



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 115 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, June 4, 1998

Speaker: The Honourable Gilbert Parent

CONTENTS

(Table of Contents appears at back of this issue.)

All parliamentary publications are available on the
“Parliamentary Internet Parlementaire” at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Thursday, June 4, 1998

The House met at 10 a.m.

• (1010)

Prayers

CRIMINAL CODE

Mr. Paul Szabo (Mississauga South, Lib.) moved for leave to introduce Bill C-418, an act to amend the Criminal Code (mandatory counselling for certain assaults).

He said: Mr. Speaker, this morning I am please to introduce a private member's bill concerning domestic violence, which we all know is a very serious problem in our society. We know that if it is unchecked, if it is not dealt with at the beginning, the frequency increases, the intensity of assaults increases and judgment becomes impaired. It is very difficult to get out of the situation. The risk of bodily harm or even death approaches certainty as time goes on.

I am pleased to introduce this bill as a small step toward addressing domestic violence. The bill would require mandatory counselling for those convicted of domestic assault in addition to any other charges or penalties imposed by the courts.

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

* * *

COMMITTEES OF THE HOUSE

ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

Mr. Rick Laliberte (Churchill River, NDP): Mr. Speaker, I move that the third report of the Standing Committee on Environment and Sustainable Development, presented on Monday, May 25, 1998, be concurred in.

I would like to take this opportunity to make my colleagues in the House of Commons and all of our citizens in this wonderful country called Canada aware of a most crucial report that was tabled by the Standing Committee on Environment and Sustainable Development.

The third report of our committee was entitled "Enforcing Canada's Pollution Laws: The Public Interest Must Come First". The report was tabled on May 25, 1998. This being Environment Week, it is a most crucial time to bring this to the forefront and to apprise all of our members of the details of this committee report.

ACCESS TO INFORMATION

The Deputy Speaker: I have the honour, pursuant to section 38 of the Access to Information Act, to lay upon the table the report of the information commissioner for the fiscal year ended March 31, 1998.

[*Translation*]

This report is deemed permanently referred to the Standing Committee on Justice and Legal Affairs.

ROUTINE PROCEEDINGS

[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

[*English*]

CANADA CUSTOMS AND REVENUE AGENCY ACT

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.) moved for leave to introduce Bill C-43, an act to establish the Canada Customs and Revenue Agency and to amend and repeal other acts as a consequence.

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

Routine Proceedings

Pursuant to Standing Order 108, the Standing Committee on Environment and Sustainable Development proceeded to study the enforcement of the Canadian Environmental Protection Act and the pollution provisions under the Fisheries Act.

There were 24 recommendations. These are the highlights of some of the recommendations.

It is most crucial that the Minister of the Environment provide the committee with amounts budgeted and actually expended for inspections, investigations and prosecutions related to the enforcement of CEPA and the pollution prevention provisions of the Fisheries Act and, also, that any report prepared for the review process of the department in relation to enforcement be provided to the committee.

The committee also recommended that the Minister of the Environment and the Minister of Fisheries and Oceans develop and publish a comprehensive enforcement and compliance policy in relation to the pollution prevention provisions of the Fisheries Act within six months of the tabling of this report.

It recommended that the Minister of the Environment ensure that the regulated parties are informed of their legal obligations under the federal environment laws and that such laws and regulations continue to apply and that they must be observed.

There are many instances in which agreements are made between provincial jurisdictions and federal jurisdictions which fail to highlight that federal legal obligations are still in tact.

The committee recommended that the new CEPA legislation, Bill C-32, enable inspectors and investigators to be designated and given the full powers of a peace officer. Bill C-32 is now being reviewed under the House process. Our inspectors and investigators who are out in the field have little power to issue fines, aside from creating warnings and starting the prosecution process.

• (1015)

Also recommended was that the minister establish without delay a professional intelligence gathering and analysis capacity. This is most crucial because pollution affects our communities, our health and our families. We must therefore establish an intelligence agency among police officers like the RCMP, the provincial police and the customs officers who control our border crossing.

There was also a recommendation to have whistleblower protection for anything dealing with federal obligations. We have many labour groups working in our ports, our manufacturing companies and our industries who may be aware of infractions and must therefore have whistleblower protection in order to protect their

careers. There will be instances where they must extend their authority and highlight the infractions that their company or their employer may be inflicting on our environment. This is a most crucial recommendation that challenges this government to consider.

The minister should revise the current structure of enforcement and establish regional branches and that the decisions not made by officials having managerial functions must be made by members of the enforcement personnel. Enforcement decisions must be made by enforcement personnel, not managerial or political decisions.

Another recommendation is delaying the signing of the proposed subagreement on the enforcement under the Canadian council of environment ministers. Under the harmonization accord that was recently signed there was a subagreement called enforcement which was supposed to be introduced later. We strongly recommend that this be delayed because the present enforcement structure and the federal responsibilities presently are not being complied with.

The minister should publish all enforcement data relating to CEPA, the Fisheries Act and the manganese based fuels act. All these must be published for the media to scrutinize for the public's interest and for leaders and politicians in the legislatures of the provinces, the territories and the House of Commons to scrutinize the abilities of the enforcement of this country. These environmental laws are most crucial for the future health of our children.

The minister should be required to publish and table officially in parliament a detailed annual report on the enforcement actions taken in the previous year relating to all the laws and regulations of Environment Canada mandated under CEPA and the Fisheries Act.

Presently we hear instances that the fisheries minister is required to table the report here in the House of Commons and has not been able to because the provincial governments have not been able to give him the data. The harmonization accord has many holes in it. If these different levels of government cannot be involved in providing a report to the House of Commons there is something drastically wrong with the relationship we have with the provincial departments.

Another major recommendation that challenges this government and the environment minister is to conduct an indepth study to determine whether methyl mercury released in the aquatic environment as a result of the creation of reservoirs, dams and hydro projects in the great rivers of our northern regions is accumulation in the fish and the food cycle. This must be realized because under the CEPA regulations mercury is considered to be a natural substance and not a human induced toxin into our environment. However, because the building of dams increases mercury in our food system we need to have an indepth study on how to address this issue.

Routine Proceedings

The most important recommendation that the minister is challenged to seek and the Government of Canada grant is more resources to ensure proper enforcement on the environment legislation. Time and time again witnesses who were questioned in committee said there was a lack of resources as a result of cutbacks from program reviews one and two. These were financial reviews, not environmental enforcement reviews for the protection of our environment. These were reviews to see where cutbacks should be properly made, surgically cut for the financial wellness of this country. We see the financial well-being of this country. We see an exuberant amount of surpluses in programs that previously were in deficit. Now is the time to draw a priority and consider the environment as a number one priority, especially in this beautiful country.

• (1020)

The introduction of the report and the recommendations are a result of public meetings held from February 18 to March 26, 1998. The committee heard various witnesses from industry, from aboriginal peoples, from labour organizations, environmental groups and government officials, numerous submissions from stakeholders from across Canada.

In this consideration we would like to note the bravery and congratulate the field staff members of Environment Canada who came out and were honest in their perception of the challenges they face in their daily operations as inspectors, as investigators in enforcing the CEPA regulations and the fisheries regulations.

The key points in the report which are highlighted are Environment Canada's enforcement responsibilities and the need for effective enforcement, enforcement problems under federal-provincial-territorial agreements and involving the Canadian public, which is the most crucial aspect of the report, the public's right to know and the public's right to the protection of our environment.

I draw to the attention of the House a book that was most crucial. A quote from this book is that citizens of nations should have a bill of rights. The charter of rights and freedoms of this country should be considered to include environmental protection so that we are free of the poisons and the toxins of the many industries that indiscriminately induce these toxins and pollutants into our water, our air and our land, the very nature of the life we are going to depend on for future generation.

In context we have the Canadian Environmental Protection Act. That is our bill of rights. That is what defines the protection of our environment. But the act is useless if it is not enforced. Without a police officer system on a highway, who is going to keep track of the speed limits? Who is going to keep track of the traffic infractions? Who is going to keep track of all the violations that take place from day to day without the volunteer aspect that we expect from our citizens? The CEPA regulations and this recommendation from the committee highlight that enforcement is a crucial aspect of the protection of our environment.

Under CEPA there are 26 regulations that deal with PCBs, ocean dumping, clean air and water, CFCs, dioxins, furans and fuels. All these issues deal with every constituency in this country. All members of parliament should be aware of the implications, of the inability of the government and the department to enforce these laws.

Under the Fisheries Act we also add fish habitat, the rivers, the lakes, the oceans and the coastlines. We have the drastic results of the Atlantic fisheries and the decline in our fish, the Pacific coast, the changes in our environment, the protection of the fish species and the very economy that depends on it. A total of 32 regulations fall under CEPA enforcement and the fisheries.

In recent times there have been seven equivalency and administrative agreements with the provinces and the territories. Three are specifically under CEPA and two under the Fisheries Act. One of them we highlight is Quebec, federal pulp and paper regulations, a major agreement between federal and provincial jurisdictions.

The Northwest Territories is defining a framework agreement in the five regional offices that comply with the enforcement and the interpretation, the Atlantic regional office, the Quebec regional office, the Ontario regional office, the prairie and northern regional office and the Pacific-Yukon regional office. These regional offices play an important role. In some of the data we were provided with, between 1996 and 1997 there 701 inspections under CEPA, 53 investigations were conducted, 2 directions, 28 warnings, 5 prosecutions and 7 convictions. In some cases investigations had begun in previous years.

• (1025)

In Fisheries Act data for the same year there were 778 inspections, 25 investigations, 1 direction, 8 warnings, 5 prosecutions and 6 convictions.

I highlight the major topics of the report, including the need for effective enforcement and limited resources as a result of the program review of the environment. Environment Canada has realized a 40% cutback in its the financial budget. There is also a loss of the Fraser River action plan that deals with the west coast. The Fraser is a major river system. The Pacific-Yukon budget has been cut by 30%. This cut was effective on April 1. Five hundred and fifty average inspections are expected to drop to three hundred and eighty-five as a result of the cutbacks. The cuts have a definite impact on enforcement. Vacant positions are not being filled, existing workloads and work expectations are insurmountable.

There are issues of climate change and a need to research and collect data on the state of our environment and our fish habitat. But the workload and the expectation is based on the existing workload which has been cutback by 40%. In the Quebec region alone, 60% of its enforcement budget is actually used for enforcement. We must direct these resources to where they are needed. Existing vacancies in Quebec have been left unfilled for as long as

Routine Proceedings

two years although it is one of the most industrialized provinces in Canada.

Poor information supplied to the committee by the department is a major highlight. We are still waiting for information from the department that was requested by our committee. To date it has not materialized. No one really knows how bad the situation is. No details are brought out on the enforcement versus compliance promotion and other activities. Two inspectors in Ontario provide four to five days per company to verify the national pollutant release inventory, a new international compliance. We are making international commitments to do inventory on our national state of pollution but our workload is being carried by the existing staff. In B.C. areas, including non-industrial impacts, there are approximately 17,200 possible sites for a total of 16 staff.

Entire sections of CEPA are not being enforced in Canada. We are trying to juggle and hope industry does not know much about the unenforced regulations and that Canadians believe the protection of our environment is of utmost importance. But we cannot assume. We must make sure enforcement of this law is taking place. Fifteen inspectors in the prairie region cover an area roughly 50% of Canada's land mass.

In 1992-93 there were 1,233 inspections concerning CEPA by inspectors, 93 investigations, 105 warnings, 2 directions and 22 prosecutions. By 1996 the situation deteriorated. We were down to 97 warnings, 15 prosecutions, no directions and no convictions, a clear reduction in environment presence and in regulatory enforcement.

The deputy minister admitted at committee under intense pressure of questioning that there were inadequate resources in terms of environment enforcement. A KPMG survey highlighted that the voluntary measures expected from companies are inadequate, about 16% efficiency compared with enforcement and regulatory compliance measures where 90% will comply.

• (1030)

This government continues to promote voluntary measures. In many areas of the report, there is a lack of resources, a lack of enforcement and also a lack of real harmonization between the provinces.

There is inadequate responsibility of reporting to parliament on the infractions to the fisheries habitat. The provincial regulators and enforcers are supposed to provide this information to the fisheries minister. He has still not been able to provide this report to the House of Commons for all the public in Canada to know. He is legally liable.

The agreement between Quebec and Canada on the application of federal pulp and paper regulations was highlighted. There were

20 infractions in the same year that this was re-signed and renewed and no prosecutions were instituted.

More alarming was the aquaculture memorandum of understanding between DFO and New Brunswick. In that area there was rampant disease and marine pollution. Pesticides were dumped to control an aquaculture problem but the natural environment was being compromised as a result.

In 1997 Ontario pulled out of its agreement with DFO to enforce fish habitat protection. The existing enforcement officers out of the Ontario region are expected to carry out what the province of Ontario is supposed to be doing.

Existing resources have been cut back. The expectations have increased and this report is a major highlight. We must address the enforcement of our environment and pollution protection of this country.

I beg that this House understand the implications of this report and the challenge for this government to make the environment a number one priority, especially this week which is environment week.

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I move:

That the House do now proceed to the orders of the day.

The Acting Speaker (Mr. McClelland): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. McClelland): All those in favour of the motion 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 yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. McClelland): Call in the members.

• (1115)

[*Translation*]

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

(*Division No. 190*)

YEAS

Members

Adams	Alcock
Anderson	Assad
Assadourian	Augustine
Axworthy (Winnipeg South Centre)	Baker
Bakopanos	Barnes
Beaumier	Bélaïr
Bélangier	Bellemare
Bennett	Bertrand
Blondin-Andrew	Bonin
Bonwick	Boudria
Brown	Bryden
Bulte	Byrne
Calder	Cannis
Caplan	Carroll
Catterall	Chan
Charbonneau	Chrétien (Saint-Maurice)
Clouthier	Coderre
Cohen	Collenette
Copps	Cullen
DeVillers	Dhaliwal
Dion	Discepola
Dromisky	Drouin
Duhamel	Easter
Eggleton	Finestone
Finlay	Folco
Fontana	Fry
Gagliano	Galloway
Godfrey	Goodale
Graham	Guarnieri
Harb	Harvard
Hubbard	Ianno
Iftody	Jackson
Jennings	Karetak-Lindell
Keys	Kilgour (Edmonton Southeast)
Knutson	Lastewka
Lee	Leung
Lincoln	Longfield
MacAulay	Mahoney
Maloney	Manley
Marchi	Marleau
Martin (LaSalle—Émard)	Massé
McCormick	McKay (Scarborough East)
McTeague	McWhinney
Mifflin	Minna
Mitchell	Murray
Myers	Nault
Normand	O'Brien (London—Fanshawe)
Pagtakhan	Parrish
Patry	Peterson
Pettigrew	Phinney
Pickard (Kent—Essex)	Pratt
Proud	Provenzano
Redman	Reed
Richardson	Robillard
Rock	Saada
Scott (Fredericton)	Sekora
Shepherd	Speller
St. Denis	Steckle
Stewart (Brant)	Stewart (Northumberland)
St-Julien	Szabo
Telegdi	Thibeault
Torsney	Ur

Valeri
Volpe
Whelan
Wood—131

Vanclief
Wappel
Wilfert

Routine Proceedings

NAYS

Members

Anders	Axworthy (Saskatoon—Rosetown—Biggar)
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)
Bailey	Bellehumeur
Benoit	Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)	Blaikie
Bigras	Cadman
Borotsik	Chatters
Casey	Dalphond-Guiral
Chrétien (Frontenac—Mégantic)	Desjarlais
de Savoye	Dubé (Lévis)
Dockrill	Dumas
Duceppe	Earle
Duncan	Forsyth
Epp	Gilmour
Gauthier	Godin (Acadie—Bathurst)
Girard-Bujold	Grewal
Godin (Châteauguay)	Guimond
Grey (Edmonton North)	Hardy
Hanger	Harvey
Hart	Hill (MacLeod)
Herron	Hilstrom
Hill (Prince George—Peace River)	Keddy (South Shore)
Jones	Konrad
Kenney (Calgary-Sud-Est)	Lalonde
Laliberte	Lebel
Laurin	Lill
Lefebvre	Lunn
Loubier	Mancini
MacKay (Pictou—Antigonish—Guysborough)	Mark
Marceau	Mayfield
Matthews	McNally
McDonough	Meredith
Ménard	Muise
Mills (Red Deer)	Obhrai
Nystrom	Picard (Drummond)
Perron	Ramsay
Proctor	Robinson
Reynolds	Sauvageau
Rocheleau	St-Hilaire
Schmidt	Stoffer
St-Jacques	Thompson (Wild Rose)
Thompson (Charlotte)	Tremblay (Rimouski—Mitis)
Tremblay (Lac-Saint-Jean)	Vautour
Turp	Wayne
Wasylcia-Leis	White (North Vancouver)
White (Langley—Abbotsford)	
Williams—92	

PAIRED MEMBERS

Asselin	Brien
Crête	Guay
Kilger (Stormont—Dundas)	Kraft Sloan
Marchand	McGuire
McLellan (Edmonton West)	O'Reilly
Pillitteri	Venne

The Deputy Speaker: I declare the motion carried.

*Government Orders***GOVERNMENT ORDERS***[English]***JUDGES ACT**

The House resumed from June 3 consideration of Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, as reported (without amendment) from the committee; and of Motion No. 1.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I am delighted to rise at report stage of Bill C-37 to amend to the Judges Act after having been so rudely interrupted by that NDP procedural motion.

The bill seeks to raise the compensation paid to judges appointed by the federal government over the course of two years by 8.3%. Already federally appointed judges on average are paid approximately \$140,000 which is not exactly small change. It is a significant chunk of public revenue.

Let me make it clear at the outset that I and my colleagues in official opposition do not object to paying judges or anybody else who works for the public. We do not expect these people to be disadvantaged in terms of their compensation. We think fair compensation ought to apply to judges as it does to all other members of our public service, people who work for the crown.

What concerns me in the bill is the double standard we are creating for one small group within those who work in the public sector, that group being federal judges. It seems particularly strange to me at a time when frontline workers in the federal government, particularly frontline workers in the federal justice system, people such as frontline members of the Royal Canadian Mounted Police, frontline members of the Correctional Service of Canada, frontline people who enforce our laws, receive little or no pay increases year after year. However, those at the very top of the stratum, those who are already paid far more than most Canadians, would get the biggest increase. Quite frankly the approach taken by the commission which reported and in the legislation seems inequitable, unfair and inappropriate.

• (1120)

The people on the frontline of the justice system like RCMP constables and correctional service officers are people who day after day put their lives on the line for the enforcement of law and order. They are accountable to performance. If they do not perform they can be dismissed. If they make huge errors in judgment they can be dismissed or disciplined. In other words they are accountable.

What about the judges? Are they accountable? No, they are not. They are accountable to no one but themselves. I submit the principle of accountability for compensation ought to apply throughout the public sector just as it does within the private sector.

When my constituents look at some of the judgments made by federal judges at various levels including the Supreme Court of Canada, what they see sometimes astounds them. Other members of my party have made reference to some of the recent shocking court judgments by the people we are now proposing to raise their pay by 8.3%.

For instance, members will have heard recently about the Feeney case. The court ruled that a man who was clearly guilty of first degree murder would be acquitted because a police officer entered his residence without a search warrant, after having knocked on the door and announced himself, to find the perpetrator of this atrocious crime in bed with blood on his person and throughout his trailer from the murder he had just committed. It is unbelievable.

We are now proposing to raise the pay of the judge who made this decision by 8.3%. Not only is he not accountable but we cannot balance his pay with his performance. We have a cast of people who are appointed without public oversight, without parliamentary scrutiny, by the sole discretion of the Governor General in Council, the Prime Minister, and are not accountable even if they make widely outrageous decisions.

What do we say to these people? We say they are not accountable. They make bizarre decisions some of the time. We cannot measure their performance but we will give them an 8.3% pay raise anyway. It is just plain wrong. It shows a completely contorted sense of priorities on the part of the government.

Canadians families are now in the second decade of no after tax increase in their disposable incomes. Frontline workers in the federal government have had no raises for seven years. That we should talk about the best paid people in the country getting an 8.3% pay raise is completely unacceptable.

Yesterday one of my colleagues pointed out that there is a clause in Bill C-37 dealing with survivor benefits, speaking of the spouses of judges. There is a definition of spouse in the act, as there should be. Every federal statute dealing with family benefits requires the term spouse and therefore defines the term.

Recently Madam Justice Rosalie Abella of the Ontario Court of Appeal ruled in the Rosenberg case that the traditional definition of spouse, the definition which exists in Bill C-37 and hundreds of other federal statutes, the definition which is rooted in 1,000 years of common law history and 3,000 years of the Mosaic law tradition, is no longer applicable to all federal statutes including the one we are debating today.

We are proposing to give Madam Justice Abella an 8.3% pay raise after having made a decision contrary to the interest of the

government, contrary to the interest of justice, contrary to any kind of public accountability. This justice was appointed without any kind of oversight or scrutiny by the public, by parliament or by elected representatives of the people. She was appointed behind closed doors by bureaucrats in the justice department offering their short list of candidates to the politicians in cabinet to choose one name over another.

• (1125)

We should have a moratorium on pay raises for judges of the federal government until or unless there is some kind of accountability. Once again, compensation must be linked to accountability.

We in the opposition have called for the establishment of a parliamentary committee to review and comment on judicial nominees by the federal government. At least then we could have some kind of screening process to make sure that irresponsible, ideologically driven, radical judges like Rosalie Abella do not find their way on to the bench. If people like Rosalie Abella want to legislate their political agenda I suggest they run for public office as has everyone in this place and not sit on the bench where they think they can unilaterally impose their political agenda, peculiar as it may be, on the rest of Canadians.

The time has come for us to review the entire process of appointments of judges and the enormous undemocratic power which our courts exercise. Until we have done that we cannot and should not offer them a reward in terms of a 8.3% pay increase until they are finally accountable for the decisions they make.

The Acting Speaker (Mr. McClelland): Before we continue the debate I would like to put on the record of the House the fact that it is quite permissible to speak in general terms about the judiciary. However it is not appropriate to speak about a specific judge or to impugn motive directed to a specific judge. That is not appropriate. It is appropriate to question the judiciary in general terms but not specific judges.

Mr. Howard Hilstrom (Selkirk—Interlake, Ref.): Mr. Speaker, thank you for those word of wisdom in guiding the House along a proper path of decorum and wise speech.

It is a pleasure today to speak to Bill C-37. When I rose to speak to the bill on March 30 I suggested several areas of the bill that should be considered for amendment to ensure its stated intent could be achieved. I rise today to emphasize to members of the House the need for such changes.

Many of Canada's judges may well deserve a reasonable raise of certainly no more than 2% which is what lower paid employees are getting in the public service. By way of general comment, 2% on \$20,000 is much less than 2% on \$140,000. The lowest and the

Government Orders

most needy in society are getting a much lower dollar to take home and buy the basic necessities of life than the higher paid in society.

Low salaries are typical of the justice sector in general, especially in the area of law enforcement. I understand a new mechanism for determining salaries of Canada's judges is needed. As one of my hon. colleague's pointed out earlier, the bill will increase the salaries of judges by 8.3% over two years. Most Canadians would agree this is an unreasonable proposition, especially when we consider judges' salaries in comparison to those of other members of the law enforcement community.

The lowest paid in this public sector still suffer financial hardship due to the broken promise of the government for a resolution, for example, of the pay equity issue. Here again we are dealing with people making in the neighbourhood of \$20,000 to \$28,000 a year.

• (1130)

I also speak specifically about Canada's national police force, the Royal Canadian Mounted Police. Along with that group, I suppose, one could include crown attorneys, clerks and paralegals.

RCMP officers put their lives on the line pretty well every day, but have only received their first small raise since approximately 1991. Police officers make headlines by saving lives.

The House knows how Canada's judges have taken over parliament's role in changing, through interpretation, legislation. The current issue that is of great concern is the change in the definition of spouse. The Rosenberg case, which was referred to previously, has taken it out of the hands of parliament, which should rightfully deal with an issue as major as determining the definition of the word spouse. I would like to think that at some point, possibly in the fall, we will be back debating that particular issue on behalf of Canadians to come up with a resolution out of this House as opposed to the courts doing it.

I would like hon. members of the House to consider how a rank and file RCMP officer will feel when this bill is passed. Officers work every day in dangerous circumstances. Many of our judges seem to be out of touch with the current standards of the average citizen in our community.

I recently brought a petition to the House in reference to the Giles case in Manitoba. One of the primary statements that I made in regard to that petition was that judges have to reflect the standards, the morals and the current beliefs of a society. Otherwise, what are they doing on the bench?

This brings me to another point with regard to Bill C-37. It seeks to establish an independent mechanism for salary determination in order to maintain the independence of the judiciary. There are two problems with this. I agree in part with the intention of this

Government Orders

because we certainly want judges to be independent. However, they also have to be accountable and, as I said, reflect the society they are judging.

Canada's judges should certainly not fear salary cuts if they render decisions against the government. However, the commission to be established under this legislation cannot hope to provide that independence. I believe that the appointment process of one representative by the judges, one by the government and one by both to make up the tribunal does not lend itself to that independence.

The government must move to prevent patronage appointments in the case of government appointments, which are undoubtedly going to occur under this legislation. While it may be agreed that the judiciary should be independent of the government, this should not mean that judges are unaccountable.

I know that hon. members opposite can mention the systems in place for judicial review. I realize that many feel that appeal courts provide all of the accountability necessary in our judicial system because they provide a mechanism whereby bad decisions can sometimes be reversed.

However, this does little to address the deeper problem, which is judges who make decisions that are offensive to their community standards. In that case there is no mechanism for any accountability back to these members of our society. It is here that the question of judicial accountability becomes tricky. Judges should, as we have already agreed, be independent of parliament, which might otherwise manipulate their decisions for political purposes.

• (1135)

The judges should not be totally independent of the communities and the people they serve. Judges who render decisions in keeping with Canada's laws and who use the flexibility provided them under these laws to render sentences in keeping with the expectations of their communities should be recognized for doing so.

Local communities should have greater opportunity to give direct feedback to judges' associations outside of the courtroom. If we cannot move to a system whereby judges are elected by the people for fixed terms of office, we can at least give communities a voice in the process.

This legislation should be amended to allow for the input of victims groups and community leaders in the salary determination process for individual judges. The judges would receive this feedback on a yearly basis which would help to ensure that they reflect the values and standards of the public they serve. The point is that there would be more immediate feedback in the instance of an extremely lenient sentence being given to a child molester or a probationary sentence being given to someone convicted of manslaughter. The judges would find out right away that a large segment of society is against that kind of sentencing.

The fact that judges actually are public servants should not be lost on the House or on the judges themselves. It seems that the concept that they are public servants is a missing ingredient in our society today.

When I consider the legislative action which has been taken and, in particular, the bill which we are debating today, something becomes obvious. The government is not reflecting community values, standards and current thinking on appropriate compensation for public servants, the judges, who are the subject of this bill.

I would like to comment on Motion No. 1 and the rationale behind the motion. Clause 5 pertains to the increase in judges' salaries which will be 4.1%, retroactive to April 1, 1997. No one is getting an increase retroactive to April 1, 1997 and the judges should not be getting one either.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, as chair of the Standing Committee on Justice and Human Rights, I want to comment specifically on Motion No. 2, which is the motion that is before the House at this time. This motion would—

Mr. Jack Ramsay: Motion No. 1.

The Acting Speaker (Mr. McClelland): With respect, there must be a way the hon. member would be able to work her comments into Motion No. 1.

Ms. Shaughnessy Cohen: Mr. Speaker, with respect to Motion No. 1, members have been talking specifically about the salary increases. However, I think it is important for us to acknowledge and to realize that, in general, while the bill focuses in part on salaries, it focuses on other things too. That seems to have escaped the attention of all of the opposition parties.

In particular, attention should be given to the initiative to create unified family courts. I see that the hon. member for London West is in the House. She will know, because she practised law before the courts in London, that the unified family court, an experiment which began in the city of London, Ontario, has been a very great boon to that community. It has allowed the justice system to become streamlined in an area that is crucial to family life and to the good operation of a community.

• (1140)

When these disputes come before a court, it is important that we create a system that allows them to be dealt with as efficiently as possible.

I want to comment on the mood of this debate, particularly with respect to the comments that have been made about specific members of the judiciary and the judiciary in general. When I hear comments like "judges should be independent of parliament but not of their communities" I think that sounds good. Judges live in communities. They should be in touch with their communities. That is good. That is why the government has created committees

composed of members of communities who are not all judges but lay people as well. These committees vet applications for judicial positions and pass judgment on applicants before they come to the minister's attention.

I think of the implications of the statement that judges should be independent of parliament but not of their communities. The hon. member seems to be saying that if a community group or people in the community do not like a judgment, even though that judgment is correct in law, then somehow they can yank the chain to bring the judge to attention and to account.

I heard a member from Calgary suggest, with respect to the Rosenberg decision, that a particular judge was promoting her own political goals and views. These are very serious allegations to be made about a group of people, or even about specific people, who are themselves public servants and not in a position to defend themselves. Before we use our privileges in the House to speak publicly, freely and without any repercussions, I would suggest that we be very careful.

When we look at other countries such as Cuba, or countries where we have concerns about the absence of democratic rights, we look for certain characteristics when we test them for their beliefs in democratic principles. We look for a free parliamentary assembly where people are elected and more than one party can run. We look for privileges for parliamentarians so they can speak freely. We also look for an independent judiciary. A sign of democracy is having systems in place which allow the judiciary to operate independently and not worry about whether their salaries will be paid or about whether they will be yanked back or punished by a community group with a particular agenda if they make a correct decision in law in relation to the constitution.

Reformers are playing with a very serious concept here. Judicial independence is more important than almost any other principle of democracy. It is certainly as important as our right to speak freely in this House, and I would suggest that members opposite be very careful about how they use or abuse that privilege.

We must keep in mind that whether we are in opposition or in government, parliamentarians are part of the justice system. We make the laws. We are every bit as much a part of the justice system as judges, police officers, victims, criminals and litigants in civil law suits.

● (1145)

It is incumbent on us when we are debating these principles to keep the level of debate at a point where we ourselves are not undermining the institutions that we value. The institution of the independent judiciary is so fundamental to our democracy that it should be protected. It should be nurtured. It should not be attacked in an irresponsible and ill-informed manner. I would suggest that that is what we are hearing today.

