herron  
Hill (Prince George—Peace River)  
Jones  
Konrad  
Lill  
MacKay (Pictou—Antigonish—Guysborough)  
Manning  
Martin (Esquimalt—Juan de Fuca)  
Matthews  
McDonough  
Muisse  
Penson  
Price  
Ramsay  
Robinson  
Scott (Skeena)  
Stinson  
Stoffer  
Thompson (New Brunswick Southwest)  
Vautour  
White (Langley—Abbotsford)—68

Casson  
Chrétien (Frontenac—Mégantic)  
Dalphond-Guiral  
de Savoye  
Doyle  
Dubé (Madawaska—Restigouche)  
Dumas  
Earle  
Forseth  
Gagnon  
Gilmour  
Godin (Acadie—Bathurst)  
Goldring  
Grey (Edmonton North)  
Hanger  
Herron  
Hill (Prince George—Peace River)  
Jones  
Kenney (Calgary-Sud-Est)  
Laliberte  
Lebel  
Lill  
Lowther  
Mancini  
Marceau  
Mark  
Martin (Winnipeg Centre)  
McDonough  
Ménard  
Meredith  
Nunziata  
Penson  
Picard (Drummond)  
Power  
Proctor  
Riis  
Sauvageau  
Scott (Skeena)  
Stinson  
Stoffer  
Thompson (New Brunswick Southwest)  
Vautour  
Wasylcyia-Leis

Chatters  
Crête  
Davies  
Debien  
Dubé (Lévis-et-Chutes-de-la-Chaudière)  
Duceppe  
Duncan  
Elley  
Fournier  
Gauthier  
Girard-Bujold  
Godin (Châteauguay)  
Grewal  
Guimond  
Hardy  
Hill (Macleod)  
Hilstrom  
Keddy (South Shore)  
Konrad  
Lalonde  
Lefebvre  
Loubier  
MacKay (Pictou—Antigonish—Guysborough)  
Manning  
Marchand  
Martin (Esquimalt—Juan de Fuca)  
Matthews  
McNally  
Mercier  
Muisse  
Pankiw  
Perron  
Plamondon  
Price  
Ramsay  
Robinson  
Schmidt  
Solberg  
St-Jacques  
Strahl  
Thompson (Wild Rose)  
Venne  
White (Langley—Abbotsford)—106

## PAIRED MEMBERS

Axworthy (Winnipeg South Centre)  
Canuel  
Guay  
MacAulay  
Minna  
O'Reilly  
Speller  
Tremblay (Lac-Saint-Jean)

Barnes  
Desrochers  
Laurin  
Marleau  
Normand  
Rocheleau  
St-Hilaire  
Turp

**The Speaker:** I declare the motion carried.

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

\* \* \*

## COMMITTEES OF THE HOUSE

## FISHERIES AND OCEANS

The House resumed from October 9 consideration of the motion.

**The Speaker:** Pursuant to order made Friday, October 9, 1998, the next deferred recorded division is on Motion No. 17 under government business.

● (1820)

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

(Division No. 242)

## YEAS

## Members

Abbott  
Alarie  
Asselin  
Bachand (Saint-Jean)  
Bellehumeur  
Bergeron  
Îles-de-la-Madeleine—Pabok)  
Blaikie  
Brien  
Cadman  
Casey

Ablonczy  
Anders  
Bachand (Richmond—Arthabaska)  
Bailey  
Benoit  
Bernier (Bonaventure—Gaspé—Bigras)  
Breitkreuz (Yorkton—Melville)  
Brisson  
Cardin

Adams  
Anderson  
Augustine  
Beaumier  
Bélanger  
Bertrand  
Bonin  
Boudria  
Brown  
Bulte  
Caccia  
Cannis  
Carroll  
Cauchon  
Chan  
Clouthier  
Cohen  
Comuzzi  
Cullen  
DeVillers  
Dion  
Drouin  
Easter  
Finestone  
Folco  
Fry  
Gallaway  
Goodale  
Gray (Windsor West)  
Guamieri  
Harvard

## NAYS

## Members

Alcock  
Assadourian  
Bakopanos  
Bélair  
Bellemare  
Blondin-Andrew  
Bonwick  
Bradshaw  
Bryden  
Byrne  
Calder  
Caplan  
Catterall  
Chamberlain  
Charbonneau  
Coderre  
Collenette  
Coppes  
Cummins  
Dhaliwal  
Dromisky  
Duhamel  
Eggleton  
Finlay  
Fontana  
Gagliano  
Godfrey  
Graham  
Grose  
Harb  
Hubbard

Ianno  
Jackson  
Jordan  
Karygiannis  
Kilger (Stormont—Dundas)  
Knutson  
Lastewka  
Lee  
Lincoln  
Mahoney  
Maloney  
Marchi  
Massé  
McGuire  
McLellan (Edmonton West)  
McWhinney  
Mills (Broadview—Greenwood)  
Murray  
Nault  
Pagtakhan  
Parrish  
Peric  
Pettigrew  
Pratt  
Redman  
Richardson  
Rock  
Scott (Fredericton)  
Serré  
St. Denis  
Stewart (Northumberland)  
Szabo  
Thibeault  
Ur  
Volpe  
Whelan  
Wood—135

Ifody  
Jennings  
Karetak-Lindell  
Keyes  
Kilgour (Edmonton Southeast)  
Kraft Sloan  
Lavigne  
Leung  
Longfield  
Malhi  
Manley  
Martin (LaSalle—Émard)  
McCormick  
McKay (Scarborough East)  
McTeague  
Mifflin  
Mitchell  
Myers  
O'Brien (London—Fanshawe)  
Paradis  
Patry  
Peterson  
Phinney  
Proud  
Reed  
Robillard  
Saada  
Sekora  
Shepherd  
Stewart (Brant)  
St-Julien  
Telegdi  
Torsney  
Vanclicf  
Wappel  
Wilfert

#### PAIRED MEMBERS

Axworthy (Winnipeg South Centre)  
Canael  
Guay  
MacAulay  
Minna  
O'Reilly  
Speller  
Tremblay (Lac-Saint-Jean)

Barnes  
Desrochers  
Laurin  
Marleau  
Normand  
Rocheleau  
St-Hilaire  
Turp

**The Speaker:** I declare the motion lost.

\* \* \*

#### EXTRADITION ACT

The House resumed from October 9 consideration of the motion that Bill C-40, an act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other acts in consequence, be read the second time and referred to a committee.

**The Speaker:** Pursuant to order made on Friday, October 9, 1998, the next deferred recorded division is on the motion at the second reading stage of Bill C-40.

#### Supply

[Translation]

**Mr. Bob Kilger:** Mr. Speaker, you will find unanimous consent that the members who voted on the previous motion be recorded as having voted on the motion currently before the House, with the Liberals voting yea.

[English]

**The Speaker:** Is there agreement to proceed in such a fashion?

**Some hon. members:** Agreed.

**Mr. Chuck Strahl:** Mr. Speaker, Reform Party members present will vote no to this motion unless instructed otherwise by their constituents.

