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OFFICIAL REPORT
(HANSARD)

Thursday, October 21, 1999

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, October 21, 1999

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*Translation*]

GOVERNMENT RECORD OF ACHIEVEMENTS

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, in order to provide hon. members and the people of Canada with an update on government achievements, I have the pleasure to table, in both official languages, a report entitled ''Managing for Results 1999'', along with performance reports from 82 departments and agencies.

* * *

● (1005)

[*English*]

CRIMINAL CODE

Ms. Alexa McDonough (Halifax, NDP) moved for leave to introduce Bill C-259, an act to amend the Criminal Code (criminal liability of corporations, directors and officers).

She said: Mr. Speaker, I am very pleased to have the opportunity today to reintroduce a bill that establishes the criminal liability of corporations, of their executives and officers, for criminal acts or omissions carried out knowingly by them which put the health and safety of their employees at risk.

This is a bill that arises out of a recommendation from the public inquiry into the disastrous Westray tragedy in Nova Scotia that killed 26 miners unnecessarily. It will establish once and for all the public responsibility to protect employees in the country against any such disastrous outcome.

The bill is long overdue. It is specifically a recommendation of the Westray inquiry and Canadians will benefit from such protection in the future.

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

* * *

PETITIONS

THE SENATE

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, once again it is an honour and a pleasure for me to stand, pursuant to Standing Order 36, to present a petition on behalf of a number of my constituents.

They are very concerned about the fact that we have a Senate in our country. They consider it to be undemocratic and composed of unelected members that are unaccountable to the people of Canada. They point out the fact that there is a $50 million price tag attached to this. They say that this is something from another era and should not be taking place as we enter the 21st century.

They also say that we need to modernize our parliamentary institution, Mr. Speaker, which is something I know you feel strongly about. They are calling upon the parliament of Canada to take whatever measures are necessary to abolish the Senate of Canada.

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

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

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

WAYS AND MEANS

NISGA'A FINAL AGREEMENT ACT

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.) moved that a ways and means motion to

implement certain provisions of the Nisga'a Final Agreement and the Nisga'a Nation Taxation Agreement, laid upon the table on Tuesday, October 19, be concurred in.

The Deputy Speaker: 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 yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

● (1055)

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

(*Division No. 44*)

YEAS

Members

Adams
Alcock
Anderson
Assad
Assadourian
Asselin
Augustine
Axworthy (Winnipeg South Centre)
Bachand (Richmond—Arthabaska)
Bachand (Saint-Jean)
Baker
Bakopanos
Barnes
Beaumier
Bélair
Bélanger
Bellemare
Bennett
Bergeron
Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok)
Bernier (Tobique—Mactaquac)
Bertrand
Bevilacqua
Blaikie
Blondin-Andrew
Bonin
Bonwick
Borotsik
Boudria
Bradshaw
Brison
Brown
Bryden
Bulte
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Caccia
Calder
Cannis
Canuel
Caplan
Cardin
Carroll
Casey
Catterall
Cauchon
Chamberlain
Chan
Charbonneau
Clouthier
Coderre
Collenette
Comuzzi
Copps
Crête
Cullen
Davies
de Savoye
Debien
Desjarlais
Desrochers
DeVillers
Dhaliwal
Dion
Doyle
Dromisky
Duceppe
Duhamel
Dumas
Earle
Easter
Eggleton
Finlay
Folco
Fontana
Gagliano
Gagnon
Gallaway
Gauthier
Girard-Bujold
Godfrey
Godin (Acadie—Bathurst)
Godin (Châteauguay)
Goodale
Graham
Gray (Windsor West)
Grose
Guarnieri
Guay
Guimond
Harb
Harvard
Harvey
Herron
Hubbard
Iftody
Jackson
Jennings
Jones
Jordan
Karetak-Lindell
Keddy (South Shore)
Keyes
Kilger (Stormont—Dundas—Charlottenburgh)
Kilgour (Edmonton Southeast)
Knutson
Kraft Sloan
Lalonde
Lastewka
Laurin
Lavigne
Lebel
Lee
Leung
Lill
Limoges (Windsor—St. Clair)
Lincoln
Longfield
MacAulay
MacKay (Pictou—Antigonish—Guysborough)
Mahoney
Malhi
Maloney
Mancini
Manley
Marceau
Marleau
Martin (LaSalle—Émard)
Matthews
McCormick
McDonough
McGuire
McKay (Scarborough East)
McLellan (Edmonton West)
McTeague
McWhinney
Mercier
Mifflin
Mills (Broadview—Greenwood)
Mitchell
Muise
Murray
Myers
Nault
Nystrom
O'Brien (London—Fanshawe)
O'Reilly
Pagtakhan
Paradis
Patry
Peric
Perron
Peterson
Pettigrew
Phinney
Picard (Drummond)
Pillitteri
Plamondon
Pratt
Price
Proctor
Proud
Provenzano
Redman
Reed
Richardson
Riis
Robillard
Saada
Scott (Fredericton)
Sekora
Shepherd
Solomon
Speller
St. Denis
St-Hilaire
St-Jacques
St-Julien
Steckle
Stewart (Brant)
Stewart (Northumberland)
Stoffer
Szabo
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Members

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Forseth
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Gouk
Grewal
Grey (Edmonton North)
Harris
Hart
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Hill (Prince George—Peace River)
Hilstrom
Jaffer
Johnston
Kenney (Calgary Southeast)
Kerpan
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PAIRED MEMBERS

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Brien	Chrétien (Frontenac—Mégantic)
Dalphond-Guiral	Discepola
Drouin	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Fournier	Fry
Ianno	Loubier
Minna	Normand
O'Brien (Labrador)	Pickard (Chatham—Kent Essex)
Rock	Sauvageau
Serré	Tremblay (Lac-Saint-Jean)
Venne	Wood

The Deputy Speaker: I declare the motion carried.

* * *

POINTS OF ORDER

WAYS AND MEANS MOTION NO. 1

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I rise on a point of order. The adoption of this ways and means motion which is the first step in implementing legislation in regard to the Nisga'a agreement is out of order.

Not only is this issue very controversial and will have a precedent setting impact on the entire country, the House should know this agreement is before the courts. Beauchesne's sixth edition, citation 505 states:

> Members are expected to refrain from discussing matters that are before the courts or tribunals which are courts of record. The purpose of this sub judice convention is to protect the parties in a case awaiting or undergoing trial and persons who stand to be affected by the outcome of a judicial enquiry.

The government should not be allowed to proceed any further with Nisga'a legislation since it affects one of our most fundamental rights of free speech.

Beauchesne's also talks about respecting the sub judice convention in the interest of justice and fair play. Notwithstanding the fact that legislation enabling the Nisga'a agreement was passed by the most unpopular government in the history of British Columbia with a paltry 35% of the vote of the electorate, we in this House must respect the objections and the objectives of the other 62% of British Columbians and many other Canadians, including parties to several litigations on the matter, including the B.C. Liberals.

When considering this point of order, Mr. Speaker, you must understand that we will stand up for the equal rights of all Canadians, including the Nisga'a. We will do our utmost to convince the Liberal government to reconsider its position and to inform Canadians of the very significant mistakes that are being made.

Hon. Don Boudria (Leader of the government in the House of Commons, Lib.): Mr. Speaker, I rise on this point of order. The hon. member of course has a right to feel very profoundly about any issue, just as I have a right to disagree with him and any of us who similarly feel about an issue. That is not what is before us today. It is whether or not the ways and means motions that was just passed is in order or out of order.

● (1100)

First of all, the speech we just heard is actually a reflection upon a vote in the House and I would say that in itself offends, at least in my view, our standing orders. The standing orders say that the adoption of the ways and means motion—and that ways and means motion has now been adopted—is an order of the House to bring in a bill based thereon. Therefore, this gives the minister the right, and some would say the obligation, to give first reading to the bill.

The hon. member made a reference in his remarks with respect to issues that are before the courts and how we should refrain in debates from taking sides on issues when, at a criminal level, charges have been laid, or at the civil level once an issue reaches trial stage. That is meant to ensure that members in their remarks in the House do not prejudice the outcome. It does not have application to the adoption of a ways and means motion by this House. The entire House, I am sure, knows that. Therefore those points that were raised are not valid. This motion is indeed in order and has in fact been passed in the House. I believe that now is the time to introduce the bill pursuant to the motion that we have now passed by a vote of this House, democratically held.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, in reviewing some of the sections of Beauchesne's one is hit square in the face with the fact that the sub judice convention deals specifically with debate, and that is not the case with the matter that is before the House. There is no bar whatsoever on the House itself considering legislation.

Mr. Speaker, you would be well aware of the fact that if that was the case every time a matter wound up before the courts parliament would be completely impotent and paralysed from considering legislation.

I would suggest that the point of order from the hon. member of the Reform Party is completely out of order.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I would want to concur in the opinions offered by the government House leader and by the House leader of the Conservative Party. I find it very odd that a party that is always talking about power seeping away from parliament to the courts is today arguing that parliament cannot deal with an issue as important as the Nisga'a treaty.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, since first being elected to this place in 1993 I have witnessed over and over again that the government is not willing to respond to questions in this House when the matter is before the courts.

Mr. Speaker, I ask you, how can we properly debate this fundamentally important issue to all Canadians and the Nisga'a people when the matter is before the court? This flies in the face of the conventions that I have understood since I came to this place in 1993.

The Deputy Speaker: The Chair would like to thank all hon. members who have participated in this for their assistance in dealing with this point of order, which was raised by the hon. member for Langley—Abbotsford.

He cited at the opening of his remarks citation 505 of the 6th edition of Beauchesne. I would also draw to his attention and to the attention of all hon. members citation 506, which reads:

> The sub judice convention has been applied consistently in criminal cases.

I skip on to citation 507, which reads:

> No settled practice has been developed in relation to civil cases, as the convention has been applied in some cases but not in others.
>
> In civil cases the convention does not apply until the matter has reached the trial stage.

The hon. member for Langley—Abbotsford has not brought to the House any indication that there is a criminal proceeding involving this case, nor is it possible to imagine how there could be at this time. Accordingly, I feel that given the past practice of the House and given the fact that the House is master of its own procedure, I do not believe the House is bound by proceedings in the courts until the court has made a ruling that binds the House. Until the court has made a ruling that has bound the House under the constitution of Canada, I feel that the proceedings so far today are entirely in order and I intend to proceed with the bill pursuant to Standing Order 83(4).

* * *

● (1105)

WAYS AND MEANS

NISGA'A FINAL AGREEMENT ACT

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.) moved that Bill C-9, an act to give effect to the Nisga'a Final Agreement, be read the first time and printed.

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

* * *

YOUTH CRIMINAL JUSTICE ACT

Hon. Don Boudria (for the Minister of Justice) moved that Bill C-3, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the second time and referred to a committee.

Mr. John Maloney (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is a pleasure this morning to speak at second reading of Bill C-3, the youth criminal justice act.

[*Translation*]

In the throne speech, the government indicated its intention to work with Canadians to ensure that our communities continue to be safe. Its focus will be balanced, combining prevention and a community-centred approach with action to deal with serious crime. This balanced approach is clearly reflected in Bill C-3 which we are debating today.

[*English*]

The Standing Committee on Justice and Legal Affairs extensively studied our youth justice system, travelling to all regions of the country and listening to Canadians. The members visited over 23 sites, involving a variety of facilities and programs. The committee also held a number of round table discussions at which it heard from many interests, both inside and outside the youth justice system. The committee produced an excellent report entitled ''Renewing Youth Justice'' and the government has responded to that report with excellent legislation.

The minister of justice first introduced the youth criminal justice act during the last session of parliament as Bill C-68. The minister has had the benefit of having heard views on the bill in this House and from others with an interest in the complex issues surrounding youth justice.

While a range of views has been expressed, some find the bill too harsh. Others find that it is not harsh enough. The government and many others continue to believe that the bill reflects a comprehensive, balanced and flexible framework for youth justice.

The minister of justice has reintroduced this bill and looks forward to hearing the views of Canadians through the parliamentary process. We believe this legislation will establish a youth justice system that strikes the best balance to deliver fair and effective measures that Canadians want and deserve.

Canadians believe that our current youth justice system is not working as well as it should in many significant areas and it needs

to be overhauled. We know that it will take a sustained effort, involving all levels of government and many other partners to tackle the complex problem of youth crime and to build a fair and effective youth justice system. We look forward to their participation in a constructive fashion for the benefit of our children in crisis. That process is under way.

In 1998 the minister of justice and the solicitor general launched the government's national crime prevention program. Since then several millions of dollars have been invested in community based crime prevention initiatives across the country, dealing at the front end with the root causes of crime, with a special focus on children and youth at risk.

Since its launch the national strategy has supported more than 600 crime prevention and community safety projects throughout Canada. These projects are the products of communities and of Canadians. The Government of Canada is proud to support these grassroots efforts to make our country a safer place for all its citizens. These are investments in our communities and in our youth.

● (1110)

Replacing and repealing the Young Offenders Act with the youth criminal justice act is the next step in a process of tackling youth crime. The new legislation signals to Canadians that a new youth justice regime is in place. The new legislation reflects in its preamble and principles the message Canadians want from their youth justice system: that it is there first and foremost to protect society; that it fosters values such as respect for others and their property; that it insists on accountability; that it provides both violent and non-violent young offenders with consequences that are meaningful and proportionate to the seriousness of the offence; that it be a youth justice system that is inclusive and that engages Canadians in their response to youth crime; and that it does a better job of responding to the needs of victims.

That being said, the needs of youth will always be considered. The new regime will be one which offers hope to youth and will give those who get in trouble with the law a chance to turn their lives around, for their sake, for the sake of their families and their communities.

As the minister of justice has made clear in the House on many occasions, we on this side of the House are not prepared to criminalize 10 and 11 years olds. This is not the best way to address the needs of children who are faced with situations involving unacceptable behaviour. We believe that in those circumstances where a formal approach is required child welfare and the mental health systems are the preferred approaches. These systems have access to a wider array of services that are more age appropriate, family oriented and therapeutic than those available through the criminal justice system.

We are committed to working with our provincial and territorial partners and non-governmental organizations on developing a comprehensive strategy for dealing effectively with children under 12, particularly the small number of children in this age group who are involved in serious offences.

I attended a conference sponsored by the minister of justice on September 27 to 29 of this year. It was called ''Working Together for Children: Protection and Prevention''. The conference was an important step in developing a collaborative approach to address problem behaviour by children. Participants from across the country exchanged information and ideas regarding best practices in dealing with the interrelated issues of child offending and child victimization. Again, prevention is always the ultimate objective.

The youth criminal justice act includes provisions for more meaningful consequences for the most serious violent young offenders. It expands the list of offences and lowers the age at which youth would presumptively receive adult sentences. In the legislation, youth 14 years and older who are convicted of murder, attempted murder, manslaughter or aggravated sexual assault will receive an adult sentence unless a judge can be persuaded otherwise.

In addition, a fifth presumptive category for repeat violent offenders would be created. Young offenders aged 14 and older who demonstrate a pattern of violent behaviour will receive an adult sentence unless a judge can be persuaded otherwise.

Bill C-3 contains an important change to what may be the most controversial aspect of our youth justice legislation, the publication of names. The debate on this issue essentially involves two legitimate and competing values: the need to encourage rehabilitation by avoiding the negative effect of publicity on the youth versus the need for a greater openness and transparency in the justice system.

The proposed legislation now before the House strikes an appropriate balance between the competing views. It will permit the publication of the names upon conviction of all young offenders who qualify for an adult sentence. Publication of the names of 14 to 17 year olds given a youth sentence for one of the presumptive offences could also be permitted. However, the legislation provides the crown with the flexibility to give notice at the beginning of a trial that it will not seek an adult sentence. Thus, at the provincial or territorial crown's discretion a young person would receive a youth sentence and his or her name would not be published.

The youth criminal justice act would also replace the current procedure for transfer to adult court by empowering all trial courts to grant adult sentences so that the youth retains age appropriate procedural protections and justice can be provided quickly, placing less of a burden on victims and their families. This will also ensure that the offender, the victim or victim's family and the community see a clear and timely connection between the offence and its consequences.

● (1115)

Bill C-3 contains other important reforms to the youth justice system. In response to concerns by the law enforcement community, judicial discretion would be permitted to allow voluntary statements by youth to police to be admitted into evidence. I spoke to many crown attorneys on this issue. This was the only section of the previous young offenders act that they would like to see changed. In response, we have done so.

Also in response to the concerns of victims, victim impact statements would be introduced in youth court and victim's access to information regarding proceedings would be improved.

The bill also provides for an increased sentence for adults who undertake to the court to respect bail conditions involving supervision of a young person who would otherwise remain in custody and who wilfully fails to comply with those conditions.

The bill provides that provinces may recover the costs of court appointed counsel from parents and young people who are fully capable of paying. The record keeping system for youth records would be simplified and would allow for greater access by authorized people in the interest of the administration of justice and research.

It is important to note that the majority of young people who get in trouble with the law are non-violent and commit only one offence. Unfortunately there are too many examples in our current youth justice system of young people serving time in jail for minor offences.

We incarcerate youth at a rate four times that of adults, a statistic which is hard to believe but is true. We incarcerate youth despite the fact that we knowingly run the risk that they will come out more hardened criminals. We incarcerate them knowing that alternatives to custody can do a better job of ensuring that youth learn from their mistakes.

Bill C-3 includes criteria on the use of custody so that it is used appropriately. Further, the bill includes provisions for dealing with less serious offences outside the formal court process. Police would be asked and encouraged to consider all options including a formal alternative to the court process before laying charges. The police, key partners in this strategy, will be given more authority to use verbal warnings or cautions to direct youth to informal police diversion programs such as family group conferences or more formal programs requiring community service or repairing the harm done to victims.

While every effort would be made to reduce the over-reliance on incarceration, where necessary youth will be sentenced to custody. Bill C-3 includes provisions that respect an obligation to ensure that all young people, particularly the most serious offenders, receive effective treatment and rehabilitation.

That reminds me of a visit the standing committee on justice made to the Pinel institute. We spoke with a number of young individuals who had been involved in very serious crimes. One was a young boy who had attempted to murder his mother and father. That facility had worked very hard with the boy. In fact he had been released when he spoke with us and was back living with his mother and father. Rehabilitation works. Youth should be given the opportunity to participate in such programs.

Furthermore, with respect to the United Nations Convention on the Rights of the Child, youth will serve their sentences in youth facilities in almost every case. Successfully rehabilitated youth means fewer victims, restored families, safer schools and stronger communities. To this end Bill C-3 includes an intensive custodial sentence for the most high risk young offenders who are repeat violent offenders or have committed murder, attempted murder, manslaughter or aggravated sexual assault.

These sentences are intended for offenders with serious psychological, mental, emotional illness or disturbances. The sentence will require a plan for intensive treatment and supervision of these offenders and will require the court to make all decisions to release them under controlled reintegration programs.

● (1120)

The proposed legislation also makes an important reform to youth justice sentencing to foster the safe and effective reintegration of youth back into the communities. Under the new law, judges will be required to impose a period of supervision in the community following custody. This will allow authorities to closely monitor and control the young offender and assure he or she receives the necessary treatment and programs to return successfully to the community. The period of supervision administered by the provinces will include stringent mandatory and optional conditions tailored to that individual.

Bill C-3 provides a comprehensive, balanced and flexible legislative framework for youth justice. It was developed after consultation with the provinces, the police, the bar associations, youth justice workers, youth themselves, victims and other Canadians.

The next important phase of the renewal of youth justice is directed at implementation of new youth justice legislation. Youth justice professionals, community members and others will need information about the new system and sometimes training.

The best answers to the complex problems of youth crime lie in integrated approaches. Effective youth justice involves educators, child welfare and mental health systems, voluntary organizations, victims, families, youth employers, neighbourhood groups. It

involves just about anyone who works with or cares about kids, our communities and our country.

Additional federal resources have already been made available to support this important challenge of renewing our system of youth justice. The government's youth strategy opens the door to greater public and professional involvement in dealing with youth crime.

The minister welcomes input from Canadians who have an interest in youth justice. I also urge members of the House to move Bill C-3 into committee where Canadians' voices may be heard.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, before I get into the text of my remarks, because there are no questions and comments for the first three speakers in this morning's debate, I would like to refer briefly to some of the comments made by the Parliamentary Secretary to the Minister of Justice, the member for Erie—Lincoln.

I note at the outset that the member's speech is virtually identical to the speech of the minister herself when she spoke to the bill on March 22. One of the member's colleagues across the floor just heckled and said, ''Why not?'' I am trying to point out to anyone who would care to assess the situation that there is a pat Liberal line to this. Quite simply the parliamentary secretary, the member for Erie—Lincoln, merely read what the minister said. He probably had her speech sent to him, changed a few things and then stood up and presented it as his own position.

The hon. member said that first and foremost the bill is to protect society. He went on to talk about consequences, of which there are very few in the legislation. He talked about a new regime, when everyone who studies the bill and compares it to the Young Offenders Act knows it is the same old crap that is merely dressed up and put forward with a new name. It does not change anything. The member said that the government is not prepared to criminalize 10 and 11 year olds. He went on to say in his remarks that the minister listened and consulted with Canadians from coast to coast and listened to the words of her own standing committee, a Liberal dominated standing committee I might add.

What we find is that the government did not listen at all. Yes it consulted and went through the motions of listening, but when we look at what is in Bill C-3, we see that it is just the same old stuff. I say at the outset that not much has changed.

I am honoured to rise today on behalf of the official opposition to address this important issue of youth justice. Reforming the Young Offenders Act was one of the cornerstones of the Reform Party's movement. It is an issue close to the hearts of thousands of concerned Canadians, many of them victims, or the families of victims which of course makes them victims as well.

● (1125)

The role of a responsible government is to listen to the concerns of its citizens and to respond promptly with legislation that is fair, effective and in the best interests of those same citizens. The role of a responsible opposition is to critique the actions of the government, to offer support in areas of agreement, to criticize the areas where we disagree and to offer constructive alternatives to resolve those areas of disagreement.

I intend to address the status of youth crime in Canada, identify the areas in which Canadians want change, commend the minister on those areas addressed in this bill, bring to her attention the areas of the bill that do not live up to the expectations of Canadians and list the changes Reform wants to see in the bill. Those changes will be moved as amendments in committee.

I will first discuss the state of youth crime in Canada. I have spoken many times in the Chamber about communicating with my constituents through a weekly newspaper column. I began writing this column long before I became an MP. I have written several times on the issue of youth crime, approximately 10 times over the past seven years. The response to these columns has been overwhelming in support of the changes Reform has been advocating for well over a decade.

In my column of February 10, 1993, about eight months before I was elected for the first time to the House, I said:

> What greatly disturbs me is not just the increase in the number of crimes being committed by our young but their apparent total disregard for authority. Almost daily we can find instances where truly heinous crimes are committed by these young people with no outward signs of remorse. In fact quite the opposite, because they know their punishment will be very minor, if any, they actually boast of their crimes and how they're above the law.
>
> In my view this attitude has been created and laws presume that criminals are not really ''bad'' people but rather simply products of ''bad'' social conditions. Why is it most of us believe we live in the best country on earth and yet we persist in mollycoddling our criminals because it's not really their fault they do the things they do?
>
> The Reform Party believes that our justice system must place the punishment of crime and the protection of law-abiding citizens and their property ahead of all other objectives. This is not to say that other objectives such as the protection of the rights of the accused or rehabilitation of criminals, are unimportant. It is simply to say that protection of society is the reason for having a criminal justice system in the first place.

It is amazing that these words were written almost seven years ago and that nothing substantial has been done to fix the problem. Canadians are fed up with young people who have no regard for authority, the community or the law. These young people need to be

taught that there are consequences to their actions. In my opinion, the YOA created more criminals than it ever cured.

Let us be honest. The majority of us were not angels growing up. I believe that sometimes kids must be kids. In about a week it will be Hallowe'en which traditionally is a time when kids like to play pranks. It comes from the very statement children make when they come to our doors, trick or treat. If we do not give out a treat we might get a trick played on us.

I remember being a youngster growing up in rural Canada, in northern British Columbia. We used to like to go around, tip over the odd outhouse, soap a car's windshield and things like that. The reality is that we have moved far beyond that over the past 30 or 40 years. Now we see outright acts of vandalism because of a gradual deterioration of consequences for criminal activity.

It is not the pranks that are the problem. It is the crimes that erode communities, damage property and destroy families. It is the acts of violence that strike fear in the hearts of the elderly and the children who endure the harassment and brutality of a generation held unaccountable for its actions. It is the families that hold dear the memories of lost loved ones and the scars of a justice system that slaps the wrists of young offenders who beat, rape or murder.

● (1130)

In my home province of British Columbia, the names of Reena Virk, Dawn Shaw, and Trygve Magnusson represent just a few victims who died at the hands of violent youth. Their senseless deaths demand laws from the government that punish and deter those who commit violent acts and provide mandatory rehabilitation programs during incarceration.

On the subject of those types of cases, I am reminded of something that seems to be quite new in our society, tragically. It has been referred to in different newspaper articles as swarming. This is where children, for no apparent reason, band together as a group and kick some unfortunate person to death or stab someone in a wanton act of violence. Something serious must be done about this. We cannot continue to allow these acts of random violence by youths to go unpunished with a slap on the wrist. Because these people who commit these crimes are young or are teenagers, they end up serving only a few months in incarceration, if that. It is not right that there are no consequences.

Young people naturally think they are invulnerable. Some would argue that this is due to inexperience or an inability to understand the consequences. This may be true for some, but many young offenders are fully aware of the limits of the law and feel they have a free ticket to do as they please until they turn 18. Police officers themselves tell me stories of kids who say, ''You cannot touch me, I am only 14. What are you going to do about it?''

This attitude is the direct result of the Young Offenders Act. A piece of legislation intended to give troubled kids a second chance at a successful future has become a means of abetting criminal behaviour. The Young Offenders Act failed to establish a deterrent to crime and, I would suggest, it helped promote it. The tragedies of Taber, Alberta, Columbine High School in Colorado and several other places are horrific reminders of just how bad things can get and how vulnerable we are to senseless acts of violence whether by youth or adults.

The emergence of video games, the Internet and the subject matter emphasized on television, movies and music dictate that parents, society and government must work together to establish parameters for our children. As parents, we must take an active role in screening what our kids see and do and intervene before things get out of hand.

The role of society is to establish standards by consensus and ensure that these standards are represented in the laws passed by our governments. I believe the government's role in this is twofold; first, to provide a justice system that protects society, truly deters crime and rehabilitates criminals; and second, it must address and repair social flaws, dysfunctional families, economic hardships and deficiencies within the education system through effective programs.

It is important to state that it is not the role of the justice system to fix the social inadequacies of society. That has been the major fault with the Young Offenders Act. Its purpose was to deter people from breaking the law and to punish and rehabilitate those who do.