Judges cannot respond because it is not appropriate for them to respond. It is not appropriate for them to respond because of their

Government Orders

position. That makes them sitting ducks for people who are promoting an agenda of fear and intolerance so that they can then use that to further their political agenda.

We have to be very careful to preserve these precious rights. We have to be very careful to make sure that our judiciary is respected and is taken care of so that they can continue to do the fine job that they are doing.

For those reasons, I will be opposing Motion No. 1 and voting against it. I am very happy to be able to support Bill C-37. I just wish we could hear some more about the good things that that bill is doing, including the unified family court.

* * *

BUSINESS OF THE HOUSE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I rise on a point of order. I believe you will find consent for the following motion:

That if a recorded division is requested at the conclusion of any debate on any government legislation during Government Orders this day, it shall be deemed deferred to Tuesday, June 9, 1998 at the conclusion of Government Orders.

The Acting Speaker (Mr. McClelland): The House has heard the motion put forward by the deputy whip of the government. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

[*Translation*]

JUDGES ACT

The House resumed consideration of Bill C-37, an act to amend the Judges Act and to make consequential amendments to other Acts, as reported (without amendment) from the committee; and of Motion No. 1.

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, it is with pleasure that I listened to the remarks of my hon. colleague and friend from Windsor—St. Clair, who said we ought not to focus exclusively on salary as there are other elements to consider and discuss.

Fine, but at the same time, these other elements should not overshadow the judges' salaries issue. We can talk all we want about principles, judicial independence, separation of powers, Montesquieu and what not, but the fact remains that the bill as it stands contains a very important clause on salary.

Government Orders

My hon. colleague and friend from Berthier—Montcalm moved a motion, that is Motion No. 1 now before us, that would amend Bill C-37 by deleting clause 5.

Clearly, clause 5 does not make sense. It makes no sense at all. What difference would it make if there were no clause 5? Judges' salaries have already been raised by 2.08% on April 1, 1997, and by another 2.08% on April 1, 1998. This has already occurred without Bill C-37.

Now the government has decided to give them more, as if 4% and a bit, when the compound rate is taken into account, were not enough. The bill gives them a 4.1% increase retroactive to April 1, 1997—that will fill their wallets—and another 4.1% retroactive to April 1, 1998, for a total salary increase, with the compound rate taken into account—and this will blow your socks off—of over 13%.

While provincial transfer payments are being cut and unemployed workers are facing ruin—with a \$19 billion surplus in the EI fund—, while the government plans to cut payments to the provinces by \$130 billion between now and 2003, while the health transfer is being cut and the number of hospital beds is dropping throughout Canada, the government wants to give judges a 13% increase.

• (1150)

We are not saying that judges do not deserve it, we are not saying that judges do not do their work well. We think they do. We are not saying that their work is not important; on the contrary, as a lawyer and legal expert myself, I feel that the work that judges do is vital in a society based on the rule of law.

The problem is that, as a society, we cannot afford this increase. We simply cannot afford it. It is a question of choices and priorities. It goes even further; it is a question of the kind of society we want to have.

We in the Bloc Québécois believe that any government's priority must be to help the most disadvantaged, those who are ill, elderly, unable to look after themselves, or need a salary or a decent minimum income in order to live in our modern society.

The government can always claim that it will not be able to attract quality candidates without an increase, but as far as I know, and I know the legal community well, there are waiting lists for judgeships. The fact that the increase will be only 4% and not 13% will not prevent anyone from applying, far from it. There are waiting lists because the office of judge is prestigious and important. There is more than the salary involved.

Once again, this government is showing poor judgement and deciding to give money to those it will appoint later on—because, let there be no mistake about it, these are political appointments,

judges are not elected—rather than giving it to the men, women and children in our society most in need of government assistance.

It is with great enthusiasm that I support the motion moved by my colleague and friend, the member for Berthier—Montcalm, because the Bloc Québécois is working for those who need it, not for the privileged few.

[English]

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, I am very pleased to take part in this debate on Bill C-37, an amendment to the Judges Act.

First I would like to comment that we really do not need a lecture from the member from Windsor on how we should or should not speak in this House. We are all cognizant of the privileges that we need to exercise as members of this House.

This is the highest court of the land. Whatever needs to be said needs to be said here. We are superior to the Supreme Court of Canada. We have a right to bring forward in this House the concerns of our constituents regarding the judicial injustice we hear about almost on a daily basis.

More and more people in this country are losing faith in the judicial system. In fact 52% have little or no faith in the current judicial system. We as members of parliament have a duty to bring their concerns and the injustices that our constituents want us to air to this House of Commons. If the Feeney case can illustrate a good example of this lack of faith in the judicial system, then the Feeney case should be illustrated and made reference to.

If this bill passes, the pay hike of 8.3% over two years for judges will certainly happen. This is really not the time to be talking about wages. As we know, members of parliament are getting blasted for the pay hike of 8% over four years even though members of parliament have not received a pay hike since 1991.

The question I would like to address with reference to this amendment is whether judges need or deserve a pay hike. My colleagues who have spoken before me on this amendment brought up the issue of need. For the record I will quote from the salary schedule to make sure the people of this country know exactly what the current salaries are as of April 1998.

• (1155)

In the Supreme Court of Canada the chief justice makes a salary of \$208,200. If someone is just a justice in the supreme court, a salary of \$192,900 is paid. Under the Federal Court and Tax Court of Canada, the chief justice and associate chief justices earn a salary of \$177,700 and justices earn \$162,300. In the Superior Courts the chief justice and the associate chief justices earn \$177,700 and the justices earn \$162,300. Certainly, these salaries far exceed the salaries of members of parliament who sit in the highest court of the land.

Government Orders

Do these judges deserve a pay raise? The question can only be answered if judges are evaluated by an independent panel. Certainly it is ironic to see judges comment on decisions made at the provincial level regarding judges' salaries, when the judges themselves say that the provincial governments really do not have any business capping their salaries. How ironic it is.

MPs get evaluated every four or five years by the people who pay their salaries. Judges should be evaluated to make sure that if they deserve a raise they get a raise.

The other point I would like to make is that judges are appointed for life. Members of parliament are not appointed for life. We certainly do need term limits on judges.

It is unfortunate that Bill C-37 was not amended to develop a new process for the appointment of judges, to make it one that is more open and more transparent. We heard today that the current process is very patronage based. Today judges are appointed through a political patronage system, through their connections to the political system and political parties. That is normally how someone gets to the bench. We need to make this process much more transparent and politically accountable.

Recently in Manitoba the attorney general, Mr. Vic Toews, was criticized for getting involved in the judicial appointment process. Personally I applaud the attorney general for Manitoba for his intervention. If he is acting on behalf of the people of Manitoba, he certainly has a right to make sure that the federal laws are complied with and that the best judges are appointed.

Another point I want to bring to this House is that under the current federal agreement, in Manitoba three of the federal judges must reside outside the city of Winnipeg. That is a contract the federal government made with the provincial government. Recently there has been pressure to reduce these numbers.

I believe that judges need to reflect the mosaic of the province. Considering that 40% of the population lives outside the city of Winnipeg, I believe that 40% of the federal judges in the province of Manitoba should also live outside the city of Winnipeg. I would hope the Minister of Justice would agree with my opinion.

The government should not be concentrating its efforts on pay raises for judges. We should be concentrating on introducing victims bills of rights legislation and making substantial changes to the Young Offenders Act.

I close by referring to an article printed in the *Free China Journal* dated May 15. It was a surprise to me. The title is "Victim recompense law passes".

The Government of Taiwan recently passed new legislation aimed to correct the public misconception that legal measures only protect the offenders. A majority of citizens in our country

certainly believe that the laws are there for the law breakers and certainly not for the law-abiding citizen. The legislature of Taiwan had just passed a law that provides timely compensation to crime victims and their families. This unprecedented legislation stipulates that if the breadwinner of a family is killed during a crime, his or her family should apply for compensation for this sad state of affairs.

● (1200)

In the past the government also tried direct compensation. It found that direct compensation of this type was often difficult to obtain. In many cases suspects could either not be positively identified or remained at large. It made it impossible for victims to be legally compensated for those who committed the crime. As a result those affected families plunged into a life of financial hardships.

This is a good example that governments do care about the victims of their country. This is a first step that they have taken to make sure that families are looked after. I will send a copy of this news item to the Minister of Justice.

There are certainly many issues this government needs to address beyond that of pay increases for federal judges. The people of this country have waited for a long time for things to change. Unfortunately this government tends to spend its time concentrating on money issues rather than real issues that people have in mind.

Mr. Ted White (North Vancouver, Ref.): Madam Speaker, I am pleased to speak on Motion No. 1 related to Bill C-37, amendments to the Judges Act. The motion put forward by the Bloc member is that Bill C-37 be amended by deleting clause 5.

Clause 5 has to do with pay increases for judges. The way the pay increase would work is it is an increase of 4.1% retroactive from April 1, 1997 to March 31, 1998, and an additional 4.1% from April 1, 1998 to March 31, 1999. At that time the salaries will be reviewed by a newly created body called the judicial compensation and benefits commission. What this amounts to is that judges will get about an 8.3% increase over two years. It is important to note that the average salary for judges at the moment is approximately \$140,000 a year.

A few minutes ago in the debate the member for Windsor—St. Clair said that by talking about these judges and the outrageous decisions that they have been making we are undermining the prestige of the judges and the courts. I say to the hon. member that it is not us undermining the prestige of the judges and the courts, it is the judges who make the ridiculous decisions that appear out there. Many of my colleagues on this side of the House have given the most outrageous examples of decisions that have been made by judges over the last while. I will be giving a few from my own area as part of speaking to Motion No. 1. If these judges were more

Government Orders

representative of their community and our community values we would not be faced with these problems.

In connection with the comments made by the member for Windsor—St. Clair, a poll last July showed that more than 50% of those polled have little faith in judges. Surely that is a very good message to all of us that there is something wrong if more than half the population feels that judges are not doing the right thing. It is time to address a major problem.

In the North Vancouver area a number of my close friends are members of the RCMP. In North Vancouver the RCMP looks after our policing. Some members have told me about their frustration with judges and how difficult it is as a police officer to get some sort of charge against somebody and then get it to stick. There are so many technical flaws or problems in the way of laying a charge in the first place and then to be successful in court to get somebody convicted. Then to get them put in jail is a tremendously difficult thing to do.

It is very frustrating for police officers who know they are faced with this problem every day. Police officers are working hard to keep our streets safe and to get these offenders dealt with. Yet starting constables have had their wages frozen for five years and the starting salary for a third year constable is in the range of \$50,500 to about \$52,400. That is \$90,000 less than the judges who are making judgments on the sorts of criminals these police officers are bringing forward.

• (1205)

As many of my colleagues have mentioned earlier, most Canadians now are starting to think about the justice system not as a justice system but as a legal system, a wonderful place for the judges to share experiences with one another and to talk about the technicalities and how they can find flaws in the things that parliament has passed as our laws. The will of parliament should be ultimate in these decisions.

In the Lynn Valley area, like many other areas of the country, we have a fair bit of youth crime. Of my constituents, like those across Canada, well over 90% would like to see significant changes to the Young Offenders Act and they would like to see some judges being a lot more particular about the sentencing of youth offenders. For example, in May there was a court date for some young offenders in my riding who allegedly had committed a devastating crime in the Lynn Valley area in March.

What they are alleged to have done is that in the middle of night they attacked a person in the street, beat him so severely that plastic surgery was required and practically trashed a person's house and their almost brand new car. They were identified and arrested. But of course nobody could give out their names. It was extremely frustrating to the father of the victim who wants to take civil action against these people but was unable to get names until recently when they appeared in court. There is a general feeling in the

community that these people should be named, especially once they are convicted.

There was a court date set for May. Only a few of these defendants actually showed up in court. What did the judge do? He said "you should tell your friends they really should appear". He set a new court date and put the case off for another few months.

This is absolutely ridiculous and outrageous. Surely the judge should have issued arrest warrants immediately for those people who did not turn up. Instead, it was almost a flippant comment for him to make.

This is the sort of comment that brings judges into disrepute. Maybe they have been numbed by hearing so many cases that they just do not take anything seriously any more. They are at this point where we have to start imposing minimum sentences for these judges to use. Otherwise they are just not going to do anything.

There was another case in the Vancouver area recently where a prisoner in the Kent institution escaped from the institution in a cardboard box. He asked for a stand for his television set. He knew there were not any stands for television sets, so he then made the suggestion that a cardboard box would be fine.

The prison authorities found him a nice big cardboard box which he put under his TV set. While the cardboard box was there over a period of a few months, he reinforced it with bits of plywood and stuff that he got from the prison workshop. He knew a friend of his was going to be released at a certain date. On the night before he climbed into this box and his prisoner friend took it to his cell. It was put in storage overnight as personal effects of the prisoner who would be leaving the next morning.

At no time did the prison authorities ever check the box to see what was in there. The following morning it was loaded into the trunk of a car and left with the prisoner who was being released.

This prisoner who was in the cardboard box was then released from the trunk and he was out at large. He was recaptured within a short time. But he had already escaped numerous times from correctional facilities.

The ridiculous part was when he came to court for this crime, what did the judge do? He sentenced him all right to a number of years in prison but he made it concurrent with the sentence he was already serving. So there is no additional time. It is free time. Escaping from prison means nothing. They get it free. Try it again, please.

• (1210)

We have to congratulate the prisoner for his creativity in escaping in the cardboard box but there is absolutely no account-

ability for that and the judge undermines the confidence of the public by making ridiculous decisions like that.

There is a member on the government side who has been trying to get a private member's bill into this place which would get rid of these concurrent sentences and make people serve time for these types of crimes.

This prisoner had been into bank robberies and had been jailed for those a number of times and he has all these concurrent sentences. They get time for the first crime but not for subsequent withdrawals so it does not really matter what they do.

What we are really pointing out here is that if judges will have their pay increased from the already very generous level of \$140,000 per year on average, it is about time they were a little more accountable. One of the things that the official opposition has proposed is that judges should be selected through a more democratic process.

If we cannot get to the point where the constituents actually elect the judges themselves to truly reflect community values, let us at least have some sort of public process where parliamentarians or MLAs at the provincial level can at least grill and question, get to the bottom and background of people who are to be appointed as judges. I think that is a reasonable approach. It is a step we should be taking and before any of us agree to pass a bill like Bill C-37 with these very generous pay increases we should be insisting on accountability for judges.

[Translation]

The Acting Speaker (Ms. Thibeault): Is the House ready for the question.

Some hon. members: Question.

The Acting Speaker (Ms. Thibeault): The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Thibeault): All those in favour will please say yea.

Some hon. members: Yea.

The Acting Speaker (Ms. Thibeault): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Thibeault): In my opinion the nays have it.

Government Orders

And more than five members having risen:

The Acting Speaker (Ms. Thibeault): The division on motion No. 1 stands deferred.

[English]

The House will now proceed to the consideration of Motion No. 2.

Mr. Jack Ramsay (Crowfoot, Ref.) moved

Montion No. 2

That Bill C-37, in Clause 6, be amended by adding after line 34 on page 3 the following:

“(6.1) A report that is tabled in each House of Parliament under subsection (6), shall, on the day it is tabled or if the House is not sitting on that day, on the day that House next sits, be referred by that House to a committee of that House that is designated or established by that House for the purpose of considering matters relating to justice.

(6.2) A committee referred to in subsection (6.1) may conduct inquiries or public hearings in respect of a report referred to it under that subsection, and if it does so, the committee shall, not later than ninety sitting days after the report is referred to it, report its findings to the House that designated or established the committee.

(6.3) For the purpose of subsection (6.2), “sitting day” means a day on which the House of Commons or the Senate, as the case may be, sits.”

He said: Madam Speaker, I am pleased to address Motion No. 2. Bill C-37 establishes the judicial compensation and benefits commission to inquire into the adequacy of the salaries and benefits of judges under section 26(1) of the bill. Inquiries will commence on September 1, 1999 and on September 1 of every fourth year after 1999, and the commission is to submit a report with recommendations to the Minister of Justice within nine months after the date of commencement. That is authorized by section 26(2) of the bill.

The Minister of Justice is to table a copy of the commission's report in each house of parliament as required by section 26(6). The minister is to respond to the commission's report within six months after receiving it as authorized under section 26(7).

• (1215)

Parliament is given no opportunity or authority to respond to the report. Motion No. 2 gives the appropriate committee, which is the Standing Committee on Justice and Human Rights, an opportunity to review the commission's report, call witnesses, examine the commission's report and report its findings to the House.

Why do we want this? For one thing to determine on behalf of the people of Canada whether or not the recommendations contained within that report are fair to society at large, the people of Canada.

What is being recommended in terms of pay raises by this bill is it is going to increase the pay for federal court judges all the way from \$5,000 to \$17,000 over a two year period. It reminds me a little bit of the report that was tabled in the House recommending

Government Orders

that members of parliament receive a 2% increase over the next four years. This is at a time when so many families are struggling.

The Kim Hicks family, a family of six, is trying to make ends meet on approximately \$30,000 a year. They are having difficulty paying for dental treatments and eyeglass appointments. Thousands of families in this country are living under economic conditions today where they are struggling to keep the family body and soul together. If this bill is passed it will demand more money from those families by way of taxation in order to give judges a raise in pay. These are judges who, as my colleague has indicated, are receiving on average \$140,000 a year. The chief justice of the Supreme Court of Canada receives over \$200,000 a year.

It is not fair for this bill to command parliament to use its taxation powers to again weaken the economic stability of thousands and thousands of individuals and families across this country. This applies equally to the report tabled in the House indicating that we as MPs deserve another 2% raise over the next four years. We are going to take money from these families that are struggling to provide for their children.

Why are we going to tax them more? Because judges need a raise and of course we need a raise. This is wrong. It is wrong because it is not fair.

If we want to give the judges or the members of parliament more take home pay, why do we not offer them a tax cut? I would sooner have a 10% tax cut than a 15% raise in pay. But let us do it for all Canadians. And until we can do it for all Canadians, let us not put a greater burden on them by demanding that they pay more in taxes so that we and the judges can receive more for ourselves and our families. It is not right. And it is not right because it is not fair.

• (1220)

The greatest threat to the economic stability of individuals and their families is the unlimited and unrestricted power of government to tax away their wealth. It is absolutely wrong. When the commission makes its report saying that the judges' benefits should be increased at the expense of Canadian families and society at large, surely we must examine our own consciences and ask ourselves whether this is fair. I think when most of us look in the mirror we have to say no it is not fair. It is not fair. How can we compare an average salary of \$140,000 a year for the judges with a family of six struggling to make ends meet on \$30,000 a year?

If this bill as it is worded goes through without any scrutiny, some of these judges are going to receive a \$17,000 increase in pay over the next two years. We as MPs will receive 2% a year, almost \$5,000 more in the next four years. We are going to receive that. How? By the force of law determined by the majority over there. We are going to take that \$5,000 for each one of us out of the pockets of the taxpayers, out of the pockets of the families that are struggling to feed, clothe and shelter, to educate, to care for their

children. We are going to do far, far more when we pass the bill that is going to give the federal judges in this land a raise of over 8% in the next two years.

There is something wrong with this. It is simply the unrestricted and abusive power of the House, of this government to tax the wealth away from the people in this country who make and create that wealth every year.

Right now we are the highest taxed country in the G-7. The average family spends more in taxes than it does on food, clothing and shelter. One in five children are reported to be living in poverty. What does that say about the families they come from? They are living in poverty too. Why? Because approximately 50 cents of every dollar earned is paid toward taxes in one form or another. This bill is going to take more from them.

It is reprehensible what we are doing to the people of Canada. We are sent here to stand on guard, to protect the rights of the Canadian people who have sent us here. We are not protecting their rights when we do these kinds of things. We are not protecting their rights when we demand 2% for ourselves and they have got to suffer more. That is not right. It is not fair. It is reprehensible and should be reconsidered.

I cannot go back to the people in Crowfoot and say this is fair and just. I will go back and say it is wrong. We are caught in the middle of this, all of us. Why? Because the government simply decides what it is going to do and it is going to do it. It is going to exercise its power to take money from them. Why? Because the judges need more on top of \$140,000 and we need more. It is not right.

Mr. Myron Thompson (Wild Rose, Ref.): Madam Speaker, it gives me pleasure to speak to the motion of my colleague from Crowfoot. He is asking that Clause No. 6 be amended so that all reports to the House tabled by the minister will be referred to the justice committee in order for it to conduct inquiries or public hearings in respect of the report and to report its findings to the House. It is a very sensible amendment.

• (1225)

I find it rather unusual to hear colleagues from the other side of the House, particularly the chairman of the justice committee, say that there are some really good points in Bill C-37. If there are some really good points, then there must be some really bad ones. I wonder why the government members do not recognize them and amend them. I wonder why they do not enter into the debate and try to make some common sense out of what we want to achieve by making these amendments.

The Minister of Justice is to table a copy of the commission's report but parliament has been given no opportunity to respond. This motion would allow that to happen. Like so many aspects of

this Liberal government, its members continue to feel they do not have to be accountable to parliament. By not including this amendment to Bill C-37, they will again prove how undemocratic they have become.

Time and time again this government has contributed to the declining role of parliamentarians. We have seen this most recently at the hands of judicial activism. For example, on a day to day basis we witness the rights of criminals superseding the rights of victims through the court imposed conditional sentences. That happens every day of the week.

Most recently in the case of *Rosenberg v Canada*, a lesbian challenged the constitutionality of the Income Tax Act since it forced Revenue Canada to refuse to register her employer's private pension plan if it extended death benefits to same sex partners. In the unanimous decision on April 23 the Ontario court of appeal decided to read a same sex definition of the term spouse into the act.

I think the government has an obligation to defend its stated position on the definition of spouse. If an appeal fails, then the issue should be put before this parliament and it should be debated. That is what democracy is all about. When there are going to be changes to the definitions in our laws or any changes to the laws, they should be decided by the people in this place, the highest court in the land.

When we are having that debate we should consciously and sincerely keep in mind the wishes of the Canadian people we represent. We should ask what the Canadian people want to see come out of this House of Commons. Then we should oblige them by being good representatives and entering into debate on their behalf.

When he was defending the need for Bill C-33, the former justice minister made this statement "We should not rely upon the courts to make public policy in matters of this kind. That is up to legislators and we should have the courage to do it". I think we all agree with that statement. He made a very wise and good statement. The only thing is that they say it in one place and they do not do it when they have the opportunity. This kind of an amendment would help make these things possible.

It comes down to one question. Is the current justice minister going to let the courts decide on such things as the redefinition of the term spouse, or is parliament going to decide? As far as I am concerned I have seen too many decisions made by these higher courts that have become law. They are beginning to run the country.

The highest court of the land is here. We are the ones who are supposed to make the laws, not the Supreme Court of Canada. It has a vital job on its hands but it is not to impose its will of nine unelected, unaccountable individuals on the will of 30 million Canadians. We are the representatives of the 30 million Canadians and we must have the say as to what their will is toward the laws that govern this land.

Government Orders

The courts constantly make an end run around the democratic process. This is the same as the Minister of Justice merely tabling the report but not allowing it to be scrutinized by members of parliament. It is the same thing as invoking closure on a number of bills. They do that all the time. They are denying me as a member of parliament the right to represent the views of the people of Wild Rose. By denying me the right to debate or scrutinize these issues, they are denying me the ability to serve the people of my riding, which is what I was sent here to do.

• (1230)

When I was elected I received power. That power is to serve. The kinds of things we are doing here takes that power completely away with decisions made undemocratically behind closed doors: whether we like it or not this is the way it will be.

They come from behind closed doors and make decisions by a handful of a very few. Then they tell all members of their particular party how they are to vote. They had better vote that way because if they do not they will be punished. What kind of representation is that?

Recently I made a new friend in Airdrie, Alberta. The gentleman is in his elderly years and is a veteran of World War II. He is a paraplegic and is having some very difficult times with the income he receives and the help we think he should get that he just does not get.

I was in his home visiting this individual. What a shame it has come to the point where the following words came out of his mouth: "I have a medal of honour. I have a medal of bravery. I would like to give you these two medals to take back to the government. Give them back to the minister of defence and tell him I don't want them because I didn't fight for the kinds of things that are going on in this country today. The undemocratic processes that go on are not what I fought for". He is demanding that we change things.

He believed that his comrades in their graves across the seas who fought and gave their lives for this country during that great war would be turning over in their graves if they knew what was going on today with regard to the democratic process for which they fought so hard to try to maintain.

I encourage all members to vote in favour of Motion No. 2 to make the bill a little more bearable and to prove the worth of every member of parliament. Members of the House should be given the opportunity to be the representatives many of us want to be and are unable to be because of undemocratic processes.

Dictatorship should end, starting with these kinds of measures. Things should be brought before us to scrutinize. Things should be

Government Orders

brought into this place to let us debate the definition of spouse. The little minority groups with power in their hands should not define these things for us and tell us what they will be. The people at large whom we serve should have some say in the wages of a judge or the wages of an MP. Let them be the ones who make decisions in this regard. We should remember they are the ones who pay the bills.

It is a shame that this place is in a state where we know more about what is good for every Canadian in the land than the Canadian people themselves. We know more and so we impose our will through all kinds of undemocratic measures. There is no call for that.

Canada is the greatest country in the world. It could be the greatest democracy in the world, but we are not a democracy. We are a dictatorship. Let us change it and let us change it today.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, yesterday, I spoke to Motion No. 1, which I moved, and I indicated the Bloc Québécois' position. Subsequently, the Parliamentary Secretary to the Minister of Justice asked me the Bloc's position on the bill. I want to make sure we clearly understand each other and am going to take a few minutes to explain it.

• (1235)

As we are giving judges increases I consider unjustified at the moment because of the state of public finances and because billions of dollars are being taken away from people who need it and as the aim of my motion was to prevent this increase of approximately 13% from being given to the judges, it is understandable that, if my amendment is passed, we will support the bill in its entirety, because there are good things in it, things that are in response to a decision by the Supreme Court of Canada.

I want to set things straight. The basis of this bill is good, because the government is responding to a decision by the Supreme Court. However, since it waters down to such an extent the remarks made by the highest court on the remuneration of judges, we will understandably vote against the bill if the motion is not passed.

That said, I wish to tell the Reform Party that the Bloc Québécois will support Motion No. 2, since it is important. I think it is more responsive to the Supreme Court decision, and that its aim specifically is to clarify the increases that might be given to federal court justices in the future.

The motion calls for three paragraphs to be added to clause 6 of the bill to ensure greater detail or to involve parliamentarians more. I do not want to play teacher, but I think that, to clearly understand the Reform motion, one must look at the context and, in particular, examine the clause where the amendment is desired.

Clause 6 creates the Judicial Compensation and Benefits Commission. It is mandated, at intervals set out in the act, to examine the Judges Act in order to determine adequacy of salaries, whether the act needs to be amended and whether the judges have reported comments to this Commission, and then to report to the Minister of Justice.

Paragraph (1) describes the mandate of the Judicial Compensation and Benefits Commission. Paragraph (2) states that an inquiry is to be held every fourth year, starting with September 1, 1999. Paragraph (3) states that the Commission must report to the Minister of Justice. Paragraph (4) refers to the possibility of initiating inquiries at the minister's request.

Paragraph (5) refers to extensions, in case the commission wants more time before submitting the report. If the Judicial Compensation and Benefits Commission does not have enough time to produce the report, it may obtain an extension under the act.

Paragraph (6) states as follows:

(6) The Minister shall table a copy of the report in each House of Parliament on any of the first ten days on which that House is sitting after the Minister receives the report.

The Reform Party amendment follows paragraph (6) of this clause and adds the following:

(6.1) A report that is tabled in each House of Parliament under subsection (6) shall, on the day it is tabled or if the House is not sitting on that day, on the day that House next sits, be referred by that House to a committee of that House that is designated or established by that House for the purpose of considering matters relating to Justice.

As we know, the Committee on Justice and Human Rights is the one that would be mandated, or given jurisdiction, to examine the report tabled in this House.

The next paragraph, (6.2) in the Reform amendment to the bill, states:

(6.2) A committee referred to in subsection (6.1) may conduct inquiries or public hearings in respect of a report referred to it under that subsection, and if it does so, the committee shall, not later than ninety sitting days after the report is referred to it, report its findings to the House that designated or established the committee.

• (1240)

This is the important part. A report is submitted to the minister, the minister tables it in this House and the Senate, and everything stops there. Yet, the Standing Committee on Justice and Human Rights is authorized to examine it and is very familiar with everything connected with the Judges Act and other related acts.

If the Reform Party's amendments were passed, members of this committee could hold an inquiry and hearings. Why? For one thing, the committee would have the very specific goal of coming

Government Orders

up with amendments that would reflect the public's wishes. All members of parliament are elected to represent the constituents in their respective ridings. We are, I believe, very well placed to know how the public feels about a given issue. Right now, I am sure that a 13.8% increase for judges would not fly, when we know that they are earning, on average, \$140,000 a year or thereabouts.

The committee tasked with studying the report could report to this House that it had heard such and such a witness from the general public and that the increase was not warranted, or not large enough, because we do not know what shape the public purse will be in in ten years. Perhaps that would be the time to increase the salaries of judges, public servants and people generally.

Once the poverty problem has been solved and the money currently being stolen by the federal government through brutal cuts has been put back into health, education and social assistance, then and only then might it be the right time to consider giving a raise to judges, public servants, deputy ministers and, why not, members of parliament, the Prime Minister and so on. But now is not the time, and if it had given serious consideration to the report, I think the committee would have told the minister not to raise the salaries of judges right now.

Perhaps the parliamentary committee will have to give some thought to the amendment put forward by the Reform Party, which I think also responds to a rather widespread desire among members. We sit regularly on these committees, give a great deal of our time and take our job there very seriously. I for one at least work very hard at the justice committee and, given the time and energy we put into our committee work, we are not involved enough.

I think that, ultimately, an amendment like this one will enhance the role of MPs, perhaps, allowing them to make more of a contribution on a bill or a very specific aspect like the salaries of judges and all the various benefits they get.