[Translation]

**Mr. Stéphane Bergeron:** Mr. Speaker, Bloc Québécois members vote in favour of the motion.

[English]

**Mr. Bill Blaikie:** Mr. Speaker, the New Democrats present vote yes to this motion.

**Mr. Peter MacKay:** Mr. Speaker, the Progressive Conservative members present vote yes to this motion.

**Mr. John Nunziata:** Mr. Speaker, on behalf of the residents of York South—Weston I would vote in favour of this government legislation.

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

(Division No. 243)

#### YEAS

##### Members

Adams	Alarie
Alcock	Anderson
Assadourian	Asselin
Augustine	Bachand (Richmond—Arthabaska)
Bachand (Saint-Jean)	Bakopanos
Beaumier	Bélair
Bélanger	Bellehumeur
Bellemare	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Bigras
Bertrand	Blondin-Andrew
Blaikie	Bonwick
Bonin	Bradshaw
Boudria	Brisson
Brien	Bryden
Brown	Byrne
Bulte	Calder
Caccia	Caplan
Cannis	Carroll
Cardin	Catterall
Casey	Chamberlain
Cauchon	



*Private Members' Business*

Chan	Charbonneau
Chrétien (Frontenac—Mégantic)	Clouthier
Coderre	Cohen
Collenette	Comuzzi
Copps	Crête
Cullen	Dalphond-Guiral
Davies	de Savoye
Debien	DeVillers
Dhaliwal	Dion
Doyle	Dromisky
Drouin	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Dubé (Madawaska—Restigouche)	Duceppe
Duhamel	Dumas
Earle	Easter
Eggleton	Finestone
Finlay	Folco
Fontana	Fournier
Fry	Gagliano
Gagnon	Galloway
Gauthier	Girard-Bujold
Godfrey	Godin (Acadie—Bathurst)
Godin (Châteauguay)	Goodale
Graham	Gray (Windsor West)
Grose	Guarnieri
Guimond	Harb
Hardy	Harvard
Herron	Hubbard
Ianno	Htody
Jackson	Jennings
Jones	Jordan
Karetak-Lindell	Karygiannis
Keddy (South Shore)	Keyes
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Laliberte	Lalonde
Lastewka	Lavigne
Lebel	Lee
Lefebvre	Leung
Lill	Lincoln
Longfield	Loubier
MacKay (Pictou—Antigonish—Guysborough)	Mahoney
Malhi	Maloney
Mancini	Manley
Marceau	Marchand
Marchi	Martin (LaSalle—Énard)
Martin (Winnipeg Centre)	Massé
Matthews	McCormick
McDonough	McGuire
McKay (Scarborough East)	McLellan (Edmonton West)
McTeague	McWhinney
Ménard	Mercier
Mifflin	Mills (Broadview—Greenwood)
Mitchell	Muise
Murray	Myers
Nault	Nunziata
O'Brien (London—Fanshawe)	Pagtakhan
Paradis	Parrish
Patry	Peric
Perron	Peterson
Pettigrew	Phinney
Picard (Drummond)	Plamondon
Power	Pratt
Price	Proctor
Proud	Redman
Reed	Richardson
Riis	Robillard
Robinson	Rock
Saada	Sauvageau
Scott (Fredericton)	Sekora
Serré	Shepherd
St. Denis	Stewart (Brant)
Stewart (Northumberland)	St-Jacques
St-Julien	Stoffer
Szabo	Telegdi
Thibeault	Thompson (New Brunswick Southwest)
Torsney	Ur
Vanclief	Vautour
Venne	Volpe
Wappel	Wasylcia-Leis
Whelan	Willfert
Wood—202	

## NAYS

## Members

Abbott	Ablonczy
Anders	Bailey
Benoit	Breitkreuz (Yorkton—Melville)
Cadman	Casson
Chatters	Cummins
Duncan	Elley
Forseth	Gilmour
Goldring	Grewal
Grey (Edmonton North)	Hanger
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Kenney (Calgary-Sud-Est)
Konrad	Lowther
Manning	Mark
Martin (Esquimalt—Juan de Fuca)	McNally
Meredith	Pankiw
Penson	Ramsay
Schmidt	Scott (Skeena)
Solberg	Stinson
Strahl	Thompson (Wild Rose)
White (Langley—Abbotsford)—39	

## PAIRED MEMBERS

Axworthy (Winnipeg South Centre)	Barnes
Canuel	Desrochers
Guay	Laurin
MacAulay	Marleau
Minna	Normand
O'Reilly	Rocheleau
Speller	St-Hilaire
Tremblay (Lac-Saint-Jean)	Turp

**The Speaker:** I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice and Human Rights.

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

## PRIVATE MEMBERS' BUSINESS

[English]

## COMPETITION ACT

The House resumed from October 9 consideration of the motion that Bill C-235, an act to amend the Competition Act (protection of those who purchase products from vertically integrated suppliers who compete with them at retail), be read the second time and referred to a committee.

**The Speaker:** Pursuant to order made on Friday, October 9, 1998, the next deferred recorded division is on the motion at the second reading stage of Bill C-235.

The question is on the motion. As is the practice, this division will be taken row by row, starting with the mover and then proceeding with those in favour of the motion sitting on the same side of the House as the mover. Then those in favour of the motion sitting on the other side of the House will be called and those opposed to the motion will be called in the same order.

● (1835)

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

(Division No. 244)

## YEAS

### Members

Abbott	Alarie
Assadourian	Asselin
Augustine	Bachand (Richmond—Arthabaska)
Bachand (Saint-Jean)	Bailey
Beaumier	Bélaïr
Bélangier	Bellehumeur
Bellemare	Benoit
Bergeron	Bernier (Bonaventure—Gaspé—
Îles-de-la-Madeleine—Pabok)	Bigras
Blaikie	Bonin
Bonwick	Bradshaw
Breitkreuz (Yorkton—Melville)	Brien
Bryden	Cadman
Calder	Cannis
Cardin	Casey
Casson	Chatters
Chrétien (Frontenac—Mégantic)	Coderre
Comuzzi	Crête
Cullen	Cummins
Dalphond-Guiral	Davies
de Savoye	Debien
DeVillers	Doyle
Dromisky	Drouin
Dubé (Lévis-et-Chutes-de-la-Chaudière)	Dubé (Madawaska—Restigouche)
Duceppe	Dumas
Earle	Elley
Finlay	Folco
Fontana	Forseth
Fournier	Gagnon
Gauthier	Gilmour
Girard-Bujold	Godfrey
Godin (Acadie—Bathurst)	Godin (Châteauguay)
Goldring	Graham
Grewal	Grey (Edmonton North)
Guarnieri	Guimond
Hanger	Harb
Hardy	Hill (Macleod)
Hubbard	Jackson
Jennings	Jordan
Karetak-Lindell	Karygiannis
Keddy (South Shore)	Kenney (Calgary-Sud-Est)
Keyes	Konrad
Kraft Sloan	Laliberte
Lalonde	Lebel
Lee	Lefebvre
Leung	Lill
Longfield	Loubier
Lowther	MacKay (Pictou—Antigonish—Guysborough)
Mahoney	Malhi
Maloney	Mancini
Manning	Marceau
Mark	Martin (Esquimalt—Juan de Fuca)
Martin (Winnipeg Centre)	Mathews
Mayfield	McCormick
McDonough	McKay (Scarborough East)
McNally	McTeague
McWhinney	Ménard
Mercier	Meredith
Mills (Broadview—Greenwood)	Muise
Nault	Nunziata
O'Brien (London—Fanshawe)	Pankiw
Paradis	Penson
Peric	Perron
Picard (Drummond)	Pickard (Chatham—Kent Essex)
Plamondon	Power
Price	Proctor
Ramsay	Redman
Richardson	Riis
Robinson	