I would like to move on to what Canadians want changed. It is interesting that the minister chose to add the word justice to this act because that is exactly what Canadians want. They want justice. They want sentences to be just, to balance the need to protect society by deterring and punishing crime with the need to rehabilitate offenders and get them back on track. There are no shortcuts to this goal.

There is no greater deterrent than fear of the consequences. Young offenders laugh in the face of authority due to the lack of deterrents. That must change.

Canadians have waited a long time for the government to deliver on their promise to make youth justice a priority and to deliver a youth justice system that actually works. Canadians want: first, sentences to fit the crime; second, violent criminals removed from society; third, effective crime prevention programs; fourth, safe schools; fifth, younger children brought into the system; sixth, older teens and violent criminals to face adult court; seventh, names of violent sexual assault criminals to be published; eighth, the rights of victims to be paramount to that of the criminal irrespective of age.

● (1135)

That is what Canadians are looking for. That is what we hear daily when we consult with them. That is what the government heard, if only it would listen and respond appropriately with meaningful legislation.

It will not take long, but I would like to briefly address what we agree with in Bill C-3.

While much of the bill is a reconstituted YOA there are a few notable changes. These were outlined by the hon. member for Surrey North when he spoke to the bill the last time it was introduced. Anyone interested in a thorough analysis of the issue of youth justice and the bill should look up his speech in *Hansard*, March 22, 1999. I strongly recommend that people should look up that speech and read it.

I am disappointed that the bill was reintroduced in the same form it was the last time, with only technical changes. The mere fact that the bill languished for months on the Order Paper is a testament to the level of priority the government gives it.

When the House prorogued and the bill was still on the Order Paper, I rather foolishly hoped that the government had seen the light and would have introduced a new version that better represented the concerns of Canadians, the concerns that I just outlined.

Aside from that, there are some small victories in the bill for Canadians. The increased emphasis on police discretion will ensure that minor youth indiscretions can be addressed by police officers with warnings rather than laying charges. This initiative was proposed by the hon. member for Crowfoot in his minority report.

The minister makes a big deal out of dealing with violent and non-violent offenders differently. I believe this is an excellent initiative as well, but it was also outlined in the Reform minority report.

Young people who commit non-violent crimes are more suitable for programs such as diversion, restorative justice and community service. It is not necessary to remove these individuals from society, only to ensure that they learn the error of their ways and develop a healthy respect for authority and the law.

In March 1995, in response to the first so-called changes to the Young Offenders Act that the now health minister made in Bill C-37, I wrote in my newspaper column the following:

> Our justice system must distinguish between young, first time offenders who commit minor crimes and those who engage in habitual or violent criminal behaviour with no respect for property or even life itself. Despite what some advocates would have us believe, not all young offenders who commit non-violent property crimes are harmless. Many are already habitual criminals with no moral conscience and a warped value system. They do not understand why they should respect the lives and property of other Canadians.
>
> These youth need to know the punishment for their crimes will not be a slap on the wrist like raking leaves at the local park on weekends. These youth need a stronger reason to think before stealing another car. We need to strike a balance between deterrents and accountability, between punishment and rehabilitation.

Most non-violent offenders are excellent candidates for alternative measures, such as conditional sentences, for they pose little or no threat to society, only a need for restitution.

The third area I would like to commend the minister for including is the issue of holding parents and legal guardians responsible for breaches of court ordered conditions by an offender under their care. This initiative was introduced by the hon. member for Surrey North in his private member's bill, Bill C-210, in the first session of this parliament. I know he is not seeking acknowledgement for that, but I certainly know he deserves it.

I want to commend the minister for taking the first steps in publishing the names of those young offenders who commit serious crimes, although I am not convinced that the minister is going to actually get that accomplished. In her speech on Bill C-68, Bill C-3's forerunner, on March 22, 1999 she had the following to say about the publication of names:

> The names of 14 to 17 year olds given a youth sentence for murder, attempted murder, manslaughter, aggravated assault or repeat violent offences could be published in certain circumstances.

● (1140)

What does that mean? The use of words like ''could'' and ''certain circumstances'' did not give the impression that the minister is serious about this matter. She has once again abdicated her responsibility to the lawyers and the courts. These may be loopholes that she as a lawyer would like to see in legislation, but I can tell her that these words are the last thing that victims of crimes and their families want to see in legislation.

Referring to the minister's comments in *Hansard* that day, I would also draw attention to another comment she made in referring to the publication of names. She said:

> The debate on this issue essentially involves two legitimate and competing values,

I heard the parliamentary secretary say much the same thing in his remarks a few minutes ago.

> the need to encourage rehabilitation by avoiding the negative effect of the publicity on youth versus the need for greater openness and transparency in the justice system.

Let us look at this. She referred to the need to encourage rehabilitation by avoiding the negative effect of the publication on

our youth. I would contend, and I think most Canadians would contend, that in some way the only thing that is going to rehabilitate these youngsters is if their peers and their community know who is committing the crimes. If their name is perhaps splashed on the front page of the paper when they commit a violent crime like this, they will be held accountable by their community, their peers, their parents and their families. It would be a bit of an embarrassment factor if nothing else. I think it is very misguided to state that.

Young people themselves are among the most outspoken, demanding the necessary change to the publication ban. If for no other reason than to protect the majority from the minority, our young people must know the identity of their violent peers.

I will move on to what the Reform Party recommended. I will begin by congratulating two of my colleagues for the tremendous amount of work and time they have dedicated to the issue: the member for Crowfoot, who just yesterday reintroduced a private member's bill on this very issue; and, the member for Surrey North, whose tragic life experiences and need to implement change in this area motivated him to actually run as a member of parliament.

I will pause and remark that I am blessed with a son who is 16 years old right now. That is the very age that Jesse Cadman was when his life was tragically snuffed out by a young offender. As a parent who also has two daughters aged 20 and 18, I do not want to imagine the horror of finding one of my children murdered. I worry about it every night and pray to God that my children are safe. I cannot understand a government that turns its back on so many senseless deaths and does not bring forward meaningful legislation.

As a member of the justice committee, the member for Crowfoot travelled across Canada hearing from concerned Canadians frustrated by the system. It is puzzling to think that Liberal members heard the very same testimony but only Reform party's recommendations reflect the concerns of Canadians. The Liberal recommendations reflected the concerns and interests of the justice minister and her bureaucrats.

The following are just some of the recommendations the Reform party presented in its minority report: first, make the protection of society the first and guiding principle of youth justice; second, allow police officers to use discretion in resolving minor incidents without laying charges; third, lower the maximum age of the youth justice act from 17 to 15 years of age; fourth, lower the minimum age limit of the youth justice act from 12 to 10 years of age; fifth, differentiate between non-violent and violent crimes; sixth, increase the maximum length of all sentences; seventh, youth facilities need mandatory rehabilitative programs; eighth, minimum six month probation after all prison sentences; ninth, move all 14 and 15 year old violent offenders automatically to adult court while limiting all other transfers; tenth, the person who commits two or more violent offences must be designated a dangerous offender; eleventh, allow for community based juvenile committees in every jurisdiction for non-violent and first time offenders; twelfth, establish federal standards for alternative measures with well defined parameters; thirteenth, publicize the names of violent young offenders, all of them and not just some of them; fourteenth, adult young offender records to be treated the same as those of adults; and fifteenth, require parents or legal guardians to appear at all court proceedings.

● (1145)

I would like to highlight the recommendations calling for the reduction of the minimum age to 10 years old and the recommendation referring to alternative measures, as they are of particular importance to me.

The minister and members opposite have portrayed Reform members as mean and nasty because we want to lower the minimum age to 10 years old. I have news for the minister. Despite her accusations, Reform would never lock up 10 year olds, throw away the key and feed them bread and water. Nothing could be further from the truth.

However, by including 10 year olds in the legislation the government would be protecting these youngsters from those who use them to perpetrate crimes. Many drug dealers use 10 and 11 year olds to sell drugs for two reasons. One is access to other kids. The other is because 10 year olds are exempt from the law. These kids are targets and their participation is a crisis on the rise, especially in lower mainland of B.C.

The minister refuses to acknowledge that the provinces and the police were interested in these changes and that even the Liberal dominated standing committee supported the idea. It was a recommendation from their own standing committee.

Bringing 10 year olds under the act is a head start to setting them on the right path from a early age. Sadly too many kids are experienced criminals by the time they reach 12 years old and by then it is almost too late to set them straight.

Another recommendation is alternative measures. Alternative measures include several initiatives such as diversion, restorative justice and community service. I am most interested in what is known as conditional sentencing because this is a particular area of critic responsibility for me.

There have been a number of horror stories from adult courts regarding the use of conditional sentences. I state emphatically that those convicted of violent crimes, whether adult or child, must not be given conditional sentences. It is imperative that violent offenders be removed from our society to protect society and provide punishment and rehabilitation and thus a deterrent.

What is conditional sentencing? Conditional sentencing is a criminal code amendment giving judges the authority to impose a sentence to be served in the community. This means the offender

would not go to jail but would remain living at home and going on with his or her daily routine of work or school under certain conditions. That is the title.

When does it apply? Conditional sentencing applies in cases where an offender would have normally been sentenced to less than two years in custody. This amendment was the attempt of the Liberals to ease the burden on Canada's overcrowded prisons.

Conditional sentences were never intended to be used in violent crime cases. However the sentencing guidelines are vague and have been interpreted to include all crimes. In an August 1997 decision the B.C. Court of Appeal stated that ''if parliament had intended to exclude certain offences from consideration under section 742.1 it could have done so in clear language ''.

Many judges have interpreted this law broadly, allowing violent offenders to serve their sentences in the community. Judges have handed down conditional sentences for crimes such as sexual assault, impaired driving, rape and even murder.

Our communities are at risk. I will cite a few examples. In Montreal three men were given 18 month conditional sentences after raping a 16 year old pregnant women and holding her upside down from a balcony. The judge thought that this was part of their culture.

● (1150)

In Winnipeg a youth previously convicted of theft and seven armed robberies and on temporary leave from a Manitoba youth centre received a one year conditional sentence and three years probation for the drive-by shooting of a 13 year old. This is horrific.

In Edmonton a 57 year old man who swung a machete at a 21 year old male, cutting his face and cutting a third of his ear off, got 240 hours of community service and a curfew for that crime.

In Orleans, close to home here, Paul Gervais confessed to sexually assaulting nine boys. He got a two year conditional sentence and a curfew. He is serving his sentence at home.

In Ottawa, right here in the nation's capital, Robert Turcotte strangled his mother to death. He received a two year conditional sentence, 100 hours of community service and a midnight curfew.

The Liberal government's conditional sentencing law allows some convicted violent criminals to serve their sentences in the community, not in prison. What message does this send? It sends the message that in our justice system there are minor consequences for major, serious crimes. Eighty-four per cent of Canadians believe that people convicted of violent offences should be ineligible for conditional sentences, according to a recent national poll.

Amending the legislation is as simple as changing one clause. If the justice minister really wanted to change the law she could do so in one day with the co-operation of the House. Rather than responding to the clear will of Canadians she prefers to let the courts decide these issues.

I am about to reintroduce my private member's bill which lists the crimes that if passed would be excluded from consideration for conditional sentencing.

Along with a large majority of Canadians we support amending the criminal code to exclude dangerous crimes from conditional sentencing eligibility. Someone convicted of a dangerous crime, including murder, manslaughter, armed robbery, kidnapping, sexual assault, assault, domestic violence and drug trafficking, should be ineligible for conditional sentencing.

A recent survey of 450 Canadian judges revealed that 80% of them were leery of imposing conditional sentences due to lack of supervision. They are effectively giving criminals a slap on the wrist. If we cannot supervise criminals we cannot protect society from their acts.

If a child commits a violent crime and causes pain and hardship for another person, what lesson is learned from being grounded? We are not talking about a minor incident of shoplifting or a minor incident of vandalism, perhaps by a temporary wayward child. We are talking about serious crimes. Being grounded is effectively what a conditional sentence is because it limits freedom. That is all it does. How can those who have been injured by a youth feel justified if the offender is allowed to go home and play Nintendo or watch television?

What about other youth who see the lenient sentence handed down to their friend for hurting someone else? What have they learned? Will they consider the consequences prior to committing a crime? The answer is no, because that is what the YOA did and that is what Bill C-3 will continue. It will not change that.

The minister must learn from the mistakes of conditional sentencing for adults and ensure that those mistakes are not repeated with our youth through the legislation.

I want to move on to the minister's actions. As I just mentioned there are three initiatives in the bill which address the concerns of Canadians. I have to wonder what the heck took so long when there are only three.

The justice minister was appointed 864 days ago when she stated that the overhauling of the Young Offenders Act was her top priority and that changes were to be made in a timely fashion. The bill is on pace to hit 1,000 days. I guess we should all be thankful that this is her priority.

The figure of 864 days seems like a pretty obscure one and it does not mean much. It is just a statistic. What significance does it

serve? In the 864 days Canadians have been waiting for new youth crime legislation, which they were hoping would include deterrents, over 30,000 violent crimes have left more than 30,000 victims in their wake. That is about 34 violent crimes per day and unfortunately Bill C-3, about which the government is so busy bragging, misses the mark and provides little in terms of real solutions like most justice initiatives of the government. In order for Bill C-3 to be deemed a success it must stand up to one test, and one test only: Does it address the concerns of Canadians?

● (1155)

I will run through them again. Do sentences fit the crime? No. Are violent criminals removed from society? Not likely. Does it implement effective crime prevention programs? Some. Will our schools be safer? No. Are younger children brought into the system? No. Do older teens and violent criminals face adult court? At the discretion of the courts they may. Will the names of violent and sexual assault criminals be published? Maybe. Are the rights of victims paramount to those of criminals? No. They are not.

In conclusion, I am informing the House that the official opposition is, reluctantly I might add because we have waited as long as Canadians have waited for the legislation, unable to support the bill without serious amendments. Our members on the justice committee will be moving amendments that are in the best interest of public safety, deterrence and rehabilitation respectively.

I can just hear the minister in future question periods when asked why violent young criminals are still out reoffending due to lenient sentencing. The minister will probably say something like the government made significant changes to Canada's youth justice system but the Reform Party voted against them.

Let me set the record straight right at the outset. Bill C-3 is deeply flawed. It is not good enough for Canadians who have waited so long. The legislation does not go far enough to protect society. It does not include any measures to ensure mandatory participation in meaningful rehabilitation programs.

The minister again has brought forward a bill that is full of loopholes and allows lawyers and judges to maintain the status quo when it comes to youth justice. Status quo is not what Canadians were hoping or praying for in the area of youth justice.

In summary, Bill C-3 is not good enough. It is not good enough for the Reform Party of Canada. It is not good enough for Canadians, and most important it is not good enough for our youth who cried out the loudest for change. Bill C-3 is simply not good enough.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the whole issue of young offenders is extremely important, because everyone knows that young people will eventually be part of society. This is why the Bloc Quebecois has paid keen attention to everything surrounding the debates on the Young Offenders Act. It has repeatedly called on the minister not to touch the bill, which works successfully in Quebec. I will explain that in detail in the time allotted me.

I am going to try to prove that it is a good law, that it must not be touched and that it must simply be implemented as Quebec has done since its passage. The results in Quebec have been very good. I think everyone in this House agrees with that. Even the former Minister of Justice acknowledged this at a first ministers conference. He even expressed the hope that all the provinces would implement this legislation like Quebec. Unfortunately, we have before us a bill that is changing some things. I will speak of that in a few minutes.

● (1200)

I listened with much interest to the speech by the Parliamentary Secretary to the Minister of Justice—I find it all odd that the minister did not come to the House to defend the bill herself at second reading, instead of her parliamentary secretary—but I think he has failed to grasp the problem.

The government seems to have understood nothing of Quebec's approach. Worse yet, the parliamentary secretary is quoting people from the Institut Pinel, who have said repeatedly they do not want Bill C-3, or Bill C-68, as it was called during the previous session. The parliamentary secretary quotes people from the Institut Pinel. One has to be in a really difficult situation to have to quote people opposed to this bill in order to sell it in this House.

I also listened with interest to the comments made by the Reform Party. True to their vision of justice and to everything they have done since 1993, Reformers unfortunately gave a twisted picture of the situation. The Reform Party member called upon God and prayed. He does not want his children to get attacked by young people, and so on. This is a very negative and demagogic speech, one that should not be made here on legislation on young offenders.

To make such remarks is to mislead the public. These comments do not reflect the actual figures, which are not those of the Bloc Quebecois nor of the Government of Quebec, but those of the federal government and they show that the crime rate is declining among young people. That rate is dropping even for violent crimes, not by much, but it has been steadily falling in recent years, to the tune of about 1% to 2% per year. Quebec is the only province where this legislation is fully applied, and Quebec has played a major factor in that decline, since it has been getting very good results.

In English Canada, the further west we go, the higher the rate of recidivism and the percentage of young offenders. This is interesting, because application existing Young Offenders Act is less

consistent as we move from east to west in English Canada, and least of all in the west.

Strange as it may seem, under the Liberals' current system, the less a province applies the Young Offenders Act, the more money it gets. I will get back to this later on. There is a bill that has been outstanding for years for which the government opposite has not reimbursed the Government of Quebec.

The Government of Quebec has decided to invest in people, and particularly in young people so that they can regain their anonymity as quickly as possible on leaving custody and become full-fledged members of society, while westerners are investing in concrete. The way the program is set up, the folks investing in concrete and prisons in which to hold young offenders as long as possible get money from the federal government, while those who enforce the legislation passed by the federal government, the government opposite, are penalized.

I can see why the former Minister of Justice did not keep his post for long: he supported the Government of Quebec's claim. I will come back to this a bit later.

To conclude my remarks about what the previous speaker said, I would like him to take a closer look at the statistics. I would like him to take a closer look at what is going on in his immediate surroundings and try to depersonalize the debate, look at objective figures.

• (1205)

Let him come to Quebec and see what is going on. Let him talk to people like those at the Institut Pinel. Let him read what eminent criminologists and university professors have written. Let him observe the approach taken by crown lawyers in cases. Let him examine the results in Quebec. I am certain that he will see that the approach he is recommending is not the right one.

That having been said, I will develop my argument further. I will begin with an extremely important quotation, just to make the point that it is not only recently that Quebec has been addressing the issue of young offenders.

After several years of application of the Young Offenders Act, a judge was mandated by the Government of Quebec to investigate how the legislation was being implemented, whether there was room for improvement in its day to day application. This made it possible to see whether the government could provide more support, more backing, to the agencies applying that act daily, and whether the legislation could be improved in order to help them more.

I refer to the report by Justice Jasmin addressing the young offender issue. His report was released in 1995. The debate has been going on for some time. Today we are discussing Bill C-3, which was numbered C-68 during the last session. Nothing was done over the summer, but I will get back to that later. I have a great deal to say and I doubt 40 minutes would be enough. I will try to give hon. members the main thrust.

The quote I am about to read from the Jasmin report fits in very well with today's debate. He writes:

> It is often easier to amend legislation than to change our approach to a problem. It may be tempting to think that tougher legislation is the answer to the problems of delinquency. Simplistic responses blind us to the full extent of complex problems and create the false impression that we are doing what is necessary to resolve them. One such simplistic response is substituting get-tough measures for educational approaches. This loses sight of the fact that adolescents are still in the process of evolving and laying the entire blame for their delinquency at their door is implying that society and their environment were of no importance.

It was no weak conclusion that Mr. Justice Jasmin reached following his consultations. I support his conclusions 150%. If a young person 14 or 15 years of age commits a violent crime or kills someone—at the start of his life—I think society's approach is at fault. I think society is responsible for that somehow.

I am not saying that society must assume all the blame. When we look at the case a little, when we see a 14 year old or 15 year old committing such a crime—repugnant, I agree—when we look at this young person's situation, level of education, community and friends, we realize quite often that the parents are totally absent,. We realize that the young person has committed a very serious crime but is not the only one responsible.

Is ''being locked up'', as they say in the lingo, going to resolve the problem? In the short term perhaps.

• (1210)

A 14 year old going to prison will be released one day, but the problem will not be resolved when that young person comes out.

Unfortunately, this is the approach advocated by the Reform members and, very disappointingly, no doubt in order to garner a few votes in the upcoming elections in Alberta, represented by the Minister of Justice, the minister gave in to the very right wing demands of the Reform Party.

As far as justice is concerned and especially as far as young offenders are concerned, Reformers and Liberals are tarred with the same brush. It makes no sense.

Earlier, I said that this was not the first time we have debated this bill, because it was first introduced by the Minister of Justice on March 11, 1999 as Bill C-68. Immediately after the bill was introduced, just reading the preamble and the first few clauses I felt that a major amendment was called for and that the government was tearing down huge portions of the Young Offenders Act, when there was nothing wrong with it.

Little by little, support grew. In Quebec, there was a significant public outcry at the time—we are talking about the months of March, April and May, 1999. The Government of Quebec defended its stand and then kept the heat on the Department of Justice. It brought out quotes from the former Minister of Justice in the same Liberal government to show that there had been a change in approach and that what one minister had said was plainly contradicted by his successor.

I would have thought the Minister of Justice would have given this issue some thought over the summer, because it is without a doubt one of the most important bills she will introduce in this parliament. What is passed today will affect generations to come. We cannot amend the Young Offenders Act every six months, or whenever the government appoints a new justice minister. This is probably the most important bill that the hon. member will introduce in her capacity as Minister of Justice.

I thought, wrongly, that the summer vacation would help the minister come to her senses. But no. Today, she is coming back with her old Bill C-68, which, through some administrative sleight of hand in the House, has now become Bill C-3. Nothing is changed in this legislation, even though many people clearly showed that it should be amended and even withdrawn, so that the current Young Offenders Act would remain in effect.

I told members that, as early as in March, April and May 1999, people in Quebec were unanimous in their opposition. In fact, I challenge the government to quote or to name a single Quebec organization applying the Young Offenders Act on a daily basis that supports the amendments proposed by the minister. Criminologists, social workers, police forces, legal experts, everyone is saying that the minister is headed in the wrong direction.

● (1215)

In Quebec, opposition is significant. It is very significant within the provincial government and I believe it will grow even more in the next few days. It may be that we have to send an even stronger message to the federal government. The Liberals may not have got it the first time.

I am told that, while opposition voiced in Quebec and the message sent by the coalition against the reform of the Young Offenders Act was ignored by the Minister of Justice and the Quebec Liberal caucus, it was well received by certain groups outside Quebec.

Opposition to this bill is increasing, not for the reasons advanced by the Reform Party but for the ones advanced by the Quebec coalition, which is against the amendments the minister proposes to make in this important area.

When a minister decides to intervene in something, no doubt this is because he feels justified in doing so. I indicated earlier that there had been a drop in the crime rate. It has dropped by 23% since 1991. In Quebec, where the young offenders legislation is enforced, the results are even more conclusive .

The intention of the bill before us is not to amend the Young Offenders Act. I say this because there are still members on the government side who maintain it is so. They say ''The bill before you, members of the Opposition, is a bill to amend the Young Offenders Act''.

This is not true. Bill C-3 repeals the existing young offenders legislation. It starts completely from scratch. The government ought perhaps to acknowledge this. Regarding the Young Offenders Act as it is applied today—and I cannot get into it clause by clause because it is a highly complex piece of legislation—but I think that the hon. members will understand clearly why we are opposed, just from its main thrust, its main principles and orientations.

At the present time, it is section 3 of the Young Offenders Act in its present form—all judges up to and including the justices of the Supreme Court agree on this—that shows the true policy thrust the legislator wished to give to the legislation and what he intends to do with young people in conflict with the law.

Section 3 is very long and I will not read it in full, but I will read some of the principles by which a judge must be guided when he hands down a decision involving a young offender.

This section says:

> Crime prevention is essential to the long-term protection of society and requires addressing the underlying causes of crime by young persons.

It goes on to say:

> a) While young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions.
>
> b) Society must, although it has the responsibility to take reasonable measures to prevent criminal conduct by young persons, be afforded the necessary protection from illegal behaviour;

It is not true to say that the purpose of the present act is not to protect society. In the first three paragraphs of section 3, that is most certainly put forward as its purpose.

This section also says:

> c) young persons who commit offences require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs.

● (1220)

''Special needs'' is an extremely important phrase in section 3(c) on which many judges, including those in the supreme court, have commented, pointing out that Quebec approached things differently by taking into account the special needs required in a given situation.

It also says, and I quote:

> The protection of society, which is a primary objective of the criminal law applicable to youth, is best served by rehabilitation.

I hope that members opposite, including the parliamentary secretary who is paying close attention to my comments, realize that the existing act, passed by this government, provides that the social rehabilitation of young offenders is preferable to any other measure. This is what the current act says. In some cases, extrajudicial measures known as alternative measures should be considered for young offenders.

It is also said that while the Young Offenders Act provides for jail sentences, taking measures other than judicial proceedings should be considered.

The act also says that ''Young persons have rights and freedoms in their own right, including those stated in the Canadian Charter of Rights and Freedoms or in the Canadian Bill of Rights''. And so on. These are extremely important provisions.

Does Bill C-3 include anything similar? As members know, a bill is made up of a title, sections, parts and schedules. The content of the act itself is more important than what is found in the explanatory notes or in the preamble.

The Supreme Court of Canada has ruled on this issue and stated that while the preamble provides guidelines, one must look at the wording of the act itself.

None of what I read, which comes from the declaration of principle found in section 3 of the existing Young Offenders Act, is to be found in Bill C-3, which is before us today.

Instead, the government has included, probably to keep people quiet, a vague reference to these principles in the preamble of its proposed legislation. It is as if it were saying ''Come on, you folks in the Bloc Quebecois, the principles are there in the preamble''. It is a meaningless sham. There have been court decisions that say so. When the whole bill is read, it becomes evident that the preamble is not reflected in the application of the legislation. The judges will have to interpret it, that is certain, but they will do so according to what is in the legislation.

It can be seen, then, that there is a considerable difference between the two texts, the current Young Offenders Act and the bill we have before us.

Another argument that is often raised by those on the other side of the House is flexibility. The Minister of Justice, or her department, has managed to cast a spell over a number of the Quebec Liberal MPs, or maybe the Prime Minister himself, since he must have had a hand in it all. They, because there is more than one, have told me ''What are you complaining about? Quebec will be able to do as it pleases, there is flexibility; there is the possibility of opting out''.

● (1225)

Yet, upon examination, we find there is no flexibility. The flexibility the Minister of Justice talks about, to the effect that Quebec can do what it wants, the flexibility the minister claims there is in this bill and would make it possible to continue to apply the Young Offenders Act, is nowhere to be found.

Let someone show me where it is stated. I have gone through the bill more than once. I could not say how many jurists have looked at it in Quebec, how many institutions have studied it. No one, whether criminologist or lawyer, no one has found any clause that offered this flexibility to Quebec.