I will conclude by repeating that we will vote in favour of the Reform amendment because it supports the objective of transparency demanded by the public and, above all, the contribution the people of my riding and every riding across Canada and in Quebec want their elected representatives make.

[*English*]

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, I rose yesterday to speak to Motion No. 1. Today I rise to speak to Motion No. 2 put forward by my colleague from Crowfoot.

Before I start on a detailed analysis I would like to say that in general the motion is taking about bringing transparency and accountability to a system that has long been hidden behind curtains where arbitrary decisions are made.

Therefore the motion put forward by my colleague from Crowfoot is very important. I ask all members to take a careful look at

it. As my colleague from the Bloc said, it brings transparency and accountability to this system.

● (1245)

I rose yesterday in support of the Bloc motion asking that the judges' pay raise be not given to judges due to reasons I listed. The same rationale applies to me as well. I would be a hypocrite if I stood here and said I like the 2% pay raise that is to be given to members of parliament. Those same arguments apply to me.

Therefore I want to go on record that I am not in agreement with the 2% pay raise to be given to members of parliament because over the four year period that is a 10% pay raise compounded.

The motion in front of the House asks the justice committee to view what the judicial compensation and benefits commission will come up with and have public hearings. What greater accountability is there than that?

The people of Canada will have a choice to say whether true compensation packages are in agreement with what the judges of this country are saying.

It brings accountability to the judges too because when these hearings are held, people will have room to vent their views regarding how the judicial system has been conducting itself. As members know, today this is under scrutiny.

It is viewed and seen that the judiciary is interfering with the wishes of the people as expressed through parliament by the charter of rights and coming to decisions that at times seem quite baffling.

Therefore it is very important that this benefits commission report is brought in front of the committee so that it can be scrutinized by members of parliament and by the Canadian public.

Another question regards where the laws of the nation are made. Are they made in the judiciary chambers or are they made in parliament? That is a very critical and important point in light of recent decisions made by people who have chosen to read what the charter of rights is saying as opposed to the wishes of what the Canadians want as expressed through the Chamber.

How does the Canadian public express displeasure and dissatisfaction on the way the judiciary can proceed if it is not held accountable? It can do that through the consultation package. It can do that when public hearings are made. Submissions can be made and attention can be brought to the judiciary regarding what the people of Canada feel. This brings some kind of accountability to judges.

To some degree judges would be happy to see the feedback coming from the Canadian public on how they are perceived, although we understand quite clearly that they are the guardians of the law. They have to follow the law. They have to interpret the law.

Government Orders

They do not have to read into something when it is not there. The responsibility of creating a concise law belongs to this Chamber.

• (1250)

That is why this compensation package is generous in everybody's point of view, in the opposition's point of view, but of course not in the government's point of view. We know what its point of view is. Its point of view is to spend money, keep the elite happy.

I said yesterday in reference to working class people that Canadians do not even dream of having this kind of compensation package. But today I am speaking on Motion No. 2 where some attempt is being made to take the whole picture into account so that Canadians are served well through transparency and accountability of the judicial system. That is very important in their eyes. It touches their lives every day.

The Constitution guarantees judiciary independence. We are not infringing on judiciary independence. We are extremely proud of the fact that the judiciary is independent in this nation. It is not under pressure. It is not pressured to compromise on the decisions it makes.

Nevertheless there still has to be accountability. Nevertheless the judiciary represents also the views of society. It is important that there be an understanding by the public and by the judiciary of what they expect of each other.

I conclude by appealing to all members of parliament to look at this motion and see that it is a small step toward dialogue between the judiciary and the Canadian public.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, as I did yesterday, I rise to speak against Bill C-37 but to speak in favour of the amendment put forward by my hon. colleague from Crowfoot.

The criticism we offer on this bill should serve as reason enough for Liberals to support the amendment that has been put forward by my colleague, the member for Crowfoot. However, as very often is the case in the House, the government will ram this bill through pretty much as it is. It is not really interested in hearing any constructive criticism from the opposition or our attempts to make the legislation better. It wants to ram it through and it will.

Bill C-37 will increase the number of appeal court judges from 10 to 13. It also will increase the number of unified family court judges from 12 to 36. On the face of it this in itself is not a bad move by the government. There is a terrific backlog in our courts across the nation. More judges will facilitate the movement of these cases through the court system.

• (1255)

However, given the justice system's penchant for inventing rather than interpreting the laws these days, I do not believe that Canadians generally will see this as a positive move.

The recent supreme court decisions to redefine family in this country is very much a case in point. I do not think Canadians in the long run are going to stand for the supreme court actually being in the business of making laws when, by our Constitution and our parliamentary tradition, the duly elected representatives of the people of Canada in parliament are the ones who should be making the laws, particularly on such important issues as definition of family. Those laws should be made here in the House, certainly not in the Supreme Court of Canada.

However, there is a bad trend across this country which has been recognized by Canadians and which we in the Reform Party will fight that trend as best we can.

The bill would also raise judges' salaries retroactively by 4.1% and an additional 4.1% from April 1, 1998 to March 31, 1999. In other words, judges will get an 8.3% increase over two years. Noting that their average salary now is around \$140,000, most Canadians are going to ask whether they really need that kind of raise. I wonder if the judges have come in on bended knee pleading the case that they need more money. I rather doubt it.

Many other Canadians who have been receiving only cost of living raises or perhaps no raise over the past few years will wonder why in the world judges need to receive an 8.3% increase over the next two years. How cynical for this government to award judges, senior bureaucrats and its own ministers with large pay raises and bonuses while at the same time frontline police officers and low level public servants will receive little to nothing. It does not make sense and it is not fair.

Granted, my friends across the way will cry out piously and wave their arms at me saying that is not true. In March they gave RCMP members a raise. My goodness, how good they were to them. I remind everyone that RCMP salaries have been frozen for five years. The last stage of the increase calls for a .75% increase to take effect on October 1, 1998. It does not make sense and it is not fair.

This bill also seeks to establish a judicial compensation and benefits commission to inquire into the adequacy of the salaries and benefits of judges. I want to spend a few moments to discuss that commission in some detail. Indeed it shows that under the guise of judicial reform Liberals still have not lost their taste for pork barrel politics.

The creation of the judicial compensation and benefits commission provides the federal government with yet another opportunity

Government Orders

to make patronage appointments and another opportunity for hardworking Liberals to be rewarded with a place at the trough. The activities of this commission will commence September 1, 1999. On September 1 of every fourth year after 1999 the commission is to submit a report with recommendations to the Minister of Justice within nine months after the date of commencement. Eventually the Minister of Justice is to table a copy of the commission's report.

However, that does not really matter because parliament is given no opportunity or authority to respond. Again this underscores the lack of public accountability within this proposal.

The commission will consist of three members appointed by the governor in council. In effect, governor in council appointments are code language for patronage appointments. One member is nominated by the judiciary, one nominated by the Minister of Justice and the one who acts as chair will be nominated by the first two persons nominated. The members will hold office for a term of four years and are eligible to be reappointed for one further term. There is more opportunity for patronage.

• (1300)

As Canadians can see, the appointment process is lacking in transparency and therefore credibility. At no step in the appointment process does the public or parliament have a say. Reformers want to ensure the appointment process is transparent and publicly accountable in order to eliminate this kind of patronage. In fact, our national Reform assembly in Vancouver in 1996 accepted recommendations made in this regard. The report outlined a more populace style of appointment, whereby a committee would review and interview candidates whose names would be put forward to the Prime Minister.

That type of enlightened thinking is not present in this bill. I suspect that is because Liberals are against anything that smacks of populism.

Canadians will be unimpressed with this legislation. Overall it does nothing to address some of the fundamental problems inherent in the justice system. In fact, while pressing issues of criminal justice go unaddressed in this country, this is the third time the Liberals have amended the Judges Act. There are better things for us to do in this parliament.

During the last parliament, in 1996, the government introduced Bills C-2 and C-42. Both bills were inconsequential pieces of legislation and were of little significance to Canadians who are concerned about their safety, and rightly so.

Both Liberal justice ministers have failed to introduce the victims' bill of rights which we in the Reform Party have advocated for many years. It has been given a low priority on the justice agenda, as if they really do not care about the victims of crime in this country. Both the present and past justice ministers failed to

substantially amend the Young Offenders Act. Instead they tinker around the edges of it. Both ministers have failed to limit the use of conditional sentences for violent offenders. Instead the justice committee's time is spent dealing with these administrative matters.

There are other shortcomings in the bill, but I want to turn my attention just briefly to the amendment put forward by my Reform colleague from Crowfoot. The amendment would give the appropriate committee an opportunity to review the commission's report, call witnesses and report their findings to the House. Does that not make sense? Is that not democracy in action?

I call upon all of my colleagues in the House to support the amendment and defeat the bill.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, I am pleased to speak today in this debate because of a number of incidents which have happened across Canada in the last year.

A year ago we were just getting over the terrible devastation of the Red River flood. The devastation not only took away people's income, but in many cases it destroyed their property, it destroyed their lives and in some cases it destroyed families.

We just recovered from that and last winter we had a terrible ice storm which again took millions of dollars and ruined peoples' lives for one year, two years or even more.

While the effects of these two national calamities go on, we stand here today debating a proposal to give people who are servants of the people an approximate 8% raise in salary. This going on while hundreds of people have not even started to pick up their shoelaces from the disasters. It is incomprehensible. Does the government not realize that we are elected as members of Parliament to serve the people?

• (1305)

How can I possibly respond to a letter I received the other day? It was from a single parent with two children whose income is slightly below the poverty line. Are the people who are in dire need about to get a retroactive 8% increase? The answer is no.

There are hundreds of people who have to file income tax returns who should not even be on the tax rolls. When they see people being appointed to positions and receiving an 8% raise in salaries that are already \$140,000, they cry out in a loud voice from ocean to ocean to ocean. They do not cry "no"; they cry "no way".

We need to follow the advice of this motion. We need to listen to the words of my colleague from Calgary who says "Let us take this back. Let us have a review of what we are doing".

I well recall when the famous charter of rights and freedoms was implemented. I recall the statement being made that now we have the ability to make the laws. Therein is the danger which the people have echoed throughout this country for the past two years. They

Government Orders

are saying "I thought we elected our MPs and our MLAs to make laws".

In the newspapers in the past three months I have seen terms like "The tribunal orders the government". The word "orders" is used. The tribunals are telling us what definition such terms as spouse and marriage will take. This government has nothing to say about it because of the courts? Democracy is wavering on some of these issues and it is wavering badly.

I want to talk about my constituents. At this time last year, between the two cities I represent, we had a very fierce hail storm. The people out west could not tell whether it was crop or summer fallow. That is how bad it was. They did not lose \$140,000. Many of those people lost an amount which is double that of the wages of a federal judge. Did they get retroactive pay?

They have not pulled up their bootstraps from that and now they are facing a drought. To add to that, there are hundreds thousands of acres, including those in the neighbouring province of Manitoba, that have had six nights of killing frost. Seventy thousand people are sitting out there not knowing what their income will be this fall. I am just referring to western Canada. But we are going to give a handful of judges an 8% raise on incomes of \$140,000. I cannot believe it. I hope that all the people of Canada from coast to coast to coast who are listening to the debate today are aware of that.

About 18 months ago *Maclean's* magazine did a poll on what bothered Canadians the most. Up near the top of the list was our court system. They said that they were losing faith in our court system and now we are going to reward judges with an 8% salary increase.

Any member of this House, on any side of the House, who represents any party in the House, should be thinking about the real producers of wealth in this country. They should be thinking about the miners and about those who provide the food. They should be thinking about the people who are raising families, the unemployed and the youth who cannot find jobs. But what are they saying? We have a great country. We just gave our judges an 8% raise.

• (1310)

This is wrong. This bill, as the amendment says, should go back to committee. The government should have no fear of sending it back. I do not care whether the session is almost over. For the government to move closure on this bill will ring out across this land like no emergency has ever rung out. The people will say "The government has done it again".

The government is robbing from Canadians to pay people a salary in excess of \$140,000. It is saying that the rest of the people can work it out for themselves. The farmers, the people who live in the Saguenay, on the prairies, in the Red River valley and else-

where will just have to pick up their own bootstraps. It may take them 10 years to get back to normal.

I beg the House to support this motion. If anything, stall it. Send it back. I think the judges can live on \$140,000 without due concern. I think that can happen. I do not think our justice system is going to fall to pieces. This is a good motion and I beg everyone to support it.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I appreciate the opportunity to partake in the debate today. There has been a great deal of bluster and a great deal of frank discussion about the merits of this particular piece of legislation.

To focus specifically on the motion before the House, what we are in essence contemplating and what the motion would have this House do is return this particular piece of legislation to the committee for further discussion and consideration.

As the previous speaker has indicated, it would hold this piece of legislation in abeyance until perhaps some of the more controversial elements of it have been dealt with in a more substantive way.

It also calls for the review process to kick in. Before the legislation is put in place there would be a further opportunity for scrutiny on some of the detail. In particular, we have heard the official opposition voice its concerns about the salary scale that judges would enjoy should this legislation be passed through this House. Then, of course, it will be further examined in the other Chamber.

There is a great deal of irony, of course, in the remarks of the official opposition, knowing that members of the House are contemplating raises for themselves. I think we have to be very careful, very circumspect, when we speak to this topic.

I do take some exception to some of the personal attacks and some of the remarks that have been made about the judiciary. I think we owe it to ourselves as parliamentarians to be very, very cautious indeed when we start to denigrate and question the integrity of the judiciary. It is certainly not a simple solution to castigate the entire legal process and the players in it.

I can assure members that there are many problems within our justice system. I do not think anyone in this country would disagree with that. However, I believe that the majority of people who are presently working in the justice system are doing their best. Although it is an imperfect system, when compared with other countries it is certainly something we should be proud of.

It is always easy to take the wrecking ball approach and knock down the system we have, but we must always be prepared to replace it with something that is constructive. Unfortunately, there is a tendency at times to simply tear things down without having

something positive to replace them with. I feel it is important to have that on the record.

The motion itself, I will indicate quite clearly, the Conservative Party supports. We feel that there is an importance in this motion in that it calls for further credibility of the system and further transparency. It would allow for greater public scrutiny and for the calling of further witnesses to testify. It is a positive suggestion and one that appears quite non-partisan in nature. I believe this is very important when it comes to issues of justice because the benefits or the downside of justice issues really do not know political boundaries.

• (1315)

Once more we see far too often in the House issues of health, education and justice becoming mired in partisan remarks and personal remarks. We must sometimes be a little more tempered when we speak on the floor of the Chamber.

We are certainly for the process of examination or re-examination as the case would be with this motion. We are supportive in principle. A positive suggestion has been put forward. As a member of the justice committee I am not reluctant at all to delve into this question, to look at it further.

There are many positive things about the bill itself, if I can speak momentarily about it in the broader scheme. The suggestion that we will be having more unified family court judges will be of great benefit.

The legislation as well talks about a review process. That is a process that would in future examine the question of compensation. Let us face it. What we need in the system more than anything else is good personnel. We need judges who will be competent, judges who come from the practice of law and bring with them that experience. That personal element does not come cheap. We have to ensure that we will have individuals who are prepared in many cases to make sacrifices by leaving the profession.

We are supportive of this amendment. We would suggest all members of the House similarly support the motion, and I will leave my remarks at that.

[*Translation*]

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, if I may, I would like to ask the unanimous consent of the House for the following reason. I have introduced an anti-scab bill which has not yet been drawn, but some six months ago, I moved a motion calling for an inquiry into penitentiaries.

In the penitentiary about which I called for an inquiry, it seems that things have settled down, that things are better now, so I ask unanimous consent to withdraw Motion No. 244 calling for a

Government Orders

public inquiry of the administration of the maximum security penitentiary at Port-Cartier, which is scheduled for debate tomorrow at 2.30 p.m.

I believe that you would obtain the consent of the House if you were to ask it.

The Acting Speaker (Mr. McClelland): Does the hon. member have the unanimous consent of the House?

Some hon. members: Yes.

An hon. members: No.

The Acting Speaker (Mr. McClelland): There is not unanimous consent.

[*English*]

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, I would like to speak to Motion No. 2 which is asking for legislation to establish a mechanism for reporting a decision made by a commission back to the House of Commons.

I have to support the motion. Over the period of the four or five years that I have been here I have watched how parliamentary democracy is being undermined by a government which continues to transfer regulatory authority and other authority to boards, commissions and the executive branch of government, cabinet, without considering bringing those decisions to parliament and allowing elected officials to discuss, debate and make comment on matters that will have dramatic effects upon Canadians.

• (1320)

I have been very concerned about the tendency for this to occur. It is just another indication or another vehicle where we see parliament being removed from the decision making aspect or even the accountability aspect of what the government is doing. That is a very dangerous precedent for us to support.

As parliamentarians who have been sent here to represent Canadians, people across the country, it is imperative for us to be watchful that parliament retains its authority and its ability to watch and check things occurring in government agencies and boards.

There is a need for an arm's length commission to make decisions on salary and pay benefits. The concern raised by the electorate outside the House on pay increases for members of parliament is a good example of what happens when people have a benefit to reach in making decisions.

An independent commission was established to look at the pay and benefit packages of members of parliament. That commission put out a report. The report from that independent body was completely ignored by the government. We are faced with parlia-

Government Orders

mentarians once again having to deal with changes to their pay and benefit packages. That should not occur.

Parliamentarians should never be in a position of having to debate and having to support or not support their salary and pay benefit packages. That should be totally removed from people who benefit from those decisions.

I suggest the same point should be considered in terms of this commission. We have a commission made up of individuals who belong to the judiciary one way or another, or who are attached through the justice department, the judiciary committee or whatever, to a decision on what pay and benefit packages the judges will be given. That is wrong. It should be an independent arm's length group that makes those decisions and those decision should be reviewed by the Parliament of Canada.

I may sound repetitive but I cannot express it enough. I do not think Canadians are aware of what is happening. I do not think Canadians realize how much authority and decision making is being removed from members of the House. I do not think Canadians are aware of how powerless the House is becoming because of legislation that hands over responsibility and authority to non-elected boards and removes them from any accountability or follow-up.

We have seen it with parole boards and immigration review committees and this commission and that commission. We saw it once again with the commission struck by the House, or by somebody, to review our pay and benefit packages. Committees and commissions come up with decisions which do not have the support of the Canadian public that has no recourse.

We have often asked questions about semi-judicial committees and boards. We have been told that they are arm's length and cannot be held accountable. Who can hold them accountable if it is not the House or a committee of the House?

The motion makes a whole lot of sense. All it is asking, as I understand, is for a commission to report back to a parliamentary committee so that the parliamentary committee can review its report and can make a judgment on behalf of Canadians whom we represent as to whether or not the report should be supported or the recommendations should be legitimized.

• (1325)

If for a moment we stop trying to hold commissions, committees and the executive branch of government accountable to parliament, we are undermining the whole parliamentary system that Canadians think exist.

I have absolutely no problem and I would encourage all members of parliament to support the motion which asks for parliament

to know what is going on, to be able to ask questions about what is going on, and to be able to bring it into the public forum so that the Canadian public knows what is going on.

Much of what happens outside the House, committees, commissions, boards and the executive branch of government, cabinet, is held behind closed doors. It is not public information. The discussions are not public. Whenever that happens Canadians become suspect and often with very good reason. They become cynical. They feel that if it is not a debate that is happening in public there must be something somebody is trying to hide and they become less willing to support the end result.

We see it in the judicial system. We see it in the parliamentary system. We see it in the immigration system. I could go on and on. Canadians are losing respect and their support for what we are trying to do because of the things done behind closed doors.

It is very important that in the 36th Parliament we do everything we can possibly do to bring our discussions and debates into an open forum. We should not only allow Canadians but encourage them to participate in the discussions and in making decisions that have to be made about where Canada is to go in the next millennium, what kind of direction we should be going in and what end result we are trying to reach.

This is one measure with which we can start opening up the process, opening up the dialogue, opening up committees, commissions and boards, and letting Canadians know that we are not afraid of talking to them or of including them in the discussions. We should encourage them to enter into what is happening in the House.

I would like to see support by all members of the House. It would send a strong message to Canadians who are wondering what we are doing that we are open, have nothing to hide and want accountability. We want to be able to bring forward boards and commissions that are accountable to parliament. Then we could stand behind the decisions we make. We could review issues in a House committee and the House committee could make suggestions. Then the executive branch of government could respect the decisions, the reports and the recommendations that come before it.

If we had a government and an executive branch of government that respected parliament and the decisions made by committees and commissions which are held accountable through parliamentary committees and parliamentary sessions of the House of Commons and its members, Canadians would become less cynical about government and about politicians and certainly less cynical about the justice system and the judiciary.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I want to take a minute to set out the government's position with respect to Motion No. 2 and to point out that Standing

Government Orders

Orders 32(5) of the House of Commons already provides for the referral of any tabled report to the appropriate standing committee.

The second part of my submission would be that Standing Order 108(2) allows the justice committee or any other committee of its own volition to make a study at any time of a matter within the jurisdiction of the departments it oversees. As a result it seems to me that this is a redundant section. I do not know if it is appropriate to override House standing orders by statute.

• (1330)

Standing Order 32(5) states that reports laid before the House in accordance with an act of Parliament, which is what this would be, shall thereon be deemed to have been permanently referred to the appropriate standing committee. The point is that it is already referred to us. It does not need to be referred by statute because the standing orders already do that.

The Standing Committee on Justice and Human Rights is free to determine whether public hearings are in the public interest. I want to point out too that at the time of tabling, it is always open to the House to make a motion requiring the committee to report back. That has been done from time to time.

The Standing Committee on Justice and Human Rights has a busy schedule but there is no reason why such a report could not be studied by it and should not be studied by it, if it is the will of the committee.

I thank the member for her submission. It is an interesting one. It is helpful to have these debates, but I would suggest that Motion No. 2 is unnecessary in this legislation.

Mr. Jason Kenney (Calgary Southeast, Ref.): Mr. Speaker, I am pleased to rise to continue debating Bill C-37, at this time on Motion No. 2 put by my colleague, the hon. member for Crowfoot. It would amend the bill to require that a report of a commission established to review judicial compensation would require a hearing at presentation with discussion, debate and the appearance of witnesses at committee, presumably the Standing Committee on Justice and Human Rights chaired by the hon. member who just preceded me.

That hon. member said during her remarks that already there is provision which can allow for reports of this nature to be tabled at committee and to be discussed at committee and commented on by witnesses. That is at the discretion of the government. The report need not be tabled at committee. It only is tabled at committee if the government decides that it should be tabled at committee.

What we are seeking to do through Motion No. 2 is to require full public scrutiny and transparency of reports of this nature so that the people who are paying the bills have a chance to comment

on them at committee stage. It is entirely different from the status quo arrangement to which the hon. member opposite referred.

This really begs the question, whenever we have an opportunity to broaden parliamentary scrutiny of matters of this nature, why is it that the government is always opposed? Why does it always oppose greater parliamentary scrutiny? These people when they were in opposition were the great champions and heroes of parliamentary scrutiny, democracy and transparency in such matters.

Whenever a motion such as this one is brought forward on a bill of this nature the government members always predictably oppose it. I ask why. What are they trying to hide? Who would be harmed? What damage would be done to parliament, to the government's agenda, to the independence of the judiciary were reports of this nature on judges' compensation to be tabled and heard with the comment of witnesses at committee?

I submit that no damage would be done. The only damage that could be done would be to the government's ability to control the agenda and to sweep these things under the carpet. That is why the government is opposing it.

Let me be consistent because we are going through a similar exercise right now. By way of analogy, the Parliament of Canada Act requires that after a general election a commission be appointed by the Governor General in council to review indemnities and allowances for members of parliament. This was followed of course by the government.

Following the election the government appointed the Blais commission, three independent Canadians to sit on a commission to review MP compensation. This commission reported back to parliament but the hearings were held in camera without the appearance of witnesses.

• (1335)

Now we have a report tabled by the committee on procedure and House affairs which has not had public scrutiny or input. An independent commission is set up that reports but with no public comment, no opportunity for public scrutiny, no opportunity for witnesses to appear. Then a report is tabled in this place and presumably will be passed.

I have a serious problem with this procedure, not just as it affects judges but also as it affects MPs or anybody else in the public sector. When we are discussing raising compensation for people from the public purse, in a sense taking money from taxpayers, using the coercive power that we wield in this place to levy taxes on people, to pay additional compensation to ourselves or to others such as judges, that ought to be done with the greatest of possible public scrutiny.

That is precisely what Motion No. 2 seeks to do with respect to Bill C-37. I really wonder why the government is opposing this.

Government Orders

Once again, it raises the whole question not just of the compensation of judges but of the lack of transparency in the manner through which judges are appointed.

Canada is probably the only one of the modern democracies that does not allow for candidates for the judiciary to first be screened by, questioned by or to testify in front of members of the national legislature.

We know that our friends to the south require a senatorial review of judicial nominees before they can be confirmed. It is a sensible policy because it ensures that there is a check and balance on the power of the executive in loading people who support its political agenda on the judiciary.

Let us not be mistaken. While we have many marvellous hardworking justices who simply interpret the law narrowly and strictly, we also have on the benches of this country many judges who regard themselves as glorified legislators. They sit on the bench and legislate from the bench. They do not interpret the law. They make the law.

We have no means as the representatives of the people, as the guardians ultimately of the Constitution to ensure that the people appointed to that bench are going to interpret rather than to legislate from the bench.

I ask that we have greater transparency when it comes to compensation for judges in Bill C-37. So too, we call for greater transparency in the appointment of judges so that the public and its representatives in this place, in the upper chamber, know what they are getting when the Prime Minister and the Governor General in council, when the cabinet decides to foist on the bench some radical politician who calls himself or herself a judge.

I also suggest that this principle should be applied throughout the public sector. We ought not to isolate judges. Whenever we are discussing compensation increases for senior people in the public sector, including ourselves, why should we not allow for complete, full and absolute public scrutiny?

Do you know something, Mr. Speaker? There is nothing to be afraid of. It is quite possible that experts and ordinary Canadians would look at a proposed pay increase or adjustment to compensation such as the one proposed in Bill C-37, an 8.3% increase over two years and would say "Hey, this is well deserved. These people work hard. They have earned this increase". Let us not prejudge the wisdom of the public. That is what we are doing by shutting out public commentary and expert commentary through witnesses on this matter.

I commented earlier that I find it hard to believe the kind of bizarre judicial decisions we see coming with greater and greater frequency from federally appointed judges.

I commented earlier on the Feeney decision where a judge appointed by cabinet decided that a man who was clearly, unques-

tionably guilty of first degree murder was acquitted. Why? Because an RCMP officer failed to secure a search warrant in a rural area in British Columbia when he followed the trace of evidence to this man's residence. What did he do? He announced himself as a peace officer. He asked for permission to enter. No one responded. He went in and found the accused passed out on the bed covered in the blood of the murdered victim. The judge in that case, a judge appointed by the government without parliamentary oversight, allowed that man to be acquitted.

• (1340)

This happens all too often with respect to sentencing and conditional sentencing. It happens all too often when judges decide they are going to make the law in their own image claiming some specious authority in the charter of rights and freedoms.

Now we are proposing to give those very same judges who are accountable to utterly no one but themselves a pay increase almost un contemplated anywhere else in the public sector, and I would submit the private sector, in a country where people are earning less now than they did 20 years ago. At the same time the government is telling us that we cannot even put such a report before a committee before it comes to the House to allow for proper disclosure and proper transparency.

I know from private conversations that there are members opposite who are very concerned about Bill C-37. I ask them to test their whip for once and vote for greater transparency in this place by supporting Motion No. 2 on Bill C-37.

Mr. Inky Mark (Dauphin—Swan River, Ref.): Mr. Speaker, I am pleased to rise to support the amendment put forward by my colleague from Crowfoot.

The amendment initiates the process to scrutinize and review the commission's report calling for witnesses and reporting its findings to the House.

For the record I would like to say that the concern is that the commission, which is comprised of three members appointed by the governor in council: one nominated by the judiciary; one nominated by the Minister of Justice; and one, who shall act as a chair, nominated by the first two nominees. Does anyone think they will be objective in their deliberations? That is precisely the point and it is the concern of the public and our constituents. These members may not be objective as they have a vested interest in increasing their and their colleagues' salaries and benefits.

The issue here is optics in that it just does not look right and it will not sell. From a political point of view I cannot understand why the government would put forth such a bill with such an amendment.

I would like to briefly return to the issue of the 8.3% pay raise over four years. The bottom line salary today of judges is \$162,300.

Government Orders

If this bill passes there will be a retroactive raise of \$13,000. A lot of my constituents in Dauphin—Swan River do not even make \$13,000 on an annual basis.

The real issue is not about a pay increase for judges. If this government really wants to do some real work in terms of reforming our judicial system, it needs to deal with those issues and not about pay.

How many people in my own riding would support this pay increase? I do not think too many would. My constituents would say that there are lots of issues and problems in the judiciary system so why are we not addressing them first?

More and more people are feeling unsafe these days because of youth crimes. For years we have talked about the Young Offenders Act. In fact as early as 1991 when I was first elected as a councillor I remember very well a municipal initiative calling on the federal government to deal with the Young Offenders Act. I remember filling out surveys sent out by the solicitor general's office asking for input on how the Young Offenders Act could be changed and reformed. Fortunately the municipal organization co-operated and did submit its surveys but unfortunately there was no response on the part of the government, and this is going back as early as 1991 and 1992. The people of this country want to see change but unfortunately the government at this level at that time did not deem it important enough to follow through on.

• (1345)

Therefore people have very little faith in our judicial system, the lack of a justice system. We have heard figures of 52% of the country having very little faith in the justice system. Bill C-68 is another indicator where the government is treating law-abiding citizens like criminals. The government knows that with expenditures of \$1.2 billion projected to implement the registration of all firearms this has no effect whatsoever on crime control. A whole new bureaucracy has been established and I am sure thousands of people will be hired to implement another bureaucracy which will cost taxpayers more money.

There are many components to a justice system. My colleagues speaking on this subject indicated that politicians are included. I agree, politicians are part of the problem. Perhaps they are the problem. Politicians know that people want changes in sentencing practices. The public wants changes victims rights to be addressed by the politicians. As I indicated, we all know the public wants changes in the Young Offenders Act. The government has to be more accountable for this current situation. The government can respond to make judges more accountable and to make changes to the Young Offenders Act.