## Private Members' Business

Sauvageau	Scott (Skeena)
Serré	Shepherd
Stinson	St-Jacques
St-Julien	Stoffer
Strahl	Szabo
Telegdi	Thompson (New Brunswick Southwest)
Thompson (Wild Rose)	Ur
Vautour	Venne
Volpe	Wappel
Wasylcia-Leis	White (Langley—Abbotsford)
Wilfert	Wood —158

## NAYS

### Members

Ablonczy	Adams
Alcock	Anders
Anderson	Bakopanos
Bertrand	Blondin-Andrew
Boudria	Brison
Brown	Bulte
Byrne	Caccia
Caplan	Carroll
Catterall	Cauchon
Chan	Charbonneau
Clouthier	Cohen
Collenette	Copps
Dhaliwal	Dion
Duhamel	Duncan
Easter	Eggleton
Finestone	Fry
Gagliano	Galloway
Goodale	Gray (Windsor West)
Grose	Herron
Hill (Prince George—Peace River)	Hilstrom
Jones	Kilger (Stormont—Dundas)
Kilgour (Edmonton Southeast)	Knutson
Lastewka	Lavigne
Manley	Marchi
Martin (LaSalle—Émard)	Massé
McLellan (Edmonton West)	Mifflin
Mitchell	Murray
Myers	Pagtakhan
Patry	Peterson
Pettigrew	Phinney
Pratt	Reed
Robillard	Rock
Saada	Schmidt
Scott (Fredericton)	Sekora
Solberg	St. Denis
Stewart (Brant)	Stewart (Northumberland)
Torsney	Vanclief —74

## PAIRED MEMBERS

Axworthy (Winnipeg South Centre)	Barnes
Canuel	Desrochers
Guay	Laurin
MacAulay	Marleau
Minna	Normand
O'Reilly	Rocheleau
Speller	St-Hilaire
Tremblay (Lac-Saint-Jean)	Turp

**The Speaker:** I declare the motion carried.

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

*Private Members' Business*

**The Acting Speaker (Ms. Thibeault):** It being 6:36 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's order paper.

\* \* \*

**CRIMINAL CODE**

**Mr. Myron Thompson (Wild Rose, Ref.)** moved that Bill C-219, an act to amend the Criminal Code (using or operating a stolen motor vehicle in the commission of an offence, be read the second time and referred to a committee.

He said: Madam Speaker, the concept for Private Members' Bill C-219 originated in August 1996 at the annual meeting of the Canadian Association of Chiefs of Police. One of the resolutions receiving unanimous support was to add a minimum jail sentence when a stolen vehicle is used during the commission of a crime.

My private members' bill amends the Criminal Code so that a person is guilty of an indictable offence and must be sentenced to one year imprisonment if the person operates or uses a motor vehicle that the person has stolen or knows has been stolen while committing or attempting to commit an offence, or during flight after committing or attempting to commit an offence. The sentence for such an offence shall be served consecutively to any other punishment imposed on the person.

This bill puts the police chiefs' resolution into practice. It will clearly serve as a deterrent to those considering these types of criminal acts.

There are three primary motivations for auto theft: one, joyriding; two, transportation for criminal purposes such as breaking and entering, robbery, and drive-by shootings; and three, when a car is stripped for parts or exported to other provinces or countries for sale.

● (1840)

Statistics Canada has reported that motor vehicle theft is one of the few crimes in Canada that has been rising in recent years. Since 1988 auto thefts have grown by 80% with a 9% increase in 1996 alone. About one in one hundred vehicles were reported stolen in 1996, that being the eighth straight annual increase. In 1991 14% of stolen vehicles were used to commit other criminal offences to escape from authorities.

We can assume that the increase since 1991 in total vehicle thefts is directly proportionate to those used for committing a crime. Therefore the problem is obviously much larger today.

Car theft has become a costly nuisance throughout this country. Each year more than a billion dollars worth of vehicles are stolen and there is another quarter of a billion dollars in vandalism that

has been done to cars that are recovered. Each province is suffering from this growing problem.

In Toronto alone in a 25-day period in January 1998, there were approximately 900 cars stolen while in 1997 there were 17,000 cars stolen. In Vancouver the records show that 25,077 vehicles were stolen in the city in 1996, an increase of 1,331 from the previous year. The greatest risk of theft was in Montreal where 31,211 vehicles were stolen last year.

Police have referred to the rate of theft in the greater Vancouver area as an epidemic. People are stealing cars almost at will to use for transportation and to commit other crimes. Vancouver authorities recognize that people living there are also increasingly at risk of being hit by a stolen car. Statistics Canada, the Insurance Corporation of British Columbia, the attorney general of B.C. and police officers have recently drawn attention to this threat.

In Vancouver, Brenda Hohn, a 30-year old mother of two, was killed when a stolen Dodge Shadow raced past a stop sign and broadsided her car. Vida Coronado, a 31-year old single woman, who had recently emigrated from the Philippines was killed. Her car was struck in an intersection by a stolen Pontiac Firebird that had run a red light.

ICBC, the province's public insurance agency, undertook a comprehensive study of 28,000 auto theft claims filed in 1995 and the first six months of 1996. It found that one in four Criminal Code offences reported to the police in British Columbia in 1995 involved either theft of cars, theft from cars, or vandalism to motor vehicles.

The increase in auto theft has meant a significant jump in costs for the insurance corporation. About \$91.4 million was paid out in claims in 1996, up from \$12.6 million in 1987. If the present trend continues, the insurance company estimated the province will pay more than \$800 million by the end of the century from direct stolen vehicle losses. If police, court and jail costs are included, the cost of auto crimes will likely exceed \$1.5 billion in this single province alone by the year 2000.

Statistics Canada reports that children aged 12 to 17 account for 56% of all stolen cars. Interviews with captured teenage car thieves have determined that those 14 years of age or under had stolen three cars per week in the 12 months before they were caught.

Almost 80% of the cars are stolen for joyriding. Most of the vehicles are dumped after a few hours and are recovered by police in two days. For example, with an estimated 26,194 cars stolen in B.C., the statistics indicate that every day there are about 40 cars being driven by joyriders under the age of 17. Sadly, joyriding often leads to tragedy. A typical headline in the newspaper reads as following. A 16 year old faces a charge of criminal negligence causing death and two charges of criminal negligence causing bodily harm after the stolen vehicle crashed and killed one of his friends and maimed two others. Police say four youths were in the

car when it crashed and rolled at least six times. One youth died at the scene. This headline has been seen in every town across Canada. With cases such as these there is usually no time served for the stolen car.

• (1845)

All in all, this problem affects every individual in Canada. Some may consider this petty theft but it is a major industry with no recourse for the owner of the vehicle. The insurance coverage for this type of theft costs Canadians almost \$500 million annually. For each individual this crime imposes physical, emotional and financial burdens.