However, there is an indication that, under some circumstances, it could be done on a case by case basis. That is not funny. The minister can do what she wants with the bill, may I say, because she is introducing it, but she will not be applying it. That will be left to the provinces.

She is putting undue pressure on the crown attorneys who are going to evaluate, in each case, whether they will treat the young person as an adult or as a young person, who is therefore not fully responsible for his actions and deserves special attention. The Minister of Justice is not going to be the one to carry this burden. The Minister of Justice of this ''beautiful, great, finest country in the world'' known as Canada is not going to feel the pressure, but Quebecers will, because they will be implementing this law in Quebec.

With all the demagoguery I am hearing today, it will be easy to get a crowd together and put huge pressure on the crown attorney who will have a given case, who will have to draw conclusions, who will have to make recommendations. I think the minister lacks courage. If she wants to act this way, let her take on the burden and insist that young people in specific situations be treated as adults. She should not put that burden on the shoulders of one or more others. She should say so clearly, which she has not done in her bill.

There is also the whole principle of our not living in a closed society in Quebec. Even if we wanted—something I wish with all my heart—Quebec to be able to do as it wished in all areas, including justice, because we would be sovereign, we must for the time being live with the tools we are given. Quebecers must live with legislation passed by the Parliament of Canada.

They cannot completely shut it out of and say ''We will have nothing to do with what is going on in English Canada concerning the implementation of the new act''. Incidentally, the title of the bill is rather telling. It reads ''An Act in respect of criminal justice for young persons and to amend and repeal other Acts''.

It refers to ''criminal justice''. Whatever happened to the guiding principle of the Young Offenders Act? We will not be able to remain silent. We will not be able to say that we will completely ignore what is going on. The lower and upper courts in the other provinces will interpret this legislation. Some day, their rulings will have a bearing on what goes in Quebec. Comparisons will be made and it will be difficult to reconcile flexibility with the imposition of similar sentences.

Indeed, the imposition of similar sentences is also a principle included in the new legislation. What does it mean? Does it mean that Quebec will have to impose a jail sentence on a young offender because Ontario does it? What does it mean in concrete terms?

Frankly, this is a useless and dangerous bill. It provides for harsher sentences. The government obviously decided to crack down on young offenders, but this bill does not reflect today's reality.

● (1230)

Let us take something else that is completely ridiculous, the publication of names. In what way will publishing the names of young offenders in newspapers help their victims? How will it advance the justice system to brand these young people for life?

There are no studies indicating that it would do any good to make their names public. There are no experts who think that publishing names will in any way reduce crime. I have never heard anyone say ''I think that victims would feel better if they saw the name of the 14-year old who attacked them, raped them or killed someone's child in big letters in the newspaper. I think it would do me good. I think it would help me to get through all this''.

The ones pushing for this are the ones looking for sensationalism, the ones looking for easy votes on the backs of those dealing with these situations. What I fail to understand is that the so-called Liberal government across the way has decided to go along with them and allow the publication of names for certain crimes, specific ones I admit. This is completely unnecessary.

Let us look at the cost of a radical change in approach where young offenders are concerned. Even the minister admits that the reform she is proposing in Bill C-3 will involve additional costs. Even the Department of Justice is prepared to pay, since the government is getting tough and it looks good. How it is perceived by the public is more important than whether the public's real interests are being served. It is so easy to use a bill like this one for political gain.

I do not support that. I believe there is a better way of doing things.

Before introducing a new system, before introducing new principles, seeking new interpretations, trying to get the young people locked up, printing names, trying to solve the problem by getting it out of sight behind prison doors—when everyone agrees that prisons are the universities of crime—why not instead, keeping that in mind, say ''We will free up $343 million more over three years for crime prevention and application''. I see the parliamentary secretary nodding in agreement, those are his department's figures. But before the government thinks of putting new funding into that, it ought perhaps to think of paying its bills.

The federal government owes the Government of Quebec the tidy sum of $87 million, because the Young Offenders Act is being enforced in Quebec and prisons are not being built as they are in western Canada.

The former Minister of Justice acknowledged at a federal-provincial conference of ministers of justice that the federal government owed Quebec money. The government ought to give some thought to paying us. It ought to think about writing us a cheque before it starts investing new money in a piece of legislation no one in Quebec wants.

In western Canada, the harmful effects of this legislation are becoming more and more evident, and people are beginning to understand the non-repressive approach used in Quebec. Ours is an approach of social rehabilitation. We believe that we are helping young people by investing in them when they are having problems with the law. When they are given help, I believe that 90% or 95% of them go back to being regular members of society, after their release.

● (1235)

There are very few repeat offences when the young people have properly followed the mandatory plan mapped out for them, when they have had the proper follow-up by specialists.

Since my time is getting very short, I will address my remarks particularly to all the Quebec members of this House sitting on the government benches. Where are the hon. members for Beauce, for Laval-Ouest, for Notre-Dame-de-Grâce—Lachine, for Verdun—Saint-Henri, for Outremont? Where is the former president of the Quebec bar association and now the member for Brome—Missisquoi? Why are they not opposing this?

The Acting Speaker (Ms. Thibeault): I must remind the hon. member that we do not speak of the absence or presence of members in the House.

Mr. Michel Bellehumeur: Madam Speaker, I think you perhaps missed this subtlety of the French language. It means: where do they stand with respect to this bill and not whether they are in the House or not. I know; you did not need to remind me, but I hope that you will give me back the few moments you took away from me.

Where do these members stand? Why do they not rise to criticize this bill? The member for Brome—Missisquoi, a member from

Quebec and the former president of the Quebec bar association, which is supposed to represent its members properly, where does he stand? ''Elect me, I will defend you, the legal community, in Ottawa''. I heard him say that at a forum, perhaps he should be reminded of that.

I will close very succinctly, by listing the persons or groups who have spoken out in Quebec against this bill: the Commission des services juridiques, the Conseil permanent de la jeunesse, the École de criminologie of the University of Montreal represented by Jean Trépanier, Aide communautaire juridique de Montréal, the Fondation québécoise pour les jeunes contrevenants. The Institut Pinel, quoted by the parliamentary secretary in support of his bill, spoke out strongly against it.

The police chiefs' association, the Conférences des Régies régionales de la santé, the Association des centres jeunesse du Québec, the Commission des droits de la personne et des droits de la jeunesse, the Quebec Crown Prosecutors' Office, the Association des CLSC et CHLSD du Québec, l'École de psychoéducation de l'Université de Montréal, the Regroupement des organismes de justice alternative du Québec, the Ligue pour le bien-être de l'enfance du Canada, the Canadian Criminal Justice Association, the Association des avocats de la défense du Québec, the Société de criminologie du Québec, not to mention the Government of Quebec and all the judges who, through the messages they are sending, stress the merits of the current Young Offenders Act.

In conclusion, I move:

That the motion be amended by deleting all the words after the word ''That'' and substituting the following:

''Bill C-3, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, be not now read a second time but that the Order be discharged, the Bill withdrawn and the subject-matter thereof referred to the Standing Committee on Justice and Human Rights.''

The government must go back to the drawing board. It must do its homework and consult, among others, the Government of Quebec, which has been asking for weeks to meet with officials from the Department of Justice. The Minister of Justice must also realize that things are done differently in Quebec, and she must come to her senses.

● (1240)

The Acting Speaker (Ms. Thibeault): In my opinion, the amendment is in order. Debate is now on the proposed amendment.

[*English*]

Mr. Peter Mancini (Sydney—Victoria, NDP): Madam Speaker, after the passionate comments of my colleague from the Bloc Quebecois and his reference to the demagoguery of the Reform Party, I am afraid my salty comments from the east coast may not be quite so dramatic.

I do think it is important that we reflect upon the nature and the reasons for the introduction of the new youth criminal justice act.

It was stated by a member earlier that the old Young Offenders Act was appropriate, that it worked well in Quebec. I concur with the member. I think he is right. I think Quebec took the Young Offenders Act when it was introduced, applied it in the way it was to be applied, spent the resources in the areas where they needed to be spent and showed how that act could work.

Unfortunately other provinces did not have the resources, or chose not to implement the Young Offenders Act in the same way. I say that having had some experience with it.

I began my career as a lawyer just as the Young Offenders Act was introduced and became law. I can say unequivocally that in the province where I practised it was an exercise in frustration to appear day after day in the courts with young people charged under the Young Offenders Act. It was an exercise in frustration for the judiciary who did not have access to the types of programs the Young Offenders Act envisioned. It was an exercise in frustration for the crown. It was an exercise in frustration for the defence counsel, to say nothing of the frustration felt by both the families of the young offenders and the victims of crime.

As we approach a new piece of legislation it is important that we examine whether or not that legislation can correct some of the problems that have arisen over the last few years.

I do note that this legislation is now Bill C-3. It was Bill C-68 in the last parliament. Perhaps the government changed the numbering because it always seems to have problems with bills numbered C-68.

The symbol of justice is the scales of justice. They are an important symbol for a number of reasons. They indicate the need for balance. They indicate the need to balance the rights of the accused against the rights of society. They indicate the need to balance what goes on in the courtroom against what is perhaps demanded by society.

Justice is not a simple matter; it is complex. Justice and crime affect all communities and all the people in those communities. Children are a responsibility. All of society has a role in the upbringing and concern for our young people. When we deal with a bill that affects justice, crime and children, that bill requires careful examination by those people who represent all of the people in this country.

There are some things in the bill which I wish to address. I should point out this is the third time I have addressed this piece of legislation in some depth.

The legislation will continue to apply to young offenders between the ages of 12 and 18 years. There was some call for the bill to apply to children who were 10 and 11 years old. I say unequivocally that is not the position of the New Democratic Party. We believe that for children who are 10 or 11 years old the appropriate place to deal with them when they do not follow the rules of society, when they appear to be misled, is through social services and help to the family by the community. I am glad to see that the Minister of Justice listened to those many groups who came before the justice committee, of which I am a member, and argued that the law not apply to 10 and 11 year old children.

It would be interesting to contrast that with the children's agenda in the Speech from the Throne which we heard two weeks ago the focus of which was on children.

● (1245)

To somehow say that 10 and 11 year old children have the capacity to distinguish between right and wrong in the way that we demand of those who are charged with criminal offences is a stretch. The Minister of Justice listened to those groups and I can say that we concur.

There is an emphasis on prevention and alternatives to jail for non-violent offenders. They are found at clauses 4 and 5 of the proposed legislation. Those too are appropriate issues for the minister to introduce.

We know, and again I can give some evidence of my own, that in many cases what happened with the old Young Offenders Act is that there was an absence of discretion, that police officers, school teachers and people who routinely came in contact with young people ended up referring matters to the courts, even if they were the most simple matters where some cautioning or some exercise of discretion may well have dealt with the matters.

I have seen in the courts young people coming in charged with damage to property because they got into an argument with a schoolmate over a school locker or where young people end in court on trespassing charges because they walked across a neighbour's lawn. There is no need to clog the courts up with these kinds of offences when we have serious matters that have to go before the courts.

We applaud the sections of the act that provide for cautioning by police and for the exercise of discretion by those in authority. It increases the emphasis on community based sentencing with which we concur.

There are some other areas that are perhaps more contentious and some areas that require further debate and examination. There is a reverse onus in the legislation on young people between the ages of 14 and 17 years who are charged with serious violent offences.

When I say there is a reverse onus I mean for particular prescribed offences these young people will be tried as adults unless they can prove to the court that they should not be. That is a fundamental change from the other Young Offenders Act where the burden was on the state to prove that the young person should be tried as an adult. It places a reverse onus on young people to make the case that they should not be. It is a heavy and onerous burden.

When we talk about resources to the provinces one thing we have to think about is that the young person is also given the right to counsel in the legislation. That is appropriate. It is very difficult for an adult lay person to argue a reverse onus without legal counsel, let alone a 15 year old.

If we are to ensure that a young person has the right to counsel it begs the question who will pay for it. Where is counsel to come from? There is some provision in the act that when parents can afford to pay they will pay the legal costs of their children, but the statistics will tell us that there is a huge portion of young people who come before the courts whose families cannot afford to pay for legal counsel, never mind the ethical considerations as to whether or not a non-accused person should be paying the costs of counsel.

We see the beginnings of what flows through the act and that is a downloading of costs on to the provinces. While there is some contribution by the federal government toward legal aid programs across the country, we can see that the role of legal aid lawyers will increase dramatically with the legislation and its reverse onus, and that will be a further cost to the provinces. We have to examine that very carefully.

In addition, there is a provision that requires some other consideration, and that is special sentencing for young people who suffer severe psychological problems. We have to question whether or not the place for people who have severe psychological problems is in the courts in the first place.

In the criminal code there is an understanding that adults can be found not criminally responsible because of psychological problems. That is an area I will be examining carefully on the justice committee.

● (1250)

We do not have a problem with the publication of names of young offenders convicted of serious offences unless a judge determines otherwise. The public has called for and demanded that in some situations the names of young offenders be published so the community and other young people will know if there is a serious offender among them. My party and I concur with that.

Members of the Reform Party objected to the minister's comments when she said ''in certain circumstances''. The act provides for some judicial discretion in that regard. I comment on that

because it has been said that there ought not to be that discretion, that these are loopholes. I think that is how they were referred to.

In reality we have to provide some discretion to the courts. We cannot foresee each case that will come before a court. That is why we have judges. If it were easy to say that every person charged with this crime will face this penalty, we would not need the judiciary. We would have a clerk who could tick off the list and say what is the absolute penalty for someone charged and found guilty of violating a certain section of the criminal code, and nothing else would have to be taken into account.

The sentencing process is a complicated process because no two offenders are the same. Nor are two victims. Nor is the impact of a crime the same on every person. Within parameters the court needs some discretion on how it deals with offenders, especially young offenders.

In terms of the publication of names each case will require certain thoughts, which may well be best left to the judge who hears the case. That is why the discretion is there and why we would consider it important.

I have some concerns about the sections of the act that change the rules governing confessions of young persons and the admissibility of those confessions in the courtroom. I say that only because young people are not as sophisticated in many ways as adults. They do not understand their rights in the many ways adults do. We must be somewhat careful when we make a determination of a confession given to a person in authority. The way it worked under the old act was that any statement to a person in authority, whether or not a police officer, had to be examined very carefully by the court. We will examine that very carefully.

I began by talking about the right to counsel of the young person and the downloading of that cost on to the provinces. I am afraid that many of the positive aspects of the legislation, and there are some, will simply not be affordable for the provinces. I am afraid we will make the same mistake with this legislation that we made when the Young Offenders Act was introduced. We said that there were all kinds of principles. The government said that there were ways to deal with young people, but the provinces did not have the resources to do that.

This act provides even more methods of dealing with young people. I have mentioned police discretion and community sentencing are good ideas but they cost money. Let us be frank. To have special sentencing provisions for young people who suffer from psychological problems will cost money.

Unfortunately many people do not realize that the cost of the administration of justice falls to the provinces. For a province like Nova Scotia, which faces a huge deficit and has just cancelled programs for charities, it is questionable whether or not it will have the funds to prepare for some of the positive aspects of the legislation.

The Minister of Justice and the government will say that they have committed funding to help the provinces, that they have committed $206 million. What they do not say is that it is over a number of years. It is not in one year that $206 million will be given.

● (1255)

There is no clear indication of how that funding will be distributed across the country. I have made this statement before. The last time I spoke to the legislation I indicated my concern was that the $206 million committed by the government were not enough, especially if we looked at it on a per capita basis.

If the money is to be distributed to the provinces on a per capita basis, it will mean very insignificant funds for provinces with smaller populations and there will not be enough funds that are necessary to fulfil the purposes of the act. That would represent perhaps $2 million in Nova Scotia. For that province with its debt load to administer what the federal government is asking it to administer will simply not be possible. Again we will have an act that will frustrate the victims, the judiciary, the families of young offenders and counsel.

My party and I have some concerns about other aspects of the act. I will indicate to the House some of the statistics. Right now provinces are paying upward of 70% of the costs of administering the youth justice system. As we implement a more complex system with wider parameters those costs will escalate and the provinces will have a very heavy burden in trying to fulfil their responsibilities under the act.

There are other areas that cause us some concern. Life sentences for youth convicted in adult court give me some concern. I know I differ from my colleagues in the Reform Party on this point, but we have to wonder whether or not sentencing young people to a full life sentence will ever serve to rehabilitate them. My colleague from the Bloc Quebecois said that the prisons are our training schools for further crime. We know that.

We support measures to increase the emphasis on youth in community based diversions and alternatives and the increased focus on rehabilitation. There are not as many details as we would like to see in the act and I am concerned about the costs.

It has been said that it is not the role of the justice system to deal with social problems. When we deal with young people in particular we cannot divorce the two. It is no accident that there are huge numbers of young people who come before the courts from families in poverty. It is no accident when we look at jails, especially those south of the border, that they are full of people from poor sections of the United States, especially minority groups. It is no accident that our prison populations have a greater proportion of aboriginal people who come from poor reserves.

We cannot address the problems of dealing with crime unless we can also deal with what causes crime. The prevention of crime should be our ultimate goal. Clearly, when someone breaks the law and commits a heinous crime, it has to be dealt with swiftly, in a meaningful way as stated in the act and in some cases severely. However we cannot say there is no room for social issues in justice issues. The two are so inextricably linked that it is almost impossible to talk about one and not the other.

We have to recognize the groups such as the Church Council on Justice and the Canadian Association of Police Chiefs that appeared before the justice committee. They have been mentioned in the Quebec context by my colleague from the Bloc. All of them had recommendations. They had my word, and I think the word of members of the justice committee, that we would take into account their concerns when we examined the bill.

I also want to say that the provinces addressed concerns to the Minister of Justice which have not been addressed. We will now have an opportunity to see how Manitoba responds to this with its new government, which has expressed concerns about youth gangs, about young people 10 and 11 who were coerced into crime and how we could best deal with them.

• (1300)

Given the fact that my time is at an end, those are just some of the concerns we have. I can indicate at this point, given the costs associated with the program and the inability to implement it because of funding, that we have serious questions about supporting the legislation.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I have listened to what my colleague from the NDP has said with regard to this bill and I always appreciate his comments. I sat on the justice committee with him for a short time and I was always impressed with his clarity of thought, although at times we differ from a political point of view.

He touched upon the fact that we cannot separate the role of the justice system from dysfunctional families and the problems in society that lead to youth crime. I would like to ask the hon. member this question. If poverty contributes to youth crime, inasmuch as we have seen, according to the statistics, that there has been a dramatic increase in youth poverty since the Liberal government took over in 1993, does he suggest that the policies of the government have contributed to the extent to which youth crime has either grown or remained constant during this period of time?

Mr. Peter Mancini: Madam Speaker, I would be happy to respond to the question. As indicated by the hon. member for Crowfoot, we did work together on the justice committee. In fact, I remember us having a debate, I think at the University of Ottawa, on the proposed legislation. I think it is helpful to always hear two sides of the argument. When I talk about a balanced approach, I like to think that sometimes we manage to find that ground.

He raises an important question. We know that the economic policies implemented by the government have resulted in more children and more families in this country living in poverty than was the situation when the government took office. We know that despite a pledge to eradicate child poverty by the year 2000, in fact the gap between the haves and the have nots has increased. When I talk about poverty and community, I mean more than simply ensuring that all children have the same material goods.

I would like to talk about what is happening in my part of the country, which I think is happening in other parts of the country as well.

If we look at children and children who are at risk of committing crime, the most important thing we can do is to make sure that they have a sense of community and community values. If children belong to a community, then they respect that community. Children need to have a sense of place, a sense of connectedness to place and they need to have a sense of history. We know that in the maritimes and I think other communities know it as well.

Children in my community know who their grandfather and their great grandfather was and they have an extended family. While they may not have all the material things that are necessary, they have that sense of value from the community.

We are creating a nation of migrant workers. That is what the economic policies have done. People from the east have to move to the west and people from the north have to move to the south and leave behind their values, their communities and their sense of place. As that happens children are affected. It is serious when that happens to children.

There are two kinds of poverty. There is the poverty that happens to a child when they are deprived of their community and their community values. When we say to people in certain parts of the country which are not in the centre ''Too bad about your economic problems. Move.'', we do something to those children.

There are also the material things. There are children who live without adequate shelter. We know that homelessness is increasing in this country. There are children who live without adequate food. I commend my colleague, the member for Crowfoot, who introduced a motion concerning headstart programs to make sure that children in this country have breakfast before they go to school.

• (1305)

We know that without those things children have no reason to have input into their community. Why would they respect the laws

and values of the community if the community does not respect the needs and requirements of those children?

They are linked, and I thank the hon. member for the question.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am the next speaker, so I will ask a brief question. I would address it to my colleague and fellow Nova Scotian. I have listened very closely to his remarks. As well, the intervention by my friend, the member for Crowfoot, was very timely and well placed.

I embrace much of what the hon. member said when he spoke of the feeling of disconnected children in the country, in particular in places that he is familiar with, the maritimes, where there is a transitional way of life that often leads families to move elsewhere, to uproot from their communities, perhaps in the hope of returning some day. This often leaves children drifting.

We know as well that the commentary with respect to the economic impact on those who get involved in criminal activity is very real.

No matter how far-reaching and how interventionist the legislation may be, without the proper funding it is not going to achieve the desired effect. Throughout the commentary on the bill, both in the House and later at committee, I think we will see that the emphasis and the philosophy is perhaps correct, to put it on the front end and to try to address the root causes and intervene in an early fashion, as opposed to waiting until a crime has been committed. However, without the resources it is going to be virtually impossible.

My friend touched on this in some detail in his speech. I am wondering if he could elaborate on where those resources should be placed specifically, as well as the programming that is envisioned by the bill, the programming that talks of getting children involved in sports programs, for example, locating difficulties with respect to education, perhaps diagnosing psychological illnesses, perhaps even going to the drastic step of removing a child from a home, which child welfare has the authority to do.

It appears to me that this legislation, as well intended as it may be, is simply going to further download the responsibilities that are already being carried by the existing agencies. It is going to put further pressure on these agencies, which are currently underfunded. We know, and the hon. member touched on it, that the legislation does not carry with it sufficient financial backing to accomplish all of these wonderful goals and these airy principles that are to be accomplished.

Would my hon. friend comment on that?

Mr. Peter Mancini: Madam Speaker, I will be as brief in my response as my colleague was in his question, because I know he is speaking next and I am always anxious to hear what he has to say.

Let me give an illustration as to where the funding might be placed. Community group after community group has come to see me in my office with ideas on how to deal with the issues of youth crime. These are grassroots communities. These are people who come together and say ''We know there is a bit of a problem and we want to deal with it''. They have put forward all kinds of plans, some of which I have given to the minister of justice, dealing with youth centres.

One of the best examples that is tragically falling short of funding in my community is having a police officer in the junior high school; community based policing where young people have a role model who is an officer of the law, who can help them work out problems, who can relate to them on a day to day basis.

This program has operated in a junior high in my community, Sherwood Park Education Centre, and it has been an excellent program. Unfortunately, as money dries up there are real questions as to whether that can continue.

Those would be some of the programs which I think would help at the community level to deter crime.

• (1310)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am extremely pleased to rise to speak to Bill C-3. I am pleased as well that the reconvening of parliament and the gathering of members of parliament back to this place will allow us to continue the debate of the Liberal government's youth criminal justice act, now known as Bill C-3, formerly Bill C-68, which was another poorly put together bill.

The proposed replacement of the current Young Offenders Act is one which has received a great deal of attention, and rightly so, and a great deal of consternation throughout the country. It will be an entirely new piece of legislation that pertains specifically to youth in this country.

Youth justice is certainly a matter of great concern for all Canadians, for the Progressive Conservative Party, the government and all opposition parties. In my riding of Pictou—Antigonish—Guysborough I hear regularly from people who are affected and who are extremely concerned about the direction in which youth criminal justice is going in this country.

I also find that the concern that is expressed very often by the government has resulted in an extremely lengthy waiting period

with respect to the introduction of this legislation. We know that it was throughout many election campaigns a priority that was spelled out in documents. However, it took the government 18 months before first introducing this bill in its original form, Bill C-68. With much fanfare, in March 1999 the bill was finally tabled by the minister of justice. We also know, as is very often the practice, that much of it had been media tested and leaked prior to its introduction here in the House, or I should say its introduction through the press gallery.

Then, on the eve of parliament reconvening this fall, there was a prorogation. This delayed the opening of the House by three weeks and we know that there were huge issues burning in the country at the time: the proposed hostile takeover, the fisheries crisis that is absolutely a tinderbox which is about to explode on the east coast, as well as the refugee crisis. We also know that there are problems within our justice system. It is absolutely shameful that the government again chose to delay dealing with problems which I have mentioned, as well as the introduction of this very necessary legislation.

One would have thought that throughout the summer months of reflection this might have prompted the minister of justice to strengthen or perhaps revise some of the act. This did not happen. There are no sweeping changes in the legislation that appears before us. Bill C-3 is the mirror image of Bill C-68, but for the fact that the justice department did, in fairness, go through the problem of spell-check to correct some of the language so that at least the French and English languages correspond.

We have waited an eternity for Bill C-3, but it is, we are quick to acknowledge in the Conservative Party, an attempt to replace what was a very ineffective and in many instances a very dangerous piece of legislation. I am talking about the former Young Offenders Act. However, this particular bill, I personally feel, will not live up to much of the billing that has been placed before the Canadian public. In response to overwhelming public pressure to toughen up the act the Liberal government has employed a process of smoke and mirrors to give the appearance that this is in fact what is happening.

I say with all honesty that this is not the case. That is not to say that simply toughening up the act is going to address the problems that exist with youth crime in this country. That is not to say that there are not any positive elements in this bill. In fairness, all opposition members and government members who have preceded me in speaking in this debate have indicated that there are indeed some very positive elements in Bill C-3.

These are not new nuances. These are not changes that have not been contemplated in the past. In fact I find it almost ironic that much of what we are talking about in this debate is actually a return to philosophies and methodologies in the criminal justice system that we have used in the past under previous legislation such as the juvenile offenders act, legislation which has come full circle now in terms of how we react to young persons who become involved in criminal activity.

There is certainly one very positive element of this bill that I would be quick to recognize and that is the concept of parental responsibility. This bill attempts to bring adults, and parents specifically, more into the system. One can agree very quickly that this is a necessary element. There has to be a more holistic approach, a family style approach, to the problems that often lead up to and continue to exist when a young person runs afoul of the law.

• (1315)

This degree of accountability, not only for the young person but for the parent, is crucial in addressing youth crime. It is a fair question, I suggest, for a judge to ask a parent in a courtroom in an open fashion, "Where were you when your 14 year old was breaking into your neighbour's house? Why was your child out on a school night under the influence of alcohol or drugs committing a criminal offence? Why is your child acting out in such a violent way?" These are relevant questions, and questions that I feel a parent should be held to account for as well.