What I am basically trying to say is although we have said many things about judges I think the politicians need to take some of the heat as well.

Governments cannot use the judicial system as a vehicle when they believe it is expedient, as we have experienced in these latter years of our history. Judges need to answer to this House because this is the supreme house of this country.

I ask all members in the name of democracy to support the amendment put forth by the member for Crowfoot.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, Motion No. 2 was put forward by the Reform Party and adds a few lines after line 34 on page 3 of the bill:

“(6.1) A report that is tabled in each House of Parliament under subsection (6), shall, on the day it is tabled or if the House is not sitting on that day, on the day that the House next sits, be referred by that House to a committee of that House that is designated or established by that House for the purpose of considering matters relating to justice”.

The amendment goes on with two other parts related to getting some accountability into the system.

Some years ago there was an attempt to roll back judicial salaries as part of the cost cutting measures of the government. The supreme court actually ruled that any attempt to roll back judicial salaries was an interference in the independence of the judiciary.

It is amazing that rolling back salaries is an interference in the independence of the judiciary but increasing its salaries is not. Is that not amusing, that one is an interference and one is not?

• (1350)

The court ruled that the government had to set up a commission to set judicial salaries. It issued it as an order to the government. Theoretically the government does not actually have to obey the order. It could say we are certainly not going to take orders from the judges. But if the government did not accept the position put forward by the supreme court, it would find itself in court. What a sort of rigmarolic circle we would get into then with the government trying to legislate itself out of court and the court trying to take the government to court and all from the starting point where the judges felt the government had no right to set their salaries.

Many of the examples my colleagues have given throughout the day indicate quite clearly that the general public is quite dissatisfied with what is happening at the judicial level in this country. The poll mentioned in July 1997 showed more than 50% of the population dissatisfied with the performance of judges. The examples I gave in my speech earlier today are just from the North Vancouver area over the past few months. They are decisions people were outraged to see, short sentences, failure of people to appear in court, no arrest warrants issued, simple instructions, please turn up next time.

Judges are acting as if they are running classrooms and not courts of law. This lack of confidence in judges has caused the opposition to look at this bill and ask what on earth is going on. Judges are telling us what to do while as the supreme level of justice in Canada we should be setting the rules. That is the reason

S. O. 31

for the number of motions being put forward to alter this bill. It is unfortunate that as usual the government will not accept any of them. It will overrule all of them. No matter how good the ideas might be, no matter how logical the arguments, it will use its voting power to overturn anything we propose.

We can get up and talk to the bill or speak in favour of any of the amendments here but we know in our hearts that none of them will pass. If nothing more, at least we can get the message out to the people of Canada that we are speaking on their behalf, that we are telling the government side and this place that people are dissatisfied with what is happening in this thing called the justice system which the average person is now calling the legal system and is not even respecting it anymore for what it should be. It is time we took action in this place to correct the problems. That is the main thrust and the main reason the opposition is taking a position of opposition to this legislation.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it is a pleasure to speak to Motion No. 2 put forward by my hon. colleague from Crowfoot.

It deals with the issue of accountability. That is where this amendment is going. It drives home the point that the commission to be set up under Bill C-37 to review the benefit packages and the pay of judges should be scrutinized. If this amendment were passed the commission would come before the Standing Committee on Justice and Human Rights. That is what this amendment accomplishes. I do not see the problem with that.

A Liberal member stated earlier that in her opinion she felt this amendment was redundant since the committees in exercising their independence already have the ability to call witnesses on virtually any subject that falls under their domain. As one of my Calgary colleagues indicated during his brief and brilliant presentation, everyone, certainly those in parliament, knows the simple fact that the government has a majority position in the standing committees.

• (1355)

The minister of a particular department to which a standing committee is connected basically sets the agenda through their parliamentary secretary who sits on that committee. Those are the facts.

We can pretend these committees are basically independent but it is simply not the facts. The facts would indicate the cabinet and the minister responsible for that portfolio set the agenda.

Clearly in this case the Minister of Justice and her parliamentary secretary and their appointed chairman of the standing committee all desire that this report from the commission not be reviewed by

the standing committee. They crack the whip as they do in the House of Commons. They get all the government members on the standing committee to stand and they simply would not bring that forward to be scrutinized.

That is the point of this amendment because if this amendment were passed there would be no choice in the matter. The commission's report would have to come before the standing committee and there would be public scrutiny through the committee.

When looking at Bill C-37 and this 8.3% increase in salary that it will bestow on our judges, what is the view of the people in the real world? What would they think about this piece of legislation?

As has been clearly laid out by a number of my colleagues, when we look the tough times a lot of people are having to make ends meet today, they would certainly question the need for judges who on average are making \$140,000 a year to receive a retroactive pay increase of 8.3% at this time.

This is something the average person has no control over. This is something that will ultimately result in higher taxes. The money has to come from somewhere. Where will it come from? It will come out of the pockets of taxpayers and therefore this type of increase should be defensible. It should be scrutinized by the general public through the standing committee, which this amendment calls for. I see my time has expired. I always I get interrupted by question period.

The Deputy Speaker: I am sorry to interrupt the hon. member, but he knows how important question period is to the opposition as well as to the government. I assure him that he will have five minutes remaining in his time after question period.

STATEMENTS BY MEMBERS

[English]

D-DAY

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Mr. Speaker, I rise today to commemorate Canada's important role in the D-Day invasion of France which took place 54 years ago this Saturday.

A number of men from my riding of Sault Ste. Marie fought in the battle of Normandy, including Bill Bentley, the honorary lieutenant colonel of Sault Ste. Marie's 49th Field Regiment.

Canada was assigned Juno beach, one of the five beaches targeted in the invasion. By the end of the first day our troops had advanced farther and reached more objectives than either the British or the Americans.

Canada's losses were considerable but our soldiers did not die in vain. Their remarkable courage and sacrifice helped ensure the defeat of Hitler and the liberation of Nazi occupied Europe.

On June 6, I encourage all Canadians to remember that the freedoms we enjoy today came at a high price, a considerable portion of which was paid in blood and horror on the beaches of Normandy.

* * *

PENSIONS

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Canadians do not trust the federal government to deliver on promises for pensions at the time of retirement. Canadians are looking for a secure alternative.

Reformers listen. Canadians tell us that in their retirement planning they want choice, fairness and security. Last week in London, Ontario, the Reform Party brought forward a proposal that will deliver all three.

• (1400)

In terms of choice, the choice to stay in a government plan like the CPP or to place workers' premiums in their own individual privately managed retirement account.

In terms of fairness, a pension that treats all generations fairly and does not burden the young with excessive taxes.

In terms of security, a secure, fully funded pension, personally owned and not subject to the whim of future governments.

Reform offers a fresh alternative. Retirement planning under Reform government means choice, fairness and—

The Deputy Speaker: The hon. member for Davenport

* * *

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, the Government of Ontario stands out for allowing up to 579 parts per million sulphur content in gasoline. In Alberta and Manitoba the sulphur count is only 198 parts per million and in British Columbia, 260 parts per million.

Canada's Minister of the Environment will soon decide on national standards for sulphur in gasoline. We urge the minister to set a standard for a low sulphur content in gasoline of 30 parts per million as recommended by the government working group on sulphur in gasoline.

A reduction to 30 parts per million would help in reducing smog and protecting the health of Canadians.

S. O. 31

HUMAN RIGHTS

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I rise in the House today to commemorate the innocent lives lost on June 4, 1984 when the Golden Temple in Amritsar, Punjab, India, was attacked by the Indian government.

Thousands of innocent devotees peacefully worshipping within the temple were massacred by army tanks, mortar and machine gun fire.

This act of cruelty demoralized an entire people. Twenty million Sikhs around the world still feel the deep and scarring pain of this unjustifiable act of violence.

State violence against its citizens, as seen when China attacked students during the Tiananmen Square democracy protests or India's action against the Golden Temple, is a symbol of a government that has forsaken democracy and the rule of law for the power of the gun and the rule of violence.

Canadians must remember these tragic events and promote human rights by condemning state violence whenever and wherever it occurs in the world.

* * *

IMMIGRATION

Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.): Mr. Speaker, I am speaking in condemnation of the inflammatory comments made by Ontario Premier Mike Harris and by the Reform member for West Vancouver—Sunshine Coast with regard to 10 middle eastern refugees currently in jail in Israel who may be considered refugees in Canada.

It amazes me that these democratically elected politicians could cast aspersions on the validity of refugee claims by people simply because they are in political prison. Have we forgotten that Nelson Mandela was also in prison? Had he been offered refugee status in Canada these politicians would surely have condemned his application because of his supposed status.

As chair of the subcommittee on human rights I am aware of accounts of real human rights violations and would not be so smug as to make a judgment on the cases of these men without the aid of an investigation.

If the Reform Party were in power its motto would be guilty until proven innocent.

* * *

EMPLOYMENT INSURANCE

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, Canada's own mother goose egg, the finance minister, has added a new nursery rhyme to the repertoire for our children and it goes like this:

S. O. 31

Old McMartin had an EI fund
 E-I-E-I-O
 With that fund he had some fun
 E-I-E-I-O
 With patronage here, patronage there,
 Liberal spending everywhere
 Old McMartin spent that fund
 I-O-I-O-U

Members will see that in this rewrite of the old nursery rhyme that EI fund now equals IOU. I am sure members will agree this non-existent fund for a rainy day rates a place with the best fairy tales of our time.

* * *

IMMIGRATION

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, this might be entitled a tale of two résumés.

Canada continues to welcome to its shores in excess of 200,000 people annually. Unfortunately when they arrive they cannot always find jobs commensurate with their skills.

I recently received two résumés from one individual. It discloses a Ph.D. in history of international relations and foreign policy from Kiev State University and an MA in international relations. He lectured at Kabul University, faculty of law and political science, and speaks at least three languages.

The second résumé is for an entry level position in hotel management. He has a certificate in sanitation, safety and hygiene.

• (1405)

In Canada he does pizza deliveries twice a week and organizes chairs in hotel rooms. Canada cannot continue to waste its human capital.

* * *

PEACEKEEPING

Mr. Hec Clouthier (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, I rise today to pay tribute to our peacekeepers in Bosnia-Herzegovina. These men and women, the majority of whom are stationed in CFB Petawawa in my great riding of Renfrew—Nipissing—Pembroke, are doing a remarkable job under very adverse condition. The 1,285 Canadians who stand watch in this region represent Canada's largest peacekeeping commitment.

I had the distinct privilege and pleasure of meeting a number of these soldiers on a recent trip to the area as a member of the Standing Committee on National Defence and Veterans Affairs.

Canada's peacekeeping efforts are recognized and respected throughout the world. These brave men and women who are now serving in this troubled sector are representing us in an exemplary fashion.

I want to say thanks on behalf of my riding and on behalf of all Canadians to the members of the Canadian military who leave their families and friends to serve their country. They serve it well.

* * *

THE SENATE

Mr. Eric Lowther (Calgary Centre, Ref.): Mr. Speaker, Senator Cogger has been convicted of the offence of unlawfully using his influence. This disgrace within a high office has been a reminder of the need for Senate reform.

The Reform Party has been calling for a triple E Senate for the last 10 years. Canadian are tired of this political ineffectiveness and corruption.

This senator's actions serve as another disappointing example. Do the right thing. Senator Cogger must resign his seat. An election should be held to replace him. An election can be held without constitutional amendment. It is happening this fall in Alberta.

This senator must not be allowed to keep the pay and benefits of the high position he was just convicted of abusing. If he refuses to resign the Senate should send him out.

Patronage pork is out. Let Canadians pick an elected Senate. It is overdue.

* * *

[Translation]

REFORM PARTY OF CANADA

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, last night's attempt in Quebec City to improve relations between Reformers and the people of Quebec was a big public relations fiasco.

We saw the look of disdain on the faces of Reform Party members, which are demanding cuts to funding for associations of francophones outside Quebec.

Can anyone tell me why the Reformers are so resentful of francophones? We have known for a long time that the Reform Party did not look kindly on the groups and associations of francophones outside Quebec, but for them to go from that to cutting their funding is taking things just a bit too far.

Quite frankly, the leader of the Reform Party has a lot of gall to think he might represent the people of Canada. With a speech like that, clearly he will have a hard time making any headway in Quebec and finding his Louis-Hippolyte LaFontaine.

I find the Bloc Québécois' association with them offensive.

S. O. 31

[English]

THE ATLANTIC GROUND FISH STRATEGY

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, it seems that the successor program to TAGS has been decided by the federal cabinet. It is reported that the size and terms of the program were conveyed by the federal government to the provincial Newfoundland government yesterday.

This is an affront to members of the House who were assured they would be briefed on the content of the post-TAGS program by the minister of HRD.

The people of Newfoundland and Labrador also have a reason to be angry. First, TAGS is being wound up prematurely, a year earlier than promised. Second, rumour has it that sums involved in the new program are insufficient to address the scale of the human distress created by the collapse of the cod fishery. It does not appear that there will be a provision for a license buy back, traditional income support or early retirement packages.

Instead of a community based and administered program designed to help the fishers and plant workers of Atlantic Canada, the Minister of Finance and his officials concocted this plan so as to wipe their hands of this file. Their callous treatment of the people of Atlantic Canada will not soon be forgotten.

* * *

REFORM PARTY

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, the marriage between the Reform Party and the separatists continues with the Reform leader now saying that he would like to hold meetings with his new found friend, Lucien Bouchard. His party called the Parti Quebecois yesterday to ask if it could make a formal presentation to the national assembly.

After meeting with the Bloc in Quebec yesterday Reform MPs have even come out in agreement with the separatists in opposing the millennium scholarship fund, endorsing an end to support for anglophone groups in Quebec and claiming that the 1982 Constitution was not democratically adopted. I do not see how those ideas would be very popular in western Canada.

● (1410)

I challenge the Reform Party to repeat that at its joint meeting with the Bloc in Edmonton tonight. Many Reformers would be smart to pick up the *Calgary Herald* and read what it had to say:

The Reform leader must never forget that the sovereignist idea—includes the unshakeable belief in an independent Quebec—The adherents to this belief will never be satisfied with parliamentary reforms and decentralizing modifications that Reform has in mind.

[Translation]

OPÉRATION ENFANT SOLEIL TELETHON

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I would like to congratulate the organizers, the volunteers, the performers, the sponsors and the generous donors from all over Quebec who together made the Opération Enfant Soleil telethon a success.

This organization raised nearly \$7 million just to help give sick children in Quebec better care.

Trying an original approach in order to raise money from the people of the riding of Berthier—Montcalm, and more specifically, the city of Berthierville and its environs, I agreed to remove my mustache for donations totalling a minimum of \$2,500.

Well, it was with the tidy little sum of \$12,000 for the Opération Enfant Soleil that the contributors from home decided to change my appearance. I will do as promised tomorrow morning.

In conclusion, on behalf of the children of Quebec, I thank them for their generosity and, Mr. Speaker, I will see you Monday morning, minus a few hairs, but for a good cause.

* * *

REFORM PARTY OF CANADA

Mr. André Harvey (Chicoutimi, PC): Mr. Speaker, the Bloc Quebecois and the Parti Quebecois want to see Quebec separate, and the Reform Party will not be able to form the government unless it does. So they represent two sides of the same dubious coin.

In 1991, when the Bloc Quebecois and the Reform Party were still in the shadows, they were talking about being allies for practical reasons. One Reform member voiced her opinion that the separation of Quebec would happen sooner than people think.

Lucien Bouchard said “I do not view the Reform Party as an adversary”. He also said “Long live Reform”, adding that at least with them, the position was clear.

Both parties specialize in stirring up passions and fomenting dissension. That is the truth. The Bloc Quebecois and the Reform Party are pursuing the same objective, and it is one we must speak out against.

The Reform Party, the Bloc Quebecois and the Parti Quebecois are going through a profound crisis, and this is just the beginning, according to what 65% of Quebecers are telling us.

Oral Questions

[English]

CHILD POVERTY

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, data just released by Statistics Canada indicate that family violence is an escalating social problem, but the most disturbing aspect of this social affliction that has not been made public until now is that children under the age of two are most likely to be murdered.

Data compiled through 154 police departments, largely in Ontario and Quebec, show that one in every five family murders was a child killed by a parent. Sixty per cent of sexual assaults were against children and one-third was at the hands of family members. This report echoes the findings of the National Council of Welfare called "Poverty Profile" which reports that child poverty is at a 17 year high of 21%.

While these two reports have not been related formally there are issues here that beg to be addressed when we consider future policy directions in our deficit free economy.

* * *

FISHERIES

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, the minister of fisheries is operating in slow motion on the B.C. coast to the detriment of all parties. Announcements of the regulations for the sports fishery were bungled so badly in 1996 that it unnecessarily cost the British Columbia economy \$170 million.

There is every opportunity for sports fishing on the B.C. coast this year, yet once again the minister is very late and is still muddying the waters.

Fishing resorts, charter operations and communities are very concerned. The commercial fishery cannot plan because the minister is sitting on everything. His office has confirmed rumours of a \$200 million buy back, only to make no announcement. He still has not produced the 1998 fishing plan. Many transition programs for fishermen are still up in the air.

The hold ups are political. This is unfair to the people concerned and is costing B.C. tourism investment and jobs.

* * *

[Translation]

INTERNATIONAL EXHIBITION OF INVENTIONS

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, this year, the 26th International Exhibition of Inventions was held in Geneva.

Its more than 100,000 visitors came from all over the world. Some 650 participants representing 44 countries attended the event, and seven Quebec firms won prizes.

• (1415)

A Gatineau company, TEB-MAR, was awarded the Geneva state prize, as well as a gold medal. JARDIBAC of Nicolet was awarded the industrial design award. Three more gold medals were won by TOP SÉCUR of Saint-Grégoire, PRO DUKE of Lorraine, and T.F. Jeux of Sainte-Foy, and silver medals were brought home by André Ouellette of Glace Énergie in Magog, and Gilles Villandre of Val-Bélair.

Once again, Quebecers have brought us honour on the international scene, and they are a source of great pride to us.

Congratulations to all of these prize winners.

* * *

[English]

SAINT JOHN FLAMES

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, today I rise in the House to honour a hockey team close to my heart in Saint John, the Saint John Flames. The Flames have advanced to the finals of the American Hockey League's Calder Cup against the Philadelphia Phantoms.

The people of Saint John have truly embraced AHL hockey in their city and the entire city has become Calder Cup crazy, in the process breaking franchise attendance records.

Saint John will be buzzing this weekend as the greatest little city in the east hosts games four and five.

As one of the biggest fans, I call on all parliamentarians and hockey fans across this country to join me in cheering the Saint John Flames and the people of Saint John. Go Flames, go.

The Deputy Speaker: While we are on sports matters, it is my duty to inform the House that in the pages versus MPs soccer game last evening the MPs won three to two in a double shootout.

ORAL QUESTION PERIOD

[English]

HEPATITIS C

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, today we received all the working papers from the recent health officials meeting in Edmonton. This was the meeting where the hepatitis C victims stormed out when they were not allowed to see the federal position.

Oral Questions

But now we know why the Prime Minister did not want the victims to see the federal position. The federal position did not provide one dime in new compensation.

Why did the Prime Minister say he was willing to look at all the options and then instruct his negotiators not to provide one more dime in new compensation?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, it is important for the Leader of the Opposition to understand the process in Alberta. Officials are meeting in order to explore a whole range of options.

The documents the member is referring to were referred to in the newspapers on the weekend. I see that four days later the Reform Party is getting around to reading them. All the options are being carefully and methodically examined by officials so that when ministers are given the results of that work we will be in a position to make a decision. That is the way we think work is properly done.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the Prime Minister's negotiators had two proposals, a do nothing proposal and a do next to nothing proposal.

All the Prime Minister was willing to do was set up a few additional hospital beds so that the victims would have somewhere to die; not a word about additional compensation. But of course there was a warning about bad press that might come from that decision.

Why does the Prime Minister not just admit he is stubbornly refusing to allow his negotiators to offer one more dime in additional compensation?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I do not know why the Leader of the Opposition wants to ignore the process going on here.

We have people looking carefully at all the options. Why will he not let that work go on?

On one hand he says he wants to have compensation for all hepatitis C victims and on the other, when governments responsibly and methodically look at the options with their officials, he takes some documents out of context and criticizes us for not coming to a conclusion before the work is done. He ought to wait.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we prefer to hear from the Prime Minister rather than from the government's lawyer.

One of the federal government's options put forward by its negotiators was labelled the status quo option. I assume that is the Prime Minister's favourite option since he favours the status quo on everything. But in listing the pros and cons of this option the federal officials under the cons say it does not meet recommendations set out by Krever.

Will the Prime Minister finally admit that his preferred position on hepatitis C does not meet the recommendations of Justice Krever in his report?

• (1420)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, there are a lot of people I would rather hear from but I will answer the question put by the Leader of the Opposition.

It does not do any good for this member to take documents out of context, bits and pieces of paper that officials are working on, and try to make some point in the House of Commons. I would rather see the work done properly.

That is why we have asked officials from provincial and federal governments to sit together, work on the details and look at the options. When we have that information we will then make a decision. That is the responsible way of approaching this.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, these important documents pull the mask of compassion from the Prime Minister's face. We now have written proof that his empty words of compassion were just a cover for a policy of no compensation.

Why did the Prime Minister tell us that he would listen to all the options when he was secretly, behind the scenes, telling his bureaucrats to scuttle any deal for compensation?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the documents to which the member is referring were referred to in newspaper reports on the weekend. It was really breaking news for the member, I suppose.

The reality is that all the options are being examined. No decision has been made. A decision will not be made on the new national consensus until we have all the information, which is exactly what the officials are doing.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, some of these individuals came to the meeting ready to come up with some money. Some of them came there saying they were uncertain if they could afford that. But at least they came with an open mind to listen to all the proposals.

The Prime Minister's officials came there with one thing in mind: no compensation for the victims.

Why did the Prime Minister say one thing in public and then send his bureaucrats with another thing? Why has he betrayed these victims again?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we have said the same thing wherever we have gone, that we want officials to look at all the options so that governments will be in a position to make a decision.

Listening to the member for MacLeod taking bits of documents out of context, I think it is important for him to remember the

Oral Questions

welfare of the people we are trying to help in this case. I think it is important for him to remember he is a medical doctor as well as a spin doctor.

* * *

[Translation]

AIR TRANSPORTATION

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, the Minister of Transport argued that he needed two competitive airlines in Canada.

That said, the minister then candidly admitted that he is deliberately starving out Air Canada and favouring Canadian.

Is the minister aware that, by obviously favouring Canadian, he is preventing the normal development of Air Canada and therefore the creation of jobs in Montreal?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, there were extensive discussions with the airlines. We made what I think was a fair decision, not only for Toronto and Vancouver, but also for Montreal.

[English]

The notion that somehow we are favouring Canadian Airlines over Air Canada is not borne out by the facts. What we are trying to do is strike a balance so that Canadian's restructuring plan can go forward, which is in the best interests of its employees and all Canadians, also giving Air Canada better flexibility with more routes.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, be that as it may, Air Canada's CEO slammed the federal government for continuing to base the assignment of international routes on political considerations.

How does the minister explain that his government is blatantly favouring Canadian Airlines at the expense of Air Canada by basing its decisions on political rather than economic considerations?

[English]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, of course the president of Air Canada would express some reservation. He is a businessman and likes to get everything he wants. However, we in government have to take a balanced view. We have to decide what is in the best interests of all Canadians, and that is what we have done.

[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I would remind the Minister of Transport that one Liberal government was the cause of the mess at Mirabel and that another is hindering the development of Air Canada.

• (1425)

My question is for the Minister of Transport. Will the minister admit that his political decisions are not only promoting the development of Canadian but also slowing the growth of Air Canada by denying it such vital direct routes as Montreal-Milan just so as not to threaten the Toronto-Rome route held by Canadian?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, we gave Air Canada the Toronto-Hong Kong route, and that is in the best interests of Montreal residents, because they can take advantage of the service. We also gave five code sharing preferences, which is good for Air Canada.

[English]

We have given five code sharing preferences for Air Canada and five for Canadian Airlines. We have said that we would review it in a year. We have said that Taiwan will probably be given within the year. What more does Air Canada want?

[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I do not see how the Toronto-Hong Kong route helps Montreal's development.

Will the minister admit that by intentionally slowing the development of Air Canada in favour of Canadian, he is also slowing the development of the Montreal airport?

Some hon. members: Oh, oh.

[English]

The Deputy Speaker: Notwithstanding the obvious vocal talents of some hon. members, it makes it very difficult for the Chair to hear the questions and answers.

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, it seems that our friends from the Bloc are always singing the same tune, the tune of being aggrieved.

In this case we have taken a very rational balanced look at the air routes. We have said that it is going to be continually reviewed. Certainly within the year there will be further changes.

In the meantime, new routes and code sharing possibilities have been given to Air Canada. That will all benefit the travelling public not just in Toronto and Vancouver but in Montreal and in other parts of Canada.

* * *

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the defence minister claims to support a policy of zero tolerance for sexual wrongdoing, but his actions do not match his words.

Oral Questions

In February 1997 the human rights commission directed compensation for one of the victims recently named in *Maclean's* magazine. Sixteen months later, there has been zero action. Is the minister not sending the message that sexual harassment will indeed be tolerated?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, absolutely not. Provost Marshal Col. Patricia Samson today announced that of the 26 cases covered by the *Maclean's* magazine article, 2 will be reopened, 6 will require further review, 15 are considered new allegations and will be investigated, and 3 were determined to have been conducted thoroughly and therefore no further action is required.

We are taking action on this. We have put in place the mechanisms. We put in place the training to make sure we show support for our policy of zero tolerance.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, it is clearly a policy that it will be tolerated unless discovered and brought to the light of day.

We know the military justice system simply has not protected women. Yet the minister wants to keep sexual assault cases in military courts and away from civilian courts.

Under the military system women have been subjected to ongoing reprisals rather than redress. They have been victimized again and again.

Why should women trust a military justice system that has consistently failed them?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the leader of the New Democratic Party has it all wrong. Most of the cases I cited, most of the cases in *Maclean's*, were investigated by civilian police and tried in civilian courts in Canada.

* * *

TAXATION

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, not one province has signed on to a plan to set up a national tax collection agency, but a bill to set up such an agency was introduced this morning.

Alberta and Ontario want more independence from Ottawa on tax policy but they fear the new agency will rob them of any freedom they now have.

• (1430)

Why is the revenue minister moving ahead with this legislation when the study he commissioned to form this proposed agency was based on the assumption that all provinces would be involved? Is the minister out in his own field of dreams?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, since I have been Minister of National Revenue I have consulted across the country. I can tell all members that Canadians want a single tax administration. Canadians want to reduce overlap and duplication.

Is the member against reducing the compliance cost? Is the member against giving better service to the public, better service to the provinces and better service to Canadian business? She does not know what she is talking about. She should go back and look at how we can become more efficient, more cost effective in serving the Canadian public.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, if what the hon. minister stated is correct, all of the ministers and all of the provinces would have signed in by now.

The government claims that the new tax agency will improve administrative efficiency at Revenue Canada. Revenue Canada comprises one-quarter of the entire public service. If there is an efficiency problem with one-quarter of the public service, then there is a problem with the entire structure of government and the entire public service.

Is this the government's piecemeal solution to that larger problem, carving off the government agency by agency?

Hon. Harbance Singh Dhaliwal (Minister of National Revenue, Lib.): Mr. Speaker, let me quote the Manitoba finance minister. Eric Stefanson, Manitoba's finance minister said "Western provinces have long advocated a national agency. So we support this concept fully". The member should listen to some of her own cousins out there.

Let me say to the member. Is she against an opportunity to reduce overlap and duplication? Is she in favour of building parallel systems across this country? I do not think so. Canadians want—

The Deputy Speaker: The hon. member for Calgary Northeast.

* * *

NATIONAL DEFENCE

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, on May 25 *Maclean's* magazine revealed 26 cases of sexual misconduct in the military. Today in committee the chief of the defence staff confirmed that 23 of the 26 cases mentioned are to be reopened. There is something wrong with this picture. In other words the media did what the military police would not do.

My question is for the defence minister. Why were these sexual assault cases not treated seriously in the first place?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, wherever this information has been known it has of course been treated quite seriously. Not all of these cases were known.

Oral Questions

As I pointed out before in this House the national investigation service was only established last fall to deal with these kinds of investigations independent of the operational chain of command. We have also put harassment advisers in place. We are about to put an ombudsman in place. We are in fact improving the mechanisms and the training to make sure we can back up our zero tolerance policy and to change the culture which is necessary to do to ensure that this does not happen again.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, this week we heard of more allegations of sexual assault coming out of Edmonton and Quebec. Allegations of this nature will continue until the defence minister is really serious about doing something about it. It is not good enough to say that all the safeguards are in place. They will not work on their own.

When is the defence minister going to get really serious about controlling this type of crime and establish an independent unit to investigate and prosecute criminal misconduct?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we have an independent unit, the national investigation service headed by Colonel Patricia Samson which in fact is independent of the operational chain of command. Furthermore an ombudsman will shortly be appointed that is totally outside the chain of command and reports to the Minister of National Defence.

This and many other safeguards in fact are in place or are being put in place to make sure our policy of zero tolerance is implemented. The hon. member of the opposition would rather we get rid of the victims. We would rather get rid of the perpetrators.

* * *

• (1435)

[Translation]

AIR TRANSPORT

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, my question is for the Minister of Transport.

The Minister of Transport refuses to grant Air Canada any direct international links, so as not to have it compete with Canadian. As a result, more and more Canadian passengers must transit through the United States.

By blocking Air Canada's direct access to major international destinations, does the Minister not understand that he is forcing Canadian passengers, more often than not, to use American carriers?

[English]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I understand that it is in the best interests of the travelling

public to have two viable airlines in Canada. That is why this government put in place measures a couple of years ago to assist Canadian Airlines with its restructuring plan. That plan is working quite well. Canadian Airlines is now making money, as is Air Canada which incidentally made \$427 million last year and is doing very well. It will do very much better as a result of these changes.