The Insurance Bureau of Canada estimates that residential, commercial and automobile thefts currently cost insurance companies \$2 billion a year in claims. In turn, the insurance industry recovers these costs from consumers of insurance through rate increases and of course higher deductibles.

For example, motor vehicle theft accounted for more than 49% of the amount paid by the auto insurers in comprehensive claims in 1993 on 1992 model cars. Therefore the cost to insurers for auto theft claims increased by 7% from 1992 to 1993.

My goal is not merely the reduction of auto thefts in Canada and saving the insurance companies money. One of the most successful approaches to reducing crime is what I think of as the broken window theory. In other words, if we take care of the little crimes the big ones seem to take care of themselves.

This private member's bill is a perfect example of this theory. If this bill serves as a deterrent, and I think it will, to those using motor vehicles to commit criminal acts, then there should be a direct reduction in the number of deaths, injuries to individuals and the cost for police forces, insurance companies and different levels of government.

As seen in the U.S. in one study, when auto thefts fell in 12 major cities there was no corresponding increase in other major crimes.

Toronto's chief of police has recently established a committee that is trying to obtain a 25% reduction in the number of car thefts. But he also acknowledged that they need assistance from all levels of government.

I feel this private member's bill, which has been made votable, is a good start in helping our police forces fight this epidemic by sending the message that if a person commits a crime using a stolen motor vehicle, that person will serve additional time.

I am particularly pleased that the chiefs of police support this bill and all the policemen I have talked with regarding this bill are quite supportive. I find that a number of people are quite supportive of the idea of consecutive sentencing.

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I have tried on a number of occasions in the House to have people consider consecutive sentencing. When I was talking about consecutive sentencing, I was thinking of people like Clifford Olson who I believe should not serve one life sentence but should serve more than that, one for each victim he murdered, and the likes of Paul Bernardo, but nothing ever came of it. There was never any consecutive sentencing that took place.

But lo and behold, one day I went to a courthouse and there was actually some consecutive sentencing. That was the day that Bill Cairns, a grain farmer from Manitoba, was charged on two occasions for selling his own grain across the border. He served 30 days consecutive for each of these vicious crimes. That is how ridiculous it has become, consecutive sentencing for a person who was trying to illustrate the wrongness of a certain law through civil disobedience.

• (1850)

Now with this private member's bill we have the opportunity to send a message loud and clear. I am sure that the members on the government side would be supportive of it because one thing they have said throughout the years I have been here is that preventive measures need to be taken.

I believe a deterrent is one method of preventing crime. This would serve as a deterrent. This would give the opportunity to the justice minister to be very supportive in sending a message loud and clear to the young offenders that this will not be tolerated any longer. Remember that 50% of vehicles stolen are by people under age 18.

Each year too many lives are lost because of vehicles being stolen for joyriding by young offenders. We need to send the message that they will be severely punished for stealing vehicles. This must stop for the sake and safety of all other victims.

Here is an opportunity. We have been waiting for quite some time for changes to the YOA but they have not happened yet. We have heard a lot of good rhetoric and a lot of talk that this possibly could happen.

Supporting this bill would be an opportunity to send a message to young people across Canada that the one activity they have been heavily engaged in that will cease is the stealing of motor vehicles.

In 1992 when I was on the campaign trail I parked my car after an activity in my own garage one night in a small town of 1,800 people. I got up the next morning to go about my usual campaigning details. I threw open the garage door and walked in and for a moment I could not remember what I went in there for. I looked around and asked what did I come in here for. My car was gone. Where did I put that thing?

It is quite an experience. Six days later the car was recovered with 1,800 additional kilometres put on it. The inside had liquor spilled all over. All kinds of drug use went on in it. They really



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violated it. Even though it was not violent in terms of physical harm, it is quite a thing to happen to people who rely on a vehicle for their use.

It was not investigated at any length to determine who had stolen it. Unfortunately because of all the other problems the police are facing, auto theft is put lower on the scale in terms of spending some time investigating it. Consequently many are not solved.

I think we need to send a message loud and clear that we are going to impose consecutive sentencing on any members in society who choose to steal a vehicle in the commission of a crime. I hope the support of this bill will be as broad, far and wide in the House of Commons as it is in the public.

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, in our view the objectives of the private member's bill now before the House are already well served by the tools provided by common law principles of sentencing and the legislation currently in place.

[Translation]

Bill C-219, an act to amend the Criminal Code, makes it an indictable offence for a person to use a stolen motor vehicle while committing or attempting to commit an offence, or during flight after committing or attempting to commit an offence.

A person found guilty of this indictable offence must be sentenced to one year's imprisonment. This sentence must be served consecutively to any other punishment imposed on the person for an offence arising out of the same event or series of events.

• (1855)

[English]

Two mechanisms are currently in place to deal with such a situation. The first is reflected in the common law principles that govern sentencing. On a daily basis judges across Canada impose sentences on offenders convicted of a wide variety of Criminal Code offences, including offences involving the use of a stolen motor vehicle in the commission of an offence. The sentencing process has been repeatedly recognized as an individualized process by courts at all levels in Canada, including the Supreme Court of Canada.

[Translation]

This individualized sentencing process allows the tribunal to exercise its discretionary power based on the facts relating to each specific case. The sentences imposed by any tribunal show that the factors taken into account by the courts include aggravating and mitigating circumstances, the seriousness of the offence, the

offender's responsibility and the sentences imposed on other persons for similar offences committed under similar circumstances.

The objectives judges seek to achieve through sentencing include: denouncing the illegal behaviour of offenders, deterring others from offending, recognizing the harm done to the victims and the community, isolating offenders from the rest of society if required, and providing compensation to the victims or community. In fact, it is difficult to determine generally what constitutes an appropriate sentence for a given type of criminal behaviour.

[English]

The second mechanism which can be used to deal with the situation described in Bill C-219 is legislation put in place by this government, something the hon. member consistently failed to recognize in his speech. Bill C-41, the Sentencing Reform Act, enacted in 1995, provides judges with the first ever statement of purpose and principles of sentencing in the Criminal Code. This statement provides direction to courts on the fundamental purpose of sentencing which is to contribute to the maintenance of a just, peaceful and safe society. The sentencing amendments to the Criminal Code which came into force in September 1996 also identified the objectives which the sentencing of offenders is designed to achieve.

[Translation]

The provisions of the Criminal Code dealing with sentencing also set out a number of basic principles that should guide the courts in achieving sentencing objectives.

According to these principles, the sentence should reflect the gravity of the offence and the degree of responsibility of the offender—the proportionality principle; the courts should take into account aggravating and mitigating circumstances and impose similar sentences for similar actions; excessively long or harsh sentences must be avoided—the totality principle; offenders should not be imprisoned if a more lenient sentence can be imposed; and the courts should consider every possible sentence besides imprisonment that may be justified under the circumstances.

[English]

It is within this statutory framework that a sentencing judge would determine the appropriate sanction to impose on an offender who had been charged and convicted of theft of a motor vehicle or who had been charged and convicted of another substantive Criminal Code offence which involved the use of a stolen motor vehicle in the commission, attempted commission or flight following commission of the offence. This statutory framework clearly enables and guides courts in tailoring sanctions appropriate to the conduct of the offender.