The entire issue of the age of accountability is something that is dodged by this particular piece of legislation. I am quick to point out that it is a suggestion that has been certainly echoed by members of the opposition, but it originated in a report that was commissioned by the government itself. This was an idea that was not just floated by opposition members and it is not just an attempt I suggest to try to find fault with the act. This was a recommendation by an expert under the financial auspices of the government.

It raises the hackles on the necks of government members when they hear the suggestion, and they point out that we already have many agencies in place to address youth under the age of 12 who are not encompassed by the old act or the new act, that these agencies are the ones most properly suited to deal with youth in contravention of the law. However, I am very quick to remind the government and the House that the legislation does not bolster the support that is needed in the areas of child welfare and early intervention.

There are an increasing number of youth under the age of 12 who are completely untouched by our criminal justice system. It is the rapid response, I would suggest, that is most important in dealing with crime at an early age, and allowing our criminal justice system to react. This is not a bar on placing children into those agencies. We already know that our justice system works very much hand in glove with those social services, with those agencies. This is not to suggest for a minute that the criminal justice system will be solely responsible for children under the age of 12 who run afoul of the law. It is simply to suggest that we have to have a mechanism that will bring them into the system in a quick and effective way.

Police officers are often faced with an extremely frustrating situation where an 11 or sometimes even a 10 year old—and it seems unthinkable but it does happen on occasion—is involved in a very serious offence perhaps involving a weapon, perhaps involving threats or a violent act. Under the current system and under the system that the new legislation will put in place, police officers are virtually powerless. They can contact the agencies, but they do not have at their discretion the same elements that would exist under the criminal law.

This is one of the many reasons that I have introduced a private member's bill that would do just that. I know other members of the House have some reservations about this, but it is not solely to hammer youth under the age of 12. It is simply to widen the net, to broaden what the act encompasses.

If there are positive elements, and there certainly are positive elements in the act, why would we not want to have those early interventions, those elements that will hopefully focus our attention on the root problems of crime, applied to a broader age group of young people in the country?

There are other sections of the act that I would like to address as well. Bill C-3 certainly does not address the financial responsibilities that are also encompassed by the administration of criminal law in the country, and that is true of the old act. It has been declining since 1984. It has been getting steadily worse when it comes to the federal government's commitment to the provinces and the administration of criminal law in the country. I am not going to broaden that by discussing criminal law generally, but with respect to the administration of the Young Offenders Act, the federal government has completely abrogated its responsibility in holding up its financial end of the deal. That is true in the province of Quebec, Nova Scotia and right across the country.

• (1320)

This is something I know the province of Quebec, in many instances, has focused its attention on. It has in fact initiated more programs and put more provincial funding into it, perhaps at the expense of other programming, because it recognizes the importance of it. The province of Quebec is perhaps a leader in many of the areas of programming that the government envisions will be brought about as a result of changes in the act.

[*Translation*]

Bill C-3 gives the provinces increased responsibilities; they will have to offer with more programs and become more involved in the administration of this legislation.

For now, there is no new funding in sight from the federal government. A number of experts, including the government's, agree that the age of accountability should be lowered from 12 to 10. This is not designed to punish young people, but to make them accountable to the justice system.

[*English*]

Intervention at the earliest possible juncture is the most effective way to get youth back on track before its too late. The government says that it will do this with the new bill and, to an extent, it does focus its attention on that area of the law. Clause 34, for example, is the medical and psychological report clause to determine if a youth is in fact suffering from some affliction or disorders that need to be treated and not necessarily punished.

This is not a new concept. It is certainly one that the Conservative Party, others in the House and those in the criminal justice system are quick to embrace and recognize. However, we do know that there is a lack of federal commitment to provincial rehabilitative programs and to mental health counselling. This commitment is what are needed. This is where the focus has to be.

What the act does, in simple terms, is to identify the problem as a priority and drop it in the provinces' lap and walk away. That is simply not good enough.

Young females in conflict with the law is a rising problem in the country. There was a very serious case that drew a great deal of attention across the country involving a young woman named Reena Virk in the province of British Columbia. This again is something that is highlighted across the country. Young women are becoming more increasingly involved in the criminal justice system as a result of many of the other social problems that exist.

This is again why I hearken back to earlier comments. If the government, through this legislation and this initiative, wants to focus its attention on the front end problem and on bringing about change that will assist young people to stay out of difficulty with the law, the preventative side of justice, the restorative justice side which is at the end but which puts greater emphasis on personal interaction with victims and those who can truly assist, identify and perhaps cure or treat some of the problems that led to the difficulty in the first place, that is fine. Philosophically, members of the House would agree that that it is the right approach.

However, the government is not putting in place the resources that are necessary. It has identified what it wants to do. It has made a great deal of fanfare and drawn a great deal of attention to itself as having brought this bold new initiative about, yet it is not prepared to pony up and pay for the programming that is going to be necessary. It has increased the responsibilities and the burden that is going to be carried by the provinces, the agencies, the police and the judicial system for those programs that are specifically aimed at addressing the problem. It has walked away because there

is not one dollar more that is going to go into this program as a result.

The difficulty itself is a very complex one. Sometimes in this place we suffer from oversimplification in telling people what they want to hear. This is not a problem that is going to go away quickly. As with previous legislation aimed at the criminal justice system, I would suggest that there is going to be a lag time. The true effects of the legislation may take years to actually develop in the country.

● (1325)

Because of the complexity and diversity of the country, it may have a different affect in some provinces. I am focusing specifically on the ability of the provinces themselves to administer the act because we know there is a huge discrepancy in the country currently as to the financial ability of the provinces to provide services to their people.

It only stands to reason that if we increase the provinces' responsibility without increasing the proportionate resources then it will be exacerbated further. The differences that currently exist means that the have not provinces will be further burdened and will fall further behind. This is truly a very broad sweeping problem.

The focus in the Chamber is most often between the province of Quebec and the provinces in English-speaking Canada. I come from a region in Atlantic Canada where we are suffering grave differences between our ability to provide for our people through social services, through criminal justice and through employment than the rest of the country. This will be played out through this legislation as it is with all legislation.

Canadians expected more and they were led to believe that they would get more through the legislation. They were led to believe that there would be a tougher response in certain instances for youth involved in violent acts, acts involving the use of weapons or sexual violation. That is not the case.

The transfer provisions that were touched on by many of the previous speakers are a bit of a ruse in a way. They give the impression that we are taking a young person into the adult court system. This may cause many people to shudder and think, ''Oh, my goodness, we are bringing a 14 year old or 15 year old into an adult court where he or she will be treated in a much harsher way''.

The reality is that in many instances the sentences that are handed down at the end of the day are actually less in terms of the time that the person would be incarcerated as a young offender because—and I hate to use this expression because it is somewhat of a misnomer—but truth in sentencing existed under the old Young Offenders Act. That is to say that if young persons were sentenced to 18 months they would serve every day. They would remain in a young offender facility for that full period of incarceration. We know that is not the case in the adult system.

This is not to say for a moment that incarceration is always the way. We know that the programming that is often available is not sufficient. We also know that simply removing a person from society will not fix them. It is often the last resort brought about to protect society when necessary from a person who has exhibited violent, anti-social behaviour.

The concept of simply bringing a person into adult court and saying that it will fix the problem because he or she will be treated in a harsher fashion is not necessarily the truth of what has happened. I believe it is incumbent on the government to be very up front about what the system change will really amount to.

The programming that is available in a youth facility is often the more appropriate one. Often times bringing them into adult court exposes them to this atmosphere that has been discussed, which is that they will learn more sophisticated ways to commit crimes. They may be further victimized in an adult facility. There is an extremely dangerous element to this quick fix type solution that is being proposed.

As has been stated many times, there are elements where this particular legislation has moved in the right direction. I, like all members of the justice committee and of the House, look forward to participating at the committee level and to the changes that may be brought about through that level of participation.

I congratulate the participants who have taken part in the debate, as well as those who participated at the committee with their testimony. I look forward to further following the legislation as it moves through this place.

● (1330)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, I listened very carefully to what the hon. member had to say and I note that he at least admits that we do things differently in Quebec and even that it is a model the government should follow, and that Quebec is a leader in this field.

Does the member know that no one in Quebec wants the amendments the minister is proposing? Does he know that the people in the Crown attorney's office, those who initiate proceedings under the law, do not want the minister's bill?

Defence counsel in Quebec, those who defend young people, do not want it either. According to some retired judges, if the law passed by this parliament is applied, this law will be disastrous for the 16 year investment, in Quebec, in an approach, a very Quebec model.

I provided a list earlier of all those who are opposed, and I think that anyone involved to whatever extent in applying the Young

Offenders Act would repeat it before a parliamentary committee. Not one organization, lawyer or person working daily with the Young Offenders Act in Quebec today supports the minister's bill, or this amendment. Is the hon. member aware of that?

Should the government not budge, not do anything, the Bloc Quebecois will try to introduce an amendment to have Quebec exempted from the application of Bill C-3 so it may continue to apply the Young Offenders Act as it stands.

Can I count on the support of the Conservative Party, since it recognizes that we apply the law in Quebec and are leaders in the area? Can I count on the support of the Conservative Party in the ultimate attempt to exempt Quebec from this law, which will be devastating for all young offenders and society as a whole?

[*English*]

Mr. Peter MacKay: Madam Speaker, I thank my colleague who is also a member of the justice committee and a fine contributor to the same.

The simple answer is no. I certainly would not support, and I know members of the Progressive Conservative Party would not advocate, a system of justice that was different in one province as compared to the other provinces in Canada.

I am very quick to recognize the fact that the province of Quebec has very much been a leader in the administration of justice and the administration of many of these innovative programs, restorative justice model programs that are most effective when dealing with youth. Why should we and the rest of the country not celebrate that and embrace some of those initiatives that have been taken by the province of Quebec? We draw a great deal from Quebec in all sorts of areas as do they from the rest of Canada. It is part of the great partnership that we enjoy.

I would not in any way envision why the province of Quebec would want to opt out of this legislation. I do recognize that there are many elements of the justice system in Quebec.

I was part of the committee which heard from many witnesses. I know there are groups within the system that do not want to see all of the changes that are encompassed by this bill. But there are very positive and practical elements that I think even the member would admit are necessary. Changes with respect to the admissibility of statements. Changes with respect to the inclusion of parents in the process. Changes that in some instances are going to require greater attention and a shift of focus from the current way things are done in the country.

Quebec is a very adaptable province. I am sure Quebec is going to see that there are positive elements that it can work with. I am sure all members of the House look forward to bringing some of those other changes forward that we would like to see happen at the committee. I have every confidence that my learned friend will do the same.

Mr. Jack Ramsay (Crowfoot, Ref.): Madam Speaker, I would like to thank the member for presenting his feelings and thoughts on the bill. He is a member of the standing committee on justice. I have always accepted his interventions with a great degree of interest and respect.

● (1335)

The Young Offenders Act has created such strong responses over the years from the people of Canada. They signalled the changes they wanted so strongly to the government and to the justice committee of which I was a member when we travelled about the country and listened to them. However, this bill is couched almost entirely in terms of what the legislation will allow the courts to do. It does not grant authority to the courts to move 16 and 17 year olds who commit serious offences into adult court. It says that the trial will occur in juvenile court and then the crown prosecutor will have the opportunity to argue that an adult sentence should apply.

The courts in this land are under the gun right now from certain circles, including members of the House, for being judicially active. Even the business of releasing the names of those who have been convicted of violent offences is not something that is directed by the legislation or by the elected representatives of this country. It is going to be left in the hands of the courts to decide based upon the circumstances, regardless of what the people want, whether or not the names of those convicted of violent offences will be published.

I wonder if the member, being a former crown prosecutor and I understand a good one, would be prepared to comment on this aspect of the bill. Is it not leaning to greater complaints, whether right or wrong, of judicial activism? The courts are going to be left with having to make a decision that the legislators, in this case the Liberal government, have refused to make and implant within the legislation. Rather than the legislators telling the courts what we want done on behalf of Canadians, again we are going to leave it in the hands of the judges of this land.

Would my hon. friend be willing to comment on this aspect of the bill in light of the criticism some of the courts are receiving concerning judicial activism? This is simply because legislation is being passed by the government, legislation that is so open ended that the judges can go in a number of different ways. In this case it is contrary to what we have heard Canadians say they want done about the Young Offenders Act.

Mr. Peter MacKay: Madam Speaker, I will try to address the points made by my colleague from Crowfoot who was a valued member of the justice committee. I know he has tremendous practical experience having worked as a police officer within the

justice system for many years. I will not comment as to my own abilities as a crown prosecutor.

I will try to address the issue with respect to transfers. I personally took part in a number of transfers from youth to adult court under the old system. They were extremely cumbersome, perhaps even more so than a trial itself. At the end of the day, one was left to wonder whether one could even call upon the victims who were often forced to testify two, three and four times as a result of those old provisions. I welcome this change in terms of having one trial.

However, I take issue, as the hon. member has pointed out, with the decision being made at the very end of the trial after it has taken place in youth court, which is often subject to different rules of admissibility, and with whether this is actually the proper focus.

The question addressed to me is more specifically aimed at judicial activism. This perhaps should form the focus of an entire debate. It is not something we can deal with very quickly in this context. I agree we have to empower judges, but with legislation such as this we sometimes have to put parameters in place. The way to do that in some instances is to have definitions of certain crimes that require mandatory minimum sentences.

● (1340)

I do believe that for the most part judges themselves behave in a responsible way. Unfortunately, there are some that do not. When that happens, perhaps we should look at methods of dealing with judges.

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Madam Speaker, I am pleased to enter the debate on Bill C-3, the youth criminal justice act. At the very outset, I want to indicate that it is a very important piece of legislation. It underscores the commitment of the Government of Canada to deal with a very complex issue as it relates to youth justice.

As the former chairman of the Waterloo Regional Police, I sat on that board for 10 years. I can tell the House firsthand that the senior officer and rank and file levels, along with all members of the police service, worked diligently in this area to ensure that we had a justice system in place, especially as it related to our young people. With 700 police officers and civilians, we were cognizant of the fact that this was an important area and one that required the kind of attention the Government of Canada is now prepared to move on. From that sense I am very pleased to see this legislation proceed.

By quick way of review, I remind all members of the House that our government launched a strategy for the renewal of youth justice on May 12, 1998. This process has been going on for quite a while. Subsequent to that, the youth criminal justice act was introduced. Then the federal budget announced $206 million over three years to ensure that programs were put in place to help achieve the objectives of this legislation. The point in indicating that is to say that now is the time to move on with this, get it to committee and let Canadians have their say with respect to this area. I am pleased that we are moving in that direction and doing so expeditiously.

The government's strategy for the renewal of youth justice recognized the foremost objective of public protection. It distinguishes legislation and programs appropriate for the small group of violent young offenders and those appropriate for the vast majority of non-violent youth offenders. It takes a much broader and more integrated approach that emphasizes prevention and rehabilitation. That is very key to this whole debate.

The issue facing those of us who are interested in the youth justice system is not whether the system should be tough or lenient, but whether it should be made to deal with crime in a sensible way. The proposals as outlined indicate clearly that youth crime should be met with meaningful consequences. What is meaningful depends in large part on what the young offender has done.

For example, most of us believe that youths who commit minor thefts or have been in possession of stolen property should be held accountable for their actions and rightfully so. However, last year we sent 4,355 youths into custody when their most serious offence was one of the minor property offences. Another 4,332 youths were put in custody for the offence of failure to comply with a disposition, typically violating a term of a probation order. These are both offences. Those who are found to have committed these offences should be held accountable and we know that. These two groups of offences constituted over one-third of the custodial sentences handed down to youth last year. That quite frankly is unacceptable. Being the lead jailer of children in the western world is surely not the preferred answer to youth crime.

The median custodial sentence for youth is 45 days. As taxpayers this will cost us as much as $9,000. No one is saying that these youth should not be held accountable for their actions. They should be and they must be. Their offences should result in meaningful consequences, but we must ask ourselves whether taking these youths to court and sending them to prison is invariably the best way to accomplish this. We need to ask ourselves whether it makes sense to spend $9,000 locking up a minor thief or someone who has violated a curfew.

The choice is not one of doing nothing or putting a young person in prison. There are programs in all parts of Canada, including my area, for holding young people accountable for what they have done that do not involve courts or jails but involve the victims. The youth criminal justice act recognizes that extrajudicial non-court measures are often the most effective way to deal with less serious youth crime.

• (1345)

The act supports the use of such measures wherever and whenever possible that would be capable of holding the young person accountable. The act clearly provides that these measures should encourage the repair of harm caused to the victim and to the community. They should also promote the involvement of families, victims and the community in ensuring an appropriate, meaningful consequence for the young person.

In order to encourage the use of creative and effective consequences for young people, the act supports the appropriate exercise of discretion by police officers and prosecutors. The act also recognizes that a range of approaches can provide meaningful consequences, including police warnings, formal police cautions, referrals to community programs, cautions by prosecutors and extra judicial sanctions, for example apologies to victims, restitution and community service.

When the formal court process is required many sentences other than custody can provide meaningful consequences for youth crime. Community based alternatives, for example, are often more effective than custody. They are encouraged by the new legislation, particularly for low risk, non-violent offenders, alternatives that require young people to repay victims in society for the harm done, teach responsibility and respect for others and reinforce societal values, Canadian values. When these front end measures and non-custodial sentences are used effectively the provinces can reinvest the money saved into crime prevention strategies that will address the legitimate concerns of Canadians about crime.

As part of its strategy for the renewal of youth justice the federal government has committed itself to a wide range of prevention programs. In this context it was not surprising to learn that public opinion polls show that over 85% of Ontario residents would prefer money to be invested in crime prevention than in additional prisons for youth. Almost as many, 79%, would prefer us to invest in alternatives to prison for youth rather than prison construction.

The other side of the coin is that by dealing sensibly with minor crime we can refocus the system on serious crime that Canadians have legitimate concerns about. The new act's sentencing principles make it very clear that youth sentences should reflect the seriousness of the offence and the degree of responsibility of the young person. Custody, then, will be targeted to youth that commit violent and serious repeat offences.

In the new legislation judges will be required to impose a period of supervision in the community following custody that is equal to half the period of that custody. This will allow authorities to closely monitor and control the young person and to ensure that he or she receives the necessary treatment and programs to return successfully to the community.

The period of supervision administered by the provinces will include stringent mandatory and optional conditions tailored to the individual. If a youth sentence, for example, would not be adequate to hold a young person accountable, the court may impose an adult sentence. The new legislation would make it easier to impose adult sentences for the most serious violent crimes. We are expanding both the list of offences and lowering the age at which youth can receive an adult sentence.

When the legislation is passed, youth 14 years of age and older who are convicted of murder, attempted murder, manslaughter or aggravated sexual assault will receive an adult sentence unless a judge can be persuaded otherwise.

We are also creating a fifth presumptive category for repeat of violent offences. This too underscores a commitment of the Government of Canada to move in this area and do it in an appropriate Canadian kind of way.

The proposed legislation also provides for a new sentencing option for the most violent, high risk young offenders. The intensive rehabilitative custody and supervision order provides greater control and guaranteed treatment to address the causes of the young person's violent behaviour. This is a kind of individualized treatment of intensive supervision which must be approved by the court and will assist us in curtailing youth crime in these areas.

I want to conclude by saying that youth crime cannot be legislated away. I think we all know and understand that. We can, however, deal more appropriately with it than we do at the moment. We can set up an effective set of programs outside the youth justice system and custodial and non-custodial rehabilitation programs within it which would reduce crime and hopefully will.

• (1350)

I believe Canadians think that in this sense we are on the right track. Our method of criminal youth justice is appropriate. It is a complex issue and I think we are doing it in a very effective way.

Let me simply conclude by saying that certainly the residents in my area of Waterloo—Wellington, and I believe those across Canada, support our balanced approach to this very complex issue.

Now is the time to act. Let us move the bill on to committee. Let us have Canadians have their say with respect to this area. Let us do so expeditiously. With great foresight we have brought forward legislation in the best interest of all Canadians.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I congratulate the hon. member for Waterloo—Wellington on his remarks and his contribution to the debate. As a former police officer he speaks from a very practical viewpoint, which is extremely important when dealing with matters of criminal justice. He also brings a very non-partisan tone to the debate, which I applaud. It is something that we need more of on matters of criminal justice.

My question for him is with respect to the elements of the bill that would put greater power into the hands of the police to exercise discretion in the field, that is for them to make judgment calls on whether this is a matter which should proceed through the criminal justice system. The police are put in the often unenviable position of making that first call, making the decision on whether it is something for which they lay a criminal charge, lay an information, or perhaps proceed to a crown prosecutor for greater advice.

Does the hon. member agree that increased discretion also carries with it obvious increased time, increased resources and increased necessity of the police to spend time doing something that perhaps they traditionally have not been entrusted with? Does he believe therefore that the requests of the Canadian Police Association, many of the stakeholders and many of the provinces in calling for greater resources to be attached to the bill are on the right track and that his government will have to respond by laying down more dollars?

Mr. Lynn Myers: Madam Speaker, I thank the hon. member opposite for the very good question.

Those of us who are working with community based policing know full well the importance of getting out into the community, especially with respect to young people, to ensure that we deal with them in an effective and meaningful way. We have done it in the past and we continue to do so. It underscores the commitment of not only the police but also the wider community to do the right thing when it comes to young people wherever they live in Canada.

With respect to resources and the kind of commitment that are necessary to deal with young people, the hon. member makes a very good point in terms of the local police agencies having the kind of resources necessary to do the job effectively and well.

When we give the kind of discretion that is being proposed it requires additional work, but I have to tell the hon. member that the policing profession is very professional. It carries out its duties with a great sense of loyalty and dedication, knowing that it must do the right thing, especially for young people. The kinds of training programs that are put in place underscore that kind of commitment to professionalism and dedication.

I am convinced that with the proper and necessary resources the police will act in the appropriate way. They really are unsung heroes. They put their lives on the line daily for all of us. We need to congratulate them repeatedly for the kind of work that they do, especially in the all important youth area.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, I listened to the government member's speech and we agree on one thing: when it comes to the Young Offenders Act, Liberal, Conservative and Reform members all see problems where there are none.

All the hon. member said in support of the bill, with his quotes and statistics, is that Ontario taxpayers were in favour of reinvesting, of the rehabilitation and reintegration of young offender. But this can already be done through the Young Offenders Act, and I am wondering if he is aware of it.

• (1355)

All the examples he gave in support of Bill C-3 are things that can already be done through the YOA. This is why, in Quebec, there is a unanimous consensus against the justice minister's bill.

The problem with the YOA is not its wording, but its enforcement. In Ontario as in the western provinces, it is not being enforced. However, when it is, the re-offending rate for serious crimes such as murder and armed robbery is less than 5%—I believe it is 2%, but I do not want to mislead the House.

These are the statistics you get when you enforce the Young Offenders Act properly. And the fundamental changes being proposed here will not improve the legislation. The government is taking the positive aspects of the current legislation and adds to it such ridiculous provisions as the publication of the names of young offenders in the newspapers.

What purpose would that serve? It would only brand them for the rest of their lives. One day, the 14 year old who was sent to prison or went through the highly repressive system we want to set up, will get out. And he will be what, 24 or 25 years old? But once he is out, what will he be able do after having been branded a criminal for the rest of his life?

This will not in any way help the society whom we claim to be fighting for, whom we are trying to better protect by improving the legislation. The existing legislation does. Did the hon. member take the time to read the current Young Offenders Act and did he notice the so-called major changes the minister wants to make?

Also, does the hon. member realize that the only province where everyone agrees the legislation is enforced properly, and I am talking of course about the province of Quebec, has a very high success rate? Why change the law, when it is in the western part of the country that things should be changing.

[*English*]

Mr. Lynn Myers: Mr. Speaker, I thank the member opposite for the question. I have read the existing legislation and I am also very cognizant of the new proposed legislation.

When the government launched the strategy to look into the whole youth justice initiative and the renewal we are now presenting we certainly looked at the Quebec model as a model that had a lot to offer in terms of what it represented for Canada and Canadians, wherever they are.

So it is that we incorporated those kinds of facets into the new legislation, recognizing that we have a lot to share and a lot to offer. We did so in a spirit of co-operation, knowing that for young people across Canada we could bring the best from all areas including Quebec and do so in a very positive way.

That is exactly what we have done. We have done the kinds of things that are necessary for our young people to put systems in place that benefit them and society as a whole.

The Speaker: We still have a few minutes remaining. I will come back to questions and comments, if members wish, after question period. However I would like to go to Statements by Members now as it is almost 2 o'clock.

STATEMENTS BY MEMBERS

[*English*]

UNITED NATIONS DAY

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, on October 23, the eve of United Nations Day, citizens around the world are organizing a vigil. Their goal is to put pressure on their respective governments to provide adequate funding for the United Nations.

Many national governments do not pay their dues to the United Nations, which seriously weakens many organizations in that body. For example, the United States alone owes more than $1 billion in dues. Canada is in the minority, having no debt toward the United Nations.

This vigil has been organized for the past three years. In 1998 it was hosted in 42 cities around the world. This year the event is called the millennium mobilization, to recognize the entry of the United Nations into the 21st century. It is an organization which has done much to help our intergovernmental relations, to help rehabilitate war torn countries, and to fight poverty and starvation.

The United Nations needs not only moral support from its members but also financial support to continue its projects and programs. Therefore I urge all members of the world body to contribute accordingly.

S. O. 31

FOOD

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I want to give the Liberal government a lesson on the value of work. It is said that we can live a minute without air, a day or two without water, and a week or two without food. Some of us might last a little longer.

• (1400)

Food is a basic essential for life. We can do without a doctor for years if we do not get sick. We might get by without a lawyer for years. We might get by without politicians for a century or maybe a millennium, but we cannot live without farmers.

The farmer's work has huge value because without the farmer, we starve. Where is the equal pay for work of greater value here? Why is the government ignoring the plight of farmers on whom we depend for our very lives?

History shows clearly that a nation can lose its sovereignty if it loses its independent secure food supply.

It is food. It is farmers. It is pay for work of immense value. It is time we recognized farmers for what they are worth.

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SCIENCE AND TECHNOLOGY

Mr. Brent St. Denis (Algoma—Manitoulin, Lib.): Mr. Speaker, Canada is celebrating National Science and Technology Week from October 15 to 24.

Canada has made a commitment to become the world's smartest natural resources steward, developer, user and exporter, the most high tech, the most environmentally friendly, the most socially responsible, the most competitive and productive.

During National Science and Technology Week, Natural Resources Canada opens its doors to the community to communicate the importance of the sustainable development of our energy, forest and mineral resources. Through public open houses and educational sessions for students, departmental staff provide an up close view of everything from rocks, minerals and mapping to forests and the insects that inhabit them, from metals and energy resources to GPS technology.

More and more Canadians look to science and technology to improve their lives and address important issues such as climate change.

I call on all members of the House to join with me to salute the men and women who help make Canada a world leader in science and technology.