[Translation]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the more the Minister intervenes to keep Canadian alive, on artificial live support more or less, the more Canadians must pass through American airports to get to Europe. This is simple enough and the minister ought to understand it.

Will the minister admit that his policy for saving two Canadian carriers in Canada, which is in some ways hindering the development of Air Canada, is also doing harm to the Montreal airport, which is ending up as a satellite for U.S. airports?

[English]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I fail to see how designating Air Canada as the carrier from Toronto to Hong Kong seven days a week and five code shares of their choice, much of which will benefit the travelling public of Montreal, is somehow putting Air Canada at a disadvantage. To the contrary. The fact is these changes and further changes that are expected within the year will assist Air Canada in becoming more competitive. It will give it more revenues. It will also do the same for Canadian Airlines. That is the balanced approach, which is what this government believes in and we will stand by it.

* * *

GOVERNMENT CONTRACTS

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, this morning the Canadian Taxpayers Federation released a report that indicates very clearly that Bombardier was one of the worst welfare bums in Canada. It has received \$1.2 billion in grants and subsidies over the last 15 years. The Prime Minister gives Bombardier a lot of untendered contracts, 110 untendered contracts. At least these followed the rules of providing public disclosure. So why did the Prime Minister not follow that rule when the government awarded the largest contract valued at \$2.85 billion?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, in relation to this contract in Cold Lake and so on, I can quote "On May 2 I attended a supper in Grand Centre, Alberta to welcome a NATO delegation. They are studying" and there is a lot of very good text in favour of all of that. "The government-industry team has focused on the military and economic benefits of training there" and so on. The special evening "was an excellent

Oral Questions

example of western hospitality” and so on. It was a great statement made under Standing Order 31 on May 6, 1996.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, the Prime Minister just does not get it when it comes to untendered contracts. Frontec Corporation, part of the Bombardier consortium and part of that \$2.85 billion contract, is about to receive another \$550 million untendered contract. Our beef is not with Frontec. Our concern is with the Prime Minister not following the rules.

When will the Prime Minister stand up and follow the rule of public disclosure, be fair, have fair competition and put all these massive contracts out for tender?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the contract the member is referring to was tendered. It is an alliance between the Inuit and this company in the north. A renewal of the contract is possible at some point in time.

• (1440)

Any company that wants to make a proposition is welcome to do so.

Perhaps for the edification of the House of Commons I should finish the quote. When the member for Edmonton was lobbying to have this company get the contract she said that the special evening “was an excellent example of western hospitality. School kids decorated the entire area with handmade NATO country flags. The guests were treated to a fabulous supper of Alberta beef. It was a great display of unity and support” for this contract.

* * *

[Translation]

ATLANTIC GROUND FISH STRATEGY

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, my question is for the Minister of Human Resources Development.

Fishers and fishery workers have been waiting months to find out what the government is going to do after the TAGS program expires. The minister is refusing to provide clear answers.

Some hon. members: Oh, oh.

Mr. Yvan Bernier: Sometimes he says one thing, sometimes another. In short, he contradicts himself.

Some hon. members: Oh, oh.

[English]

The Deputy Speaker: Order, please. It is very difficult for the Chair to hear the questions that are being put. We are losing time.

[Translation]

Mr. Yvan Bernier: My question is very simple: Will there be another TAGS program and, if so, when it will be announced?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I do not think I have ever contradicted myself on this. I have always said that we were concerned about the post-TAGS situation starting in August.

Our people have worked very hard. In the past two weeks, some of our officials have visited the Atlantic provinces, where they are holding consultations to explore certain avenues; so we are working in partnership with the provinces in an effort to address the situation.

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, the TAGS program ends in August, but the minister must not wait until the evening of July 31 to take action.

I would like the minister to tell us whether the new program will include measures like early retirement, license buyback, income support and regional economic diversification. Will these four measures be part of the future program? In short, I would like him to act before July 31.

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, the package we are preparing contains a number of options. It will contain several development tools, and I hope that we will be in a position to announce it very soon.

* * *

[English]

ACCESS TO INFORMATION

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, let me just say that I was in favour of top gun then and I am in favour of it now. I support it but I am also in favour of open disclosure.

Speaking of open disclosure, the information commissioner tabled his last report today. When he should have had a last hurrah, he had to say that this government is just clouded in guilt. Secrecy still flourishes. This is wrong. At least Mulroney had the odd press conference and so does Boris Yeltsin.

Let me ask the Prime Minister about the information he is giving. Is he proud of his badge of honour?

• (1445)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am in the House of Commons three or four times a week. I am always here to reply to questions. It is not my fault if the opposition is all mixed up.

Perhaps I should end the statement that she made in the House. Thanks to Gary Blanchard, the chairman of the project, and his

Oral Questions

committee, they did an excellent job of promoting our facilities. Congratulations, she said. Target: top gun.

* * *

FOREIGN AFFAIRS

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, I guess it is a little difficult to understand exactly where the Prime Minister is coming from. My question, however, is to the foreign affairs minister.

Yesterday, the Department of Foreign Affairs signed a deal with South Korea to build nuclear reactors in China and Turkey. That was yesterday.

Considering that our nuclear fingerprints are all over the India and Pakistan nuclear programs, can the minister justify the signing of this deal to peddle nuclear technology at this critical point in time?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the hon. gentleman is comparing two different points in time, 24 years apart, and two quite different sets of rules.

Based in part upon the experience in the 1970s, Canada substantially toughened its nuclear non-proliferation requirements. Bilateral arrangements are required with any recipient countries. Signing onto the international non-proliferation rules is required. International inspection by the International Atomic Energy Agency is required.

Anybody who wants to do business with Canada must adhere to those requirements.

* * *

[Translation]

KOSOVO

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, the conflict in Kosovo is worsening daily.

After violently repressing demonstrations last March, the Serbian army is now engaged in heavy shelling, forcing tens of thousands into exile.

Since the economic sanctions and repeated warnings of the international community are not deterring Serbia, is the minister now in favour of stiffer measures, including sending combat forces to the region?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows, last week at the NATO council meeting a series of important initiatives were established by the

foreign ministers to be looked at by the military committee and others.

Yesterday at the NATO council our ambassador asked that those examinations be accelerated so that they can be ready for examination by NATO defence ministers when they meet next week.

We are very active in making sure that the opportunity to respond to our preventive action is accelerated at the NATO council because we have to do it together.

* * *

INTERNATIONAL TRADE

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, my question is for the Minister of International Trade.

There is growing public concern about decisions being made by international bodies without any accountability or transparency.

What does the minister plan to do to improve the process of transparency on trade issues at the World Trade Organization?

Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, I thank the hon. member for her very insightful question.

I would point out that at the opening plenary of the World Trade Organization two weeks ago last Monday the minister made a speech in which the keynote thrust was to let the light shine on the WTO. Two days later I had the honour of speaking at the closing plenary and the thrust of my speech was to let the light shine on the World Trade Organization.

* * *

● (1450)

TRANSITIONAL JOBS FUND

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, yesterday the human resources minister denied any scandals in the transitional jobs fund. Does he deny that 124 employees in St. John's lost their jobs? Does he deny that \$1 million was wasted at BPS for politics? Does he deny that the \$285,000 given to Cape Shore Seafoods has not created a single job? Does he deny that the president of Cape Shore admitted using a government guaranteed loan to pay backtaxes and liens for one of his other companies?

Will the minister—

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

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, what I think needs to be made very clear for members of the House and for the Canadian public is that the transitional jobs fund has proceeded on 700 projects and has created more than 30,000 jobs in this country. Out of 700 projects, maybe six or seven of them have not done so well.

Oral Questions

I think that six or seven projects having difficulty out of 700 is a very good average.

Mr. Rob Anders (Calgary West, Ref.): Mr. Speaker, the last minister would not substantiate that the transitional jobs fund created 80,000 jobs. At least this minister is willing to stand up. He has not denied anything. He does not have a clue. He challenged me yesterday to go outside the House and repeat the challenges. I am challenging him to go outside the House today and deny in front of the cameras that these things have happened.

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I am always amazed by the exaggerations of the member across the aisle.

The example used was BPS. The member said that 124 workers had not been paid a thing. He asked "Where has the million gone?"

I must tell the member that these workers were paid for seven months before there were difficulties. When we realized there were difficulties, we corrected the situation immediately.

* * *

GOVERNMENT CONTRACTS

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, information concerning untendered contracts at defence continues on a daily basis. However, I want to focus on the Bombardier NATO, 20 year sole source contract.

Is it not true that Industry Canada is permitting Bombardier to qualify for Canadian industrial benefit credits even though it will create work or jobs at offshore locations including Northern Ireland? If that is the case, will the defence minister assure this House that these sole source contracts do not allow any industrial employment benefits which are not totally based in Canada?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I would think the hon. member would be very happy that Moose Jaw is being saved by this particular project.

In fact, the Bombardier contract is part of a consortium that has delivered service to us already in Portage le Prairie, another community well served by the pilot training program. We were able to get this particular program because we were able to move fast within the NATO deadlines and we were able to provide a contract that will save the Canadian taxpayers \$200 million over 20 years.

* * *

NATIONAL DEFENCE

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, it is pretty evident that this defence minister has been a disaster.

Bearing in mind that the minister has presided over the mishandling of the recommendations of the Somalia inquiry, the mishandling of sexual misconduct and black market activities in Bosnia, outrageously expensive going away parties for retiring generals, low morale and working conditions in the armed forces, untendered sweetheart deals with Bombardier and continuous numerous allegations of sexual harassment in the military which he has called poor performance, when will the Prime Minister get rid of this defence minister? How many strikes does there have to be before he is out?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have received many requests from the premier of the province of Saskatchewan asking that we preserve the base in Moose Jaw.

There seem to be a lot of problems in that little family in the corner.

* * *

TOBACCO

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, if the government was serious about reducing the number of people, particularly young people, who smoke it would not have reduced taxes on tobacco in 1994. This capitulation created the single biggest increase in the number of smokers in the history of Canada.

Attacking the smoking problem and the 40,000 deaths associated with it requires a three pronged approach: pricing, advertising and education.

When will the Minister of Health get serious about reducing the number of Canadians who smoke and reverse the regrettable decision of 1994?

• (1455)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the member should know that yesterday we tabled legislation which will introduce a total ban on tobacco sponsorship over the next five years.

After a transition period, to give an opportunity for those events to get other sponsorships, we are going to have a ban in this country against tobacco sponsorships well ahead of the Europeans, well ahead of the Americans. Once again we are going to lead the world in our anti-tobacco efforts.

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, on this issue the Minister of Finance could stand in his place and do something he rarely does, and that is support the Minister of Health. He obviously has not done it on the hepatitis C issue.

If he did consider raising tobacco taxes, there would be a 30% reduction in the number of new smokers, particularly young smokers, especially if that increase was coupled with tough advertising and education.

Will the Minister of Finance consider doing that to help save young Canadians?

Oral Questions

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the government has made it very clear that it is desirous of increasing taxes on cigarettes and it is certainly prepared to do so. It would require an agreement between the federal government and the provinces, including the Conservative government of Ontario. We are prepared to do so as quickly as we possibly can. The provinces, however, have said to us that they do not want any risk of increasing contraband. We understand their position, but we are talking to them.

* * *

FOREIGN AFFAIRS

Hon. Sheila Finestone (Mount Royal, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

Last Thursday at a function in Montreal, Canadians of Pakistani, Chinese and East Indian heritage shared with me their deeply felt concern over the nuclear testing which has led to a really unstable situation in the area.

Can the minister tell this House what action the Canadian government has taken or is taking with respect to enabling a return to stability in the southeast Asia area?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, it is very encouraging to see the broad range of representation in the member's riding supporting what I think all Canadians support, which is that we must put a stop to the spread of nuclear weapons.

The actions that we have taken began with the Prime Minister's meeting at the G-8, where he renounced the testing and asked that a series of measures be taken by all countries. Since then we have followed up to lead at the NATO meetings in a condemnation. We also led at the OAS just this last week and we will be attending meetings next week.

It is absolutely essential that we put the nuclear genie back in the bottle and Canada will do everything it can to make that happen.

* * *

FISHERIES

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, for weeks now the Minister of Fisheries has been refusing our suggestions to amend Bill C-27, the fisheries protection act. As it stands now, Canada will not be able to prosecute foreign vessels who are breaking our laws. Ironically, when Premier Tobin sends a letter asking the minister to make amendments, he turns around and says "No problem".

We know the Prime Minister asked to have this letter kept under wraps, but what we do not know is who is running fisheries and oceans: Tobin or the member for Victoria?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, as the hon. member is a member of the fisheries committee he should understand that neither I nor the premier of Newfoundland run that committee. He should also know, if he has attended the meetings, and apparently there is some doubt about this, that in fact the bill is now before the committee. If the committee proposes amendments, that is good.

The rest of us in the House will consider them when the bill is reported.

* * *

[Translation]

NATIONAL HIGHWAY SYSTEM

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, in response to a question from the member for Chicoutimi this week, the Minister of Transport said that he had had no request from Quebec's transport minister for financial assistance with respect to route 175 between Quebec City and the Saguenay.

How could the minister make such a statement when a letter containing a very clear request for help repairing route 175 in the Parc des Laurentides and signed by the Minister of Transport for Quebec on May 27, was faxed to his office on the eve of the Edmonton meeting? What kind of game is the Minister of Transport playing?

[English]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, the statements that were attributed to Mr. Brassard were clearly made in the aftermath of the Edmonton meeting.

Route 175 was not raised at that meeting. Obviously the minister for Quebec has some interest in Route 175.

• (1500)

The fact is we talked about the national highway system funds potentially being available. If those funds are available, route 175 would be eligible for funding, subject of course to the approval of the Quebec government.

There is no contradiction in what I said two days ago and what I am saying today.

* * *

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, in 1993 the Prime Minister clearly stated that the change to the UI system put forward by the Conservative government was having a devastating effect on Canada's unemployed. Why the flip-flop? Currently, 780,000 unemployed workers do not qualify for UI.

Will the Prime Minister stand by his campaign promise and help the unemployed by using the \$17 billion surplus to widen accessibility to UI?

[Translation]

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, some aspects of this reform were not working at all. The fact that the family income supplement we introduced in our reform applied to total family income and not to individual income, as it did under the preceding government, was clearly unfair, and this was recognized in all the reports on how the system was working.

We also wanted to put the system on an hourly basis in order to give Canadians a fairer and more equitable system. There is no contradiction, because we wanted to improve on previous reforms and correct some of the errors made by the previous government.

* * *

[English]

PRESENCE IN GALLERY

The Deputy Speaker: I wish to draw to hon. members' attention the presence in the gallery of Dr. Franz Fischler, Commissioner for Agriculture and Rural Development of the European Commission of the European Union.

Some hon. members: Hear, hear.

* * *

BUSINESS OF THE HOUSE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, we have a document that appears to have been leaked from the government House leader's office that indicates this House will recess on or about June 16. I would like to find out from the government House leader if that is in fact true and ask him what the business is for the remainder of this session.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, this is an interesting question. If this was leaked from my office, someone has obviously misread it.

This afternoon we will continue and hopefully complete Bill C-37, the Judges Act amendments at report stage, followed by Bill C-26, the grains legislation, then by Bill C-3, the DNA bill.

Tomorrow we shall consider second reading of Bill S-2, the transportation safety board bill, and report stage of Bill S-3, the pension benefits legislation.

As already announced, next Monday and Tuesday are allotted days. After the supply is disposed of on Tuesday evening, our priorities will then be the completion of Bill C-37, at third reading hopefully; concurrence in the Senate amendments to Bill C-4, the wheat board legislation; and the completion of other bills already mentioned.

Government Orders

In addition, among other matters we intend to pursue the completion of the following: Bill C-38, respecting the Tuktut park; Bill C-25, the defence legislation; Bill C-27, the fisheries bill; Bill C-20, the competition legislation; Bill S-9, the depository notes bill; Bill C-30, the Mi'kmaq education bill.

This is a heavy load to complete before the adjournment date set by the standing orders. I intend to consult the other House leaders to determine whether we will require evening sittings to meet this deadline. I hope that we do not, but as I have been saying for some time, it is clear that we have at least two more weeks of intensive work.

I know that the rumour mill has it that the House would be adjourning much earlier. Some people have even said, and quite irresponsibly, that we could be adjourning as early as June 12. This is plain silly. There is more work to be done. I would hope to be able to adjourn by June 19 if all goes well.

• (1505)

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I wonder if the government House leader could comment in terms of legislation expected to be introduced but not passed by the summer break. Can he tell us whether he expects that the House will have an opportunity to see the post-TAGS legislation and whether or not the government intends to bring forward legislation having to do with the implementation of the seniors benefit? Certainly a lot of people would like to know whether or not the government intends to proceed with this. They hope that it does not, but they would like to know what the government's plans are in this respect. Perhaps the government House leader could enlighten us on these two issues.

Hon. Don Boudria: Mr. Speaker, obviously it would be inappropriate for me to comment on legislation which has not yet been introduced.

GOVERNMENT ORDERS

[English]

JUDGES ACT

The House resumed consideration of Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, as reported (without amendment) from the committee; and of Motion No. 2.

The Deputy Speaker: When the House broke for question period the hon. member for Prince George—Peace River had the floor. There were remaining to him five minutes in his allotted time.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, as always it is a pleasure to rise to speak. It strikes me as somewhat unfortunate, as it seems that the four or five times I have

Points of Order

spoken this spring my presentations have been interrupted by that one hour question period. Today continues what has been set as a tradition for my presentations.

I remark at the outset in reply to the government House leader who just spoke about legislation we have to deal with and he hoped we would not have to have evening sittings. I think that is certainly the hope of everyone.

The reality is, if the option is that the opposition just cease being opposition and we rubber stamp everything that the government has brought forward in order that we can get all this legislation, this heavy load as he called it, through, that is not going to happen. If it requires that we sit well into the evening over the next couple of weeks, then that is what we will be doing in order to represent the concerns of Canadians who live and work out in the real world. They have some very deep concerns with the legislation the government wants to ram through the House of Commons.

When we adjourned the debate just prior to question period I was in the midst of talking about Bill C-37, specifically about Motion No. 2. We are at report stage of Bill C-37, an act to amend the Judges Act. Motion No. 2, which was brought forward by my colleague from Crowfoot, deals with accountability and having the reports of future recommendations by the commission that will be set up under Bill C-37 to consider judges' compensation, wages and benefits packages brought before the Standing Committee on Justice and Human Rights.

What I was getting at is that this is really an issue of accountability, of bringing an element of public scrutiny to these reports. In this way the general public can have some input through their opposition members of parliament at the standing committee as to what they feel is fair compensation for our nation's judges.

What bothers Canadians most about the issue of an 8.3% increase in salary for judges? I suspect that probably what bothers them most is some of the rulings that they see from some of the judges. I want to be very clear in saying that it is some of the judges, not all of them. A lot of them are making judgments and rulings that are defensible to the general public. Certainly increasingly it seems that there is one underlying theme running through a lot of the judgments that come down from our courts.

● (1510)

Earlier in talking to report stage Motion No. 1 of Bill C-37 I referred to three specific cases that are fairly well known in my riding of Prince George—Peace River, the Feeney, Solomon and Baldwin cases and ultimately the judgments that were rendered with those cases. My concern is I do not feel that in a lot of the cases where the judges are actually legislating or making law rather than fairly interpreting the law that their decisions are supported by the general public.

I hear this increasingly from my constituents and I think the Feeney case is a classic example. It does not seem to matter any

longer whether an accused is innocent or guilty. What seems to matter is whether it is legal or illegal. The courts seem to be more concerned about technicalities rather than guilt or innocence. There is something sadly lacking in our legal system which is masquerading as a justice system today.

We will not be supporting this bill. We do not feel that the Canadian public at this time will defend an 8.3% increase in judges' salaries when they cannot understand or support a lot of the decisions that these same judges are making.

* * *

POINTS OF ORDER

ERNST ZUNDEL PRESS CONFERENCE

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I rise on a point of order. It has come to my attention and I think to the attention of other House leaders and members of parliament that tomorrow there is a press conference scheduled in Room 130-S by Mr. Ernst Zundel.

It is a matter of great concern to all members of parliament that the premises here should be used for this purpose. I would like to register my concern and I am sure others may want to rise on the same point of order.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I would like to continue a little further than my colleague, the House leader for the New Democratic Party.

The conference to take place Friday, June 5 at 10.30 a.m. in the Charles Lynch press conference room, Room 130-S Centre Block, I think flies in the face of what Canadian people truly believe. This fellow is a well-known Holocaust denial spokesperson. I cannot believe that the people responsible for the Charles Lynch conference room would allow such a thing to happen.

I would like the government House leader to give this House the confidence that not only will this not occur but that it will not occur again as far as the booking of that facility for such an individual is concerned.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I want to reiterate the comments made by my colleagues. I think this entire parliament and the House itself borders on being brought into disrepute by having a press conference hosted by this individual, given his statements and his well-known position, as was mentioned, on the issue of the Holocaust.

It really borders on lunacy that this would be permitted to take place in this building which is supposed to be the bastion of

tolerance and moderate thinking. That this would take place on Parliament Hill really challenges the bounds of credulity when one considers that this is going to happen tomorrow.

I am hoping there is some way that the government can remedy this. I am anxious to hear the response from the government House leader.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I became acquainted with this condition around 1.45 p.m. this afternoon.

Upon being notified, I immediately contacted the officials of the Press Gallery on Parliament Hill who I understand have the responsibility for these premises.

• (1515)

I expressed to them my dissatisfaction with the fact that this building, the house of democracy in our country, was going to be utilized in any way, shape or form for the benefit of one Ernst Zundel. The people informed me that, in fact, the room was accessible to this person, but that they were going to look at it further, and I really hope they do.

I indicated that although I had not spoken to the other members of the Board of Internal Economy I was confident that I was speaking on their behalf when I expressed my displeasure at the fact that Mr. Ernst Zundel would be using part of the parliamentary precincts to host this press conference.

Members will know, of course, that the government itself does not administer any part of the building, much less that room. However, having heard the comments from other House leaders and being reinforced by their support, which I believe I am by the statements I have just heard, it is certainly my hope that those who are in charge of reserving this facility will change their minds forthwith and ensure that this press conference, if it is held at all, is held elsewhere and not in this building.

The Deputy Speaker: I think the representations made by the hon. member for Winnipeg—Transcona, the House leader of the official opposition, the hon. member for Pictou—Antigonish—Guysborough and the government House leader will be drawn to the attention of those who are responsible for the administration of this room.

I stress, as the government House leader has pointed out, that it is not a matter which is under the administrative jurisdiction of the Speaker directly or of the Board of Internal Economy directly, but that it is under the administration of the parliamentary press gallery, as I understand it.

I am sure these remarks will be drawn to their attention forthwith and we will await developments. I do not see any point in continuing a discussion on this point at this time.

Government Orders

JUDGES ACT

The House resumed consideration of Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, as reported (without amendment) from the committee; and of Motion No. 2.

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 2. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

In accordance with the motion adopted earlier this day, a recorded division on this motion is deemed deferred until Tuesday, June 9, 1998 at the expiry of the time provided for Government Orders.

* * *

CANADA GRAIN ACT

The House resumed from May 28 consideration of the motion that Bill C-26, an act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act, be read the third time and passed.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, it is a pleasure for me to rise again today at this time to address Bill C-26, an act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act.

Before I get into exactly what Bill C-26 does and why the official opposition is opposed to this legislation, I wish to express my appreciation to all members involved in the decision that took place last Thursday when Bill C-26 was last before the House.

I was unavoidably committed elsewhere on that day. At first it appeared that I would not be able to have a final chance to address this particular legislation, but with unanimous agreement from all the parties it was decided to bring the bill back today and that allows me the opportunity to speak. I appreciate that decision, particularly on the part of the government.

Government Orders

• (1520)

Bill C-26 will accomplish three distinctly different objectives. First, in repealing the Grain Futures Act, Bill C-26 paves the way for the Manitoba government to regulate the Winnipeg Commodity Exchange rather than having the exchange fall under federal jurisdiction, the Canadian Grain Commission to be specific, which it does at present.

It is my understanding that the exchange wants to offer trading of non-grain contracts, especially hogs, and the repeal of the Grain Futures Act will facilitate that.

As I noted previously during second reading and at report stage, having the province of Manitoba assume responsibility through the Manitoba Securities Commission to regulate the Winnipeg Commodity Exchange is a positive step and one which we support.

Second, Bill C-26 will bring the Canada Grain Act under the umbrella of the Agriculture and Agri-Food Administrative Monetary Penalties Act, thereby permitting fines for violations of the Canada Grain Act and its regulations to be levied by the Canadian Grain Commission. Because this legislation has a wider range of enforcement options which will allow greater flexibility, we view this as a positive step and therefore one which we support.

This brings me to the third item which Bill C-26 accomplishes.

Because this government once more has failed to listen to the farmers and their representatives who appeared before the standing committee on agriculture, we find ourselves in opposition.

Bill C-26 began with the establishment of the special crops rural initiative program committee. This SCRIP committee is made up of producers and processors from the three prairie provinces and is assisted by a representative from the Canadian Grain Commission.

Since 1993 the committee has consulted with stakeholders and in April of 1996 it drafted a report called the "Special Crops Rural Initiative Program" upon which this bill is loosely based.

Many of the recommendations made by the SCRIP committee are not included in Bill C-26, but will be laid out in regulations which do not undergo scrutiny by parliament.

While it would be impractical to set out specifics such as levy rates and deductibles in legislation, it would be more reassuring for farmers if certain limits were set out. For example, the legislation could have ensured that the levy rate not exceed 1% of the gross value of the grain sale proceeds. This would provide comfort in the years to come that the levy would not simply skyrocket to an unreasonable level.

The government likes to wax poetic about the success of the consultative process through SCRIP, but we saw very early on that SCRIP recommendations were overruled by the Canadian Grain

Commission when the levy was set at a higher level than recommended by the committee. That is a rather ominous start and a cause for concern for farmers of special crops.

The farmers who will be affected by this bill will be those producing beans, buckwheat, corn, fababeans, lentils, mustard seed, peas, safflower seed, soybeans, sunflower seed and triticale.

The production of those products or commodities is on the increase all across western Canada. As a farmer myself, as someone who has farmed close to 20 years in the Peace River country, I can tell members that farmers are increasingly looking at these special crops as a way in which to diversify, as a way in which to try to spread their risk and as a way in which to try to increase their profitability.

That is why there is a great concern about this bill and how it is being brought in, and more specifically, how the levy will be structured and administered.

As for the licensing insurance scheme created under this legislation, there is an alarming lack of competition. Even the parliamentary secretary confirmed that the Canadian Grain Commission developed this bill. So there is indeed a high level of self-interest since the commission will also administer the plan.

• (1525)

At present buyers and dealers are free to shop around for the best price on their bond. I brought this issue up when the bill was before the committee and representatives of the Canadian Grain Commission were appearing as witnesses. Under the present system there is a certain competitiveness. The dealers, if they are licensed and are required to put up a bond, can shop around amongst the various agencies in order to purchase that bond. Under this new system they will not have that option. They will not have that freedom of choice.

As well, special crops producers are free to shop around for the best price for their product. In doing so they have to recognize the potential risk if they choose to deal with an unlicensed, unbonded dealer. If the buyer was to go into bankruptcy prior to them receiving payment for their delivery, they obviously would not be covered. That option is available to the producer. If he or she can see that there is a potential for a higher return for the product, they may indeed be willing to accept that risk.

All dealers will be licensed and insured with the Canadian Grain Commission acting as the agent and the Canadian Export Development Corporation becoming the single insurer.

There was a suggestion by the government that sometime in the future one or both of these tasks could be contracted to the private sector. I do not think I will hold my breath. Without such a goal outlined in legislation I see no real hope that the Canadian Grain Commission will be willing to release its grip on the plan so that it can eventually be transferred to the private sector. It is the farmers'

Government Orders

money and they should run the insurance plan, not the bureaucrats. We have learned time and time again that the bureaucracy is not very good at running programs and plans such as this, where the expertise, capabilities and resources already exist in the private sector.

While Bill C-26 does provide some positive developments for producers of special crops, it also reminds me of a runaway train that is increasingly getting beyond the control of the farmers.

I would like to digress for a moment and refer the viewing audience at home to some other examples of legislation where this government has increasingly shown open disdain to listen to farmers, the people who will be affected by this legislation. In some ways there is a trend here. There is a similarity with Bill C-19, the labour legislation.

We had a number of producers and farm groups who suggested that because Bill C-19 takes a small step forward under section 87.7 in ensuring that the standard grains will continue to flow, even in the case of a pending labour disruption at the ports, and that ships will continue to be loaded that we should support Bill C-19. But the point we have repeatedly made is, why is it that this government will not listen to farmers and amend legislation? Why is it that it will not listen to opposition members and amend legislation to improve it? We have to settle for second best. We have to make do. We have to simply say that there is some good in the legislation.

In defence of the government, there is some good in the majority of legislation that goes through this House. The government is not bringing forward legislation just because it has nothing else to do. I am sure that it is bringing it forward with the best of intentions. However, the fact remains that almost all legislation, certainly all the legislation that I can think of that goes through this House, could be improved if only the government and its members were willing to listen, and in this case listen to the farmers.

It also reminds me of legislation that is going to come back before the House next week, Bill C-4, the amendments to the Canadian Wheat Board Act. Here again the government has shown a tendency not to listen to the farmers and act upon their recommendations.

Let us look at what we had to give up to get this plan.

• (1530)

Farmers will be forced to pay for the insurance plan up front whether or not they want to participate. They will then have to write to ask for their hard earned money to be returned to them. It is like a tax in that sense. If they are lucky they will get a refund at the end of the year. It is modelled on negative option billing which I

recall the government repeatedly hailed as an unfair way in which to do business.

Criticism of this aspect of Bill C-26 was abundant during witness testimony when the legislation was considered by the Standing Committee on Agriculture and Agri-Food. During the month of April besides the Canadian Grain Commission we heard from representatives of the Manitoba Pulse Growers Association, Saskatchewan Farmer Consultations for SCRIP, the Western Canadian Marketers and Processors Association, the Western Canadian Wheat Growers Association, the Alberta Pulse Growers Association, the Saskatchewan Pulse Growers Association and the Western Barley Growers Association.