Where an offender used a stolen motor vehicle in the commission of an offence, courts would consider this to be an aggravated factor in sentencing and one which would merit the application of the sentencing objectives of denunciation and deterrence. If while in flight in a stolen motor vehicle following the commission of an offence the offender posed a danger to the lives or safety of others due to excessive speed, for example, this too would be considered an aggravating factor meriting a harsher sentence.

• (1900)

[*Translation*]

The sentencing provisions in the Criminal Code also allow the judge to exercise the discretionary power to impose consecutive sentences if necessary. We believe that the current sentencing process is comprehensive and gives all the flexibility required to adjust sentences to the circumstances surrounding each offender's behaviour.

[*English*]

The proposals contained in Bill C-219 are simply not required at this time to address the conduct of offenders using a stolen motor vehicle in the commission, attempted commission or flight following commission of an offence. We already have the tools at our disposal to deal with the situation.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Madam Speaker, according to Bill C-219, every one who, in committing an offence, operates or uses a motor vehicle that he has stolen or knows to have been stolen is guilty of an indictable offence and liable to imprisonment for a term of one year. What is more, it calls for the sentence for this offence to be served consecutive to any other imposed for the same act.

From what has been said in this House today it will be understood that what is involved is auto theft, and the amendment the hon. member is proposing is no doubt intended to remedy a shortcoming. Therefore, we have to see whether there is a shortcoming in the Criminal Code, when it comes to auto theft.

There is a problem, however. We are all aware that there are indeed many thefts of automobiles in Canada and in Quebec, as the hon. member has just said. Unlike other types of crime, it is on the rise. But will the problem be solved by making the penalty stiffer, by adding what the hon. member wants to see added? The answer is no. What is there in the Criminal Code?

Motor vehicle theft is indeed a significant problem, we must agree. But is Bill C-219 the solution? The Criminal Code currently contains a series of measures that apply to auto theft. I invite the hon. member to read section 322. According to it, any person who steals property may be charged with a criminal offence and is liable to up to 10 years imprisonment, if the value of the stolen property

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exceeds \$5,000. And, of course, in the case of an automobile, the value of the property generally exceeds \$5,000.

If the value of the property is under \$5,000, section 334 of the Criminal Code applies. Under section 334, the individual will either be found guilty of a summary offence, and sentenced to a maximum of six months' imprisonment, or a \$2,000 fine, or found guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

In section 335 of the Criminal Code, the law makers have provided that individuals may be found guilty of a summary offence if they took possession of a motor vehicle without, however, intending to steal it. The House will recall that we discussed this amendment to the Criminal Code very recently, with respect to Bill C-209.

In my opinion, the amendments proposed by the member for Wild Rose do not add anything new to the existing legislative framework. Finally, I think the member's bill is based on false premises. Bill C-219 implies that it is now impossible to lay charges of theft under section 322 of the Criminal Code if the offence contributed to the perpetration of another offence.

There is no sign of a regulatory vacuum in this regard at the present time. An individual may be charged with several offences, including theft under section 322 of the Criminal Code.

• (1905)

With his bill, the member seems to consider that stealing a motor vehicle is a more serious offence if the vehicle is used to commit another offence. The member believes that regulating this specific offence would ensure more equitable treatment of the offender. I do not agree.

Excessive regulating does not solve all the problems. By systematically regulating the multiple aspects of an offence, we would restrict the courts' discretionary power. In my opinion, Bill C-219 would unnecessarily restrict that discretionary power, which has so far served justice very well.

The courts were given this discretionary sentencing power because they are the ones that analyze the evidence relating to a case. With this discretionary power, a judge can impose a sentence that is fair and appropriate.

For example, before imposing a sentence, the judge may take into consideration the fact that not only did the individual steal the motor vehicle, but that he also used it to commit another offence. The Parliamentary Secretary to the Minister of Justice provided a very good explanation of how this discretionary power is used by the courts when imposing a sentence.

Moreover, the courts can, under section 718.3(4) of the Criminal Code, order that sentences be served consecutively. Again, nothing indicates that the specific case referred to in the bill would not be

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subject to that procedure. Nothing justifies amending the Criminal Code to require consecutive sentencing in this case.

While car theft is a major crime in Canada, the Bloc Québécois does not think that the member's proposals will correct the situation. Systematic coding of all facets of an infraction is no guarantee of better legal processing. Contrary to what the Reform members appear to think, criminal law is weakened when we try to anticipate every eventuality in an inflexible legal provision.

There is no other area of law where evidence is as important and where circumstances play such a preponderant role. I think quite sincerely, especially for this type of offence, that the courts in Quebec and Canada already apply the sections of the Criminal Code extremely well and there is no need for us to intervene in this field of jurisdiction.

I can hear the member speaking, and he does not seem to agree with my position. I believe that everyone here and our viewing audience will understand that we will not reduce the number of car thefts merely by creating a specific section on it. It is a matter of supply and demand and, unfortunately, there are many car thieves who make their living this way.

It is unacceptable. However, the Criminal Code, as it stands, contains provisions that can and must be applied to reduce car theft as much as possible, and the amendments proposed in Bill C-219 are not going to resolve the problem. We have everything we need in the Code to resolve it.

[English]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Madam Speaker, I am pleased to speak in support of Bill C-219, an act to amend the Criminal Code with respect to using or operating a stolen motor vehicle in the commission of an offence.

I commend the hon. member for Wild Rose. Although we may not always agree on the remedies in the justice system, we do agree that there are many problems in our justice system. We do agree that the Liberal government is not always there for Canadians to strengthen the Criminal Code and toughen provisions when needed.

I would also like to indicate that I will miss his lively, passionate and straightforward intervention at our justice committee meetings. He was a very valued member of the Standing Committee on Justice and Human Rights. This is not to take away from any of the current members from the Reform Party, but they will be hard pressed to replace this very unique and legendary member for Wild Rose.

As mentioned by previous speakers, the bill would amend section 334 of the Criminal Code. The purpose of the amendment is to classify those found guilty of operating or using a motor vehicle that a person has stolen or knows has been stolen while committing

an indictable offence during flight or committing or attempting to commit an offence as indictable offences.

• (1910)

The sentence for such an offence would be a term of imprisonment for one year. It would also require that the sentence be served consecutive to any other punishment if it arises out of the same set or series of events that contributed to the conviction for the first offence. All of that is to say in common parlance that there would be greater emphasis placed on an offence that was committed while using a stolen vehicle.

I think the hon. member's intentions are to act as a greater deterrent for such offences. I disagree with the comments of the previous speaker when he seemed to indicate that there are existing Criminal Code provisions that address this problem. They may address the problem if enforced but the reality is that we need to put greater emphasis if it is to have a greater deterrent effect.

I commend the hon. member's efforts in this regard and I am supportive of the bill. This is a positive measure that the member for Wild Rose brings forward because it addresses two key areas in which there is need for improvement to our Criminal Code.

It would toughen the criminal sanctions for those individuals who use a stolen vehicle to assist in the commission of their criminal act. This would be a welcome change because it punishes criminals additionally for the additional step that they have taken, namely having stolen a vehicle to commit another offence.

The use of a stolen vehicle is as much a crime as any other criminal act and it can be punished separately. In this instance I assume the hon. member is intending that there be a special section of the Criminal Code that singles out and punishes that specific act.