[*Translation*]

CANADIAN ECONOMY

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, yesterday, Statistics Canada reported that Canada's balance of trade is continuing its momentum. In January, it was at the $22.1 billion level, and had already exceeded the total for 1998, which was $18.9 billion for the same month.

A performance like this shows that our government's economic choices are good ones. They show that the climate is encouraging the economic agents in key sectors of activity to invest in this country.

News like this is certainly not pleasing to the opposition parties, but they will have to accept it. The economic decision makers feel that the conditions are right to ensure sustained and sustainable economic growth for Canada.

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LUPUS AWARENESS MONTH

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I am pleased to bring to the attention of the House and of all Canadians that the month of October is Lupus Awareness Month.

Lupus is a chronic autoimmune disease which affects approximately 50,000 Canadians. Lupus is characterized by a malfunction of the immmune system, which attacks different parts of the body itself, causing inflammation in those tissues.

Lupus develops most frequently in women between the ages of 15 and 45. In this age range, lupus is eight times more common in women than in men.

The cause of lupus is unknown and, as yet, there is no cure. Research is actively seeking to change this.

The mission of Lupus Canada is to help the Lupus community, their families and caregivers by providing them with the latest information, support and education, regardless of income, culture or religion.

I invite all hon. members to congratulate Lupus Canada and to wish it every success with its awareness campaign.

* * *

[*English*]

FOREIGN AFFAIRS

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, the foreign affairs minister has no business calling for Pakistan to be expelled from the Commonwealth following the military takeover.

Last year the sanctions were counterproductive. The people of Pakistan knew the government was corrupt. No one supports military coups. However, since the military took over, there has been calm and peace in the country. Parliament has not been dissolved. The president still holds office. Fundamental rights are in place. There is no bloodshed and no martial law. The nuclear and missile restraint policy continues. The military has promised to return the country to democratic civilian rule as soon as possible.

The Minister of Foreign Affairs does not practise what he preaches. He does not clean up corruption in his own department, embassies and passport offices. He bent over backward to support Suharto. He continued foreign aid to Algeria after the military interfered with the democratic election process. He condemned the U.S.A. for isolating Cuba. His policies are inconsistent and hypocritical. He talks soft power but applies hard power. The foreign—

The Speaker: The hon. member for Parkdale—High Park.

* * *

● (1405)

COPERNICUS LODGE

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, located in the heart of the Polish community in my riding, on March 14, 1979 Copernicus Lodge opened its doors as a retirement home with 100 self-care apartments. Within four years phase two was built.

Now 20 years later, Copernicus Lodge is much more than a retirement residence, it is a home. It is a place of comfort, friends and familiarity for both the residents and their families.

Copernicus Lodge is a place where the self-worth, self-esteem and the dignity of the individual is maintained at the highest level. Meeting the physical, social, medical and spiritual needs of its residents is its most important priority.

On Sunday, October 24 the residents, their families, the staff, volunteers and the board of directors of the Copernicus Lodge will celebrate 20 years of caring and serving our community.

I commend and applaud Copernicus Lodge on its exemplary care. I wish it continued success with its new phase in the future.

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[*Translation*]

SEMAINE DES BIBLIOTHÈQUES PUBLIQUES DU QUÉBEC

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, the Semaine des bibliothèques publiques du Québec, which is taking place this week, seeks to make Quebecers aware of the multiple resources provided by libraries.

Public libraries are no longer the austere and cold places that some of us may remember. Quebec's 974 libraries offer such resources as books, records, videos, CD-ROMs and the Internet. Libraries are user-friendly and accessible. They rely on modern technology, while acting as keepers of our culture.

Also, as pointed out in a Statistic Canada study, there is a connection between reading to young children and school success. In Laval, for example, libraries organized L'Heure du conte pour les bambins, public dictations, including the famous Dictée du Nord, and readings by well-known authors.

I am taking this opportunity to thank all those people in Quebec who help make public libraries lively and thriving places to learn, discover and dream.

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[*English*]

CO-OPERATIVES

Ms. Susan Whelan (Essex, Lib.): Mr. Speaker, today is International Credit Union Day. All of this week millions of Canadians are also celebrating National Co-op Week. The theme for this week is ''Co-operation—Shaping our Future'', emphasizing that the co-operative model is a potent economic force in the Canadian economy and a leading source of jobs, incomes and community stability in many regions of the country.

As the world moves toward a global economy and downsizing continues to claim jobs, co-operatives bring about a sense of equilibrium in meeting the social and economic needs of Canadians. Co-operatives aim at building a strong Canada and offer an alternative business model.

For this reason I would ask members to join with me in recognizing and congratulating the co-operative sector which has and continues to make such a large contribution to our country. Currently co-operatives, including caisses populaires and credit unions, have a membership of 15 million Canadians and have combined assets of over $167 billion. Co-operatives employ over 150,000 Canadians and over 70,000 volunteers offer their time.

For co-operatives, serving the needs of members always takes precedence over the bottom line. It is for that reason co-operatives have grown.

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AGRICULTURE

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, today's issue of the *Western Producer* reported the statistics on AIDA payouts to date. In Alberta 88% of payouts were made. In British Columbia the figure is 98%. No one will be surprised to hear that these two provinces manage their own programs. In Manitoba and Saskatchewan the Liberal government is in charge. Well, sort of. Payouts there are 44% and 43% respectively.

The Saskatchewan agricultural sector, which is the hardest hit in Canada, is reeling from years of low prices, high input costs, high taxes, weak-kneed interventions at the World Trade Organization, and it has no friends in this Liberal administration. Events have shown that western interests are of no interest at all to this government. The agriculture minister promised money to get the crop in. Now it is off and 57% of Saskatchewan farmers still have not seen any money.

Saskatchewan voters will deliver an indictment on this smug Liberal government through the Saskatoon—Rosetown—Biggar byelection. We cannot wait.

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CORPORATE MANSLAUGHTER

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, today the leader of the New Democratic Party tabled a private member's bill to make corporate manslaughter a crime. I am proud to be a seconder of this bill.

Each year hundreds of Canadians are killed on the job and over one million are injured. On average, two Canadians are killed on the job every day. That is two families every day where a mother, father, spouse or a child does not come home.

Many of these deaths and injuries could and should be prevented but are not because of negligence by company managers who care more about profits than lives. Company managers who knowingly or negligently allow workers into unsafe conditions are criminals and should go to jail. The New Democratic Party bill will make sure that they can be charged.

The Liberal government still has not learned from the Westray disaster. Negligence by company managers caused the deaths of 26 miners in Westray but no charges were laid.

• (1410)

Safety, not profit, must come first in the workplace. The real possibility of criminal charges will finally force company officials to make safety the top priority.

I urge the Liberal government and all its members of the House to make the safety of Canadian workers their top priority.

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GAIRDNER FOUNDATION

Mr. Bill Graham (Toronto Centre—Rosedale, Lib.): Mr. Speaker, I rise to ask the House to join me in congratulating the Gairdner Foundation of Toronto as it celebrates an important anniversary.

For 40 years, the foundation has been recognizing and rewarding those in the medical world who, through unselfish devotion of their time and efforts, have been successful in making major contributions to research for the conquest of disease and the relief of human suffering. Over time, international Gairdner awards have been presented to 249 recipients, including 51 who have gone on to win the Nobel prize.

On behalf of the House I congratulate the founders and trustees of the Gairdner Foundation on this distinguished record of achievement.

The more than 50 Gairdner winners gathering in Toronto and 13 other centres across Canada this week for the Minds That Matter symposium to mark this occasion provide an eloquent testimony to the success of this important institution.

[*Translation*]

We salute their past and wish them a great future.

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BRUNY SURIN

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, today, Quebec sprinter Bruny Surin will receive the Maurice Richard award.

This award for excellence was created in 1979 by Montreal's Société Saint-Jean-Baptiste and is given to an athlete who is an honour both to his or her sport and to Quebec.

Recognized for his integrity, determination, courage and perseverance, Bruny Surin is one of Quebec's great sports figures. He has run the second fastest 100 metre dash in history, and he is a true inspiration and model for all young people.

The Bloc Quebecois congratulates this great athlete, not only for his outstanding performances, but also for persevering in a sport he loves, sometimes against all odds, through the good years as well as the more difficult ones.

Bruny, our hearts will be beating for you when we watch you race in the Sydney Olympic Games. Congratulations and good luck in the pursuit of your brilliant career.

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[*English*]

JULIUS K. NYERERE MEMORIAL PROJECT

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, today the world will mourn Julius Nyerere, the former president of Tanzania, who passed away last week.

Mr. Nyerere was the president of Tanzania for 24 years. He was highly respected for his honesty and dedication to development at the grassroots level and for his role as a leading African statesman.

Throughout his country he was known simply and affectionately as Mwalimu, which means teacher. Today the Minister of International Co-operation is representing Canada in Tanzania at his funeral.

Canadians should know that CIDA will honour Mr. Nyerere's memory and legacy by naming one important community project every year in Tanzania the Julius K. Nyerere Memorial Project.

* * *

PAY EQUITY

Ms. Angela Vautour (Beauséjour—Petitcodiac, PC): Mr. Speaker, while the President of the Treasury Board is studying the federal court decision on pay equity, I am going to give her additional material she should take into consideration in this regard during her deliberation process.

First, this is the fourth decision in favour of 200,000 employees from the federal public sector, mainly women.

Second, taxpayers are paying millions of dollars per week in interest because of the government's refusal to respect the court decision.

Third, it is time for her government to provide equality to all Canadians as we approach the new millennium.

Fourth, the President of the Treasury Board has an obligation to the millions of women of this country who are anxiously awaiting her decision.

Women in the minister's own caucus have publicly stated that it is time to finally respect and recognize the court decision and pay up. As the court ruling states, let us not forget that justice delayed is justice denied.

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[*Translation*]

ROYAL 22ND REGIMENT

Mr. René Laurin (Joliette, BQ): Mr. Speaker, October 21 marks the founding of the Royal 22nd Regiment. This military unit comprising primarily Quebecers has existed and brought us honour for 85 years, as of today.

This regiment was awarded over 550 decorations and insignia for its bravery and heroism in the two world wars and the Korean war. In addition, a number of the members of the Royal 22nd joined UN peacekeeping forces and were awarded the Nobel peace prize in 1988.

Their loyalty has never been questioned either. As proof, 250 soldiers from the Royal 22nd left Quebec City Friday to join the international mission sent to East Timor, thus reaffirming their tradition of commitment.

• (1415)

On behalf of my colleagues in the Bloc Quebecois, I would like to pay tribute to the Royal 22nd regiment, to the men and women there in the service of peace and to those like them.

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JEUX DE LA FRANCOPHONIE CANADIENNE

Mr. Rick Limoges (Windsor—St. Clair, Lib.): Mr. Speaker, the first Jeux de la Francophonie canadienne were held in Memramcook, New Brunswick, between August 19 and 22.

Thirteen delegations of young francophones and francophiles aged between 15 and 18 came to celebrate their association with the French Canadian culture. They numbered nearly 1,000 young people and they came from all the provinces and territories.

In this Année de la Francophonie canadienne, the games afforded a fine opportunity to show off the vitality of our young francophones and to help instill the French language and culture in their hearts.

The Government of Canada and, more specifically, the Minister of Canadian Heritage is proud to have supported the first edition of the Jeux de la Francophonie canadienne and congratulates the Fédération de la jeunesse canadienne-française, which was the force behind this grand celebration that brought together young francophones—

The Speaker: I am sorry to interrupt the hon. member, but we must now proceed to Oral Question Period.

ORAL QUESTION PERIOD

[*English*]

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, today is a sad day for the individual rights of aboriginal people in Canada. The Nisga'a agreement fails to provide Nisga'a people with private property rights, fails to provide Nisga'a women with the same rights and protections enjoyed by all other Canadian women and puts in peril the charter rights of each and every Nisga'a individual.

How can the government and the minister ignore the fundamental rights of aboriginal Canadians?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is wrong. We are respecting the rights of aboriginal Canadians and all Canadians to live together in peace and harmony in British Columbia and all over our country. It is the Reform Party that is disturbing the tranquillity of Canadians with its approach to this fundamental matter.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, members of the Reform Party have a fundamentally different position than the government. We have a positive vision for aboriginal people. We want a new start for aboriginal Canadians in this country. We want aboriginal women to be full and equal partners, both on reserve and off reserve. We want aboriginal people to have the same rights and protections which all other Canadians enjoy.

How can the government continue to ignore these fundamental rights that aboriginal people are crying out for in this country?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to indicate to the member across the way that the first thing he should do is read the agreement. We purposely sent the agreement over to the member a number of months ago in order for him to have a chance to read it. In the agreement it states specifically that it is under the constitution, the people are under the charter, the Nass Valley and the Nisga'a people themselves. Also the member will notice in the agreement that aboriginal women are under provincial law and they will continue to be under provincial law.

I want to make one more point. This member said in the press not too long ago—

The Speaker: The hon. member for Skeena.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, the minister knows that no private property rights are created under this agreement. He knows that without private property rights aboriginal women cannot possibly hope to enjoy the same rights and protections as all other Canadian women in the event of a marriage breakup.

Why did the minister agree to sign on to this treaty when there is no provision for private property rights for Nisga'a people? Why did he do that?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, before I state why there are property rights, let me read what the member said not too long ago. On Saturday, September 11, Mr. Scott said that the successful negotiations of recent treaties in British Columbia are a good indication the system is working.

Let me make one further point. In this agreement land is held in fee simple, which allows people to go to the provincial registry to register land, which allows individual people to register their land. In fact it is not communal. The member should read the agreement.

• (1420)

The Speaker: I would remind hon. members not to use each other's names in the course of either questions or answers.

FISHERIES

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, the Nisga'a treaty assigns 25% of the salmon in the Nass River to the Nisga'a.

Given that there are four other bands that have claims to that fishery, virtually all Nass River salmon will be transferred to aboriginals under treaty.

If this government, the NDP and the Conservatives are willing to assign virtually 100% of Nass River fish to natives, why should non-native east coast lobster fishermen trust the government to keep a place for them in the fishery?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, just as in the House the Reform represents a minority view on Nisga'a, across Canada it also represents a minority view on Nisga'a.

Reform has been against every aboriginal initiative that has come forward in the House. Canadians know exactly what Reform stands for. That is why it is moving below 10%.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, that is small comfort to the Nova Scotia lobster fishermen.

Uncertainty directly related to the Nisga'a treaty is hurting the economy of northwestern British Columbia. Concerns from loggers and fishermen were ignored. We now see the same lack of investor confidence resulting from the handling of treaty issues on the east coast, where a large Yarmouth based lobster buyer cannot obtain operating funds for this year because of uncertainty over the Marshall decision.

Why is the government proceeding with a policy that is destroying investor confidence and killing jobs in the fisheries on both coasts?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, we have a federal representative who is trying to create certainty. If the hon. member clearly wants certainty, then he should be voting for the Nisga'a agreement because that is what will create certainty. Everybody will know what the rules are.

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[*Translation*]

AUDIOVISUAL PRODUCTIONS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last Tuesday, the Minister of Canadian Heritage advised the House that there would be a meeting today between members of the MUC police, officials from the departments of National Revenue and Canadian Heritage, and representatives of the RCMP.

If she has asked the RCMP to conduct another investigation, are we to understand that she has decided that it should be Canada-wide?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I did not ask the RCMP to conduct another investigation. I asked the RCMP to conduct an investigation.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there was an investigation done between 1995 and 1997. There was also one done by the MUC police.

I wonder whether she should not, in fact, have consulted and studied this investigation between 1995 and 1997, and had the courage to take action so that such practices did not recur. She did nothing.

Can she explain why she did nothing following the serious allegations in the 1995 to 1997 investigation, and why she is now requesting that the same work be done again, even though it has already been done by the MUC?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, yesterday, Monday and last week, the Bloc Quebecois made serious allegations. I felt it was my responsibility to respond to those allegations, and the best way of getting at the truth of the matter was to turn to the RCMP.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, since the beginning of this case, the Minister of Canadian Heritage has been accusing us of inventing problems and starting rumors, as did Mr. Macerola from Telefilm Canada, who said, somewhat prematurely, that the whole issue was an urban legend.

My question is for the Minister of Canadian Heritage. Will the minister admit that since Friday, when she claimed not to know anything about this issue, she has learned, thanks to the Bloc Quebecois, that there are at least four cases of people whose names were used, that other producers might be implicated, and that, for the time being, this whole thing only involves Telefilm's Montreal component?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, the hon. member made allegations on Friday. Today, he is making more allegations. Again, I would ask him to contact the RCMP to inform them of his allegations.

• (1425)

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, how could the minister tell us that she found out about the whole issue of Friday, considering that an investigation took place in 1997, that shocking statements were made early in the fall by

some prominent figures from that sector, that the Quebec Minister of Culture decided to order an investigation through SODEC to shed light on this issue, and that her deputy minister had been aware of the issue for two or three days?

Is the minister being kept in the dark by her officials, or is she simply refusing to assume her responsibilities?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, the hon. member is the one who is making allegations. He did so on Friday, then on Monday, and again on Tuesday.

I asked him to contact the RCMP about his allegations, and I am asking him to do so again today. If he has allegations to make, then he should go directly to the RCMP, which is there to investigate.

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[*English*]

CANADIAN FARMERS

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

Farm families are facing the worst crisis since the great depression and still the government stalls. It is not just farmers who are affected; it is suppliers, equipment manufacturers and dealers who are being forced to lay off workers. Everybody is holding their breath waiting for the minister to respond.

When will the minister stop stalling? When will this minister end the anguish and introduce a decent farm aid package?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, this government started to act nearly a year ago when we contributed $900 million before the budget was introduced last year. That is being used by producers. It will all be used. It will also be added to by $600 million from the provinces. We made changes to the net income stabilization account which made another $121 million available across Canada. There is still more money in the net income stabilization account that has been triggered by farmers as well. I am encouraged by the fact that they are now using that account.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, we are talking about an adequate response. We are talking about a decent response. No one is buying the minister's line. No one believes that this government has responded adequately to this crisis.

How many farms will go under? How many small businesses will fail? How many families will be driven off their farms before this government puts aside its arrogance and puts forward the kind of farm aid that will save our family farms?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, over $1.5 billion is certainly a significant amount of money. Unfortunately, there are always limits to resources. We are trying to find every way, shape and form that we can to help.

We have made changes to the AIDA program. We have made additions to the AIDA program. We continue to do all we possibly can within the limit of the resources that are available.

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AIRLINE INDUSTRY

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, my question is for the Minister of Industry.

Obviously there is now a power struggle between the Minister of Industry and the Minister of Transport. The Minister of Transport is proposing legislation to let him have a final say in all Competition Bureau tribunal reports.

I want the Minister of Industry, on behalf of consumers, to assure the House that no power will be transferred to the Minister of Transport on airline merger issues.

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I think the hon. member should read the Canada Transportation Act because he will see that the use of section 47 is done so only with the authority of not only the Minister of Transport, but the Minister of Industry.

My colleague, the Minister of Industry, and I have worked on this file in concert from the beginning. We continue to do so. The section 47 process that we brought forward on August 13 is working because we now have private sector proposals that allow the restructuring of the airline industry.

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, the minister has only one answer for every question and it is the wrong one.

I want to read to the House a tribunal report dated 1993. If the minister has the final say in future reports, we will never hear words like these. The tribunal report states that if Canadian Airlines is forced to merge with Air Canada, the tribunal finds that competition in domestic airline markets will likely be substantially lessened. It goes on to say that charter carriers cannot compensate for Canadian's removal.

It is absolutely unacceptable for the Minister of Transport to now be able to doctor up Competition Bureau reports.

• (1430)

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, it is really quite odd that the hon. member is quoting from past reports of the bureau, which certainly were very reflective of the situation at the time.

However, the bureau is now working on a new report, which will be made available to me very shortly and will be made public. It will help us in the restructuring process. These are the guidelines being issued by the bureau under the auspices of section 47 of the Canada Transport Act.

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ABORIGINAL AFFAIRS

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, non-Nisga'a residents who live on Nisga'a land will have no right to vote for the government but they will be subject to Nisga'a laws and taxation. Why is the Liberal government endorsing taxation without representation?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, this is not about the Nisga'a people leaving Canada. It is about the Nisga'a people entering Canada.

One of the most important aspects of the treaty is that all non-Nisga'a will still be Canadian citizens and will still be able to vote for their MLA and their member of parliament. They will be able to participate on all the boards, including the education board and the health council of the Nisga'a people. They will have better representation than they are getting from the Reform Party.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, non-Nisga'a will soon have to send their tax dollars to their local government for which they have no right to vote. I know the government does not care about taxpayers but I never thought that it would go as far as denying taxpayers the right to vote.

Why is the government denying non-Nisga'a residents the right to vote for the government that levies their taxes?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I want to encourage Reform Party members. As we get into the debate, it will be very important for them to read the treaty. They should also ask us for a briefing, which will be very helpful.

As we talk about representation, I will give the Reform Party members an example of what representation means to the Nisga'a people. The member representing the Nisga'a and the people of the Nass Valley has 25 first nations. Out of those 25 first nations, 17 have not seen their member of parliament in six years.

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[*Translation*]

AIR TRANSPORTATION

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, as far as the future of air travel in Canada goes, there are two offers on the table: one a legal one from Air Canada, and the other an illegal one from Onex, which would require the law to be changed before it could be entertained.

My question is for the Minister of Transport. Are we to understand from the statement made by the Prime Minister on Monday that it is up to Air Canada's shareholders to decide, and that his government is prepared to change the law if Air Canada's shareholders chose to accept the Onex offer?

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, obviously we have two offers. It is up to the Air Canada shareholders to decide which is best for them. After, when the government has received a conditional agreement, we shall see whether the offer is in keeping with the government's principles. In our opinion, the process is working, and working fine.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, on the one hand the Minister of Transport says he wants to introduce a bill to change the legislative framework, while on the other the Prime Minister is saying that there must not be any change because this is solely up to the shareholders of Air Canada. Is there not a contradiction here?

• (1435)

Hon. David M. Collenette (Minister of Transport Lib.): Mr. Speaker, this has to be done in stages. There is a process involving the shareholders of Air Canada, then one involving the government and the members of this House. Obviously, the Prime Minister and I agree completely with this process. As I said, the process is good for the Canadian public, because it will bring about the restructuring of this industry.

* * *

[*English*]

ABORIGINAL AFFAIRS

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Mr. Speaker, the Government of British Columbia cut off debate on the Nisga'a treaty before many of the provisions were even debated.

Today the federal minister stated that he too plans to cut off debate if he does not feel that he likes the tone. There is democracy is action.

Will the Government of Canada commit to a more democratic process and assure the House and concerned British Columbians that full debate will be allowed and that time allocation and closure will not cut off debate on this critical subject?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the bill will soon be called for second reading debate. It will be followed by committee stage consideration. There will be report

stage and third reading. The debate will continue according to the rules. Obviously the rules include a means of coming to an end at one stage of debate and moving to the next. Together, we in the House will decide if those stages are required. A lot depends on how the debate goes.

Let us all take part in the debate in a meaningful way and hopefully we will reach prompt decisions that will be in the interests of the Nisga'a people, the people of British Columbia and all of Canada.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Mr. Speaker, in other words, the government intends to cut off fair debate and deny the public the right to hear what is going on in the treaty.

The Liberals spent a fortune of taxpayers' money on polling and then ignored the results. Extensive polling in British Columbia indicated widespread concern over the Nisga'a treaty as it is written.

Will the government commit to holding hearings in British Columbia, as part of this so-called democratic process, to enable all British Columbians to voice their concern, a right that was requested by the B.C. Liberal Party and denied by the NDP government?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I understand that there have been committee hearings in British Columbia. When the bill gets to the standing committee, it will be up to the committee to make the decision on future travel.

If there are decisions on time allocation, the decisions will come into place because there will be a majority vote for them by the House according to our rules.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, the reform of EI with respect to parental leave announced in the throne speech will not benefit all parents, far from it. Women have great difficulty qualifying because of the number of hours of work required.

My question is for the Minister of Human Resources Development. Will the minister admit that the problem of qualifying must be addressed first, so as to give parents access to benefits and, to that end, will she agree to lower the number of hours required to qualify for parental leave from 700 to 300?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, Quebecers are very happy with the announcement we made last week. The president of the Fédération des femmes du Québec told us that, when she heard the announcement, she told herself that it was certainly a step in the right direction.

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, it is a step in the right direction, but one that will miss its target.

Will the minister finally admit that there are several problems with her parental leave proposal that must be sorted out, including the number of hours needed by women to qualify, which must be lowered to 300 from 700; and the level of benefits which, at 55% of income, is not enough to meet the needs of families.

I ask her in all sincerity whether she is going to solve these two problems.

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, without question, the undertaking of the government is extremely significant. In our view, it will change the whole context of Canadian society. The government is committed to families and we are proving it.

* * *

ABORIGINAL AFFAIRS

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the Indian affairs minister has publicly stated that accountability is the top priority for his portfolio.

I have been to hundreds of reserves across the country. I know how grassroots natives define accountability. How does the minister define accountability? You guys don't even know the meaning of it.

● (1440)

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, accountability is a duly elected chief and council on reserve who are elected by their constituents.

An hon. member: How many reserves have you been to, Bob?

Hon. Robert D. Nault: Mr. Speaker, I have 51 first nations and I know I have been to all of them, contrary to some of these guys.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, it certainly does not tell the grassroots people much with an answer like that.

One thing is for certain, I am sure we could count on one hand, if at all, the number of times the word ''accountability'' is mentioned in the Nisga'a agreement. The money will not be given to all Nisga'a people. It will be given to a handful who may or may not share the benefits equally.

Could the minister please explain how placing this land and money in the hands of a few will benefit the greater population?

Hon. Robert D. Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, that is why the members un-united alternative across the way is just not getting it.

Let me answer the question for them. The fact remains that the assumption—

Some hon. members: Oh, oh.

The Speaker: Order, please. We have heard the question and now I would like to hear the answer. The hon. minister of Indian affairs.

Hon. Robert D. Nault: Mr. Speaker, it is below this place to try to answer a question that suggests that aboriginal people somehow are not accountable when they are elected by their own peers. That is the most disgusting comment I have heard from that member for almost a week.

* * *

[*Translation*]

PAY EQUITY

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, since the federal court's pay equity ruling was announced, there has been a general call for the government to implement it without delay. Even members of the Liberal caucus are beginning to feel ashamed of the minister's attitude in this affair.

The message seems clear to me. When does the minister intend to take action?

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): In a few days, Mr. Speaker.

* * *

[*English*]

FOREIGN AFFAIRS

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs.

Since the conclusion of the conflict in Serbia, we have witnessed attempts by many Serbs to build a democratic society. We have witnessed a pro-democracy rally, a budding opposition movement and many attempts to establish a free press.