We had an opportunity to appear before the committee even though the time was shortened and the bill was hastened through the process. There was not a lot of time to hear from them about their presentations or for members, be they government or opposition, to cross-examine the witnesses to probe deeper into their concerns about the pending legislation. We had the opportunity to have a substantial number of farm groups appear before the committee.

We were very fortunate to have had the opportunity to hear from all these witnesses. It is one of the best tools of parliamentarians to accurately determine the will of the people. As a result of their opinions the Reform Party moved a number of amendments at both committee stage and report stage to reflect that feedback.

Unfortunately, as I have said, it appears the government does not value the opinion of farmers and defeated our amendments that would have made Bill C-26 an improved piece of legislation in the opinion of special crops producers.

In the time that I have remaining I would like to go over a few of the amendments the government has chosen to defeat. At committee stage some Liberal government amendments to the bill were put forward and passed which Reform supported. If I recall correctly they were supported by all the parties. Some of them were technical in nature. One amendment to clause 7 was to ensure that a producer's contribution to the insurance plan would be reimbursed after withdrawal from the plan in a more timely manner at the end of the season.

We heard repeatedly from farm representatives about negative option billing where everybody is in the levy. They cannot opt out as it were. They cannot say up front "No, do not collect this. Every time I haul a load of one of the designated crops to the elevator I do not want that taken off my cheque". They cannot do that. It is taken off anyway. They were also concerned that they would have to keep track of it throughout the year.

I note even with the amendment that it is unclear at this point just exactly how it will operate and how cumbersome the administra-

Government Orders

tion will be for individual farmers. That concern was pretty unanimous in the farm representations we heard.

Another Liberal amendment was basically an exclusion amendment which we certainly supported and applauded. A concern was expressed by a number of farm groups representing western producers of special crops. Even the Canadian Grain Commission said that at some point in the future perhaps this levy, this insurance and licensing scheme, could be expanded to include the six standard grains: wheat, oats, barley, rye, canola and flax. A lot of concern about that was expressed by farmers.

When the government brought forward this amendment to very clearly state that those grains would be excluded we supported it.

• (1535)

As well motions were put forward by the other parties. What we heard really came down to two main contentions with respect to the legislation.

We heard that farmers were concerned about the way in which the levy would be collected. They were concerned that like the GST it would be foisted on them. They would have to keep track of it as they went along. Then, if they did not want to have their crops insured with the dealer, they would have to keep track of the levy, which is 38 cents per \$100 of sales, how much over the year had been taken off their cheques, and then apply for it. This would create additional bookkeeping they were not too interested in.

They were also concerned about the lack of freedom of choice. They felt once more that government was intervening in the marketplace, in their freedoms as business people, and that if they wanted to accept the risk of selling their product to an unlicensed, unbonded and uninsured dealer or buyer it should be their choice. Once more they saw government intervening and telling them the way in which they should run their business.

We brought forward a number of amendments at report stage to address this last issue. The farmers were also concerned that the advisory committee the minister would be required to set up to advise on the administration of the insurance plan would have no power. Under the legislation it does not have any power despite the fact that all administration costs and the costs of the insurance would be borne entirely by farmers through the levy.

They were telling us the advisory board should be a board of directors that would administer and oversee the insurance plan and decide themselves. It would be farmers looking after their own money since it is their money and dealing with it as best they could.

The official opposition brought forward amendments dealing with all those concerns and the government chose to defeat them. In light of the fact that the government consistently ignores the

concerns and desires of western producers and western Canadian farmers, whether it is Bill C-4, Bill C-19 or Bill C-26, the official opposition, the Reform Party of Canada, cannot support Bill C-26 even though as I said earlier there is a lot of good in it. The government will not amend or improve the legislation. Shame on the government. We cannot support it.

[Translation]

Ms. H el ene Alarie (Louis-H ebert, BQ): Mr. Speaker, I am pleased to speak to Bill C-26, an act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act.

The positive effects of this bill are that it will better serve specialized crop producers by providing them with more solid financial foundations and an insurance plan to help protect them from the weaknesses of the present system with grain dealers.

It is to be hoped, therefore, that the minister will select board members from the agricultural community, specifically specialized crop producers. Overall, this bill presents no problem to the party I represent, and our caucus will therefore support it.

• (1540)

I must, however, add that I have several reservations, which I have brought up in both the Standing Committee on Agriculture and Agri-food and the House. This bill specifically concerns specialized crop producers in the Canadian West, on the Prairies. It is part of a reworking of legislation affecting that group.

As a Quebec MP, I do not feel much affected by this bill, except to ensure generally that the producers benefit as much as possible from it.

If I were to meddle in this debate at a more technical or more detailed level, this would be interfering in matters that do not concern me, and I have no intention of doing so. For example, where the voluntary contribution to the insurance plan is concerned, we have our own insurance plan and the whole strategy surrounding this debate is totally foreign to me. I will not, therefore, try to get involved.

It is obvious, however, that the interests of the specialized crop producers must be served, and we will therefore be voting in favour of Bill C-26.

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

Some hon. members: Question.

The Deputy Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Government Orders

An hon. member: On division.

(Motion agreed to, bill read the third time and passed)

* * *

[*English*]

DNA IDENTIFICATION ACT

Hon. Harbance Singh Dhaliwal (for the Solicitor General of Canada) moved that Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, be read the third time and passed.

The Deputy Speaker: The solicitor general has now arrived. Is it agreed that he may speak since he is the mover of the bill?

Some hon. members: Agreed.

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I appreciate the consent of the House. I just left the reading room where we were having a familiarization program on our crime prevention initiative. I appreciate the number of representatives of your staff who are participating in that exercise. You are to be commended.

I am pleased to address the House today at third reading of Bill C-3 which provides for the establishment of Canada's national DNA databank. The DNA identification act will make Canada one of only a handful of countries in the world to have a national system of this kind. I am very pleased to say that this groundbreaking legislation is a major milestone in the government's safer communities agenda. Public safety is my priority. To that end Bill C-3 forms an important part of my commitment to Canadians.

Our intention in the legislation is to create a practical law enforcement tool for police that will stand the test of time. We have been mindful that this exercise involves a careful balancing of public safety measures on one hand and privacy rights which Canadians hold dearly on the other. In this regard we have found the right balance.

Since the bill was introduced last September members of the House have proceeded cautiously in their consideration of the legislation. I believe this approach is laudable given the scope of the issues surrounding the use and potential misuse of DNA profiles and samples as well as the legal and ethical considerations. That is the reason Bill C-3 was referred to the committee prior to second reading.

• (1545)

I encouraged amendments to improve it and had every expectations that we would come out of this exercise with a better bill. In my view that is exactly what has been achieved.

[*Translation*]

I will now explain how Bill C-3 was drafted, how it is to be applied, what its advantages will be, and finally how it has been improved through the efforts of the Standing Committee on Justice and Human Rights.

Introduction of the DNA Identification Act constitutes phase two of the government's strategy on DNA.

[*English*]

The introduction of the DNA identification act marked the second phase of the government's DNA strategy. The first important step involved laying out the requirements for when DNA samples could be obtained for the purpose of criminal investigation. As a result, in July 1995 amendments to the Criminal Code were passed to allow police to obtain DNA samples from suspects in criminal investigations with the use of a warrant.

That legislation provided the police with an effective tool that has helped them solve hundreds of serious crimes. It has been effective because it has been used to help eliminate suspects and secure convictions. It has been instrumental in obtaining guilty pleas, thereby sparing victims the trauma of testifying and reducing overall investigation and court costs. It has also withstood constitutional challenge.

With the DNA warrant legislation firmly in place, the government is proceeding to the next step of its DNA initiative, creating a framework for storing DNA samples and using stored DNA information in the investigation of serious criminal offences.

A national DNA databank will be an important tool to help police link a suspect with evidence left at a crime scene. The ability to store and later retrieve DNA profiles will shorten investigations and help prevent further violence by repeat offenders. This means better public safety for all Canadians.

Further, Bill C-3 will authorize police to collect DNA samples for offenders convicted of designated criminal offences. These include the most serious personal injury crimes, including homicide and sexual offence, which are likely to be associated with DNA evidence being found at the crime scene.

Samples will be analysed with the resulting profile entered into the convicted offenders index of the databank. The databank will also have a crime scene index containing DNA information retrieved from crime scenes. By having this structure profiles can be cross-referenced to find a match in the system.

The benefits of such a system are clear. Stored DNA information will enable police to more quickly identify suspects where they have no leads and identify repeat offenders across police jurisdictions. It also has the potential to deter offenders from committing

Government Orders

future crimes as they will know that because their DNA profile is in the databank they will not be able to slip through the cracks.

Throughout the development of Bill C-3 the federal government has sought the advice and expertise of many groups and individuals, including those on the front lines.

In addition, the Standing Committee on Justice and Human Rights held 15 witness hearings on the bill with representatives from 17 different organizations, including police associations, victims groups and legal organizations.

These consultations revealed strong support for the creation of a national DNA databank but there were also a number of concerns regarding Canadian values of privacy, public protection and individual rights guaranteed by the charter. To respond to those concerns and improve the overall effectiveness of the bill, a number of amendments have been made since the legislation was introduced last fall.

Various interest groups, including the privacy commissioner, le Barreau du Québec and the national action committee on the status of women, suggested that the bill did not contain sufficient safeguards to protect the use of DNA profiles from the samples of victims, cleared suspects and people who volunteer samples to help police.

• (1550)

As a result, the government brought a motion to clarify that access to the information contained in the crime scene index shall be permanently removed if it relates to a victim or person who has been eliminated as a suspect in a criminal investigation.

We heard that DNA analysis has come a long way since it was first used in the criminal justice system just 10 years ago. While the technology has matured at a swift pace, one thing remains constant. DNA has the potential to reveal much more about a person than a fingerprint. As one committee member put it, a fingerprint leaves an impression of me, DNA is a part of me.

To ensure that DNA information is safeguarded and used only for the purpose of forensic DNA analysis, the bill sets out very limited access to the databank. It prohibits any improper use of information and limits access only to those directly involved with its ongoing operation and maintenance.

To further protect the privacy of innocent persons, the bill contains a new provision specifying that access to DNA information shall be permanently removed where a person has been eliminated as a suspect.

During committee hearings on the bill we heard from several witnesses and committee members that the proposed designated offence list could be expanded to capture other serious offences for which DNA evidence might be useful.

The committee addressed this by adding infanticide to the primary list and expanding the secondary list to include dangerous and impaired driving causing bodily harm or death and a number of sexual offences.

I believe these changes will be invaluable to police and will enhance public safety. During the committee's hearings, several witnesses recommended that the retroactive scheme be expanded to include samples from not only dangerous offenders and repeat sex offenders but murderers who have killed more than once.

The government acted on this by bringing in an amendment to the bill to allow DNA to be collected retroactively from such offenders. This expansion will capture offenders like many known in Canada and will provide the police with valuable information to help solve outstanding criminal cases.

I conclude by sharing the rationale for taking samples at conviction. The police have expressed strong views that DNA samples should be taken earlier, at the time of arrest or charge.

I remind members that police already have the authority to take DNA samples at the time of arrest where they get a warrant to do so. They will continue to be able to use DNA evidence for investigative purposes in accordance with the DNA warrant scheme in place for almost three years.

The departments of justice and solicitor general consulted extensively on this issue and the Standing Committee on Justice and Human Rights thoroughly reviewed it. The vast majority of those consulted expressed the view that taking samples after a person has been convicted will respect the rights of all Canadians under the charter.

They also shared the position that taking samples at arrest or charge could pose a very serious risk of being struck down as unconstitutional. Given that many individuals and organizations have continued to press for expanding this provision, my colleague, the Minister of Justice, sought independent legal opinion from three of Canada's most eminent justices.

Each one concluded that a proposal to take samples at the time of arrest for databanking purposes would not survive a charter challenge. Some members have brushed the legal opinions aside and have argued that the charter is simply a road block to justice.

Let me remind the hon. members that parliament's authority to legislate flows from the Constitution. The Constitution includes the charter which protects the fundamental rights and freedoms of all Canadians.

It is the duty of parliament to exercise its authority in a manner that respects the charter. Taking samples for the databank at the time of conviction rather than at the time of arrest or charge will not prevent police from doing their job.

Government Orders

It will provide police with an effective investigative tool that will allow them to do their job and ensure that the authority to use this tool will comply with our constitutional requirement as recently defined by the supreme court.

As I said earlier, we have come out of committee hearings with a stronger bill. It is the government's view that Bill C-3 is fundamentally sound.

• (1555)

We are confident that we have found an effective balance between the need to provide the police with the tools they need to do their job and the requirement to respect the constitutional and privacy rights of all Canadians. There is no question that the use of DNA evidence has been a significant breakthrough in the criminal justice system. But we must be mindful that it is a powerful tool and one that must be safeguarded against potential abuse. The creation of a databank that can be upheld by the courts will go a long way toward protecting Canadians from repeat violent offenders.

I urge members to support Bill C-3 so that we can proceed in creating Canada's first national DNA databank. I thank all members who have brought much to improve this bill for their participation in this exercise.

Mr. Jack Ramsay: Mr. Speaker, the member for Sydney—Victoria has a plane to catch. We would be prepared to switch the order of speakers.

The Deputy Speaker: The hon. member for Sydney—Victoria will have 20 minutes with 10 minutes questions and comments. Then we will go back to the two remaining 40 minute speeches from the official opposition and the Bloc Québécois.

Is there unanimous consent that we proceed in this way?

Some hon. members: Agreed.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, I thank the members.

The solicitor general has indicated that there were long deliberations before the standing committee on justice. There have been. Many members participated in that and many expert witnesses came before the committee. Many of us on the committee learned a great deal. We learned what DNA means. We learned how it is extracted. We learned how it is banked. We heard from many groups as varied as the national action committee on the status of women, police association representatives, the Canadian Bar Associations. Many groups had an interest in this legislation.

Many members in this House put forward amendments to the bill. They were well thought out amendments that concerned the

way the bill would be in place and the process by which it would be accessed by both the police and the courts.

The solicitor general was correct when he said we attempted to achieve a balance between the civil rights of individuals, the privacy rights of individuals and the very compelling need for the police to have an important tool to help them fight crime.

The question of where a balance is met is always one that is open to debate. Each of us would have differing views as to exactly where on the scale we ought to shift some of the weight. I introduced amendments, some of which were taken into account by the government and incorporated in the legislation. Others were introduced in the House and have received support from most parties except the government.

• (1600)

It was my request that the period of incarceration for someone who would breach the privacy laws be extended from two years to five but that was not deemed appropriate enough for the government to support it.

It is important that the House with the passage of this bill will provide the police with an important tool to more readily address and solve crime. We cannot forget that the DNA databank is a tool of investigation. It is one more weapon in the arsenal of the police to allow them to bring forward information essential to assist the courts, the judiciary and in some cases juries in determining guilt or innocence of an individual.

It will assist the police in bringing forward charges and help them establish whether they have reasonable and probable grounds to determine whether a crime has been committed and a charge should be laid.

It will help society. It will citizens. It will help the police. We must always balance that with the rights of the individual. I expect my colleagues will address the issue of whether DNA samples ought to be taken at the time of arrest or at the time of conviction. That was the subject of a motion put forward by the member for Crowfoot and it received extensive debate in this House. My comments on that are well known.

I could not have supported that motion but it was still one view to balancing what is the best way to bring forward this legislation. There are others. I do not think any member was discouraged from making their views known.

We debated this issue extensively and I think as a result Canadians are getting a typical piece of Canadian legislation. It is one whereby compromise has been made and one whereby we hope we have come up with the best legislation. It is subject to review and there were amendments put forward during debate to ensure that it came before the House on a more regular basis. It will be reviewed by the House in a few years to determine whether we made mistakes, whether changes need to be made.

Government Orders

I acknowledge the many witnesses who came before the committee. Even though we may in some cases have disagreed with them, every member of that committee respects the views presented. We engaged in great debate and dialogue with those individuals and I thank them on behalf of my party and on behalf of the House for coming forward, for making the trip to Ottawa to give us what they felt was important information.

We have struck a bill. It may not be the best but it is one that my party can support. We have compromised to some extent but I think we still have protected the rights of individuals and provided the police associations with the necessary tool to fight crime. That is always a difficult balance. It is one that we have all struggled with but I think we have come up with the best we could.

* * *

HOUSE OF COMMONS

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order pursuant to an issue raised earlier this afternoon and well put by all House leaders. Pursuant to discussions held subsequently, I now offer the following motion to the House and ask for unanimous consent that it be passed immediately without debate. I move:

That this House order that Ernst Zundel be denied admittance to the precincts of the House of Commons during and for the remainder of the present session.

(Motion agreed to)

* * *

• (1605)

DNA IDENTIFICATION ACT

The House resumed consideration of the motion that Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, be read the third time and passed.

The Deputy Speaker: We will dispense with the period for questions and comments on the speech of the hon. member for Sydney—Victoria.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I am pleased to speak on Bill C-3 at third reading. I have some concerns about this bill.

The Reform Party is firmly committed to restoring confidence in our justice system and providing Canadians with a truer sense of security. This includes strengthening our law enforcement agencies by providing them with the latest technological tools to quickly detect and apprehend the perpetrators of the most violent crimes committed in our society. DNA identification is that kind of tool.

If used to its full potential, the DNA databank could be the single most important development in fighting crime since the introduction of fingerprints. To deny our police the full use of this

technology in their fight against crime, as Bill C-3 in its present form does, is reprehensible and unacceptable because it maintains an unnecessary level of risk to the lives and safety of our citizens. If passed unamended, Bill C-3, an act respecting DNA identification, will provide Canadians with at least a false sense of security. Therefore the Reform Party cannot support this inadequate piece of legislation. The Reform Party fully supports the creation of a DNA databank. However, we do not support the limited scope of Bill C-3.

Bill C-3 does not grant our police forces full use of the DNA technology so readily at their disposal. It is a tool that would help close hundreds of unsolved murders and rapes with an enormous potential to save lives by removing predators from the streets.

Bill C-3 does not allow for the taking of a DNA sample at the time of charge. It does not permit samples to be taken from incarcerated criminals other than designated dangerous offenders, multiple sex offenders and multiple murderers. If a multiple murderer commits the murders on the same night we cannot take a sample from him. The murders must be committed separately. Again, it is unacceptable from that point of view.

Bill C-3 provides a dangerous and unnecessary exemption. It authorizes judges not to issue warrants for the taking of samples if they believe that in doing so the impact on the individual's privacy and security would be grossly disproportionate to the public interest in the protection of society. We asked during committee hearings for an example of that. I did not hear a reasonable or common sense example of what that meant, what that part of the bill is really addressing.

There are hundreds of unsolved assaults, rapes and homicides where DNA evidence has been left at the scene by the perpetrator. DNA identification now offers an unparalleled opportunity to solve many of these cases and bring the perpetrators to justice. However, because of the government's irrational fear of violating the privacy rights of those responsible for these heinous crimes, it is restricting the use of this very important technology by our law enforcement people.

As it stands now Bill C-3 is a hindrance to more effective law enforcement and a safer society by these limitations. Those responsible for shaping our justice system continue to express a willingness to place the lives and safety of innocent people in jeopardy. I sometimes wonder if the government does not consider the lives of Canadians very cheap.

• (1610)

It is very unconcerned about the lives and safety of people in society although it expresses comments contrary to that. Life is pretty cheap when we look at some of the decisions being made as a result of legislation passed by this place and the refusal of the government to move where it is obvious that it could move and where there is no obstruction except its irrational fear of what the

Government Orders

Supreme Court of Canada might do with regard to the charter of rights and freedoms.

Those responsible for shaping our justice system continue to express a willingness to place the lives and safety of innocent people in jeopardy whether by paroling violent offenders who go on to rape and murder again or by freeing convicted violent offenders through conditional sentencing or by tying the hands of our police officers through Bill C-3. The safety of society seems to be a secondary issue to this government.

During report stage of this bill I introduced an amendment which would allow for the taking of samples at the time of charge from offenders with one previous conviction and retained for analysis upon conviction. Our original amendment introduced during clause by clause review was to allow for the taking of samples from all persons charged with primary designated offences. Since this amendment was defeated, we put forward an amended version at report stage taking into consideration the concerns raised by the government.

The government cited finances as one reason why it would not expand the DNA bank and allow for samples to be taken and analysed at the time of charge rather than conviction. I specifically addressed the issue of cost, proposing that samples be taken upon charge but not analysed until conviction. This would satisfy the Canadian Police Association's concerns regarding offenders who are released on bail pending trial skipping out.

If offenders are guilty of a previous offence for which they have not been charged, they may not appear for their trial if they realize that upon conviction their DNA sample may be compared to DNA evidence left at the scene of unsolved crimes. This amendment was recommended by the Canadian Police Association.

The other reason supplied by the justice minister for refusing to allow samples to be taken at the time of charge was that it would not withstand a constitutional challenge. To date, a number of this government's bills have resulted in court challenges.

Alberta, Manitoba, Saskatchewan, Ontario and the two territories are awaiting the Alberta Court of Appeal's decision on the constitutionality of Bill C-68, the firearms legislation.

The rape shield law, brought in by the former justice minister, has been deemed unconstitutional. Conditional sentencing, also courtesy of the former justice minister, has been the subject of controversy in the courts. In January a three judge panel from the Alberta Court of Appeal issued a ripping indictment of what it termed unimaginative and skimpy attempts to apply the new law.

In the 50 page ruling the appeal justices detailed several major complaints they have on the way judges and lawyers have been applying the reform. The Alberta court blasted judges for handing

out poorly reasoned and lenient conditional sentences that amount to little more than house arrest.

After Bill C-3 was reported out of committee and ready for report stage, the justice minister circulated to members of the standing committee three legal opinions on the constitutionality of taking DNA samples at the time of charge. The legal opinions were expressed by the hon. Claude Bisson, the hon. Martin Taylor and the hon. Charles Dubin. They all stated that the taking of DNA samples at the time of charge would be unconstitutional. The minister failed to provide any dissenting opinions such as that prepared by Tim Danson for the Canadian Police Association.

I have examined the three opinions hurriedly provided to indicate that the taking of DNA samples at the time of charge would be unconstitutional. They seem shallow and unconvincing perhaps because of their hurried nature. The opinion prepared by Tim Danson for the Canadian Police Association was presented before the committee and we had an opportunity to examine it. We have not had an opportunity to examine the three legal opinions by the authorities that I quoted. The committee has not had an opportunity to call witnesses or to ask witnesses who appeared before the committee questions about the three legal opinions.

• (1615)

I want to just touch on why I have a grave concern in this area and to quote from legal opinions. The honourable Claude Bisson does not deal with the authority of police to obtain a blood sample from a person suspected of impaired driving from alcohol or drugs. That authority is contained within the Criminal Code now.

Why would he not deal with that? If there is authority to take a blood sample now for impaired driving, why is there concern about taking a blood sample or a hair sample or a swab from the mouth? Why, if the authority is there now and it is constitutional, would an amendment allowing for a blood sample to be taken at the time of charge for a primary designated offence for the purpose of DNA sampling be unconstitutional in the bill?

I do not understand why the honourable Claude Bisson did not address this issue in his legal opinion. Also, the legal opinion prepared by the honourable Charles L. Dubin makes the same omission. It does not deal with the authority of police to take blood samples when individuals are suspected of driving while impaired by alcohol or drugs.

That issue is covered to a certain degree by the honourable Martin R. Taylor in his legal opinion. Yet it is difficult for me to understand the reasoning in this document, why it is constitutional to take a blood sample today under certain circumstances but unconstitutional to take a blood sample from someone not sus-

Government Orders

pected of a crime but charged with a crime, of committing a primary designated offence.

I say with consideration and respect that these three legal opinions appear to be hurried and not well thought through. I want to quote one of them. This is the legal opinion submitted by the honourable Martin R. Taylor, Q.C., who stated on page 4:

Certainly some scepticism is to be expected in Canada today regarding the handling of bodily substances by public authorities. When DNA samples pass out of the control of the arrested person into that of the State, the uses to which they may be put depend not only on the law as it is and may become, but also on the competence of those who take control of them and their willingness to obey the law. The uses to which DNA may be put in providing personal information regarding the individual, while known to go well beyond the field of criminal identification, are at present only partly and imperfectly understood. Such factors as these will, in my opinion, be found by the courts to render the taking of DNA samples against the will of the individual particularly significant in terms of both denial of reasonable expectation of privacy and invasion of security of the person.

It seems it is all right to take a blood sample in the case of a suspected impaired driver but when we start to talk about DNA it is altogether different. The word DNA seems to create a degree of apprehension, a degree of perhaps even fear. The consequences of not properly guarding and protecting a DNA sample, whether we call it a blood sample taken for the purposes of determining if a person is impaired by alcohol or drugs, or whether it is a sample to compare with a DNA sample left at the scene of a crime, does not really matter. The invasion of privacy has taken place. We already have that in the criminal code. It is already there. What is the difference?

• (1620)

When we talk about the security of the person there is no justification to deny on the grounds of privacy because the authority is already there, as I have said, to take a blood sample in the case of impaired driving. That authority is there and overrules the privacy of the individual.

Let us look at the other reason the honourable Martin R. Taylor pointed out, the invasion of the security of the person. Privacy and security. The point I am making and I am coming to is that thousands and thousands of blood samples are taken every day by doctors. There are blood banks in clinics. Every time we go for an annual check-up and a blood sample is taken it goes into a bank. Every time a child is born a blood sample is taken from that child for obvious reasons.

Those samples are there for at least a period time. I do not know how long banks hold them. If there was a realistic concern as expressed in this legal opinion that the privacy of the individual were at stake and that somehow these samples would be used improperly, why is that not happening? Why is there no evidence of that happening?

Surely the bank, the taking of samples and the databank designed through Bill C-3 provide the greatest protection of the gathering of blood samples and other samples anywhere in the country today.

These people are telling us different through their legal opinions. They are trying to convince us that somehow there is lurking in the wings a successful charter challenge against doing what is being done all over the land based upon the fact that someone may use these samples incorrectly.

There is no evidence that has ever been done. There is no criminal offence as there is in the legislation for the improper use of DNA samples. There is no offence legislated for anyone misusing the blood sample that I give during my annual check-up or those of anyone or the samples taken from human beings at the time of birth. There is no evidence of this and this is not addressed in the legal opinions.

This is very important. With the greatest respect, the government has obtained legal opinions that suit its purposes and has brought them forward to attempt to negate the clear legal opinion by Mr. Danson who prepared and submitted a legal opinion for the committee by the Canadian Police Association, clearly indicating that there is no constitutional concern about taking samples at the time of charge.

• (1625)

The three legal opinions were obtained after we had an opportunity to call witnesses and to examine the contents of their findings, their recommendations and their decisions on this question. I am prepared to move:

That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

"Bill C-3, An Act respecting DNA identification and to make consequential amendments to the Criminal Code and others Acts, be not now read a third time but be referred back to the Standing Committee on Justice and Human Rights for the purpose of reconsidering Clause 17, in order to ensure that the taking of DNA samples at the time of charge be subject to review".

The Deputy Speaker: Debate is on the amendment.

[*Translation*]

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, I am pleased to rise today to participate in the debate on Bill C-3. This bill was considered at length in committee, and I must commend the work done by all members of the committee.

While opinions differed, I would say even very significantly at times, discussions were always courteous. The bill was examined

Government Orders

responsibly and with professionalism and I thank the members of the committee.

On behalf of the Bloc Québécois, I would also like to thank all the witnesses who presented their views to the committee. Their opinions were attentively listened to, unfortunately not always so attentively by the government members, but I will come back to that.

Bill C-3, which concerns DNA identification, is the focus of a number of societal debates in Canada. Science has made such progress, especially in the field of genetics, that debates such as the one on Bill C-3 are giving rise to great moral, philosophical, ethical and, consequently, political questions.

To the great distress of many, I am sure, I will leave aside philosophical and moral considerations and limit myself to practical aspects and to the actual application of the provisions of C-3.

Before going into greater depth in this area, I must, as a parliamentarian, lament the narrow-mindedness of the government in this matter. The legislative process followed by Bill C-3 is comparable to the Liberal reign. The scope is narrow, there is little movement and there is no interest in hearing not only the members of this House, but the many witnesses who came to express their various opinions before the committee.

The Liberal government, unfortunately, was trying to score political points with issues as important as Bill C-3. It is important to speak out against the Liberals' attitude, because the public will most certainly end up having to live with the consequences of this government's narrow-mindedness, its rigidity throughout the entire process of the debate on Bill C-3.

• (1630)

I cannot help but admit that I am somewhat disappointed, because Bill C-3 is an innovative bill that will lay the groundwork for the use of DNA for a number of years to come.

We must be aware that the technology of today will be obsolete in 5, 10 or 15 years, and the guidelines set out in this bill will be those followed when new technological advances come along. This is, therefore, a very important debate.

The solicitor general's original initiative to create a DNA data bank on the most dangerous criminals in our society is a highly laudable one. I should point out here that the Bloc Québécois is in favour of this bill and will support it regardless, once this debate is concluded.

The partisan attitude of the Liberals, however, has blocked certain constructive amendments which, in my opinion, were essential to application of this legislative measure.

There were 14 motions at the report stage, in order to clarify, modify or tighten up Bill C-3. I myself proposed eight of them on behalf of the Bloc Québécois. The purpose of most of these was to ensure greater transparency in implementing the act, and particularly to protect the highly confidential information the data bank will contain.

As my New Democratic colleague mentioned earlier, this entire bill will be decided by the balance between the rights of individuals and the need to protect society. The whole debate can be summarized by this dichotomy of individual rights versus protection of society. Most of the discussions we have had in this House or in committee centred on this issue.

Let us imagine for an instant the scope of information contained in the genetic index. DNA profiles infallibly identify an individual from a hair, saliva or blood. However, they identify not only the individual, but the individual's family as well. A brother, a sister, a son, a daughter, a father or a mother may also be identified, to a lesser degree but be identified nonetheless, from the individual's DNA.

So, the discussion of the rights of individuals includes the individual in question and his or her immediate family.

Inappropriate use of information taken from the DNA could ruin or destroy an individual and his or her family, hence the extreme caution that we as parliamentarians and legislators must exercise in debating and passing this bill.