The second area of the intended amendment proposed in section 334.1(2), which is very much a truth in sentencing provision, ensures that the sentence imposed on the criminal, namely the driver, would be served consecutively, that is it would not be simply dealt away which is often done in criminal proceedings in a plea bargain. The sentence would be cumulative. It would be served consecutively as opposed to concurrently.

This would send a strong message to the thousands of Canadians who lose their vehicles through theft or someone who would commit a robbery and forcefully take their vehicles. It would bring about greater accountability. It would certainly send that message to the criminal element.

As a crown attorney I had occasion to prosecute cases involving stolen vehicles. I can say, just as in any other instance when a person has their property removed, this is particularly offensive to individuals. Oftentimes the theft of a motor vehicle is a very personalized type of crime. People for obvious reasons attach a great deal of importance to their vehicle as a mode of transportation. When that vehicle is stolen and often damaged or never

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recovered, the person is greatly inconvenienced. There is also that psychological feeling of invasion that a person experiences when their property is taken or damaged, similar to when a person's home is invaded.

The purpose of the hon. member's motion is to amend the code to put greater emphasis on this type of offence, and I believe it is a positive one. I would therefore hope that there is support for the motion. I would hope that the Liberals who vote on the motion are the Liberals who chose at second reading to support Bill C-284 brought forward by the hon. member for Calgary Centre. I certainly hope the Liberals who vote on Bill C-219 are not the same submissive bunch that we saw voting in the House earlier today on the motion to have legal funding for students at the APEC inquiry. That seemed to very much echo an earlier vote that we saw in the House with respect to hepatitis C.

It is unfortunate but there are times when we can literally see the welts rising on the backs of backbenchers in government when these types of check your conscience issues are brought forward in the Chamber.

Legislation no matter how well meaning will go nowhere without the ability to implement and enforce it. I would therefore like to outline some of my concerns with respect to the government's persistence in underfunding a host of law enforcement issues.

The solicitor general has often stated publicly that public safety is a strategy and a priority of the government.

• (1915)

As we have all learned in recent weeks, the words of the solicitor general can become somewhat meaningless. Indeed, there is one thing the solicitor general does do that we all have recognized and that is he likes to talk much more than he likes to act.

Instead of talking, the solicitor general could also do a lot to demonstrate his commitment to public safety by supporting legislation such as the initiative brought forward by the member for Wild Rose and by paying greater attention to what our police community is telling him. Quite bluntly, police officers are getting the shaft from this Liberal government.

According to information revealed by the government's own organized crime committee in April, the national police service needs an additional \$200 million over the next four years or it will functionally expire. That will have an impact on every part of this country.

We have already seen a situation which has evolved where large detachments of the RCMP are underfunded. Even worse, the

force's overall budget for the fiscal year is \$10 million short to date and the RCMP cadet program has been frozen for the rest of the year.

Sadly, I have been repeatedly warned that the solicitor general is listening but not acting. This government has for many months displayed a callous and reckless attitude in taking its approach toward the fundamental law of principles. This is a time when the Liberal government seems oblivious to the negative consequences of the government's disbanding of the ports police, as we saw in Halifax and Vancouver, and we are seeing an increasing amount of drug smuggling and illegal contraband material coming into Canada through our ports. Yet this decision was made and followed through against the wishes of many in the community who knew what the ramifications would be.

The solicitor general and the Liberal government decided to cut \$74.1 million from the RCMP's organized crime budget for this fiscal year according to the government's own estimate documents. This is not leadership on providing resources to our law enforcement community. It is quite the contrary. That is a 13% cut in just one fiscal year of the overall dollars spent by the RCMP.

The RCMP is not the only police force that feels the effect because municipal and provincial police forces inevitably are forced to pick up the slack. Many of these forces are already burdened by the abandonment of the ports police and are struggling to fill the void left by this government's acts.

During the summer both the solicitor general and the RCMP commissioner toured this country, gingerly mentioning the need for increased resources. It is almost like having two undertakers worrying about the appearance of a corpse after it has been buried.

What we need is a real commitment to law enforcement in this country, not just talk about it and that includes talk in this Chamber. This government has to bring in legislative initiatives if we are to see real concrete improvements.

I applaud the member for Wild Rose for taking such an initiative. It is quite disturbing to think that this government would not embrace such a positive initiative on his part.

**Ms. Sarmite Bulte (Parkdale—High Park, Lib.):** Madam Speaker, I am here this evening to address Bill C-219 proposed by the hon. member for Wild Rose.

Unlike the member for Pictou—Antigonish—Guysborough, I am not here to talk about funding, lack of funding, deficits or cuts.

I would first like to applaud the member for the concern he has brought to Canadians about the problem of automobile theft. However, like the member for Pictou—Antigonish—Guysborough, I am an attorney. One of the first things I learned in law school is



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that before one cites one part of the act one should read the entire act.

I would like to support the parliamentary secretary for justice and also the hon. member for Berthier—Montcalm. I will not repeat what they have said. However, I would first like to look at the legislation itself to let Canadians know that the Liberal government and the Criminal Code as it exists today protect us.

The hon. member's bill provides for a new indictable offence. He talks about the use of a stolen motor vehicle and its relation to any offence.

● (1920)

Bill C-219 is proposed to be put in as section 334.1 of the Criminal Code which is immediately after section 334 which deals with the punishment for theft. We have talked about that already today.

Punishment is twofold under section 334. If my car, which is an old car and is ready for the junkyard, is stolen and it is under \$1,000 the person who steals that car has committed an offence but it is under \$5,000 so it is a summary conviction offence. If the car of one of my neighbours up the street, a brand new car, is stolen and it is worth more than \$10,000 it is subject to an indictable offence. Our Criminal Code does take into account the seriousness of the offences.

Immediately after 334.1 comes 335 which deals with what we commonly know as joyriding. This is one of the things the hon. member raised, the problem of joyriding and the fact that a lot of young people tend to take cars for joyrides.

What section 335 talks about is taking a car without the consent of an owner. The hon. member's bill talks about using. Does that mean without consent? Does it mean with consent? What does it actually mean? I think when we are drafting legislation we need to look at the language very carefully. Under section 335 the act of joyriding is a summary conviction offence, not an indictable offence.

The hon. member mentioned that we have a lot of youth crime. Perhaps I have missed something but youth crimes are dealt with under the Young Offenders Act and punishments for youth are dealt with in the Young Offenders Act. I do not quite see how Bill C-219 would deal with the alleged problem we have with 14 year olds.

We look at this bill as trying to get all people involved as parties to an offence. Under section 2 of the Criminal Code any person who actually commits an offence, does anything to aid a person to commit an offence or abets any person committing an offence is guilty of an offence.

In addition, persons who have a common intention to carry out an offence or what could end up an offence are also guilty of an

offence. So already the person who happens to be using the car while an offence is being committed, but we are not sure if that is indictable, summary, or hybrid, is already taken care of.

The other thing that Bill C-219 tries to address is attempting to commit an offence. Canadians will think it is a good thing we are doing something to get those people who are attempting to commit an offence but again this matter is dealt with in section 463 of the Criminal Code. Once again it makes a distinction between indictable offences and summary conviction offences.

If a person is attempting to commit a crime that is an indictable offence then an indictable punishment will apply. If they are attempting to commit a summary conviction offence then a summary conviction penalty will apply.