What is Canada doing to encourage democratic development in Serbia?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, just this week we announced that we will reopen the embassy in Belgrade at the level of chargé d'affaires, along with the resources of the Canada fund, specifically to promote democracy and reform and to establish links with the pro-democratic movement in Serbia. It will also give us an opportunity to maintain effective links with the Canadian presence in Kosovo that is working on peacekeeping and humanitarian matters.

This is one clear indication of our commitment to try to promote democratic reform in that country.

* * *

ABORIGINAL AFFAIRS

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is bad enough that the Nisga'a agreement entrenches taxation without representation. It is incredible that it gives aboriginal women fewer rights than non-aboriginal women. It is mind-boggling that there are 50 sidebar agreements yet to be negotiated. It is shameful that there are overlapping land claims on this same area. It is pitiful that British Columbians have never been allowed to affirm this agreement in a referendum. It is incomprehensible that the minister would stand at a press conference and say that he looks forward to limiting the debate here in the House.

Why has the government decided that democracy also has to be a victim of the Nisga'a agreement?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, democracy will be reflected by what goes on in the House because we will debate the bill on second reading. There will be hearings on it in committee. There will be debate on report stage and on third reading. This is democracy in action.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, there will also be closure and time allocation, I am sure. After two weeks of work, the minister has quite a track record. He decrees that parliament will not be allowed to fully debate the Nisga'a agreement. He accuses British Columbians of being unable to understand this agreement. He refuses to allow amendments that will protect aboriginal women. He forces one group of Canadians against another. He intrudes into provincial jurisdiction and gives away mineral and timber rights. He destroys the economic prospects on both coasts.

• (1445)

That is not bad for two weeks' work. He now has divisiveness down pat. What does he hope to accomplish in his second and third weeks in office?

Hon. Robert D. Nault (Minister of Indian Affairs and Nothern Development, Lib.): Mr. Speaker, I would like to accomplish keeping the Reform alive but it is not doing a very good job of helping me.

Let me make one point that the hon. member is again suggesting. We have now gone as far as to brief all major media, so they will not get away with this in the House any more.

The fact remains that aboriginal women are represented in the legislation through provincial legislation and will have their rights

protected. Now the hon. member should stand in his place to apologize for making statements that are not factually correct.

* * *

THE ENVIRONMENT

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, here is a factually correct statement. Residents and local governments across Ontario, including Thunder Bay, Sault Ste. Marie and Nepean, have all understandably voiced objections to the federal government's plan to ship MOx fuel containing weapons grade plutonium through their communities. It is unacceptable that such a potentially hazardous scheme is being undertaken without the support of the public or indeed parliament.

Why will the government not address the legitimate safety and environmental concerns of Canadians and put an end to the project?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, we both have and are addressing those concerns. We have held public consultations with all the local officials. We have held public open houses to provide complete information. We have provided a public comment period to the Department of Transport, which ended a week or so ago.

Now the Department of Transport will take all that information into account before it makes a final decision on whether all the laws are being properly respected to ensure that the public interest is fully protected.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, the minister may want to have a public discussion with Ontario Power because it appears today that Ontario Power and the province of Ontario oppose the federal government's plan to burn MOx in Ontario nuclear reactors.

Ontario Power is not even studying the option. Given that the main purpose and rationale for the federal government's plan was to import it for use in Ontario, something Ontario does not even want, why is the government still considering this action?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, again the hon. member forgets that this is very much a foreign policy initiative in the interest of promoting world peace and reducing the threat of nuclear weapons.

We have said we are prepared to consider the principle and to conduct the tests. We are not committed to anything beyond the testing. The testing is covered under existing regulatory authority. If there is ever to be any further commercial activity, it would be subject to a full environmental health and safety review. The proponents would need to negotiate a commercial contract with the utility in Canada that was prepared to undertake the activity, and that would be a decision to be taken by the utility.

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[*Translation*]

AIR TRANSPORTATION

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, in the air transportation issue, is it true that the Minister of Transport wants to appropriate more power, at the expense of the Competition Bureau, to ensure that he is the one and the only one to decide whether to accept or reject any proposal?

[*English*]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, I repeat that we have section 47 of the Canadian Transportation Act in place. It provides for a certain process that allows the Competition Bureau to give its advice. That advice will be tabled very shortly and will help us in the restructuring of the airline industry.

[*Translation*]

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, the minister will probably wait until next Tuesday before announcing, probably with great fanfare, something extraordinary.

However, in the meantime, and out of respect for parliament, can the minister assure all parliamentarians that his department and his government will not go against any ruling made by the Canadian Competition Bureau in the air transportation issue, yes or no?

[*English*]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, as I said before, the bureau's advice will be very helpful in dealing with this very difficult file.

As for disrespecting parliament, what more respect can one have than to go to committee where there can be hours of questioning and debate and looking into all the details rather than deal with things in a cursory way in the House of Commons?

* * *

• (1450)

GRAIN

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, my question is for the minister responsible for the wheat board.

Well over 70% of the grain produced in western Canada is exported out of the country. Therefore the next round of WTO negotiations beginning in Seattle next month raises several critical issues ranging from those damaging export subsidies to support for the Canadian Wheat Board.

What is the minister doing to ensure that farmers will gain maximum benefits from the international marketplace?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the Canada-U.S. grain trade is bedevilled by far too many myths and sterile debates about marketing ideologies.

I have met with the U.S. wheat associates organization and with the representatives of 13 American wheat producing states. This weekend I will be meeting with most of the major U.S. grain milling companies.

The message is always consistent. We are each other's best customers. We have a huge amount in common. Let us not batter away at each other. Instead, let us make common cause against the subsidies, the distortions and the unfair market access rules of the European Union which are the most pernicious source of damage to both Canadian and American farmers and the world's grain trade.

* * *

MERCHANT NAVY VETERANS

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, after 54 years of denial of equality of opportunity for our merchant navy veterans, a Liberal committee offers an empty handshake and a promise that the veterans will be studied by college kids.

Who would seriously believe that this would be fair? The minister must do more to resolve the issue. We simply cannot have this bitterness taken to the graves of our veterans.

Will the minister confirm that he will provide these veterans with a more respectful and just settlement?

Hon. George S. Baker (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, I have met with four organizations concerning the question of the merchant navy.

[*Translation*]

I consulted four groups on this issue, and they all support the Liberal government's actions.

* * *

BILL C-6

Mr. Pierre Brien (Témiscamingue, BQ): Mr. Speaker, yesterdaty two Quebec ministers wrote the Minister of Industry to ask for a meeting on the legislative duplication the minister is preparing to create with passage of his Bill C-6 on the protection of personal information.

Does the minister intend to agree to meet with the Quebec ministers, and consequently to suspend consideration of the bill in this House until such time as that meeting has taken place?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, I think that the bill introduced by my colleague the Minister of Industry is necessary in this age of e-commerce and the Internet.

I would like to point out that my colleague has already responded to numerous requests from the Government of Quebec precisely in order to avoid any form of duplication and to ensure that, when the legislation is passed, it will respect the Government of Quebec's legislation.

I believe that the two governments can work together in order to serve the interests of the entire population well, and to protect their privacy.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, the government may be party to a conspiracy to cover up use of toxic and lethal depleted uranium in Kosovo.

The chair of the UN-Balkans environmental task force says NATO is refusing to co-operate with its investigation into DU use which has been linked to stillbirths, children born with defects, childhood leukaemia and other cancers, and the gulf war syndrome.

Is the minister aware of this NATO coverup and will he commit to Canadians that he will do everything in his power to ensure NATO fully complies with the investigation into depleted uranium use in Kosovo?

● (1455)

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, Canadians have not used depleted uranium. Our CF-18s did not use depleted uranium when they were involved in Kosovo.

We have taken steps to ensure the safety of our troops in that area. They are given personal radioactivity dosimeters and other steps are taken to ensure that their safety and health are looked after.

At the same time scientific studies to this point have not indicated that depleted uranium and illnesses including cancer are in fact related.

* * *

FISHERIES

Mr. Mark Muise (West Nova, PC): Mr. Speaker, the Minister of Fisheries and Oceans says that he is sensitive to interest of those who rely on the fishery for their livelihood and that he has the authority to regulate the fishery.

How long will the minister wait before implementing regulations that would have native and non-native fishers fishing at the same time?

Hon. Harbance Singh Dhaliwal (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, we are regulating the fishery at this time. Under the aboriginal fishing strategy we do have native fishing at times, when the commercial fisheries are not in place, through their food fisheries. We have those but we have a regular fishery.

There is one thing I want to make clear on the treaty right, that the long term solution in terms of the treaty right will not be at the expense of traditional commercial fishermen or their families. I want to make that clear. This is a long term solution that we all have to work with.

* * *

NATIONAL DEFENCE

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, recently there was a report out of the United States suggesting that an antidote given to protect our troops in the gulf war is actually the cause of their ailments.

Is the Minister of National Defence aware of the report and, if he is, what is his department doing about it?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, yes, we are aware of the report. It is being extensively studied at the moment. While the report from the Rand Corporation is inconclusive, it does raise some very important questions with respect to illness during the gulf war. We are having our consultant, Goss Gilroy, also look at the matter and update the report to us with respect to the matter.

What is most important is that we look after the health and welfare of our troops. We have established post-deployment clinics, gulf war clinics, 1-800 numbers, and a centre for the injured and the sick. These are all important matters in looking after our troops.

* * *

FISHERIES

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, earlier in question period the Minister of Fisheries and Oceans lamented that Reform does not support his aboriginal policies.

We have had 132 years of aboriginal policies from the federal government and it has been a litany of failure. Who has been the governing party for most of the last 132 years? The Liberal of Party of Canada. Why should anybody trust it to get it right now when it has got it wrong so much in the past?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Liberals are proud of what they have done to build Canada over the last 132 years. If the Reform Party continues the way it has been, it will help the Liberals to be in power for the next 132 years.

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[*Translation*]

PLUTONIUM IMPORTS

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, at the present time, Transport Canada is studying plans filed with it by Atomic Energy Canada for importing plutonium from American and Russian nuclear weapons into Canada.

My question is for the Minister of the Environment. How can it be that the government is already at the stage of deciding how to ship the plutonium when there has been no public debate on the very principle of importing it?

[*English*]

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, no decision has been taken. Obviously the transportation plans are just now being reviewed and no decision could be taken until Transport Canada makes a determination in this matter.

We have indicated our agreement in principle subject to that technical approval from the Department of Transport. The testing procedure to be conducted at the AECL lab at Chalk River is fully covered by the existing licence granted by the Atomic Energy Control Board, and that licence was granted subject to public hearings.

* * *

● (1500)

INTEREST RATES

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the acting Minister of Finance. Household debt now is at a record 101% of after tax income in this country. We have the highest mortgage rates now in some 42 months.

I wonder if the minister will screw up his courage and make representation to the Bank of Canada to hold the line on interest rates in this country?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, when we took office, Canadian interest rates were 250 basis points across the board higher than the American rates. Today they are at or lower than the American rates. This is because of the very strong fiscal policy that we have brought in, putting our economic house in order and a monetary policy which has kept inflation down. We will continue to follow those policies.

FISHERIES

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

Contradiction and lack of leadership are consistent traits of the government. It has forced non-violent demonstrators to sign a message to the minister on appropriate material. There are more than 700 names on this message and it is not a contradiction.

What will the minister do to protect the fishers? That is the message.

The Speaker: Order, please. That will bring to a close our question period for today.

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BUSINESS OF THE HOUSE

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I would like to know from the government House leader the business for the remainder of this week and the balance of next week as well. I would also like to know if there is room in the agenda for the Nisga'a debate. Will time allocation be necessary or will we have lots of room for the Nisga'a debate?

[*Translation*]

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, this afternoon, we will proceed with Bill C-3, the youth justice bill, which hon. members opposite have been calling for so fervently for the last several days. We will see if they are willing to let it go to a parliamentary committee.

Tomorrow, we shall begin debate on third reading of Bill C-6, the electronic commerce bill.

Next Monday, October 25, and Thursday, October 28, shall be allotted days.

On Tuesday, we shall commence debate on second reading of Bill C-9, the Nisga'a legislation, introduced earlier today.

On Wednesday, subject to discussions between the parties, we shall likely begin consideration of Bill C-8, the marine conservation areas bill.

[*English*]

POINTS OF ORDER

COMMENTS DURING QUESTION PERIOD

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I rise on a point of order. I want to clarify something I said during question period. I made reference to hearings in the province of British Columbia. I misunderstood some information I had been given. These were hearings of a committee of the provincial legislature.

● (1505)

Also, in answering a question on whether the committee of this House would travel to British Columbia to hold hearings, I said that this was a matter for decision by the committee. I should have added that in order to go into effect, such a decision would be subject to consultation among the House leaders and the ultimate approval by this House.

* * *

PRIVILEGE

CANADIAN SECURITY INTELLIGENCE SERVICE

The Speaker: I will deal with the question of privilege which was raised by the hon. member for South Surrey—White Rock—Langley. She brought up a question of privilege the other day. I said I would hold any decision in abeyance until I heard if there was a response from any other members who wanted to deal with that specific question of privilege which was brought up.

I also said at the time that I would not limit myself to simply a question of privilege but that I would hear her representations also with the possibility that there might be a contempt of parliament. I am looking at this particular intervention by a member on two aspects.

If there are people who want to contribute to this question of privilege, I will hear them. I notice that the government House leader does have something to add on the specifics.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise today in response to the question of privilege raised by the hon. member for South Surrey—White Rock—Langley. In her statement she referred to the misconduct as she alleges, and general misuse of authority she further alleges, by the Canadian Security Intelligence Service in the exercise of extraordinary powers.

She further noted that in her view CSIS deliberately misled the federal court and frustrated her ability to resolve her lawsuit. She alleges that this was done to intimidate her as a member of

parliament and it is therefore in her view a breach of privilege and she contends, a contempt of parliament.

It is a matter of public record that this lawsuit by a private litigant stems from the actions taken by an hon. member outside of the House of Commons. In her statement the hon. member in question raised three broad allegations: one, that CSIS improperly collected and disclosed information; two, that CSIS took an active and thereby inappropriate role in the preparation of a lawsuit against the hon. member; and three, that CSIS misused its authority to protect national security and deliberately misled the court, so she said.

With respect to the collection and disclosure of information by CSIS, document 17 of the documents provided by the hon. member indicates at Q.36 that CSIS was collecting public information to maintain an awareness of current events and public issues that may affect its mandated investigative responsibilities. It then disclosed this public—I add public—unclassified information to the plaintiff who, as indicated at Q.10, was a former employee of CSIS.

None of the documentation provided any prima facie evidence, in my view, that the behaviour of CSIS in this case was contrary to law nor motivated by any desire to affect in any way the behaviour of the hon. member, let alone intimidate her, in her capacity as a member of parliament.

I now turn to the express desire of the hon. member to have this matter heard by a committee of this House. I believe that the information provided by the hon. member does not amount to prima facie contempt of the House, nor does it constitute a prima facie breach of privilege. Any actions taken by CSIS during the course of this private lawsuit were completely unrelated to the ability of the hon. member to perform her duties in parliament, I contend.

The hon. member may have a complaint about CSIS and of course with time we will judge whether or not that complaint is valid. However, on the basis of the evidence submitted, I maintain that any such complaint is not within the realm of parliamentary privilege or contempt.

● (1510)

The most appropriate vehicle for an examination of this matter is the recourse mechanism established by parliament for all Canadians who disagree with the conduct of CSIS, including its collection and disclosure of information. It is our view that the far more appropriate course would be for the Security Intelligence Review Committee, better known as SIRC, to examine this matter. This committee was established by parliament to review all complaints against CSIS, including those from members of the House. It is composed of a number of distinguished Canadians, including former members of the House, and a person no less than the former House leader from the opposition party.

In conclusion, I submit that the hon. member has not submitted sufficient evidence to justify a prima facie finding of contempt or breach of privilege but that, if otherwise there is a substantive complaint against CSIS, the proper recourse is to the Security Intelligence Review Committee. We believe this process was established by statute law to protect the rights of all Canadians, including members of parliament and that it ought to be properly followed.

The Speaker: As I asserted before, I want to hear direct submissions with regard to this question of privilege. I do not want to get into a debate about what was said or what was interpreted. I will do the interpretation. I will go to the opposition House leader for comment.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I would like some clarification from the Chair. Was the member for South Surrey—White Rock—Langley given notice that this was going to come up? She is not here to hear what the members in the House are saying about this issue. Did you make contact with her?

The Speaker: In direct response to the question, no. The hon. member for South Surrey—White Rock—Langley was not notified. If the question was posed, this is my statement and not the hon. member's, I will not be taking a decision at this very moment. It is not my intention to take a decision at this moment. I want to review everything that has been said in here with regard to this question of either contempt or privilege.

Mr. Randy White: Mr. Speaker, my point is if this were a court of law or any other such tribunal in this nation, the individual would rightly be requested or advised to be there. The government House leader has made statements which to the individual's knowledge may or may not be accurate. I think she has the right to hear them.

The Speaker: I offer this as a counterproposal as to what we might do. These statements made in the House not only will be made available to the hon. member who raised the question of privilege or contempt, but she will also have time to study them. I will go this much further. If there is something further she would like to add without entering into a debate per se, but to give me more information on which I could make a decision, then I will wait until I hear from her.

That the hon. member was not notified is my responsibility. I take responsibility for that. It was an error on my part but I did not get the information until just today and I thought it best that we had a response of some kind. I did not know the member would not be here, but that is my responsibility and I take full responsibility for this error on my part.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I will leave it to the member for South Surrey—White Rock—Langley to

get a hold of you and go through *Hansard*. I think that is a poor way overall for this to be handled. Suffice it to say that the points the House leader brought up were covered in the documentation, most of which the hon. member gave to the Speaker some time ago.

● (1515)

The hon. member is not protesting the fact that it was private litigation against her. She has never said that there is anything wrong with that, nor should there be. She is not saying that CSIS was able to collect information that was classified or top secret. What the hon. member is saying is that after they got the information together, people at CSIS gave to the plaintiff in a private law suit help. That information was given to this private individual to conduct a private law suit. In other words, people at CSIS helped another individual. They collected newspaper articles. They collected clippings from newscasts. They collected all of this and then, unsolicited, gave it to a plaintiff in a private law suit.

Further, after that the CSIS lawyer was in contact with a private lawyer to a private litigant, the plaintiff in a private case, to help them with their case.

Mr. Speaker, I do not know where the House leader is coming from, but what he is trying to argue does not jibe at all with the facts that the hon. member for South Surrey—White Rock—Langley gave you late last week.

The Speaker: That is precisely the point, my dear colleagues. I want to review myself what has been said by the hon. member who brought forth either the point of privilege or the point of contempt. I will also look at all of the other interventions in this particular case.

If the hon. member for Calgary—Nose Hill has something which deals specifically with this point of privilege, I will hear it.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, briefly, I would point out that the government House leader kept saying that there is no evidence, there is no evidence, there is no evidence.

I, and I am sure all members of the House, as well as yourself, Mr. Speaker, have the greatest respect for the hon. House leader of the government. However, as a member of this House I would submit to you that it is not for the House leader to decide what evidence there may or may not be, but for a committee of this House to make that finding.

The Speaker: As I said, I will undertake to review everything that has been said and I will get back to the House in due course.

I have received notice of a second question of privilege.

NATIONAL DEFENCE

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I rise on behalf of the people of Okanagan—Coquihalla on a question of privilege with respect to interference of members of this House by Aldege Bellefeuille, who National Defence memos indicate was a special assistant to the Minister of National Defence and to the assistant deputy minister of finance and corporate services at National Defence, and Mr. David Robinson, former executive assistant to the Minister of National Defence.

Mr. Bellefeuille's role at National Defence was to intentionally delay the issuance of responses to access to information requests from members of parliament in order to prepare the minister for question period. Mr. Bellefeuille deliberately delayed this information for reasons that this information was intended for use in parliament by members of the opposition.

Mr. Robinson interfered with the release of access requests by knowingly issuing an instruction to senior officials at the Department of National Defence to not release access requests until communication needs of the minister had been dealt with.

Joseph Maingot's *Parliamentary Privilege in Canada* at page 70 defines a proceeding in parliament as follows:

> Since two of Parliament's constituent elements, the House of Commons and the Senate, were established for the enactment of laws, those events necessarily incidental to the enactment of laws are part of the ''proceedings in Parliament''.

However, parliament has also always been a forum to receive petitions and the crown's satisfying the grievances of members before granting supply eventually led to straightforward requests for information. Therefore, the events necessarily incidental to petitions, questions and notices of motions in parliament in the 17th century and today are all events which are part of ''proceedings of parliament''.

● (1520)

Since Mr. Bellefeuille and Mr. Robinson intentionally delayed information with the full knowledge that this information would be used in preparation for question period, they are in contempt.

On February 5 I wrote a letter to the information commissioner charging that Mr. Bellefeuille's position was an unwarranted infringement on the rights of Canadians to obtain information through access to information in a timely manner. I made three specific allegations: that Mr. Bellefeuille's position caused delay in obtaining records, was political interference and resulted in improper disclosure of access to information in the applicant's name.

On September 30 I received the results of the information commissioner's inquiry. The investigation took over six months because my allegations contributed to, and I quote from the

information commissioner's report, ''improvements in access to information policies and processes at National Defence''.

With respect to delay, the information commissioner agreed that Mr. Bellefeuille caused a bottleneck in the access process as he reviewed 95% of all requests by the Canadian public. This process resulted in delays of several months for documents that were otherwise ready to be released.

Additional delays at the public affairs division of National Defence were the result when Mr. Bellefeuille identified the need for a media line.

When sent to the minister's office, delays of several months were noted while the minister was briefed about the upcoming access to information release and possible response lines for the minister in order for him to prepare for questions by the media and opposition members of the House of Commons.

With respect to political interference, in addition to the interference caused by the delays imposed by Mr. Bellefeuille, the information commissioner also concluded that the minister's former executive assistant, David Robinson, issued instructions to ''departmental officials not to answer access requests, no matter how late they may be, until the minister's communication needs had been met''.

The information commissioner goes on to say: ''In my view, this instruction constituted improper interference with the lawful processing of access requests at National Defence''.

With respect to disclosure of the identities of access requesters, the information commissioner confirmed that Mr. Bellefeuille had routinely informed the Minister of National Defence of the names of access to information requesters that were members of the House. The minister used this information to help prepare for questions. The information commissioner concluded that this was not ''a consistent use of this information as defined by paragraph 8(2)(a) of the Privacy Act''.

The Privacy Act prohibits departments from using or disclosing personal information except for the purpose for which the information was collected. The information commissioner said that the minister should not have the name of an access to information requester to avoid the appearance of political influence or bias against the requester.

The information commissioner said that only the access to information office at the Department of National Defence needs to know the identity of the access requester. The minister's office should only be informed if it is necessary and only if it is necessary to process the request, and definitely not in preparation for question period.

Since I received this response from the information commissioner it is my understanding that the minister has replaced Aldege Bellefeuille with someone else who will perform a similar function as Mr. Bellefeuille.

In conclusion, my question of privilege deals with the deliberate delays in information for the purposes of proceedings in this parliament, in particular the scrutiny of a minister in the House of Commons.

I remind this House that contempt, as Erskine May describes it, is any act or omission which obstructs or impedes either house of parliament in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results that may be treated as contempt, even though there is no precedent for the offence.

• (1525)

I would argue that deliberately delaying information to a member of parliament obstructs the member and the House in the same manner as omitting information or offering misleading information. The intent is to obstruct and impede members of parliament.

Mr. Speaker, if you so find a prima facie case of contempt of parliament, I would also move an appropriate motion so it can be dealt with.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have no idea as to whether the accusation by the member against an official who previously worked there and no longer does is valid. That in itself does not constitute privilege. If indeed the privacy commissioner, the information commissioner, or both have ruled in this matter, that does not constitute privilege in itself.

I draw the attention of the Speaker to citation 31 of Beauchesne's, which states in part: ''The failure of the government'', if there is such a failure, which I do not admit, ''to comply with the law'', which again I do not admit, ''is not a matter for the Speaker, but should be decided by the courts''.

If he alleges that someone did not obey the Access to Information Act, or even another statute, that does not constitute privilege. There has to be an argument regarding privilege, not as to whether someone obeyed the law per se.

Finally, citation 27 states that a question of privilege ought rarely to come up in parliament and that it should be dealt with by a motion. Citation 28 states that it is clear that many acts which might offend against the law or the moral sense of the community do not necessarily offend the privileges of the House.

We really are stretching it. If we are going to start saying that every time someone thinks, rightly or wrongly, that an act of parliament, in this case the allegation that something that was judged by an officer of this House, so there was a remedy, constitutes privilege, that is really overstating it.

The Speaker: I want hon. members to stick to this question of privilege. Please do not go too far astray. I do not want to get into a debate.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I will not get into the debate as to whether this House leader is right and that one is wrong. Let me put a little better perspective on what that one said.

The government really could argue that the minister dealt with the matter, so it is no longer an issue. Or, there is the argument that members have the option to question the minister in question period. Or, it could argue that the official is no longer working with us, so it is no longer a problem.

To address the issue of ministerial responsibility, I draw members' attention to the Speaker's ruling of November 9, 1978 at page 966 of *Hansard*. The then Speaker said:

> —while I do not think there is a procedural significance to the doctrine of ministerial responsibility, it appears that we are now embarking on a different course in having the House, through a question of privilege, reach around the minister and examine directly the conduct of an official.

The Speaker went on to say: ''It seems to me that it is not a procedural matter''.

The Speaker did not consider ministerial responsibility as a consideration when he determined that there was a prima facie question of privilege in that case. There is no procedural significance in this case either. The gist of the question of privilege today is that someone deliberately impeded a member of parliament from carrying out his duties. That is really what this is about.

The former official committed an act which constitutes a prima facie question of privilege and that act must be considered by the House. The House must determine if further action is necessary to protect itself from this sort of activity in the future. We should not leave the impression that interfering with opposition members of parliament is a career advancing move.

● (1530)

Last week we had a member of parliament on her feet seeking protection from the House and the activities of CSIS. If members are being watched, intimidated or interfered with, and information is deliberately withheld from them, then what is next in the House, Mr. Speaker? That is why we have come to you with the appeal. That is all I have to add.

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I will, in my own small way, attempt to frame this matter of privilege that has been put forward.

The hon. member knows and all members know that they have the ability in the House to request documents through established procedures in the House. In this particular case, it appears that the member did not so request. The member chose to rely on the provisions of the Access to Information Act, an act and a procedure set up by parliament for all Canadians.

In electing to use the access to information process, the member or any member of the House who uses that process are essentially using their shoes as a citizen to make access requests to government. They are simply making access requests as citizens not as members of parliament.