I proposed an amendment to limit the use made of genetic information gathered. The Liberal government autocratically refused to support the motion, unfortunately, probably because it came from a member of the opposition and a member of the Bloc moreover. I think that is a shame.

In the same vein, I proposed amendments to force the government to report on the application of the law. Once again, unfortunately, the government, for whom running the nation is a secret business, showed its contempt and refused to support us.

It refused, for instance, to allow the privacy commissioner to report every three years on the use to which the data in the bank were put. What are they afraid of? We were asking that a agency independent of government be allowed to examine the use to which these data were put, so that this bill would respect the private lives of individuals, of Canadians and Quebeckers.

• (1635)

Once again, I ask "What is the government afraid of? The privacy commissioner?" I find this most unfortunate.

I could go on for hours—and I know members would like me to, but I must disappoint them—about particular situations that we have tried to correct, but that the government refuses to tackle.

Government Orders

Knowing as we do the ideological narrowness of the Liberal Party and the tight leash on which the Prime Minister keeps his members, I was prepared to drop several, if not all, of the amendments I was sponsoring out of concern for integrity and public interest and in order to remove from the political arena a debate that is essentially apolitical in nature.

A bill such as Bill C-3, which we know is important, should not be used to engage in petty politics. I have always been open-minded and as non-partisan as possible, as apolitical as possible, but I must point out that this has not been the attitude of the Liberal government. I must, however, point out the open-mindedness of my colleague from the New Democratic Party and my colleague from the Conservative Party, with whom there were some good and frank discussions, despite our differing points of view.

As I said, I must admit I am disappointed with the government's general attitude in the way it handled this matter. The proposals of my opposition colleagues and myself met with constant refusals to even consider them. I am convinced that those who speak after me will refer to this as well.

I feel obliged to point out that the Solicitor General, the sponsor of this bill, appeared before the Standing Committee on Justice and Human Rights on another matter, while we in this august Chamber were debating it. This was evidence of his disdain—the word may be a bit too strong—the lack of importance, at the very least, that he attaches to a chamber of representatives duly elected by the people. Once again, I must repeat how disappointed I am.

I am greatly disappointed because he was not there when the bill was being debated to hear what we had to say and let us hear what he had to say. While he was presenting another more or less important initiative in committee, we of the opposition parties could not be there. We had to choose, because no one can be in two places at the same time. We opted for the debate in this House, while unfortunately the Solicitor General did not, and I feel he too ought to have been here.

Of the 14 motions debated in the House, it is important to mention that only three were supported by a majority of members, and therefore received government approval. Not surprisingly, the amendments recommended in Motions Nos. 9 and 14, in Group No. 5, were passed, having been moved by the bill's sponsor himself, the solicitor general. The solicitor general introduced certain amendments and, wonder of wonders, his Liberal sheep followed.

I was very surprised, however, that Motion No. 13, which I myself moved, was agreed to. Admittedly, it would have been ill-advised for the government to refuse to remove data with respect to individuals who are acquitted. The opposition, the Bloc Québécois anyway, was prepared for another no from the government. Statistically speaking, I presume that it is the exception that makes the rule.

We think the government could have done better and left aside the shocking partisan politics it has engaged in throughout study of this bill. That having been said, the Bloc Québécois is open-minded, and we will support Bill C-3, even though we have certain reservations about its application.

In conclusion, we sincerely hope that the creation of this data bank gives police forces throughout the country all the tools they need to solve the unfortunately very large number of crimes being committed in our communities.

• (1640)

We still have certain concerns about the biased and inappropriate use of DNA samples and unnecessary analyses that will not be explicitly prohibited under the present legislation.

The Bloc Québécois thinks it deserves credit for its constructive interventions and fervently hopes that the government will adopt a more conciliatory attitude when the bill, in this or another form, is again studied in the House, and also when other bills are introduced before the people's elected representatives. The legitimacy of parliament, the legitimacy of this House, and democracy itself hang in the balance.

[English]

The Deputy 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 Verchères, Varennes Tokamak project; the hon. member for Waterloo—Wellington, the Environment; the hon. member for Frontenac—Mégantic, BC Mine in Black Lake.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I must say it is an honour for me to rise in the House and participate in this very important debate on Bill C-3. It touches on an issue that I know the mover of the motion, the member for Crowfoot, holds very dear to his heart as a former law enforcement agent.

I know that other members of the committee, as mentioned by previous speakers, took an active part in the committee debate where we had a number of witnesses. It was certainly an exhibit of parliament at its best at the committee level where we had such a diverse discussion. There were a number of divergent opinions as was referred to by the previous speaker, the member from the Bloc. It was very important that the process did not grind to a halt. We had members moving amendments that unfortunately were not accepted by the government but the process itself did not bog

Government Orders

down. We are now at a stage where this bill is on the verge of becoming law.

The sad and unfortunate situation that members often find themselves in is that they support the bill in principle and almost without exception, in its entirety but there are problems with it. There is a flaw, a fly in the ointment so to speak. That fly is a significant one. There is a significant opportunity with the passage of this bill to put into the hands of the law enforcement community the ability to fight crime in a very substantive way.

To use the minister's own terminology about prevention in the area of crime, this bill if it was amended in the way that the some members on the committee had suggested, would allow for the use of DNA at the time of charge. When I say at the time of charge, that in and of itself sets a certain standard, that standard being that reasonable and probable grounds had to exist for a person to be taken into custody and enough evidence had to exist to lay a criminal charge. If the DNA could be taken at that point in time, it could be used in a very important way to match the DNA crime scene bank that would have evidence from other crimes that had remained unsolved.

This is a golden opportunity. We talk about the use of technology and the speed at which technology is moving. This DNA data bank is not being used to its full potential in the manner in which this legislation has been drafted.

At the outset, I want to say that I do support the motion tabled by the hon. member for Crowfoot, the motion being in essence that the bill be returned to the justice committee for further debate. This arises from a situation where the government in its wisdom decided to seek legal opinions after the fact. That is, there was a legal opinion rendered by the Canadian Police Association. They sought the opinion of an eminent criminal lawyer, Mr. Danson, who after considering the situation and looking at the practicalities of the use of DNA offered the opinion to the committee that in fact if DNA was taken at the time of charge this would withstand a constitutional challenge. The timing I have to submit is very suspect here. The government chose after the committee had completed its deliberations to then seek the legal opinion of three very learned retired jurists who gave a contrary opinion.

• (1645)

I do not question for a minute the intent or the fact that the contrary opinion came back from these jurists. In fact it would surprise me if it happened any other way. We all know there are dissenting opinions constantly. Constantly there are juxtaposed positions taken by those involved in the criminal justice system. That is part of the process. That is part of the healthy debate and the adversarial nature of the practice of law.

But here we have again an opportunity to use this legislation to the full degree of the law. To be held back in essence is what is going on, to be held back by fear. I would not call it an irrational fear. I would not go so far as to say that this is not founded in

common sense. But I do suggest that we cannot in this chamber and we cannot as members of the elected body be held back or be in constant fear that if we pass a piece of legislation here that it may in some court in some part of this great land be struck down by one judge or a panel of judges who feel that it is perhaps beyond the bounds of the Constitution.

Mr. Gary Lunn: Madam Speaker, I rise on a point of order. With apologies to the hon. member for Pictou—Antigonish—Guysborough, this is a matter with respect to quorum at the Standing Committee on Fisheries and Oceans which is being held right now. The chair of the committee has unilaterally decided to continue to conduct the Standing Committee on Fisheries and Oceans—

An hon. member: It is not a point of order.

Mr. Gary Lunn: Beauchesne's citation 806 states:

The general rule establishing a quorum for committees is contained in Standing Order 118(1). A majority of members of a special, legislative, or standing committee constitutes a quorum. In the case of joint committees the quorum is established by the House in consultation with the Senate for each joint committee.

I understand the Standing Committee on Fisheries and Oceans now has only six members in the committee. They were down to between eight and six, and a quorum is nine. The committee's own motion that was passed on a special motion is three members with one opposition member and there are no opposition members present.

Standing Orders 118(1) states—

Mr. Stan Keyes: Madam Speaker, I rise on a point of order. I wonder first of all if the Speaker could rule if this point is indeed a point of order.

The Acting Speaker (Ms. Thibeault): I must advise the member that this is a matter for the committee and the Chair cannot hear this report from the committee at this stage. It is a matter to be settled with the committee.

Mr. Gary Lunn: Madam Speaker, I know you have ruled on this. If you do not wish to indulge in it, I would like to call quorum.

The Acting Speaker (Ms. Thibeault): Call in the members.

• (1655)

And the bells having rung:

The Acting Speaker (Ms. Thibeault): I now see a quorum. Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Thibeault): The question is on the amendment. Shall I dispense?

Some hon. members: No.

Private Members' Business

[Editor's Note: Chair read text of amendment to House]

The Acting Speaker (Ms. Thibeault): Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Thibeault): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Ms. Thibeault): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Thibeault): In my opinion the nays have it.

And more than five members having risen:

[Translation]

The Acting Speaker (Ms. Thibeault): Pursuant to order made earlier today, the recorded division stands deferred until Tuesday, June 9, 1998, at the end of the time provided for Government Orders.

[English]

Ms. Marlene Catterall: Madam Speaker, I rise on a point of order. I think you might find unanimous consent in the House to read the clock as 5.30 p.m. so we could proceed to Private Members' Business, provided that the member proposing the private members' bill tonight is present in the chamber. If he is not present, may I suggest that we suspend to the call of the Chair but to no later than 5.30 p.m., in order that the member wishing to present the motion can do so at an earlier time than 5.30 p.m.

SUSPENSION OF SITTING

The Acting Speaker (Ms. Thibeault): Is there agreement to proceed as such?

Some hon. members: Agreed.

(The sitting of the House was suspended at 4.57 p.m.)

• (1700)

[Translation]

SITTING RESUMED

(The House resumed at 5.02 p.m.)

The Acting Speaker (Ms. Thibeault): It being 5.05 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[English]

FISHERS BILL OF RIGHTS

Mr. Greg Thompson (Charlotte, PC) moved that Bill C-302, an act to establish the rights of fishers including the right to be involved in the process of fisheries stock assessment, fish conservation, setting of fishing quotas, fishing licensing and the public right to fish and establish the right of fishers to be informed of decisions affecting fishing as a livelihood in advance and the right to compensation if other rights are abrogated unfairly, be read the second time and referred to a committee.

• (1705)

He said: Madam Speaker, I will be splitting my time with my colleague from Nova Scotia.

I believe if members look carefully and examine what has happened since the election last year, this is the first major fisheries bill to be introduced in the House. I am very pleased that it is mine and coming from the opposition side of this House.

This sends out a certain signal to the fisheries community. I do not think the government has been listening carefully to what is happening in the fishing community.

Canada has been abused by other countries in terms of offshore fishing. Successive governments have never really stood up for our fishermen and outlined the rights of fishermen. That is what this bill is intended to do. It is the fishers bill of rights. I know the word fishers is more politically correct today but I am from the old school. I still use the term fishermen. I hope my colleague from Quebec forgives me.

What I am attempting to do with this bill is give fishermen the right to be consulted. Examine what has happened on the east and west coasts and with Great Lakes fishing. We are also talking about Lake Winnipeg.

Fisheries from coast to coast are in desperate straits. What they need is some protection. What we have to do is consult with the fishermen. I am convinced that had we consulted with fishermen from day one we would not be in the state we are in today where on both coasts of this country we are into a situation of vanishing stocks.

We have allowed foreign overfishing for years. As a result we have a fishery in Atlantic Canada that is almost broke. Cod have virtually disappeared. Groundfish in some areas have virtually disappeared.

I am not standing up to blame the present government because that would be wrong. I am not standing up blaming the government I was part of from 1988 to 1993 because that would be wrong.

Private Members' Business

It has been a succession of governments, regardless of political stripe, making errors along the way but never really standing up for fishermen. Now we have a fisheries on the east coast that is virtually in collapse.

The other part of this bill I think fishermen will take a keen interest in and support is that when support programs for fishermen are being negotiated they have to be at the table.

Whether they are talking about support programs to move them from fisheries into something else or to buy back their licences, they have to be consulted from day one. That has never happened.

Where was the consultation from the very beginning in terms of the TAGS program? It was a program basically invented in Ottawa. Again, I am not blaming any government. It was invented by bureaucrats and administered by bureaucrats. From the very beginning there was no consultation with fishermen.

• (1710)

The other problem I see where it would have made a big difference is on the conservation side if fishermen had been consulted. There is no secret that in the early days of international overfishing our fishermen knew what was happening. They saw huge quotas granted to outsiders, outside countries coming into Canada and fishing our stocks. The result was well known by fishermen at that time as to what would happen. It is like the old story about Canadians. We are much too polite to tell it like it is.

I remember the story of a Canadian in New York. When a New Yorker stepped on his toe the Canadian looked at the New Yorker and said "excuse me". The New Yorker said "you must be Canadian". He asked why. "Because you are the only people in the world who apologize if someone steps on your toe". Is that not what we have done internationally?

I can remember when Premier Tobin stood up internationally for fishermen. I was the first one to applaud him. The former fisheries minister, Mr. Crosbie, was very congratulatory as well. We had a politician who for the first time in recent Canadian history stood up and told it the way it was.

We might debate whether the outcome of that was successful. At least the international community heard us. All politics aside, it is something we should have done years ago. What the fisheries minister was doing at the time was listening to those people he represented regardless of political stripe. That is what we have to do.

Testimony was heard by the fisheries committee of what some of our fishermen go through in terms of income and cost of getting on the water or attempting to catch fish that are not there. Some of this is absolutely outrageous.

Mr. Fortin on November 27 gave his testimony to the fisheries committee. I use his testimony to show just how ridiculous the situation is. This year he caught \$40,000 worth of fish, gross. His earnings were \$16,000, of which he paid \$5,500 in fishing expenses, \$5,400 in fuel, oil and other things, \$5,525 in repairs because they were out of luck, \$4,775 for electronic equipment, \$1,500 in groceries because they live on the water for days. He paid \$4,000 in car insurance because he has a family to support at home. He paid \$1,400 for the CSST and \$2,400 for other expenses.

Then there was interest on the loan he had to take out from the credit union and taxes. That is 25% of the boat payment. He has a deficit of \$30,000 and \$10,000 in expenses, and they still want to take his TAGS benefit back. He said he cannot accept that.

Who in this House could accept that? I think it goes right back to the bill I brought into the House. Again I stress it is the first major fisheries bill to hit the House since the election of last year. There is a deficit on that side of the House in terms of what it could do today to pay attention to fishermen, the people the government is supposedly representing back home.

That is just a small example of what has happened over the years. What we have to do in the House is say fishermen have certain rights that cannot be taken away by governments. When rights are taken away to fish and to make a living, they are to make sure there is adequate compensation. When the compensation package is decided upon fishermen will be at the table. They will be there helping us make the decisions. It will not be left to bureaucrats in their ivory towers in Halifax or in Ottawa. It will be in consultation with fishermen.

• (1715)

I will pass over the remainder of my time to my colleague from Nova Scotia. I am sure he can carry on this debate. I thank the House for waiting for me to arrive. I know the previous debate collapsed a bit early. I am looking forward to hearing from the hon. member for South Shore.

Mr. Gerald Keddy (South Shore, PC): Madam Speaker, it gives me great pleasure to rise today to speak in the House to the motion of the hon. member for Charlotte on a fishers' bill of rights.

The state of the fishery in the country is far too often overlooked, specifically in Nova Scotia and certainly in the South Shore riding which I am honoured to represent and in my neighbouring riding of West Nova which is very aptly represented in the House of Commons.

We talk to the people in the fishery. We know the people in the fishery. I am not a fisherman. I do not contend to be a fisherman but I certainly have many constituents who are fishermen. The South Shore riding is the largest single fishery riding in Canada with 800 and some registered fishing boats in Shelburne county alone.

Private Members' Business

Queens county has another 200 and some and Lunenburg county has 180. It is a tremendous resource.

That resource is no longer there. That resource has declined. As the member for Charlotte mentioned, it declined over the years because of bureaucratic intervention, because of government intervention. He did not want to point the finger at anyone. I do not think I am willing to do that either. Certainly all governments of all parties have made major mistakes in the fishery and I think to this very day they continue to make them.

One difficulty I have with something called a fishers' bill of rights and the public right to fish is that I am not sure we any longer have a public right to fish. We cannot simply buy a fishing licence today and go fishing. There is no fish to catch. There are ITQs. There are community quota groups. There are all kinds of restrictions against fishing. The public right to fish is something I am very much afraid we may have lost a long time ago.

Even in new fisheries I have a number of cases—and I am sure members opposite have a number of cases—where people in an experimental fishery were not even granted the first licence to be given out in that fishery, whether it was an experimental shrimp fishery in St. Margaret's Bay or a clam fishery in the midshore, the endshore or the offshore. The people who developed those fisheries, the people who did the experimental work, very often were overlooked when it came to licences in direct contravention and contradiction of the Fisheries Act.

The hon. member for Charlotte mentioned TAGS. I would like to talk for a moment about the failure of TAGS to address the problem. To begin with TAGS was designed for ice plugged ports in Newfoundland. As an afterthought it was thought that it could apply to diminishing groundfish stocks in Nova Scotia. They brought TAGS in combined with a licence buyout that did not take enough out of the fishery. The TAGS program only covered the first \$26,000 of gross landings by any fishing boat. After that they had to buy it back.

Let us figure out what it takes to accumulate the first \$26,000 gross of a fishing year. They pay for their steamboat licences. They pay for their crews. They pay for their provisions. They pay for their diesel. They pay for their onboard catch monitoring. They pay for any ITQ transferring they do. They have not made any money and they are over the \$26,000 gross.

• (1720)

The people who tried to work were penalized. The people who benefited from TAGS were the people who decided to sit back and improve their golf game or to go troutng. For the fishermen who tried to continue to work and to feed their families it was a dismal failure. That is the best thing that can be said about it.

We move on to the situation these people are still in with diminishing fish stocks. The south shore of Nova Scotia and parts

of southwest Nova are extremely lucky. We have a few fish left. We are a long way from having a successful fishery. There was quota by every community group in Nova Scotia left in the water last year, quota they were unable to catch or quota that was not there.

We are encouraging the shacking of small fish. Shacking is a term fishermen use for throwing fish overboard. If they have a quota and they are only allowed 4,000 pounds of haddock what are they to do with the small ones? They cannot afford to bring them ashore as little haddock are worth 40 cents per pound compared to big haddock which are worth \$1 a pound.

It is a very dismal situation these people find themselves in. They are environmentalists and conservationists and they understand. They also have families, mortgages and car payments and have to attempt to make a living. The fishermen of Nova Scotia, New Brunswick, P.E.I., Newfoundland and Quebec are in dire straits as a result of TAGS.

We can look at the effort out there on the ocean by dragger fleets, seiners and foreign fleets. They have caught our bait. They have caught our food fish, our cod, our haddock and our halibut. It goes on and on.

This year Atlantic salmon stocks are expected to be at an all time record low of returning winter salmon to the rivers of southwest Nova. These rivers are under stress. We know acid rain has stressed the ability of the spawn to survive in the rivers. This is not rocket science. We understand that pollution is a factor.

We are at an all time low and we have the most stringent conservation methods we have ever had. No longer are estuary fisheries allowed at the mouth of rivers. Mature salmon can no longer be kept. Fishermen are encouraged to keep only grilse and only male grilse.

The aboriginal fishery takes male grilse out of the fish way for its allotment. This is not a threat to the salmon going upriver to spawn and reproduce.

What is a threat has been the fact that the federal government has allowed a foreign fishery in St. Pierre and Miquelon to buy the gear of the Newfoundland fishermen who sold their salmon gear to St. Pierre and Miquelon fishermen and set that gear in a 10 mile swath 200 miles long out to the edge of the shelf. No one in the House or on the fisheries committee or in the department will convince me that this has not affected returning fish to Nova Scotia.

For a long time we had a moratorium on commercial salmon fishing, which is indicative of the state of the fishery. The real money in the fishery is made from haddock, cod and flounder. The sport fishery is important but the real money and the real livelihoods of the majority of the people are in the ground and lobster fishery.

We have more pressure now. We have complete devastation in the fishery. Now in the lobster fishery there are more lobster licences and more effort in the lobster fishery than there has been in the past 50 years.

• (1725)

The point is that the lobster fishery needs a much more serious, increased effort. It is the sole provider of many families in Nova Scotia, South Shore and southwest Nova. That fishery is under serious pressure. I suspect it is under serious pressure in P.E.I., Newfoundland and parts of Quebec. We have to be very careful how we treat that fishery if it is to survive.

In my closing remarks I would just like to say a bit about the inability of the government to come forth with a proper buyout program for active licences. The licences on the banks about which there is some discussion about buying, the licences that have not been used for five, ten, fifteen or twenty years, are not catching fish. We do not have to worry about those licences. We should buy the active licences and put a restriction on bringing an inactive licence back into the fishery.

Mr. Wayne Easter (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Madam Speaker, I certainly welcome the opportunity to speak to Bill C-302.

The bill that is before the House is very laudable in terms of its intentions but is seriously flawed in terms of its approach. I can even agree with the intent of the member opposite in terms of what he is trying to do through a fisheries bill of rights. I say laudable in its intention because the hon. member is as obviously motivated by a concern for Canadian fishermen and Canadian fishing communities as we are.

I am sorry to say that this afternoon when we were dealing with a very important bill, the United Nations fishery agreement, his colleagues walked out of the committee. Two very important witnesses were before us. We were trying to deal with the issue of straddling stocks and getting a United Nations fishery agreement through in legislation so that Canada can be one of the initial 30 to ratify the agreement.

I am disappointed and concerned about the opposition members walking out. They should not be playing political games with an issue that is so important to fishermen by walking out of the committee when we had two very important witnesses before us.

Let me deal with the bill. It is seriously flawed in its approach which would not help Canada's fishing communities deal with the realities they face. In all seriousness it could well undermine Canada's conservation efforts and damage the fisheries. I know that is not the member's intent. I am sure he intended otherwise, but that is the reality of what could happen with the bill.

Private Members' Business

Several issues need to be addressed, in fact too many for me to cover in 10 minutes. However, let us start with the wording of the bill which suggests that these communities would be better served or somehow protected from hardship if fishermen had certain legislated rights:

—the right to be involved in the process of fisheries stock assessment, fish conservation, setting of fishing quotas, fishing licensing and the public right to fish and establish the right of fishers to be informed of decisions affecting fishing as a livelihood in advance and the right to compensation if other rights are abrogated unfairly.

We cannot know exactly what is in his mind but perhaps the hon. member thinks fishermen need protection from us or from supposedly arbitrary decisions by distant officials in governments that affect their lives profoundly but over which they feel they have no control.

• (1730)

We can all sympathize with anyone who feels this way, especially when they face hardship as a result of certain decisions being made by governments and fisheries managers.

The Standing Committee on Fisheries and Oceans has been holding very extensive hearings across Canada since last September. I believe in November we held hearings in Newfoundland and eastern Canada. We have held hearings on the west coast. We have held hearings in the eastern Arctic. We have held hearings in the Great Lakes region.

I believe the committee will be coming down with very strong recommendations related to all those points that the member is talking about which concern the rights of fishermen. I think we will find when the committee reports that there will be sound recommendations with respect to finding ways to ensure that fishermen are consulted, that their rights are protected, that fisheries conservation remains a priority, that fishermen are involved in the discussions and consultations on fishing quotas and so on.

What fishermen need and want is the chance to make a good living on the sea, not just for today and tomorrow but for the next decade and the one after that. That is what this government is trying to do with its various efforts.

Fishermen not only want that for themselves, they want it for their children and their grandchildren. That is what they need.

Depending at the moment on where they live and what they fish, they may face reduced quotas and closed seasons. We recognize that. Or they may, on the other hand, depending on where they live and what they fish, already be seeing the benefits of the government's efforts over the last few years to restructure the fishery.

Private Members' Business

The last member who spoke mentioned the lobster fishery. Although we had to take some strong measures this year to ensure that lobsters are there for the future, the lobster fishery is indeed quite healthy. We have to ensure that the egg production is there for the future, but it has been the mainstay in terms of the fishery in Atlantic Canada.

In Atlantic Canada, even with the groundfish turndown, which we have learned some lessons from, the economic returns as a result of the expanding shell fishery and lobster fishery have been increasing dramatically and providing good incomes for those fishermen and those communities. We are already seeing some benefits from some of the actions the government has taken.

Whether we like it or not, no legislation is really going to change the reality. The reality is that we cannot exploit the sea and its resources as generations before us have done. It is a very complex industry which today's government has to manage very carefully, with the best scientific evidence available, for the benefit of everyone: for the fishermen, for the communities, for the industries that utilize those fish stocks which are caught, and for the industries that provide the equipment and the technology to the fishing industry. These industries are not only on the three coasts, they are in central Canada as well, in terms of the economic spinoffs from the fishing industry.

In this day and age, with the kind of technology and equipment that is available, in many cases decisions must be made quickly. This bill, although I know it is not its intent, would in fact institute a review process that would be extremely cumbersome and time consuming. The implementation of necessary and quick decisions could be delayed until all appeals had been exhausted. The most important element concerning fisheries management in the future, although it is not the intent of the bill, is that it could be brought to a complete standstill.

• (1735)

I know that is not the desire of the member opposite, nor is it his intent, but that is the reality of where Bill C-302 could lead us. It could drive fisheries management to a standstill.

I will tell the House of the five principles that guide the government. First, the fishery must be environmentally sustainable. Second, it must be economically viable. Third, it must balance harvest capacity with the available resource. Fourth, participants must have a greater role in the making of decisions, and we are really working on that. Fifth, our fishing industry must be internationally competitive.

This government is moving forward on those principles. Conservation is a key priority. I am sure that in its hearings process the

Standing Committee on Fisheries and Oceans will continue to push us on those principles and foster us with even greater ideas down the road.

However, I am sorry to say this bill will not help us in achieving the principles this government wants to move forward on.

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, it was with no pleasure that I left the fisheries committee this afternoon. The witnesses who appeared before the committee this afternoon were there at my request. When the government ganged up on the opposition to ensure that the committee could not insist Premier Tobin appear before it on a very important matter, we had to express our displeasure.

I am pleased to speak at second reading to Bill C-302. The bill put forward by the member for Charlotte contains three main elements. The three elements are: protecting the public right to fish, involving Canadians who fish for a living in the consultative and decision making process, and establishing that compensation is due when fishing rights are abrogated by decisions not involving the affected parties.

I strongly support the public right to fish, which has existed in common law since the Magna Carta in 1215. It should be common sense that if such a right has existed for so long there should be no need to implement legislation to preserve this right. Unfortunately, that is not the case. This government would prefer to obliterate this right because it is totally compromised by its inability to provide statutory authority to its divisive aboriginal fisheries strategy pilot sales program.

In the last parliament the government introduced a new fisheries act that would have given the minister the ability to grant a private right to fish for commercial or sports purposes to any group currently in political favour. It is fortunate that Bill C-62 died in the last parliament.

Reality does not always reflect common sense. We like to think rights do not need to be spelled out because everybody knows we have them. We think the rights apply to all, but in fact they only apply to this Liberal government because it is playing the power game. We can see from our many statutes that the power groups only sometimes agree to give rights to other groups. That is why these groups fight for and obtain things like the public right of access to fish.

This is what happened. The king assumed he had the right to do whatever he wanted with the fishery. The public got together, created the Magna Carta and told the king otherwise. That is why the public right to fish is a written right. It is a hard won right and it must be carefully guarded or this power group will take it away when we are not looking.

• (1740)

The fishery is a public resource and the responsibility of the minister is for conservation, management and protection. The minister does not have the right to decide who gets the fish. However, in the management of the fishery there will have to be decisions made about who gets licences and when the different fisheries should be opened and closed. In making these management decisions fishermen should be consulted and permitted to contribute to the decision making process.

Because resources such as fish are limited, we the public have to decide who can access them or who has the right to catch fish. That is why we have limited entry licensing and designated core fishermen. But we have delegated the responsibility for making licensing and opening decisions to the government. After all, we think that is what government is for. Unfortunately, the government has a political and power based agenda that influences its decision making. We saw this most clearly, as I stated, with the racially divisive AFS introduced in 1992.

Do we want to delegate this kind of decision making to one person alone, to one person who may be influenced by specific interest groups who do not see the big picture? I do not think so. Bill C-302 tries to prevent this situation from arising. I agree with its broad intent.

The preamble presumes that Canadians who fish for a living are the most knowledgeable about the fishery. Although those who fish are certainly in this group, there are others such as scientists, social policy makers, DFO officials and field workers who have a great deal to contribute. In other words, good advice can come from a diverse group but must include those involved who fish for their livelihood.

In clause 4 of the bill fishers are given the right to be heard in the process of government decisions respecting fish stock assessment, fish conservation, quotas, licensing or the public right to fish. This right should be established and is not exclusive of other parties. The government would be under no obligation to vigorously follow the advice of the fishermen, but it would certainly move the agenda along from the current situation. Current governments are notorious for pretending to involve people in decision making and then doing what they want anyway.

Clause 5 proposes items on compensation. What is needed in all government activity is transparency. If people see what the government is doing and there is no secret as to why things are done the way they are, I believe that people will not feel their rights are being trampled on. They will rarely feel the need to continue to fight the results.

If the provisions are mandatory and if they are carried out, then there should be no losses, as contemplated by clause 5. There

Private Members' Business

should be stern consequences for any government that tries to abrogate the public right to fish. But as we know from experience, monetary consequences such as compensating people for the loss of their rights do not protect the right itself.

I have been a vocal supporter of the public right to fish, as well as an opponent of ministerial discretion in making up rules about who gets to fish and who does not.

I fully support the intent of Bill C-302. However, there are some minor changes that I would like to see. It is important that those making a living from the fishery do not have their rights abrogated, leading to a loss, without consultation, if they have not been involved in the whole process.

It is important in our ongoing battle to keep the government from making further inroads into long established principles for the benefit of the short-sighted government of the day.

• (1745)

[*Translation*]

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, I wish to add my voice to that of the hon. member for Charlotte, who sponsored this bill. It is refreshing to see that some people are concerned about the fishers.