Bill C-219 talks about flight following the commission of an offence. Section 23 of the Criminal Code already deals with punishment where a person has attempted to commit an offence and then is an accessory after the fact. Moreover, if the person is an accessory after the fact to murder then that is an indictable offence.

It is terrible when people are killed, as the hon. member pointed out, but the Criminal Code already deals with these provisions.

● (1925)

Under section 249 the dangerous operation of motor vehicles is dealt with. It does not make any distinction whether the car has been stolen, whether it is owned, whether it is with consent or without consent, whether the person is under or over 14. It deals with punishing people who dangerously operate any motor vehicle.

If that dangerous operation of a motor vehicle involves bodily harm there is also a more serious offence and should that dangerous operation of a motor vehicle end up causing death, those provisions are dealt with strongly.

I commend the hon. member for his concern about automobile thefts but the provisions are already present in the code. I concur with my colleagues on sentencing. The whole area of sentencing must be looked at within the act itself.

Under section 718 of the act the purpose and principles of sentencing are clearly established for all Canadians to see. Many issues are dealt with and perhaps the most important one, as my other colleague said, is accumulative punishment which is something that should be left to the discretion of the court.

In light of these comments and concurring with the parliamentary secretary and the hon. member for Berthier—Montcalm, I urge members not to support Bill C-219.

*Private Members' Business*

**Mr. Darrel Stinson (Okanagan—Shuswap, Ref.):** Madam Speaker, it is my pleasure to rise in support of the hon. member for Wild Rose on Bill C-219.

A portion of this bill adds a minimum sentence when a stolen vehicle is used during the commission of a crime. That would be logical to anybody except a lawyer, especially a criminal lawyer. We just heard that from the other side.

Bill C-219 would amend the Criminal Code so the person is guilty of an indictable offence and must be sentenced to one year imprisonment if the person operates or uses a motor vehicle that a person has stolen or knows that it has been stolen while committing or attempting to commit an offence or during the flight after committing or attempting to commit an offence.

The sentence for such an offence shall be served consecutively to any other punishment imposed. What is wrong with that?

It boggles my mind. I just heard the hon. member from the other side arguing or debating about the theft of an automobile. If one was a little more expensive than another then another law would apply. That sounds to me like one law for the rich, those who can afford an expensive automobile, one for those who cannot afford such an expensive automobile.

Is this justice in this member's eyes? Theft is theft whether it is worth \$100 or whether it is \$20,000. To the person who loses that vehicle it is theft. One law should apply, not two or three to go up on the scale of the value.

A \$500 car may be as valuable to me as to somebody who could afford a \$30,000 car. I have to use a vehicle to get to work. I need that in order to supply a paycheque in order to feed my family.

It is as much of a value to me as the \$30,000 car is to the other person. Why should there be a difference in sentencing just on that?

**An hon. member:** A Liberal law.

**Mr. Darrel Stinson:** Liberal law is right. It absolutely makes no sense at all.

In 1993 when all of us, every major party in this House, campaigned on law and order issues, it was running rampant then and it is running rampant now. I well remember in the 1993 campaign the Liberal candidate speaking on law and order. I can well remember the NDP and the Conservative candidates speaking on law and order, and myself as a Reformer speaking on law on order. It was one of the hottest topics in our constituency. We talked about what was happening in society, about how people were getting fed up and were afraid, and how the B and Es and the car thefts were escalating.

• (1930)

It was one of the hottest topics. Promises were given by all parties that we would start to address these issues, yet nothing has been done. Not a thing has been done to address these issues since I have sat in this House. It is escalating according to the police reports. Not according to our reports or their reports, but according to the police reports it is escalating and nothing is being done.

We have a chance with this bill to put a little bit of teeth into it. We have tried the soft approach. We are tired of trying it. The victims are tired of trying it. Many have been victimized more than once. We are sick and tired of the soft approach. It is not working and it is time we tried something different. We cannot be afraid to try something different when we know what we have tried is not working.

Billions of taxpayer dollars have been spent trying to address these problems and it has got us nowhere but an increase in crime. Even the government has to admit that. It has been an increase, not a decrease. So where is the government taking us? It is taking us down the road with absolutely no return. It will just keep escalating. We know that. The criminals know that because they have nothing to be afraid of.

Criminals will be sentenced for two or three crimes and all that will be served is one sentence. So what is there to be afraid of? Why would they not steal a vehicle to commit a crime? They are not going to get any more of a sentence for it. Nothing more is going to happen to them. Less will probably happen to them if they smash it up and run into somebody. That is just the way our system works. We have been led down the garden path far too long on the soft beating heart part of it.

If we really want to do something for our youth it is about time we started to protect them. It is the young people who suffer the most in stolen vehicle accidents. It is the young person who gets into a car that his friend has stolen. Half the time he or she does not even know it is stolen and they roll it. He or she is the innocent victim but nothing happens because of it.

We keep going down the route we have been going on for years and we keep losing our young people. We keep going to funerals because nobody has ever said that enough is enough. There is such a thing as tough love and it works in some cases. Believe me, it works. If I had been able to get away with everything when I was a youth, I hate to think where I would be today, maybe the Prime Minister.

This is the wrong attitude. It has totally gone out the window. The bill specifically states "in the use of crime". Does the government not realize that a vehicle can be used as a deadly weapon? It is a deadly weapon especially in the commission of a crime when trying to make a getaway. It now becomes a lethal weapon. Probably more people have been killed accidents involv-

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ing a vehicle in the commission of a crime than by any other weapon. It is a very dangerous weapon yet the government does not care.

The government says our system adequately addresses this. That is a joke. If it was being addressed, it would not be escalating the way it is. If it were not such a joke, they would be a little afraid of stealing the vehicle and using it. The police would not support this bill if the situation were not such a joke, such a sad thing. The police support this bill.

• (1935)

Some members do not support the bill yet they want to talk about law and order and about how well it is serving us. It is not serving us. Read the papers, see what is going on in this country. They should open their eyes, get out in the real world for a change and find out.

Talk to people who have had their vehicles stolen. Talk to people who get their vehicles back totally gutted out with nothing left. Talk to the person who has put years and years of work into a project like an old car just to have somebody rip it off, strip it and use it in the commission of a crime. Talk to some of those people for a change and find out exactly what they are going through. Members should not just get up and give us the bleeding heart syndrome that it works.

**An hon. member:** They can't fight crime. They have to keep their jobs.

**Mr. Darrel Stinson:** Keep their jobs all right. It is a sad day when we have to stand and try to get a bill like this put through the House. It addresses a crime in this country and the government totally refuses to listen. I hope members over there open their eyes before it is too late.

[Translation]

**The Acting Speaker (Ms. Thibeault):** The time provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

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## ADJOURNMENT PROCEEDINGS

[Translation]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

### EMPLOYMENT INSURANCE

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Madam Speaker, on June 1, 1998, I rose in the House and put a question to the Minister of Human Resources Development. I will repeat that question because it is an important one.

Mr. Speaker, the Minister of National Revenue should be ashamed for saying that he made workers pay the debt. While the Minister of Finance is spending the \$17 billion surplus in the EI fund, fewer than 40% of unemployed workers are receiving EI benefits.