There may have been a dysfunction in the process. I am advised that from time to time there are dysfunctions and there may well have been in this case. If there was a dysfunction in the process, a delay or whatever, I do not think it is correct for a member here to say that a dysfunction in a procedure becomes a matter of privilege just because he or she is a member of parliament. That would allow the House procedures inside this place to be cast out throughout the whole country. Every time there was a dysfunction on a Bell telephone line involving a member of parliament it would essentially be a case of privilege.

I would not want to deal with the issue of just what happened with the access request in this case or in other cases. There may well be a real dysfunction and the commissioner may wish to advise parliament. It may be a real issue for the House, but in my view it would be important, before it becomes a matter of privilege, that a direct parliamentary function be directly impaired by the problem that the member brings to the House's attention.

The Speaker: I thank members for their interventions. I will review what has been said and I will come back to the House with a decision.

We will now proceed to tributes for a former Speaker of this House, Mr. Alan Macnaughton, who was the Speaker of the House from 1963 to 1965.

* * *

THE LATE HON. ALAN MACNAUGHTON

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I rise to pay tribute to a former Speaker of the House, the late Alan Macnaughton.

Alan Macnaughton was born in Napanee, Ontario, in 1903. He graduated in law from McGill University and after post-graduate study at the London School of Economics he began practising law in Montreal. He was a crown prosecutor for many years. But more important for us, in 1949 he won his first of six consecutive elections as a Liberal. In fact, in the Diefenbaker sweep of 1958, he was so regarded by his constituents that he was the only English speaking Liberal to win a seat in Quebec.

After 1958, Mr. Diefenbaker decided to adopt the British practice of having an opposition member chair the public accounts committee. Alan Macnaughton was the first member of parliament who chaired that committee as an opposition member, which he did with great distinction.

When the Liberals won the 1963 general election, it was not surprising that he was appointed Speaker of the House of Commons. He served as Speaker during the Liberal minority government of 1963 to 1965, a very difficult and fractious period in the House. It was marked by such acrimonious debates as the famous flag debate. But Mr. Speaker Macnaughton was able to preside over these debates and these tensions with a great deal of skill, tact and diplomacy and was able to keep the House on an even keel.

• (1535)

One of his great achievements as Speaker was to start a wide-ranging process of parliamentary reform. Many of the things we take for granted in our procedures and our committee system, for example, were first developed and proposed during his speakership. Many of these reforms came into effect after he left the chair, but he was the precursor, the instigator.

In 1965, Alan Macnaughton did not stand again for parliament. His successor was none other than Pierre Elliott Trudeau. Alan Macnaughton went on to serve, again with great distinction, in the Senate of Canada to 1978. After he left the Senate, he was active in the business community, but most important, in 1967 he founded the Canadian branch of the World Wildlife Fund.

I want to conclude by saying that Alan Macnaughton was a person of great warmth and charm. He was especially helpful to new members of the House of Commons, as I once was. I had the honour of serving in the House with him. As an MP, as the first opposition chair of the public accounts committee and, above all, as Speaker, he treated everyone with the greatest tact and courtesy. But underneath it all was an essential firmness and a strong belief in the importance of the centrality of our parliamentary institutions. He certainly made an impressive mark when it came to the reform of the House of Commons.

I want to say to his family and his many friends that, on behalf of the government and all MPs on the government side, we want to express our profound sympathies on their loss.

[*Translation*]

I want to extend my most sincere sympathies to the family of Alan Macnaughton.

[*English*]

Alan Macnaughton was a great Montrealer, a great Quebecer, a great member of the House, a great Speaker and a great Canadian. His record will live on in the smooth functioning of the House because of the reforms he undertook and the work he did in his years as Speaker.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.): Mr. Speaker, I rise on behalf of Her Majesty's Official Opposition to pay tribute to a former Speaker, Alan A. Macnaughton. He presided over the Chamber from 1963 to 1966.

Mr. Macnaughton is remembered as a man and a Speaker who displayed a fairness in his deliberations and rulings, a deep love for democracy and a diligence to his task. Mr. Macnaughton was Speaker of the Chamber during some very turbulent and bitter times. More than once his quiet but compelling nature pulled proceedings from the brink of catastrophe.

I had some pages talking about his background, but the Deputy Prime Minister has done that and I will not repeat that because, as a Speaker, he would not want me to be longer than I should be, even in a tribute to him.

He was a great Canadian and the scope and breadth of Mr. Macnaughton's professional activities were impressive. He was a former president of the Canada-U.S. Parliamentary Association, the Canada-France Parliamentary Association and he served more than 30 years as a director-adviser to European and American banks. He was chairman of the World Wildlife Fund, chairman of the Roosevelt Compobello International Park Commission and deputy chairman of the historic 1973 United Nations Conference on the Environment.

Mr. Macnaughton also served on many corporate boards after he left Ottawa. Alan Macnaughton was a gifted gentlemen. His unassuming and distinguished manner was respected by all who knew him. As a lawyer, politician, Speaker, businessman and philanthropist, Mr. Macnaughton brought a dignity and a competence to whatever he pursued.

In 1995, his contribution to this institution and to his country was acknowledged when he was awarded the Order of Canada. There was nothing mediocre about this man. The words brilliant, refined, dignified and accomplished will mark his contribution. We will all miss him, but appreciate the great job he did for Canada.

We offer all our sympathies to his family and his friends, and he had many of those.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, on Friday, we heard of the passing away of Alan A Macnaughton, on the eve of his 96th birthday.

He had a remarkably long life. His professional and political accomplishments were many.

He obtained his law degree from McGill University in 1926 and went on to post-graduate studies at the London School of Economics.

● (1540)

Mr. Macnaughton then practised law in Montreal before being elected to the House of Commons for the first time in 1949, under the Liberals of Louis Saint-Laurent, in the Montreal riding of Mount-Royal. In 1958, he became the first opposition member to chair the public accounts committee.

In 1963, he was appointed Speaker of the House of Commons and, in 1966, he was called to the Senate where he was to sit until the mid-1970s.

Mr. Macnaughton will be remembered as a highly talented man who is said to have had the greatest respect for democracy and its institutions. He will leave his mark as a skilled businessman and an expert in Quebec and Canadian law. Until very recently, he was still working at his Montreal office.

On behalf of my Bloc Quebecois colleagues, I would like to extend to his friends and family our sincere condolences.

[*English*]

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I rise on behalf of our party to pay tribute to Alan Macnaughton who was the Speaker of the House from 1963 to 1965. He was first elected in 1949. He stayed in the House for seven terms until 1965.

Even though I did not know him personally when I came here in 1968—of course the member for Windsor West was here at that time—I heard about Mr. Macnaughton's reputation, which was a very positive one. He had a great influence on members on both sides of the House of Commons.

The reason he stepped aside in 1965 was to make way for a gentleman who some people may have heard of from the riding of Mount Royal, a fellow named Pierre Elliott Trudeau who became the member of parliament for that riding at that particular time.

When Mr. Macnaughton was the Speaker of the House, we should remind ourselves that it was only for two years but it was during a very difficult time in terms of being in your chair, Mr. Speaker. That was the other time in history when we had five political parties in the House of Commons like what you have today, Mr. Speaker. This makes refereeing this place a bit more difficult.

It was also during the days of the famous Diefenbaker-Pearson debates which became rather acrimonious at times and, as I understand, very heated. Mr. Pearson had just won the election from Mr. Diefenbaker in 1963. Mr. Macnaughton, who was respected by both sides of the House, was made the Speaker of the House of Commons by the prime minister of the day, Lester Pearson.

It was also a time when the House had a very divisive debate on the flag. I understand the debate went on for weeks and weeks before the days of time allocation or closure. Mr. Macnaughton made a very controversial but wise ruling at that time to split the resolution in two. He made his mark as a Speaker after only two years in the Speaker's chair.

He was a lawyer and a very successful business person. He was a very learned person, a very good academic and a very fine gentleman.

On behalf of our party I express our condolences to his family and to his many friends. He was a great Montrealer, a great Canadian, a great Quebecer and a great member of the House of Commons for 16 years.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I am pleased to join in paying tribute to the late Alan Macnaughton.

For those of us who sit in the House today, and as has been previously mentioned by speakers, the late Alan Macnaughton presided over the House at sometimes very contentious times. The flag debate, which was a lengthened version of the debate similar to that which the Speaker has presided over, and the pressures that were facing Speaker Macnaughton at that time were certainly historic in 1964.

With emotions running high during the months of parliament proceedings, the Speaker's job would certainly have been extremely difficult. It is a measure of Alan Macnaughton's ability that historians have judged him so favourably. During such a contentious time in our history, he contributed greatly to the House, conducted himself with class and dignity as both a member and a Speaker. He contributed greatly to the country at large.

After a distinguished career in law, he pursued his career as a parliamentarian with the same vigour and the same level of decorum and class. Canada is fortunate to have people of the calibre of Alan Macnaughton prepared to serve in parliament.

In a 1965 speech delivered at a dinner at the Guild Hall in London on the occasion of the 700th anniversary of Simon de Montfort's parliament, Speaker Macnaughton reflected on the democratic spirit which for him connoted equality, the brotherhood of all men and his definition of the civilized person.

● (1545)

To him that meant ''one who understands human values, who appreciates the importance of high quality, and who knows the need for sacrifices and for putting oneself in the service of one's country''.

The annals of the House and the Senate as well as the records of the communities which benefited from his charitable work all testify to the fact that Mr. Macnaughton was by his own definition a civilized man. He was a man who gave to the world more than he

took from it, which fits Governor General Tweedsmuir's definition of a true aristocrat.

We rejoice in Mr. Macnaughton's long life. We are thankful that he chose to enter public life, and on behalf of the Right Hon. Joe Clark and the Progressive Conservative Party we send our appreciation and our condolences to the family of the late Alan Macnaughton.

The Speaker: I will permit myself a few words on this occasion of the passing of a brother Speaker who did indeed preside in this chair. I would like to put a human face on Alan Macnaughton. I am sure that parliamentarians and all Canadians who are watching today might appreciate this.

About a year and half ago there were eight living Speakers who had occupied this chair and presided over the debates of the House of Commons, but it seems in rapid succession we have lost two of them. In July 1998, Mr. Speaker Lamoureux died very quickly.

I had an idea for some time to convene the Speakers from wherever they were across Canada just to bring us together to share an evening. This is where the human face of Mr. Macnaughton comes into it. Of the seven of us who were still alive, one of them was not able to make it. That was Mr. Speaker Lambert from Edmonton. However six of us did come to the dinner.

When I called the former Speakers, one could not come in the month of October and another could not come in the month of November. Although I knew of Mr. Macnaughton, I had not been that close to him before and I did not know how old he was. When I called Mr. Macnaughton I said ''Speaker Macnaughton, I am having a dinner for the former Speakers. Would you care to join us?'' He said ''Oh, yes, I would like to do that'.' I said ''You have two choices, sir. Would you like to have the dinner on September 30 or December 5?'' He said to me ''At my age I would rather go sooner than later''.

I did not know exactly what he meant so I looked him up in the parliamentary guide. Mr. Speaker Macnaughton on July 30 of this year was to have been 96 years old. He lived through a great deal, virtually all of this century.

I was at a hockey game with him in Montreal. When I was a boy growing up I said that Rocket Richard was my hero. I asked him if he remembered Rocket Richard. He said ''Rocket Richard? Heck, I remember Howie Morenz''. That goes back into the early part of this century.

All that is to tell you that none of us here except the Deputy Prime Minister had the honour to serve with him. I am not sure if the Prime Minister did. I take great pride in saying that I am one of the great admirers of Speaker Alan Macnaughton.

As the hon. member for Regina—Qu'Appelle mentioned, in a time of turbulence he remained calm and he brought us as a House and us as a nation through the very déchirant flag debate that we went through. He served the House well. He served the members of parliament well by giving them the best that he had.

I can only reiterate what all speakers today who have taken the floor to remember Mr. Macnaughton have said. In my view he was one of our outstanding Speakers. He was a wonderful member of parliament and ever so human.

• (1550)

In your name and in my own name, my colleagues, I extend our very deep condolences to members of his family in their time of sorrow. I am always reminded that they did have him and he was with us for almost a century, and that of course is to our benefit.

GOVERNMENT ORDERS

[*English*]

YOUTH CRIMINAL JUSTICE ACT

The House resumed consideration of the motion that Bill C-3, an act in respect of criminal justice for young persons and to amend and repeal other acts, be read the second time and referred to a committee; and of the amendment.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, with the consent of the House I would like to split my time with the member for Surrey Central.

In addressing this bill I would talk about a number of matters. The question of what exactly makes young offenders or how do they get to be young offenders always goes through my mind. One has to ask these days if it is parents, family problems or an educational system where people fall through loopholes and do not get picked up. Is it the drugs that menace society today which encourage more and more crime to feed a habit? Is it the fact that role models are different today? Is it television and all those other things young people watch and are influenced by? Or, is it government legislation that more or less encourages or motivates certain things to happen?

I would suggest that it is a bit of all of those things. Having worked with a number of young offenders, it comes out that all these things put together creates a problem in society. The job of the House is to try to deal with all those issues and package something called legislation for young offenders that is meaningful and tries to change their ways, if individuals become young offenders, as fast as possible so they do not get too far down the line, become incorrigible, and we end having to incarcerate them.

I will get something off my chest, to start with. I can remember in 1991 setting out things we would like to see changed in the Young Offenders Act. We even fought an election in 1992 on that.

When the new Liberal government took office in 1993 I really do not think it understood the difficulties Canadian were having with the Young Offenders Act. It took us quite a while to convince them. It was not just the Reform Party. It was many people: young offenders, victims rights groups and so on. It took time to let it sink in over there.

What particularly galls me is that once the government saw there was a problem it went the route of promotions, public relations and media advertisements saying that it would do something. All along since 1993 and here we are in 1999 on the eve of the new millennium still debating this issue in the House. It is just amazing to me how the government gets away with that with the Canadian public. It is extremely disappointing.

There is another point I want to make. One member from across the way in the Liberal government said that the Young Offenders Act hit on the hard crimes and was lenient on the soft issues.

● (1555)

The problem with the government and what it does not understand is that it would not be bad if it was one B and E by an individual. Then we could say do not do this again or we will escalate it, much like progressive discipline in a business or a home.

There are individuals, young offenders with 10, 20, 30 and 40 convictions and little or no progressive discipline. This is a serious problem. They fail to acknowledge that perhaps five or six break and enters, three or four possessions of a weapon, one or two robberies, and two or three minor assaults amount to something that is far more serious.

In the courtroom today lawyers will say that their young clients do not understand. They will say it is simple possession, a minor robbery or a B and E, and the judges say ''Yes, I know. Poor young fellow'', and off they go. They do not tend to look at the cumulative effect of consistently not making a serious issue out of it for the individual. It is a flaw in the whole issue of justice but in particular with young offenders. It is not being addressed here. Accumulation of numerous minor offences means there is a problem and it is more serious than one minor offence.

In one year we had 14,035 B and Es from young offenders, 2,077 possession of weapons, 2,338 robberies, and on and on it goes. We had 30 murders. We must remember that those who murdered probably had a lot of B and Es, a lot of drug charges and so on. We failed to deal with it at that level and that is what is wrong with the young offenders philosophy.

I want to talk briefly about some of the issues in my area in British Columbia that are not being addressed by the bill. Joey Thompson of the Vancouver *Province* wrote:

> Overheard during proceedings in the second storey temporary courtroom were artful methods of sucking in a judge, offered by sharpened pros to the cub offenders waiting outside for their case to be called.
>
> One quick study eventually got before the judge and laid it on thick about how sorry he was for his crimes. The judge turned to the citizens in the public pews and delivered a heartfelt speech about the sincerity of the poor lad. Then he gave him a slap on the wrist and sent him away.
>
> Minutes later, the offender was seen out the window running across the parking lot shouting to his friends, ''Hey, it works''.

This is what I mean about cumulative issues. An article from the *Abbotsford* News *entitled ''Team crime rally cry: When I'm 18, I'll quit'', quoted the police and indicated in part:*

> Repeat B & Es by teenagers is a disturbing trend. . .''It tends to be the same kids, which indicates that whatever punishment they are getting from the court isn't serving as a deterrent''. . .''The majority of times it's the same guys we're dealing with, They're released on conditions—and although the judges mean well—the kids do not uphold the conditions''.
>
> It's not unusual to hear a kid say: ''When I'm 18, then I'll quit''.

Another article entitled ''14-year-old charged in cocaine sale'' read:

> A 14-year-old Abbotsford girl will be returning to Abbotsford provincial court on March 12 after she was arrested this week for allegedly selling cocaine in Clearbrook.

It continued:

> Under provisions of the Young Offenders Act, the girl's name cannot be published.

Another article read:

> With parliament. . .at his back, Mike Harris demanded yesterday that the prime minister get tough on young offenders.

On and on it goes. Another one entitled ''Boy too drunk to convict of murder, lawyer says'' read in part:

> Wetaskiwin, Alberta: A 13-year-old Hobbema boy who beat a cab driver to death with a baseball was too young and too drunk to be convicted of murder, says his lawyer.

● (1600)

Recently a teen in my area pulled a pistol on a police officer. It was really an air gun pellet pistol but he could have been shot very easily. He was lucky he was not. This young fellow was charged but his name cannot be published due to provisions under the Young Offenders Act. He was arrested twice in May for threatening to blow up two east Abbotsford schools, and on and on it goes. Many of the parents were concerned about this. They hit roadblock after roadblock after roadblock trying to make sure their school was safe from this young fellow.

This young fellow's parents were good parents but there are problems. Nowhere today does society look after this young fellow. People everywhere want information on this and they are stymied because of the privacy provisions of the Young Offenders Act.

The government has to deal with reality with young offenders. The government has to do it this time. We have a litany of suggestions and they are not being addressed. We should allow police officers to use discretion in resolving minor incidents without laying charges. We should lower the maximum age of young offenders from 17 to 15. We should lower the minimum age from 12 to 10 and on and on it goes.

Where have these people been? Prior to the next election or maybe in the year 2000 we will be back here again talking about the Young Offenders Act. The government has to take better action than it has taken in the past, which has been nothing.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, after the great long police beat report from the west, I would like to make a few comments.

I would like the member to hear the speech he made. He is very critical of cases happening in his own riding or in ridings in western Canada.

Everything he says points to there being a problem. I agree with him, there are problems in western Canada, because the Young Offenders Act is not being properly applied.

This is so true that even in Ontario—he spoke of Mike Harris—a pilot project has just set up. There are figures to show that repression has been increased. Camps where repression is abusive have been established for young people. What are the results? Thirty per cent of these young people become repeat offenders after their release.

Members should look at what is happening in Quebec. There, the focus is on rehabilitation, returning to society. There is practically no recidivism. The opposite is the case. Young people who have been duly followed under the law and the powers accorded us under the Young Offenders Act are returning to society. They are becoming ordinary citizens.

In Quebec, we do not see the horror occurring in western Canada, which the member has just described. The member should perhaps look to see what is happening outside his province.

● (1605)

I would hope that the Reform Party never comes to power, because their policy on justice would be awful. The Reform Party is mistaken, and what I find deplorable is that by crying wolf they have frightened the government, which has given in to Reform Party policies.

[*English*]

Mr. Randy White: Mr. Speaker, that comes from an individual standing in the House of Commons who wants to separate from Canada. Is that not interesting. I find it ironic that the member may find the Young Offenders Act satisfactory to him in Quebec, but I can assure him that in my area the individuals do not. The difference is that the people in my area want me to come here and change it, not to quit and separate.

We asked for some things in this bill. We said that young offenders facilities need mandatory rehabilitation programs. Does that not sound like a rational thing to do? What does the government say? The government says that with the charter of rights and freedoms that sort of thing cannot be mandated. In fact, many young offenders say that if they had a little more discipline in their lives, that if they had been taught the right way, they could have learned a little better and changed themselves. But no, the government will not take that step.

We asked to establish a victims bill of rights under the YOA. This was not done. We asked that a person who commits two or more violent offences be designated as a dangerous offender. This was not considered. We asked for established federal standards for alternative measures with well-defined parameters. This was not considered. We asked that young offenders records be treated the same as adults. This was not considered. We asked for the publication of the names of violent young offenders. The government left this to the discretion of the courts, in other words, status quo.

Does the government really think that leaving things to the discretion of judges today is a good idea? I cannot believe it.

If we want good legislation, if we want things to be consistent, then we should have the courage in the House of Commons to say it and do it. We should not say, like on the child pornography issue, that we will be a little general about this and we will leave it to the courts to determine whether or not the possession of child pornography should be legal. That kind of cop-out is really hurting our country. It is hurting the issue of youth crime.

Mr. Gurmant Grewal (Surrey Central, Ref.): Mr. Speaker, for over 10 years Reform members have been calling for reforms to the youth criminal justice system. It has taken at least four years, more like six years, for the Liberals to reach the point where we are at today.

In terms of changing our youth criminal justice system, it has been 864 days since the current justice minister was appointed to her cabinet position. Ever since, she has been saying that she would change the Young Offenders Act in a timely fashion. I do not know

what is timely about 864 days. We know that 35 violent crimes are committed each day in Canada and 864 days is a long time for my constituents and all Canadians.

How many violent crimes committed by youth could have been prevented in the last three years if the government had provided youth crime legislation sooner rather than later? The Liberals spent millions of dollars, had months of hearings and promised for years that it was coming.

● (1610)

Extensive committee hearings were held on the bill last spring, yet the government allowed the changes to our youth criminal justice system to die before third reading in the last session of parliament. That is an indication of how unimportant this bill is to the Liberals.

Now we have Bill C-3, the government's proposed changes to the Young Offenders Act, that will create a new youth criminal justice system. Now we are back in the House debating at second reading stage of the bill. It has a new number but it is the same old bill.

The parents and families of the victims of youth crime become victims too. I have two young sons, Mr. Speaker. You met with my younger son when he was here. When I put myself in the shoes of the hon. member for Surrey North whose family has gone through a tragedy, and when I put myself in the shoes of the parents and families of victims, I feel like going home every weekend. I worry because the government is not doing enough. I can hardly imagine what it must be like when a young person is a victim of a violent crime.

The reforms to the Young Offenders Act called for by the public and advocated by Reform have been numerous in detail but the most substantive reforms can be grouped under eight categories which I will discuss. There is clarification of the purpose of the act; strengthening parental responsibility; recognition of victims rights; the provision of support services for victims; stronger differentiation between violent repeat offenders and non-violent first time offenders; strengthening sentencing provisions; publication of the names of young offenders; changes to the age of application in the Young Offenders Act; and provisions for rehabilitation and prevention.

To be fair, there are some positive changes offered in the proposals before us but there are areas in which we feel the government has been inadequate or misguided. We must continue to urge constructive alternatives and amendments to the act.

The first category is clarification of the purpose of the act. The old juvenile delinquents act made it clear that its primary purpose was the welfare of society, whereas the Young Offenders Act introduced by the Trudeau government focused more on the welfare of the young offender.

One of the commendable features of the bill is clause 3.1. It states that the principal goal of the youth criminal justice system is to protect the public, a protection to be pursued through the prevention of youth crime through the punishment of convicted offenders and through efforts to rehabilitate. That is progress.

The official opposition has been carrying the flashlight for the Liberals who have been walking in that direction. I am happy that at least they got that right. However, the bill does not go as far as Reformers would like. The Liberals have not seen the full light of day yet.

With respect to reforming parental responsibility, the bill contains at least two steps in the right direction. It requires compulsory attendance of a parent at court if it is considered by the judge to be in the best interest of the young person. It increases the penalty for a parent who signs a court undertaking to supervise a young person upon release and who wilfully fails to fulfil that obligation.

The third category is the recognition of victims rights. Victims of youth crime are frustrated by the government's lack of concern for them. The bill before us contains several provisions that represent a step in the right direction. For example, clause 52 has the provision to order a surcharge to be levied on any fine payable by a young person. I assume these funds are to be used to provide assistance to victims of offences.

Clause 113 permits a youth justice court, a review board or any court to keep a record of proceedings of young persons.

● (1615)

Clause 118 permits victims access to the clause 113 records.

Clause 39 states that the pre-sentence report is to include the results of an interview with the victim.

These measures fall far short of the demands of the official opposition, supported by this House, for a full-blown victims bill of rights. My colleague, the member of parliament for Langley—Abbotsford has already spoken on this. I commend him for being the champion on the victims bill of rights. On the other hand, the minister and her government still assign a low priority to victims rights in relation to the rights granted to persons accused or convicted of crimes.

The fourth, fifth and sixth areas of concern to the public and on which we consider the provisions of this bill to be inadequate, are the provisions pertaining to the differentiation of violent offenders from non-violent offenders, the sentencing of young offenders and publishing or prohibiting the publication of the names of the young offenders.

It is the position of the official opposition that a disproportionate number of non-violent offenders are locked up. This limits the space and resources needed for violent offenders. It increases rather than reduces the probability that these young people will be

drawn into a life of crime rather than being protected and liberated from criminal influences.

We have consequently advocated a stronger differentiation both in law and in treatment between violent and non-violent young offenders and between first time and repeat offenders. We advocate a stronger differentiation than what is in the bill we are debating today.

On tougher sentencing, I believe strongly that our punishment to criminals is just a slap on the wrist. Appropriate punishment creates fear. That fear acts as a deterrent to any violent crime. On the other hand, if there is no fear and no punishment, that acts as a motivation to commit a crime. At this time when there is not adequate punishment, that acts as a motivation for young people to commit crime.

In conclusion, the bill contains a few steps in the right direction, but falls far short of what we wanted to see in the bill. We want a victims bill of rights. The Liberals do not want that. With respect to the bill's provisions for differentiating between violent and non-violent offenders, its provisions for the sentencing of young offenders and its provisions for publishing the names of young offenders, we find there are major deficiencies. With respect to changing the age of application of the Young Offenders Act, we think the government's approach is wrong.

Finally, the government has not gone far enough with measures concerning the treatment of young offenders, namely, the importance of prevention and the crucial role of the family with respect to youth crime prevention.

[*Translation*]

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Mr. Speaker, the debate we are having today is rather incredible.

To quote Albert Jacquard ''If a city needs a prison, it means something is wrong in this city''. Listening to my colleagues opposite, but mostly elsewhere on this side, I have the feeling prison is the solution for young offenders.

I was offended a little while ago when my Bloc Quebecois colleague, who is a separatist, gave some credible statistics, but was told he was not making any sense because he is a separatist. If I were an Australian, I would still be interested in taking part in this debate because I believe that young offenders must be dealt with the same way wherever you live. We all share the same goal, making sure we deal with them in the best way possible.

Statistics show, and I believe we get good results, that prevention is by far better than incarceration and heavier sentencing. Sometimes I have the feeling that putting young people behind bars, telling them they are no good and always punishing them makes things worse. The results are there to prove it; they are most disappointing.

• (1620)

Why are young offenders sent to prison? Because they have trouble living in society. In prison, they will be thrown in with other people who, for the most part, had trouble living in society. So I often think that prisons can sometimes be schools for delinquency.