I would like to remind the House that the Secretary of State for Fisheries and Oceans promised last fall, in response to a question from the Conservatives, that a fisheries policy would be tabled in February of this year. We have not seen it yet.

I must also remind the House that the Auditor General of Canada, Mr. Desautels, also recommended that Canada develop such a policy. In its absence, we are currently faced with administrative chaos at the hands of the federal government.

I too have some reservations about this bill, but at least someone has managed to manoeuvre through the system and to introduce a highly worthwhile bill. This is very interesting.

Introducing legislation that will give fishers a hand in assessing stocks is very intelligent. Allowing fishers to take part in preserving fish stocks is very intelligent. I do, however, have misgivings about the setting of quotas and about licensing.

As for the administration of public fishing rights, I too would like to see fishers protected. We have to agree in committee on whether it is to protect currently active fishers from any discretionary power the minister of fisheries presently enjoys under the law, which he tried to consolidate in the former Bill C-62.

Those fishers still active are satisfied, but they are always afraid the minister will upset the balance they have achieved. I think it vital that their rights be protected, but, if the public is going to be

Private Members' Business

allowed to fish, the circumstances under which others may enter must be defined.

What I find interesting in the second part of the bill is the discussion of establishing the right of fishers to be informed in advance of decisions affecting fishing as a livelihood. I imagine the member is referring to native fishing. Personally, I think it makes good sense to be informed.

However, I will link this with the second right the bill attempts to establish, namely the right to compensation if other rights are abrogated unfairly. Let us look at native fishing. I believe in the rule of law, in that, if native people are entitled by treaty to certain things, I am not going to take them away. Except that it is not the fault of the non native fishers and it is not up to them today to pay for everything.

If Canada ever recognizes the rights by treaty, we must be able to compensate the non native fishers currently there. It has to be done systematically.

On the subject of the unfair abrogation of rights, reference must be made to moratoriums. When the minister of fisheries establishes a moratorium, prohibits certain types of fishing, fishers who have always earned their living from this sort of fishing lose their rights and have their lives changed. I think that warrants compensation.

I refer to the famous income support program, the Atlantic groundfish strategy, known as TAGS. We are two months away from its expiry, and fishers are still waiting to find out what will happen.

• (1750)

The members opposite continue to give mixed signals, telling us that maybe the program will be extended and maybe it will not. If such rights had been established, it would be automatic. If the bill goes to committee, we could suggest a few things for members to add.

We in committee saw the nasty tricks the government can play, how it tries to weasel out of its responsibility. If this needs to be formalized, we have a suggestion for members.

The points I would like to develop further concern the establishment of quotas, that is, allowing fishers to take part in the establishment of quotas, and the awarding of licences.

It is not that I am opposed in any way, but going back to the spirit of TAGS and my reading of it, which I shared with the fisheries minister, the fisheries minister admitted in the House last fall that the reason TAGS had not worked, and was a passive rather than an active program, was precisely because Ottawa had not involved the provinces in the strategy's development.

It is therefore important for the provinces as well to be allowed to help establish quotas and award licences.

Canada, a member of NAFO, claims to be a world leader when it comes to oceans management. Canada supplies NAFO with biological data and it is through participation and the sharing of biological information that it is possible to work out a conservation policy as well as decide on what should be caught and what should be left in the water to ensure the sustainability of the resource.

I will talk only about eastern Canada and leave the western part of the country up to the members who represent it. In the Gulf of St. Lawrence and the Atlantic Ocean in zones 2GH and 3KL—for fishers in the know—why could Canada not operate along NAFO lines and work in concert with the provinces, sharing biological information in order to ensure that there is a conservation plan? The provinces, once they have established the quotas, could then issue licences, that is distribute the resources within their territory.

We must always bear in mind this rule of thumb: every fisher at sea creates employment for approximately five people on shore. The biggest problem, in terms of what we are looking at today, is in the provinces' backyards right now. I think some connections should be made between the two.

The secretary of state listed earlier the five principles that guide the department. He mentioned environmentally sustainable fisheries, economically viable fisheries and talked about Bill C-27, criticizing the opposition for withdrawing its support. What he failed to mention however—and I am glad the hon. member of the Reform Party picked this up—is that the opposition members on the committee wanted to call in as a witness the father of former Bill C-29, Brian Tobin. He is the one who drafted the legislation to preserve straddling stocks in the last Parliament.

This government is making sure this legislation does not have any teeth. My concern is that we end up with nothing. When, across the way, they brag, giving lip service to using to preserve the resource, I think they are taking kid gloves, not to say a 100-foot pole, to avoid taking their responsibilities in this respect, as they did with TAGS.

[English]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, on behalf of the New Democratic Party and every single fisher person and plant worker that I have spoken to across this country, we want to thank the hon. member from Charlotte, New Brunswick for his private members' bill. It is absolutely fantastic.

• (1755)

It is rather shameful that a private member from the opposition has to introduce a bill of this nature. Even to have to discuss this bill is incredible. He basically wants the rights of fishermen and

plant workers to be at the table when discussions or decisions are made on their behalf.

I wonder how much consultation the government did with Bombardier before giving it the largest defence contracts of all time. I bet it consulted big time on that. But when it comes to fisheries matters, there is no consultation at all.

The parliamentary secretary indicated the five principles under which the Department of Fisheries and Oceans operates. I would like to give the Government of Canada and those people listening today the five principles under which I think the DFO operates.

The fifth one is do not tell anything to anyone in a timely manner. Number four, pit one region against another. Number three, waste valuable tax dollars. Number two, put policies in place without consultation with those closest to the industry. The number one principle under which DFO operates is fatten up the bureaucracy in Ottawa and keep the minister in the dark. That is exactly what is happening.

It is unknown to many Canadians, but DFO has about 800 people working for it in Ottawa and I do not see anybody fishing in the Rideau Canal.

The territory of Nunavut has two million square kilometres. Guess how many enforcement officers are up there. For two million square kilometres, there are two. There are six parking lot policemen for the West Block and Confederation building parking lots. It is unbelievable where this government puts its priorities.

I will give the Parliamentary Secretary to the Minister of Fisheries and Oceans credit because it is due. He mentioned that the all-party Standing Committee on Fisheries and Oceans will come up with some serious and strong recommendations and preamble language to assist the government in what it should do for the future of the fisheries. I definitely agree with him on that.

Let us face it. Today in the papers there is talk about a crisis with the Atlantic salmon on the east coast. There is talk about a crisis with the salmon on the west coast. That is quite amazing because they are not supposed to join. The common thread is we have a crisis on the west coast, a crisis on the east coast and a crisis within our freshwater fishery in Manitoba and Ontario. What is the common theme of all these three? The DFO.

Mr. Speaker, do you want to know why since the day I was elected I have been calling for a public judicial inquiry into the practices and policies of this department? This department is completely out of control. It is absolutely out of control. It has no vision. It has no future. A good example of that is the so-called post-TAGS review.

Private Members' Business

In 1992 the government of the day put a moratorium on the cod and came up with the adjustment programs, NCARP, AGAP and TAGS. To this point \$3.4 billion has been spent and there is more capacity to catch the fish today than there was when it started the moratorium. It is absolutely incredible.

I cannot understand why the government will not consult with fishermen when it comes to the allocation of quota, when it comes to the type of gear, when it comes to everything else.

Recently in southwest Newfoundland there was an announcement of a quota of 20,000 tonnes of cod. I would certainly hope that the government would work with the fishermen of that region on a sustainable harvest of that catch.

As we know, Atlantic salmon is in deep trouble. If big nets, big druggers or trawlers are used, it is well known what will happen. A lot of bycatch is going to happen and history shows that a lot of this bycatch will be thrown overboard.

Regarding the issue of TAGS, the fishermen and plant workers of the east coast have been asking and begging for answers from this government. The minister of human resources indicated to this House that there would be a report in place on post-TAGS. What do we get? We get federal officials gallivanting around Atlantic Canada presenting their new vision of the post-TAGS program. It is absolutely unbelievable that he would disregard all members of this House when it comes to such a viable issue. Obviously DFO does not listen to the fishermen and plant workers.

The 1983 Lockeport, Nova Scotia experiment with National Sea pumped hundreds and hundreds of millions of dollars into this company that just sucked the oceans dry.

• (1800)

In central Canada there is the Freshwater Fish Marketing Corporation. With absolutely no consultation with the fishers of the north, it sort of picks and chooses who it wants to talk to and its policies are set basically on that.

I do not understand why this government has such an incestuous relationship with those people, for example, on the west coast in the Sport Fishing Institute. We have a classic example of Ms. Velma McCall. She used to work for the Sport Fishing Institute. She lobbied very hard for the Sport Fishing Institute to get an exclusion zone of commercial trollers around Langara Island. What happens a year later? This woman is now the ministerial assistant for the DFO on the west coast.

Tom Bird used to work for DFO. Guess who he works for now? The Sport Fishing Institute. The personal relationship between the hon. Minister of Fisheries and Oceans and Mr. Bob Wright of the Oak Bay Marine Group is absolutely scandalous. They pick and choose their policies, give them to their friends and under no

Adjournment Debate

circumstances do they consult with commercial fishermen of any kind or those people of the Coastal Community Network on both coasts.

It goes on and on. These are the types of people who will assist the government and DFO in new policies. They are Eric Tamma, Coastal Community Network from Ucluelet, Ross Helberg, the mayor of Port Hardy, Sam Ellsworth of Nova Scotia, Arthur Bull of the Bay of Fundy region, and Mark Butler of the Ecology Action Centre of Nova Scotia. These five people are just a small example of the experience and the expertise this government needs to listen to.

Again I have to say it is absolutely incredible that it takes a private member's bill in order to push this forward. I really encourage everyone on the Liberal side to take this bill seriously because it really is important and it is mandatory to involve the people who are closest to the resource to have their say in such a viable industry.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, I support the bill. I can prove that allowing fishermen the right to be involved with consultations is a great thing. There is really a unique situation on the north shore of Nova Scotia in my riding where the fishermen for years lobbied the department of fisheries to increase the standards on lobster size and the department of fisheries refused for years to do it.

The fishermen banded together. They made an agreement among themselves to catch and keep lobsters only above and beyond the size the federal government allowed as a minimum. They actually threw back lobsters that were legal in the interests of conservation. This is a really good example of fishermen being involved with their own industry and in consultation.

It is hard to believe the government will not allow fishermen to be involved with these decisions when they have proven they will do a good job.

This bill is about allowing fishermen to have a say, but today in the fisheries committee we were not even allowed to have a say. The opposition members moved to have Brian Tobin, the premier of the province of Newfoundland, testify because he is an expert in this field. He is a former minister of fisheries and he is very well respected. He became Captain Canada and yet the members of the government on the committee voted to refuse to have him. That is like refusing to hear Albert Einstein when talking about the theory of relativity.

He is the expert and it is awful to muzzle this fountain of information and source of wisdom and refuse to allow him to testify at committee.

Bill C-302 is appropriate for fishermen to give them a fishers bill of rights, but we should have a bill of rights too to be allowed to hear the people we have to hear from.

This is a really good example of the department of fisheries trying to muzzle all the information, all the input, all consultation from not only fishermen but from premiers and former fisheries ministers.

[Translation]

The Deputy Speaker: 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.

ADJOURNMENT PROCEEDINGS

[Translation]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

VARENNES TOKAMAK

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, this evening I would like to follow up on a question which I put to the Minister of the Environment on May 15, when I asked her whether she recognized the usefulness of research and development of renewable energy of the type that is being conducted at Tokamak in Varennes, in the context of climate change.

Given that the Minister of the Environment confirmed the usefulness of such activities, the federal government can no longer claim that it cannot continue to fund the Tokamak project in Varennes.

Yesterday, in another adjournment debate on this most promising research project, the parliamentary secretary to the Minister of Human Resources Development told me that the decision to withdraw federal support for the Tokamak project in Varennes was made because of financial constraints.

Before being given a similar reply this evening, let me tell you that this is not the case at all. Not only is the money now available since the federal government is accumulating surpluses, but it is also an irresponsible decision from a budgetary standpoint. Why invest in the development of top technical and scientific expertise if scientists must then leave the country to put their expertise to good use?

With the closure of Tokamak in Varennes, the specialists we have trained at taxpayers' expense will be taking their knowledge of nuclear fusion to Japan, the U.S. or the European Community. And what about Tokamak's state-of-the-art equipment and infrastructure? Close to \$150 million in public funds have been invested in the past 20 years or so, and are now a total loss, because of this government's lack of vision.

Adjournment Debate

Within a few years, Canada will probably be forced to spend an absolute fortune to purchase a technology it has helped develop for mere millions. In the end, all this will cost far more than its annual investment of \$7.2 million in Tokamak.

Such an edifying demonstration of good management of public funds! Such visionary spirit! I must add that the very exacting quality standards at Tokamak, both scientific and technological, have allowed its partners to develop leading edge technological expertise. For instance, one company, MPB Technologies, was able to land a \$64 million contract thanks to technology developed in collaboration with the Canadian Centre for Magnetic Fusion.

It is believed that the economic spin-offs from the Tokamak in Varennes bring far more to the federal government in tax revenue than its annual \$7.2 million investment in it.

In order to prevent the upcoming dismantling of the Varennes Tokamak's technological heritage, and since the Minister of Natural Resources has shown himself to be open to this possibility, I would like to know how this government intends to make use of the facilities and knowledge of the Tokamak team in the context of related studies as part of its strategy on climate change. Could the government not, for example, continue to develop the Varennes Tokamak's expertise, which is world-renowned, in the microwave sector?

Yesterday, the national forum on climate change was critical of how little the federal government was doing to reduce greenhouse gas emissions. This is all the more worrisome because, according to the Commissioner of the Environment and Sustainable Development, greenhouse gas emissions in the year 2000 will have increased by approximately 11% over the 1990 reference level.

Such a statistic makes it even more important that clean and safe forms of energy, such as the magnetic fusion the Varennes Tokamak is working on, be used in the future. The energy alternative proposed by Tokamak represents a much less serious risk to the environment than the Candu reactor technology, which still has the unshakeable support of the federal government.

This is a long-term undertaking, to which the Varennes Tokamak can make a positive contribution, provided the government lets it.

[*English*]

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, I thank my hon. colleague for raising once again this issue which has a direct influence and effect on his jurisdiction.

• (1810)

This government clearly does understand that the reduction in greenhouse gases does not stop with our commitment at Kyoto.

The issue raised here is put in the context of climate change and global warming and innovative solutions around those very significant problems.

The issue of climate change will be with us for a long time to come. However we are acting now to find a solution. Even as we reduce emissions, atmospheric concentrations will continue to rise for many decades before stabilization. This means that we will experience a continued increase in the human influence on global climate.

What is of major concern is the possible future rates of climate change. If we are to keep that rate of change within reasonable limits, we must begin to reduce emissions by applying new technologies within the next few years. We cannot wait decades before taking action.

The hon. member has raised a particular point on a particular issue. This government is always interested in innovative solutions and applying the knowledge and expertise of individuals, of academics, of other governments and as well of people throughout Canada in offering solutions to the climate.

We cannot afford at this time to pursue all options. We have to make choices and this sometimes has to be at the expense of very high risk and very long term expensive options.

We had to make difficult choices in this process. We simply do not have the resources to do everything we want to do but we will continue to work with hon. members and with the Canadian public at large to find the best, least cost, most effective options which will provide solutions in the Canadian context to climate change.

THE ENVIRONMENT

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, Canadians living in my riding of Waterloo—Wellington and indeed Canadians all across Canada are very concerned about our environment. They want to know that all levels of government and all partners are doing their utmost to secure a safe and clean environment for the generations to follow.

Canadians want and demand action on issues concerning the environment. As a government we need to provide vision and leadership in tackling the environmental challenges it faces. We need to provide that vision and leadership in the context of sustainable development strategies which are beneficial for the country.

A key environmental challenge facing Canadians is climate change. Climate change could bring about such possible long term effects as drier summers in the prairies, increases in forest fires and insect infestations, coastal flooding and more frequent extreme weather events. All of this could be very devastating for Canada and all Canadians.

Adjournment Debate

It is clear we need to act now. I am heartened to know that the government has accepted that the risk of climate change is real and that the consequences are potentially very devastating. I am heartened to know that Canada is considered to be a leader in international negotiations on climate change.

The federal government has the responsibility to lead the nation in responding to climate change. It needs to ensure that partnerships are well defined. It needs to have targets to measure progress and it needs to have contingency plans for corrective actions if required.

[Translation]

The federal government should continue to defend the interests of all Canadians. It should lead us into the new millennium with vision and judgement.

[English]

In light of all of this, my question for the Parliamentary Secretary to the Minister of Natural Resources is simple. What steps are being taken by the government to ensure that Canada meets commitments made in Kyoto last December? What are we doing to secure our environment for future generations?

Mr. Ovid L. Jackson (Parliamentary Secretary to President of the Treasury Board, Lib.): Mr. Speaker, it is a pleasure to respond to my colleague whose interest in the environment is legendary.

Since Kyoto, we as a government have stopped questioning whether we should be making this kind of commitment. We and the international community have been directing our energies to how to meet our collective obligation to reduce emissions below 1990 levels by 2008 to 2012, because meet it we shall. Meeting that obligation will be a difficult challenge involving changing the way we produce and use energy and transport people and goods.

Last month the federal, provincial and territorial ministers of environment and energy met in Toronto. They agreed on a process for the development of a national implementation strategy on climate change to honour our Kyoto commitments.

• (1815)

It will be based on consultations and input from other governments as well as from the private and public sectors. All sectors of society will be called upon to share their views and best practices so we can learn from each other what works and what does not.

Ministers have agreed to move forward in the development of credit for early action and strengthening voluntary action.

I cannot stress enough the government's conviction and commitment to engage with as many players as possible in developing and

implementing actions to reduce greenhouse gases. In fact it is the only way to proceed.

By harnessing the impressive creative and innovative talents we have in Canada, I am sure that we can not only meet our emission reduction targets but also have economic growth and improve the quality of our lives. If we can offer Canadians concrete ways in which to reduce emissions or be more energy efficient, they will do so.

Our recent budget will help us do this. The budget will provide \$150 million over the next three years to help achieve the following: first, to develop Canada's national implementation strategy to meet the reduction targets of the Kyoto protocol; second, to improve public education on climate change and to engage Canadians in ways to reduce emissions; third—

The Deputy Speaker: I am sorry, the hon. member's time has expired. The hon. member for Frontenac—Mégantic.

[Translation]

BC MINE IN BLACK LAKE

Mr. Jean-Guy Chrétien (Frontenac—Mégantic, BQ): Mr. Speaker, seven months after the closure of the BC mine, we realize that the Minister of Human Resources Development's active measures are not working.

As of May 28, only 25 former employees of the BC mine had benefited from the minister's active measures. Sixteen use the supportable wage subsidy, nine are in training, either job related or general. Of the 305 miners laid off on November 1 last year, only 25 are using a small part of the \$3 million announced by the minister for active measures.

What will the minister do with the money not used? This is the sort of questions the 100 former employees of BC came to ask the minister on Tuesday. They travelled 10 hours by bus from Thetford to Ottawa and ended up with a short meeting with the godfather of the riding of Frontenac—Mégantic, the member for Beauce, who simply asked for a photocopy of the file.

The minister should read the recent column by Michel Vastel on the subject. The minister is totally out of touch with reality. He should step out of his limousine. He has never been unemployed. He has never worked for minimum wage. He has never worked nights. He knows nothing of the middle class, the poor of this country who have nothing to give their children before they go off to school.

I remind the minister that his predecessor, Doug Young, made a commitment to replace the POWA with something allegedly better when he axed it on April 1, 1997. The Minister of Human Resources Development has done absolutely nothing. What will he do?

I put the question again: What is he going to do with the \$2 million, the \$2.5 million left unused in his program? He has no

Adjournment Debate

respect for the working class. He has no courage. He refused to meet André Laliberté and Charles Lacroix. What can he offer Clermont Bégin, 63 years of age, whom he wanted to cut off employment insurance claiming that he was not looking hard enough for work in a region where unemployment runs at over 11%?

What can he offer the 58 year old miner, who has a number of skills, but none recognized by other employers?

What about the miner, aged 48, with 28 years of experience and a sixth grade education?

• (1820)

The minister is so timid he did not even appear this evening to answer the men from BC. He sent his parliamentary secretary.

What can he say to Noël Loubier, 50 years of age, with 31 years' seniority at the BC mine? And to Richard Rousseau, aged 49, a labourer employed at the BC mine for 25 years?

I could provide him with a whole series of sad and unfortunate cases, but this minister is still not in touch with reality.

[*English*]

Mr. Gerry Byrne (Parliamentary Secretary to Minister of Natural Resources, Lib.): Mr. Speaker, as Parliamentary Secretary to the Minister of Natural Resources I am pleased to respond to this question. It is one of several that have been raised by the hon. member opposite on this issue which is of direct effect and consequence to his riding.

The hon. member has so often raised this question and we have responded in kind appropriately. We have said specifically to the

hon. member that this government honours the efforts of workers. We are very much in tune with the needs of workers. That is why the Minister of Human Resources Development has pledged a \$3 million fund to provide assistance and transitional assistance for this particular industry and sector.

As has been done on several other occasions I am pleased to report to the House that the workers are taking advantage of this opportunity. In addition to the 40 or 50 workers who have sought employment opportunities elsewhere, several are taking on active employment measures. They are taking their futures into their own hands. We are seeing a return to work for that group of workers, not to the extent we would like but it is continuing. We expect to see future mining activity in the area which this group of workers will take advantage of.

We emphasize that while the hon. member opposite postures by suggesting the minister is the most appropriate one at this forum to answer this question, he once again deludes the people who are watching this broadcast. As the hon. member knows it is the duty of the parliamentary secretary. He has asked questions directly to the minister. The minister has responded directly. We are following parliamentary procedure. The minister cares very deeply about these workers.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.22 p.m.)

CONTENTS

Thursday, June 4, 1998

Access to Information	
The Deputy Speaker	7569

ROUTINE PROCEEDINGS

Government Response to Petitions	
Mr. Adams	7569

Canada Customs and Revenue Agency Act	
Bill C-43. Introduction and first reading	7569
Mr. Dhaliwal	7569
(Motions deemed adopted, bill read the first time and printed)	7569

Criminal Code	
Bill C-418. Introduction and first reading	7569
Mr. Szabo	7569
(Motions deemed adopted, bill read the first time and printed)	7569

Committees of the House	
Environment and Sustainable Development	
Motion for concurrence	7569
Mr. Laliberte	7569
Mr. Adams	7572
Motion	7572
(Motion agreed to)	7573

GOVERNMENT ORDERS

Judges Act	
Bill C-37. Report stage	7574
Mr. Kenney	7574
Mr. Hilstrom	7575
Ms. Cohen	7576
Mr. Ramsay	7576
Ms. Cohen	7576

Business of the House	
Ms. Catterall	7577
Motion	7577
(Motion agreed to)	7577

Judges Act	
Bill C-37. Report stage	7577
Mr. Marceau	7577
Mr. Mark	7578
Mr. White (North Vancouver)	7579
Division on Motion No. 1 deferred	7581
Motion No. 2	7581
Mr. Ramsay	7581
Mr. Thompson (Wild Rose)	7582
Mr. Bellehumeur	7584
Mr. Obhrai	7585
Mr. Elley	7586
Mr. Bailey	7587
Mr. MacKay	7588
Mr. Fournier	7589
Ms. Meredith	7589
Ms. Cohen	7590
Mr. Kenney	7591

Mr. Mark	7592
Mr. White (North Vancouver)	7593
Mr. Hill (Prince George—Peace River)	7594

STATEMENTS BY MEMBERS

D-Day	
Mr. Provenzano	7594

Pensions	
Mrs. Ablonczy	7595

The Environment	
Mr. Caccia	7595

Human Rights	
Mr. Assadourian	7595

Immigration	
Ms. Beaumier	7595

Employment Insurance	
Mr. Konrad	7595

Immigration	
Mr. McKay	7596

Peacekeeping	
Mr. Clouthier	7596

The Senate	
Mr. Lowther	7596

Reform Party of Canada	
Mr. Drouin	7596

The Atlantic Groundfish Strategy	
Mr. Stoffer	7597

Reform Party	
Mr. Myers	7597

Opération Enfant Soleil Telethon	
Mr. Bellehumeur	7597

Reform Party of Canada	
Mr. Harvey	7597

Child Poverty	
Ms. Carroll	7598

Fisheries	
Mr. Duncan	7598

International Exhibition of Inventions	
Mrs. Picard	7598

Saint John Flames	
Mrs. Wayne	7598

ORAL QUESTION PERIOD

Hepatitis C	
Mr. Manning	7598
Mr. Rock	7599
Mr. Manning	7599
Mr. Rock	7599
Mr. Manning	7599

Mr. Rock	7599	Transitional Jobs Fund	
Mr. Hill (Macleod)	7599	Mr. Anders	7604
Mr. Rock	7599	Mr. Pettigrew	7604
Mr. Hill (Macleod)	7599	Mr. Anders	7605
Mr. Rock	7599	Mr. Pettigrew	7605
Air Transportation		Government Contracts	
Mr. Duceppe	7600	Mr. Proctor	7605
Mr. Collenette	7600	Mr. Eggleton	7605
Mr. Duceppe	7600	National Defence	
Mr. Collenette	7600	Mr. Axworthy (Saskatoon—Rosetown—Biggar)	7605
Mr. Guimond	7600	Mr. Chrétien (Saint-Maurice)	7605
Mr. Collenette	7600	Tobacco	
Mr. Guimond	7600	Mr. Thompson (Charlotte)	7605
Mr. Collenette	7600	Mr. Rock	7605
National Defence		Mr. Thompson (Charlotte)	7605
Ms. McDonough	7600	Mr. Martin (LaSalle—Émard)	7606
Mr. Eggleton	7601	Foreign Affairs	
Ms. McDonough	7601	Mrs. Finestone	7606
Mr. Eggleton	7601	Mr. Axworthy (Winnipeg South Centre)	7606
Taxation		Fisheries	
Mrs. Wayne	7601	Mr. Lunn	7606
Mr. Dhaliwal	7601	Mr. Anderson	7606
Mrs. Wayne	7601	National Highway System	
Mr. Dhaliwal	7601	Ms. Girard—Bujold	7606
National Defence		Mr. Collenette	7606
Mr. Hanger	7601	Employment Insurance	
Mr. Eggleton	7601	Mr. Godin (Acadie—Bathurst)	7606
Mr. Hanger	7602	Mr. Pettigrew	7607
Mr. Eggleton	7602	Presence in Gallery	
Air Transport		The Deputy Speaker	7607
Mr. Gauthier	7602	Business of the House	
Mr. Collenette	7602	Mr. White (Langley—Abbotsford)	7607
Mr. Gauthier	7602	Mr. Boudria	7607
Mr. Collenette	7602	Mr. Blaikie	7607
Government Contracts		Mr. Boudria	7607
Mr. Schmidt	7602		
Mr. Chrétien (Saint-Maurice)	7602		
Mr. Schmidt	7603		
Mr. Chrétien (Saint-Maurice)	7603		
Atlantic Groundfish Strategy			
Mr. Bernier	7603		
Mr. Pettigrew	7603		
Mr. Bernier	7603		
Mr. Pettigrew	7603		
Access to Information			
Miss Grey	7603		
Mr. Chrétien (Saint-Maurice)	7603		
Foreign Affairs			
Mr. Mills (Red Deer)	7604		
Mr. Goodale	7604		
Kosovo			
Mr. Turp	7604		
Mr. Axworthy (Winnipeg South Centre)	7604		
International Trade			
Ms. Bulte	7604		
Mr. Reed	7604		

GOVERNMENT ORDERS	
Judges Act	
Bill C-37. Report stage	7607
Mr. Hill (Prince George—Peace River)	7607
Points of Order	
Ernst Zundel Press Conference	
Mr. Blaikie	7608
Mr. White (Langley—Abbotsford)	7608
Mr. MacKay	7608
Mr. Boudria	7609
Judges Act	
Bill C-37. Report stage	7609
Division on Motion No. 2 deferred	7609
Canada Grain Act	
Bill C-26. Third reading	7609
Mr. Hill (Prince George—Peace River)	7609
Ms. Alarie	7612
(Motion agreed to, bill read the third time and passed)	7613
DNA Identification Act	
Bill C-3. Third reading	7613
Mr. Dhaliwal	7613

Mr. Scott (Fredericton)	7613
Mr. Ramsay	7615
Mr. Mancini	7615
House of Commons	
Mr. Boudria	7616
Motion	7616
(Motion agreed to)	7616
DNA Identification Act	
Bill C-3. Third reading	7616
Mr. Ramsay	7616
Amendment	7618
Mr. Marceau	7618
Mr. MacKay	7620
Mr. Lunn	7621
Mr. Keyes	7621
Mr. Lunn	7621
Division on amendment deferred	7622
Ms. Catterall	7622
Suspension of Sitting	
(The sitting of the House was suspended at 4.57 p.m.)	7622
Sitting resumed	
(The House resumed at 5.02 p.m.)	7622

PRIVATE MEMBERS' BUSINESS

Fishers Bill of Rights

Bill C-302. Second reading	7622
Mr. Thompson (Charlotte)	7622
Mr. Keddy	7623
Mr. Easter	7625
Mr. Duncan	7626
Mr. Bernier	7627
Mr. Stoffer	7628
Mr. Casey	7630

ADJOURNMENT PROCEEDINGS

Varenes Tokamak

Mr. Bergeron	7630
Mr. Byrne	7631

The Environment

Mr. Myers	7631
Mr. Jackson	7632

BC Mine in Black Lake

Mr. Chrétien (Frontenac—Mégantic)	7632
Mr. Byrne	7633

MAIL  POSTE

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

03159442

Ottawa

If undelivered, return COVER ONLY to:

Canadian Government Publishing,
45 Sacré-Coeur Boulevard,
Hull, Québec, Canada, K1A 0S9

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à:

Les Éditions du gouvernement du Canada,
45 boulevard Sacré-Coeur,
Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

**Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :
<http://wwwparl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9

On peut obtenir la version française de cette publication en écrivant à Travaux publics et Services gouvernementaux Canada – Édition, Ottawa, Canada K1A 0S9.