Will the Minister of Human Resources Development stop conducting studies and take action? Will he change the EI eligibility criteria in order to help the 780,000 workers who are not receiving benefits?

I was pleased with the minister's answer in June, which went like this:

Mr. Speaker, as I have said on many occasions in this House and throughout the country, it is clear that our government is concerned about the fact that only 42% of unemployed workers are covered under the existing EI system.

The minister was "concerned" that only 42% of unemployed workers were entitled to EI.

The minister went on to say:

My department has asked Statistics Canada to add a number of questions over the coming months so that we may get a clear picture of the situation these unemployed workers are facing. My department will be able to analyze the information provided by Statistics Canada and make informed decisions.

It is now October and finally the report we have all been waiting for is here. The minister is now hiding behind the fact that 78% of unemployed workers are eligible for EI. But they are eligible under the new criteria. What is worrisome, and must be discussed, is that the report indicates that only 43% of former contributors qualify for EI.

The amendments have been prejudicial to women in this country, including expectant mothers. In 1997, there were 12,000 fewer applications for maternity benefits. The new eligibility criteria require 700 hours, meaning that most women working part time do not qualify for benefits.

• (1940)

The minister turns around and says that the only reason they do not get EI benefits is that they did not work long enough. We, however, say to the minister that the reason these people no longer qualify is because they changed the criteria.

These 12,000 women did work and did pay their premiums, but because the rules were changed and people are now required to work 700 hours, they no longer qualify.

Another group that no longer qualifies is those who leave their jobs. In Canada, 100,000 workers quit their jobs, but the government says they did not have a good reason to do so and are therefore not eligible for employment insurance benefits, even though these people would have qualified in the past.

In 1993, when the Prime Minister was in the opposition, he sent a letter to people in Quebec, telling them that the Conservative

legislation was terrible, that it was unacceptable, because workers who were sexually harassed could not even quit their jobs. He even wrote that workers who were harassed by their employer could no longer leave their jobs.

Now—

**The Acting Speaker (Ms. Thibeault):** I am sorry, but the hon. member's time is up.

[*English*]

**Ms. Bonnie Brown (Parliamentary Secretary to Minister of Human Resources Development, Lib.):** Madam Speaker, the member's underlying question is an important one. Does employment insurance meet the needs of Canadians? This is a question that the government takes very seriously and this is why we welcomed the report published yesterday to which the member opposite refers.

On Monday the department issued its findings. Overall the study indicates that employment insurance does a good job of providing temporary help to unemployed Canadians in between jobs. That is what it was originally intended to do. We are not hiding behind the report. We are proud that 78% of unemployed workers who have lost their jobs or quit with just cause in the last year were eligible for employment insurance benefits.

While opposition parties keep repeating that the proportion of unemployed Canadians who qualify for EI is too low, the fact is that unemployed people not covered by EI can now get help through other programs, which they could not do before.

Some unemployed persons were never meant to be covered by EI at all. For example, self-employed Canadians have never been eligible. Those who have never worked or contributed to the program have never been eligible and those who have been without work for a long period of time have never been eligible.

The new study suggests that many Canadians find it difficult either to get a first job or to return to the workforce after a long period without work. These people need more from us than just an EI cheque to help get them by from week to week. They need the tools to help themselves. That is why we have consistently acted to help unemployed Canadians regardless of whether or not they were eligible for EI.

With the new system, even if some people do not qualify for benefits they can still get the help they need. We have more active employment measures to help people get skills. We ensure that anyone who qualified for EI in the last three years now does have access—

**The Acting Speaker (Ms. Thibeault):** The time has run out.

[*Translation*]

APEC SUMMIT

**Mr. Jean Dubé (Madawaska—Restigouche, PC):** Madam Speaker, on October 8, I announced in this House that the New

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Brunswick premier, Camille Thériault, was aware of the plan to build a correctional college in my province, the very college the member for Palliser heard the Solicitor General talking about on his famous flight to Fredericton.

In my opinion, this is irrefutable evidence that the member for Palliser heard the Solicitor General discussing confidential matters in public. This is why I asked the Solicitor General to admit that he had committed a grave error and invited him to resign.

What was his response? He said the member for Palliser had misunderstood him. Knowing that the member for Palliser could not have known of the correctional college unless he had heard about it on the plane, the Solicitor General nevertheless decided to deny the remarks by the member for Palliser.

Needless to say, the Solicitor General's response left a lot to be desired.

• (1945)

On the other hand, I have to say that his response surprised no one. For three weeks now, the Solicitor General has refused to acknowledge that he made a grave mistake. He has refused to admit that he discussed confidential matters in public. He is incapable of recognizing that his behaviour was completely inappropriate for a minister.

In fact, the behaviour of the Solicitor General is totally in keeping with that of his government, which has attained a point of such arrogance that it deems itself above all criticism. The debate in the House today shows that very clearly.

The RCMP public complaints commission asked him to provide adequate funding to allow UBC students to hire lawyers to represent them before the commission, but the solicitor general denied its request, arguing that the students did not need lawyers to represent them.

The government however is sending a full team of well-paid lawyers to Vancouver to represent and defend the interests of the solicitor general, the Prime Minister and the Liberal government before the commission.

Since the beginning of October, the solicitor general has been contending that the public complaints commission is a fair, equitable and independent institution and that parliament should let it do its job.

But when the commission asks him for the resources it needs to do its job, the solicitor general refuses to provide them. How can the solicitor general claim that the commission's proceedings will be fair and equitable when, by his own actions, he is making sure they cannot be.

This brings me back to my original question. On October 8, I asked the solicitor general to resign. He refused. Since then, almost every editorial writer in the country, including those of the *Globe*

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*and Mail*, the *Halifax Herald*, *La Presse* and the *Edmonton Journal*, have called for his resignation. Yet he will not resign.

The solicitor general keeps on making blunders, but the people of Canada and all my colleagues in the opposition keep on wondering when he will tender his resignation.

**Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.):** Madam Speaker, it is my impression that there is a lot of repetition in this House—

**Some hon. members:** Oh, oh.

**Mr. Jacques Saada:** —and attempts to interfere with answers, as if they were of no interest to the person asking the question. It seems to me that, if a person asks a question, it is because he or she wants an answer to it.

The premise of the hon. member opposite is something I reject as absolutely morally untenable. It is based on what was allegedly overheard from a private conversation in a plane, something a third party, someone not included in the conversation, had the audacity to make public, without regard to any responsibility for the consequences this might have on the credibility of the commission.

One thing is certain, the contents of the conversation in the plane between the solicitor general and Mr. Toole were part of a private discussion. So people can ask all the questions they want in whatever way they want, but I will not talk about the content of that conversation for two reasons. First, I was not on that plane and I invite my colleagues to exercise the same kind of restraint since they were not on that plane either. Before taking this at face value, I think there are some ethical considerations to be taken into account. Second, I will not talk about it because, by definition, it was not a public but a private conversation. It is not my place to comment publicly on a private conversation.

Moreover, the members talk about providing funding for the students and they throw in a lot of unfounded allegations. However, a decision was made in this House with regard to this issue. It was explained at length that this issue does not affect only that specific commission or that specific problem but that, when a precedent is created, it applies to all administrative tribunals.

**The Acting Speaker (Ms. Thibeault):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.49 p.m.)

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