Instead of punishing them even more, let us do the exact opposite of what is proposed in this bill and try to make them understand what they did wrong and rehabilitate them, so that, once their sentence is served, they can be reintegrated into the community. This is what a prison system should do.

I am very disappointed today. A young person who commits a crime probably comes from a tough neighbourhood, from a poor family or maybe a broken family. Do members really think that, before committing a crime, such a person would stop and think, along these lines ''I have to be careful, because under Bill C-3 I will be given a longer sentence''? Do members think that will stop such a person? Let us get serious here. This measure will not solve crime.

I want to put a question to my Reform colleague. Does he really believe that a young person would stop and think about the consequences before committing a crime. Usually, 14 year olds do not watch the news, they would not know about the new legislation and they do not even have the right to vote. Does the hon. member believe that such a young person would stop and think about what could happen to him?

[*English*]

Mr. Gurmant Grewal: Mr. Speaker, either the separatist member does not understand, or he did not listen to what I was saying. We on this side of the House are differentiating between violent and non-violent offenders. We also emphasize the importance of prevention and rehabilitation.

The fact is there is no appropriate punishment when the punishment by the court is only a minor slap on the wrist. That indicates to our youth that there is no deterrent to commit crime. They do not understand the importance of not committing a crime. There is motivation to commit a crime because there is no punishment.

If there is severe or appropriate or reasonable punishment for someone who commits a crime, this will put fear into potential criminals. There is a deterrent for them. The hon. member should understand that.

[*Translation*]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I had not really intended

to take part in this debate now, but I find it absolutely unbelievable that at the end of the 20th century, almost at the beginning of the 21st century, the Reform Party would still trot out the theories of justice of yesteryear.

I still cannot believe that someone would still say ''To solve the problem of crime we just have to put people in jail because that will scare them''.

This is beyond belief. It is as if these people had never heard of restorative justice, presumption of innocence and the very foundations of modern justice.

I am really extremely disappointed.

[*English*]

Mr. Gurmant Grewal: Mr. Speaker, the hon. member should know that as we are entering the new millennium we want to build a strong bridge between this millennium and the next millennium where all of us can progress toward safety and freedom of expression and thus create a society where all of us can live peacefully. To do that the government has to get it right. The government has to have measures in place. Someone who commits a crime must serve the time. If someone commits a crime but does not serve the time, where is the justice?

The hon. member of the government should ask his justice minister to make the appropriate amendments quickly. This bill should only pass when all the amendments wanted by Canadians are made.

● (1625)

The Deputy Speaker: It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Témiscamingue, Bill C-6.

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, it gives me great pleasure to speak in support of the government bill dealing with youth issues.

It is a balancing act. Hearing my colleagues on both sides of the issue speak on the question of youth in the justice system, I cannot stand by without saying thank God I am a Liberal and thank God I am part of a government that balances the needs of society along with the needs of individuals. It balances the needs of youth and the need for proper security for our people. In this bill we have seen just that.

I am extremely delighted to see the approach that has been taken by the minister, in particular the approach dealing with rehabilitation. That is the most effective way of dealing with the whole issue of offences in our society. It does not make any sense to put all youth who commit crimes or offences in one room and keep them there for 15 or 20 years. If at the end of the day we do not do anything with them, when we let them back out on the street, they are going to commit other offences. There is no doubt in my mind.

This government has said there is a price that those who commit offences have to pay. In the meantime we have a series of requirements we expect individuals to follow. If they follow those requirements and meet the requirements as set out by law, then at the end of the day they will do well for themselves and for society.

I am delighted with an example in my constituency of Ottawa Centre. Debra-Dynes has been an incredible and extremely successful initiative. The police force in conjunction with the community, the private sector and youth have set up a team. They have approached this whole issue on a team basis, on a joint effort basis. The results have been exceptionally good.

Not everything in our society is bad news. There is a lot of good news. I hope my colleagues in the Reform Party are taking note. For example, from 1991 to 1997 there has been approximately a 25% decline in youth crime in our society. That tells me one thing, that what this government has been doing along the way has been good. All issues of prevention have served our youth well, have served our society well and have served justice well.

Having said that, there is still a lot of work ahead for us to do. There is still very high unemployment when it comes to youth. Still over 15% of our youth cannot find jobs. We still have a dropout rate of over 25% of youths who do not finish high school. That is tragic. That is not just the responsibility of the federal government. We are doing our fair share. We have to do more and we are doing more. But it is also the responsibility of the provincial government, municipal government, school boards, parents, of everyone collectively in our society.

Looking at the statistics, in particular when we look at the ages between 16 and 18, approximately 24% of all crimes being committed by youth are committed by those who are of age 17. Another 22% of all crimes committed by youth are committed by youths of age 16, and 30% of crimes committed by youth are by those over the age of 14, between the ages of 14 and 15.

I say this because I see a huge crack in our system and that is in the definition of a child. The definition is that a child who turns 16 can tell his mom and dad goodbye and he is on his own. No one is responsible for him; he is on his own. If he comes from a broken family, from a situation where there is abuse at home, the support that exists for him between the ages of 16 and 18 is minimal.

● (1630)

There is not enough support for our youth, for those in particular who are between the ages of 16 and 18 years. Those youth are falling between the cracks. As a result a person over the age of 16

years is no longer a child and has somehow become an adult in society. Yet the person cannot vote, cannot collect employment insurance and cannot legally drink alcohol.

We define our children in different ways. Under certain laws we define a child as anyone who is under the age of 14 years. Under other laws we define a child as anyone who is under the age of 16 years. Under other laws we define a child as anyone who us under the age of 18 years. There is a lack of synchronization and harmonization of our laws, not only federal but also provincial. There is a need all across this land for us to say that a child is anyone who is under the age of 18 years.

By doing so we would be saying to families and to society that they have a responsibility, mandate, role and objective to support children until they turn 18 years of age. It would then be society's responsibility to support a child from a broken family or an abusive situation until he or she turns 18 years of age. By doing so we would have each child either in school, in an apprenticeship program or in vocational training until he or she becomes an adult under the law.

That is presently not the case. When somebody turns 16 years of age he somehow becomes an adult but falls between the cracks. As a result we have to follow the United Nations Convention on the Rights of the Child which is unequivocally clear that a child is anybody under the age of 18 years and that is the end of it, because it is well known that children need the support of their families, the support of society and the support of the community as a whole until they become adults. Only then can we treat children as adults and only then can we say they are on their own.

It is not fair for us as a society to look at somebody between the ages of 16 and 18 years who is falling between the cracks and crack the whip like some of my colleagues in other parties wanted. We cannot do that. We have to stand up to our responsibilities and our accountability to the people and to our youth. We must have a system whereby we can do all the necessary and important things to ensure fairness and justice in society and to ensure our youth are getting the support they need.

Then we would not have the 25% dropout rate we have in our schools now for youth between the ages of 16 and 18 years. Then we would not have the high crime rate that exists for our youth between the ages of 16 and 18 years. Then we would not have the high unemployment rate for youth between the ages of 16 and 24 years. Because they are not in the educational system and are not receiving the necessary support from the different levels of government in society they are falling between the cracks.

We have to commend the government and the minister on their initiatives in trying to put forward an approach that takes into consideration the need for rehabilitation and the importance of prevention. An ounce of prevention is worth five tons of cure.

It is not an easy situation. It is an extremely complex but we have to work collectively. We cannot hit a kid on the head with a two by four and say that he has to obey the law. We must have a cohesive and holistic approach. We have to balance the needs of the child and those of society. We have to deal with the needs of the child. We have to provide the support necessary for the child through the educational system, the family system and society as a whole.

I am delighted to see the family being asked to get involved when it comes to a child getting in trouble with the law. I am extremely excited about the fact that we can tell children through this act that we want them to go to school as part of rehabilitation. We want to make sure they do not hang around with gangs. We want to make sure they come home every night at 8 o'clock, 9 o'clock or whatever time the court may decide.

• (1635)

By doing so we are going to the root of the problem. In a sense that is rehabilitation at the highest level. We are required now to tell the child, in particular the one who is at risk, to go back to the educational system, an environment where he or she will receive the necessary support to build a better life.

That is why I have put over 32 private members' initiatives before the House asking the government to amend every piece of legislation at the federal level so we can harmonize our laws and change the definition of a child to be anyone under the age of 18 years. By doing so we will be sending out a signal saying that a child needs the support of his family and society until he or she is aged 18 years. Only then can we say that we have done what we have set out to do, and that is to continue to build a better society.

We have one of the finest societies on earth, but it could be and will be an even better society. It is not fair that every year illiteracy costs us over $10 billion on a regular basis in terms of lost productivity. It is not fair that over 25% of our population still has difficulties reading, writing or filling out application forms. It is not fair that we still have the highest level of unemployment in our youth population. It is not fair that we have the highest amount of crime committed by our youth, those between the ages of 16 and 18 years who are without the necessary support required from us collectively.

To that extent I just want to end by thanking the Minister of Justice for putting the bill before us and for once again putting forward something that is fairly balanced. Nothing is perfect and the bill will go before a committee. It will come back here at report stage. It will go through the consultation that is necessary for every bill. If somebody somewhere has a proposal, suggestion or amendment that meets the objectives of the bill I am absolutely confident the minister will be receptive to looking at it and if it fits the objectives we will deal with it then.

Mr. John Duncan (Vancouver Island North, Ref.): Mr. Speaker, that was an excellent speech in support of the member's private member's bill in the House of Commons.

We have to recognize the difference between punishment and rehabilitation. When one wants to talk about rehabilitation, which is the most important part of the project when talking about young people, one wants to ensure that people are not left out of the ability to be counselled in the right way and in the right place and to have those resources available.

I have family involved in the rehabilitation of people in the corrections system. It is certainly my opinion that the way the system works is not adequate. The courts or other institutions dealing with young people do not have the option of sending those people for proper rehabilitation because they are not a part of the age group to which the Young Offenders Act applies.

I would like the member to address that point and to address the fact that it does not matter what we say or do in this place there is an obvious shortage of resources available when we are talking about correcting something that has gone wrong. We really need something for many of our children that starts long before that. If the hon. member who spoke would like to address those issues I would appreciate it.

● (1640)

Mr. Mac Harb: Mr. Speaker, I thank my colleague for his sensible question. If anything, this is what the bill deals with. There is a whole notion of the bill that deals with the question of rehabilitation and trying to identify what is best depending on the situation we are dealing with.

According to the bill we would work in a partnership or in consultation with all the stakeholders, whether we are talking about the provincial government, if they are involved; whether we are talking about the justice system as we know it, the courts; or whether we are talking about the communities where there are community initiatives.

I mentioned the Debra-Dynes project as one example that is being used. It is as an extremely successful initiative that is being brought about by the Ottawa-Carleton Police Service Board. It is extremely successful. The youth who are very much at risk are brought in. They have exercise rooms. They have teams of all sorts. They have community projects of all sorts.

In a sense it creates a diversion. It keeps the youth busy. When we keep them busy in athletic activities or by getting involved in community projects and other things, we are taking their minds away from doing drugs or getting involved in trouble again or other potential problems.

Those kinds of initiatives are required of us as a society. We do not have to always rely on the government to provide and come up with the solution. We as a community and as a society have a responsibility to put forward initiatives that could help, could improve the quality of life of our youth, and could ensure that we have a safer community and a better community.

To that extent I want to say to my colleague that his question is dead on. It is very much dealt with through then bill when it talks about the importance of partnership with the different levels of government and when it talks about the rehabilitation aspect to address the specific needs of the child.

I am grateful for his question and I am quite pleased with what the government is proposing to deal with the rehabilitation aspect of the issue.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Two things, Mr. Speaker. First, it is false to say that Bill C-3 represents a balance between what the Bloc Quebecois wants and what the Reform Party wants. That is simply not true. Everything the Liberal government put in this bill is designed to meet the objectives of the Reform Party. That is altogether another matter.

Second, the hon. member spoke about responsibility. On that subject, we can agree. One has to be irresponsible to change legislation that works. When dealing with legislation that works, the minister's responsibility is to try to improve it. We are not saying that the Young Offenders Act should be left alone because it is the best act in the world. There are things that could be amended, simplified. Right now, there are cases where young offenders are tried twice, and presumptions of innocence are suffering. There are things that need to be clarified and improved. However, the entire act should not be scrapped in favour of amendments that could be technical.

I would like the member to tell me the minister's justification for repealing an act that is working. When we look at the statistics, we see that there is a 23% decrease in youth crime. Since 1995, violent crimes have decreased by 3.2% and sexual assaults by 1%. Fifty-three per cent of charges against young people involve property offences, not violent crimes against persons. I think the government is getting it all mixed up. The system is not perfect. It can be improved. But, please, let us not make the mistake of throwing out 16 years of enforcement, 16 years during which judges have established an interpretation that is well known in Quebec, that is being enforced, and that is yielding results.

I appeal to the members from Quebec across the way to wake up, to tell the Minister of Justice that this does not make sense. The government must not throw out 16 years of experience for the sake of a few votes in western Canada. I call on the members from Quebec to wake up and oppose this bill. We cannot pass it, because

it flies in the face of everything being done in Quebec. There is a consensus.

● (1645)

Who do the Liberal members from Quebec represent in the caucus? Western Canada or Quebecers? The Canadian Association of Chiefs of Police, the Canadian Police Association, the Quebec bar association and 18 organizations have formed a coalition against the bill. Where are the Liberal members from Quebec today, when they should be telling the minister that they do not want this bill?

I know the member is bright, that he is reasonable and does his homework before he speaks. I would like him to tell me that he agrees with me: Quebec is enforcing the Young Offenders Act with very good results. I am sure that, deep down, he does not want to see western Canada throw away all Quebec's experience with respect to this legislation.

Mr. Mac Harb: Mr. Speaker, my colleague's question deals more or less with matters of jurisdiction. He is asking what happens with this bill in a case where Quebec already has laws concerning young people.

I am not a constitutional lawyer. I think that when the consultation process gets under way, it will be interesting to consult with the provinces about the way this piece of legislation could be implemented. Besides, this bill will be referred to a committee. It is probably best that these issues be dealt with at that stage.

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, I have been listening to this debate since the end of question period, and I am flabbergasted at some of the things I have heard. For example, a member of the Reform Party said that this bill does not go far enough.

Actually, the bill is going in the wrong direction. It has already gone far enough, and even too far. Still, the Reform Party is not satisfied with a bill that is going in the wrong direction, it would like the bill to go even further in the wrong direction. Let me explain.

One of the purposes of this bill is the general protection of the public, of course, but its primary purpose is to ensure the welfare of young people who have committed a crime or an offence. Obviously, we do not want to cheer these young people for their wrongdoings, but we not want to turn them into criminals for life either. After all, these are our children. They are not strange beings from a distant planet. They have been brought up by their parents, here. They have been brought up by a community that has, or has not, given them certain resources, of sources of interest, of motivations. Those children have studied in our schools and have, or have not, received the training, the upbringing and the values they needed. Those young people are our children.

When they were born, they all had the same opportunities. Most of them are doing well, very well even, but a minority of them have problems. It is not necessarily their fault, very often it is not their fault at all. Society, the community and their family often have an important impact on how they have turned out. Fortunately, in such situations, solutions can usually be found.

● (1650)

As a matter of fact, the Young Offenders Act has allowed us to take action and come up with some positive solutions. As my colleague from Berthier—Montcalm was saying earlier, since the current law was passed, the youth crime rate has dropped by 23%. Quite a decrease. The rate of repeat offences has also dropped.

Since other laws also give us the means to support a young person having difficulties and help him or her in the rehabilitation process, it is in Quebec that the youth crime rate is the lowest and the rehabilitation rate the highest.

What we have is a situation that is both rather remarkable and ironic. We have in the current legislation everything we need to intervene and help young people reintegrate society in a meaningful and responsible way. The current legislation is working. However, the Liberal government has introduced a bill that is headed in the opposite direction from the current, which is working and produces results.

This is reverse engineering. This bill is doing the opposite of what allows us to reach the desired goals. Public security and, more importantly, the rehabilitation of our young people should be at the heart of the bill before us today. However, according to every study done so far and all the data we have, this bill is a step backwards. It will not help to lower the youth crime rate, nor will it facilitate reintegration or maintain the excellent rehabilitation rate we have now. This bill is regressive.

Earlier, a Reform Party member, answering my colleague, the member for Berthier—Montcalm, ridiculed what he had said because he is a sovereignist. I am going to tell House something. In Quebec, things are working. We have the best results with youth crime, namely the lowest rate. We have the best rehabilitation rate.

The federal government opposite wants to enact legislation that is going to set us back in the pursuit of this cause, coast to coast. If this bill becomes law, it will be one more reason for Quebec to want to become sovereign and to separate from a country that wants to mistreat its children.

Quebec has followed a very different path over the last 20 years, and since the Young Offenders Act took effect, we have had the best results. But the federal government refuses to use legislation

from Quebec and the situation in Quebec as a model. It refuses to heed the advice of experts from all over the country.

To win votes in western Canada, a Reform stronghold, it is willing to sacrifice—and this is the right word—our young people with iniquitous and punitive legislation that does not favour rehabilitation and that will not steer young offenders away from a life of crime.

• (1655)

Members will agree with me that this situation is absolutely unacceptable. I find it hard to understand how it is that the Liberal government, that usually has a better grasp of these kinds of issues, does not realize that this bill will lead us straight to disaster.

Do we want Quebec and Canada to become a place where people feel unsafe on the streets, like the United States? If that is what we want, then the Liberal government is proposing the right bill. And if we want the situation to be even worse, we just have to follow the Reform Party.

But if we want safe communities, where it is possible to rehabilitate young people who have strayed from the straight and narrow so they can become full-fledged citizens, reintegrate society and make a positive contribution to our life, then we must not change the law. Let us enforce it as it stands now, with all the measures that lead to the full rehabilitation of offenders.

Quebec has set a good example in this area, and nobody has ever denied that. What I am saying has never been denied. Witnesses who appeared before the committee during the last session explained at length what I have been telling the House for the last few minutes.

I would like to quote what some people said, because I think it is important for the House to understand that the bill before us is going in the wrong direction. I will quote a criminologist from the University of Montreal, André Normandeau. This is taken from an article published in a Quebec City newspaper, *Le Soleil*, on March 13, 1999.

Mr. Normandeau said ''People in western Canada''—he is talking about British Columbia and Alberta—''always react as they did 20 years ago, at a time when the crime rate increased each year. They have kept more of a punitive approach. Changing the law is the easy way out, but, more importantly, it does not work. Violent criminals, who represent 10% of offenders, do not react to coercion''.

Those are the words of a criminologist. He says that the law, as it is now, has worked. If we change it in the way the government wants to do now, we will be going in the wrong direction.

Not only will it not work, it will have the opposite effect. Mr. Normandeau goes on ''The behaviour of prosecutors and police officers in other provinces will influence what goes on in Quebec. For instance, a Quebec police officer will quickly start acting like his colleagues from Saskatoon. He will then need the same complicity from the crown prosecutors, and then we will end up in a vicious circle''.

Let me quote from another criminologist, Cécile Toutant, a member of the young offenders sub-committee of the Quebec Bar Association. The Quebec Bar Association represents all of the lawyers in Quebec. Ms. Toutant is a highly competent professional who knows first hand what is going on in the field.

In an interview she gave on J.E., a very popular television program in Quebec that the rest of Canada has probably never heard about—which is another of the characteristics of our two cultures and our two nations who live alongside each other, and someday there will be a political solution to this situation—Ms. Toutant stated that she was concerned about the reform because some measures will become automatic, like the transfer to adult courts.

This criminologist argued that, even with what the Liberals call the flexibility of the system, the measures that we condemn will be applied. She concluded by saying ''Why allow what is unjustified? Why allow what is inappropriate? In fact, why pass this legislation?''

• (1700)

On March 19, during a press conference of the group of organizations that are concerned with the situation of young offenders, Mr. Jean Trépanier, another criminologist, and a member of the Barreau du Québec sub-committee on young offenders, also condemned this false flexibility of Bill C-3.

According to him, this so-called flexibility we were talking about before the bill was introduced is in fact a political trap. Unfortunately, Quebec judges will have to fully enforce the law, since they will not be able to ignore sentences that will be imposed in other provinces.

In conclusion, because of your legislation, members of the Liberal government, young people from Quebec will not be treated fairly, they will no longer have the opportunity to be rehabilitated, and the safety in our society as a whole will be affected. The reason for this is that young offenders who are not rehabilitated become criminal adults. We must not forget that. They do not disappear because they are put in jail. They will get out, one day or the other, with vengeance in their heart.

Of course, prevention is good, but when a young person has committed an offence, rehabilitation becomes essential to ensure the long term safety of the community and to ensure that we have a citizen who will work with us toward social objectives, instead of having one who will be in and out of jail all his life.

I would also like to tell the House about a representative of the Quebec youth centres association, André Payette, who said it all in a nutshell ''It will be a real mess if the bill is passed.''

What could be clearer? The bill is going in the opposite direction from what should be done. I recall what my colleague from the Reform Party said earlier ''The bill does no go far enough''. The bill is going in the opposite direction, and that is already too far.

Let me quote also from a court that everybody knows well around here, the Supreme Court of Canada. In a recent decision, the court agreed unanimously that too many offenders are put in jail in Canada, particularly native offenders, and that happens not in Quebec but in the central and western provinces. The supreme court said that judges should get more involved in reducing the incarceration rate, for the rate in Canada is one of the highest in the western world.

Members do not have to be very good at maths. The government wants to lower the age limit to 14. You were once 14, Madam Speaker. Think about it for a moment: to be behind bars at that age, does it not make the system look a bit stupid? As lawmakers, we should have enough common sense to realize that there are other things to do with a 14 year old to educate him, instead of putting him behind bars. We are not in the Middle Ages. I am not surprised that members of the Reform Party say this kind of thing, for they have a somewhat reactionary mindset, if I may say so.

But when members of the Liberal Party talk that way, I am sorry, but I do not understand. Somebody somewhere is asleep. They should be able to stand up and say ''No, wait a minute, it is true, we are going the wrong way, all the statistics show it''.

The supreme court tells us that our jails are already too crowded. If we put 14-year olds behind bars, there will be even more people in jail, and for a long time, because by the time these young offenders get out, at age 16 or 17, they will have attended crime school instead of CEGEP. CEGEPs may not be perfect but, frankly, I would rather send a young person to CEGEP than to crime school.

When it comes to choosing between helping a young person get back on the right track or seeing him acquire all the skills necessary to remain on the wrong path, common sense dictates that we invest in reintegration.

● (1705)

This young person who is sent to jail at age 14 and is released at age 17 will go back again at age 18 and will end up in a penitentiary. An inmate in a penitentiary costs $100,000 a year to taxpayers. A social worker hired to look after a number of young persons for two or three years, or a social worker hired to look after teenagers for a time would cost much less, even with full pay. They would save money to our society. Common sense clearly dictates that we invest in reintegration. For every dollar invested in reintegration, we will probably save $10 in incarceration costs.

This is about your money and my money but, more importantly, it is about our young people. Let us use our judgement. This bill goes against common sense. It goes against human decency. It goes against the history of humanity, which seeks to improve the way human beings treat one another. The best way to start treating one another properly is to show respect for our children.

If Canada and the Canadian parliament cannot respect our children, this will be yet another reason for me to separate my Quebec from a country that does not respect its children.

[*English*]

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Madam Speaker, I listened with interest to the words from the Bloc member from Portneuf. He is a member of the Bloc who I have a great deal of respect for, his separatist bent notwithstanding. The member has been to my riding at my invitation. I said, with my tongue very lightly in my cheek, that he should see what the best part of the country looks like before he gives it up.

I have a youth diversion program operating in my riding which has been very successful. The last time I spoke with the people running the program, they had run over 100 young people through the program and had only one incident of a repeat offence.

There is a lot of confusion about what the Reform Party really wants for young offenders. Our whole approach is divided into three categories. The first category is early intervention. I believe that is the kind of thing the hon. member supports. Early intervention would mean interceding early and perhaps preventing people from turning to crime or to some anti-social behaviour that might lead them to crime. It helps them to get the right type of assistance and aid.

The second category is the diversion program, which I talked about earlier. I am sure the hon. member supports that as well.

There is a third category that everyone likes to categorize the Reform with, the tougher hand. We believe that stiffer measures are appropriate for those young offenders who cannot be reached through early intervention, through diversion or through any other way, and who commit violent or anti-social offences over and over again. For the protection of society, and for the protection of other young people who are the number one victims of young offenders, we believe there must be stiffer measures for people who assault, rape, break into homes and beat elderly people.

Would the hon. member support the concept of this sort of tri-approach: early intervention; diversion to keep them out of court and give them a second chance; and, strict measures for those who will not benefit from the other two aspects and who continue to break society's rules? Does he agree that we do need to have some tough measures for the worst of the worst?

[*Translation*]

Mr. Pierre de Savoye: Madam Speaker, I welcome the hon. member's question.

It is true that I had the pleasure of visiting his riding, I think it was in 1994. The hon. member came to visit my riding too. That has been a very beneficial exchange and I have a great deal of respect for this member of the Reform Party who, like several other colleagues of his, is more open-minded.

• (1710)

However, to answer the particular question he asked me, I will say that, while his position appears to be consistent, the fact of the matter is that the bill would destroy the very foundations of that position. First of all, the bill focuses on measures of the third category, which are aimed at the most difficult cases. It is clear that it puts less emphasis on measures of the first and second categories.

So, if less emphasis were put on these measures, that is on the care of young people convicted of minor offences, if fewer efforts were made in that respect, these young people run the risk of committing more serious offences for lack of help. They will then be facing measures of the third category because they will have become difficult cases. What the bill will do is merely create more difficult cases.

Following this reasoning, the present legislation would have to be retained so that all of the emphasis may be put on the first two measures, in order to have a minimum of individuals move on to the third.

And now what can be done with that group? The last thing we want to do—and I am sure that my colleague from Kootenay—Boundary—Okanagan agrees with this—is to block their rehabilitation. If not rehabilitated, when they are back on the street, the semblance of security we enjoyed for the two, three or four years of their incarceration will blow up in our faces when they do get out again one fine day and, instead of being rehabilitated, are really hardened criminals.

The tougher the cases, then, the more needs to be invested in rehabilitating them. This is the only way, not just to ensure the safety of our communities, not just to save money, but also to save the young person himself.

The arguments being used by my colleague for Kootenay—Boundary—Okanagan are exactly the opposite of the laudable objectives he wants to pursue. He must realize this. In Quebec we have demonstrated the right way to apply the Young Offenders Act in its present form.

I would invite him to come back to my riding with me and I will show him directly how well things are working. Perhaps then he will be able to remind the people in his part of the country that, if we want the first two measures to work properly, there must be more investment so that the third becomes the exception. For those cases, we have to make sure that the results are exceptional as well, so that public safety is guaranteed and the young offenders become full-fledged members of society.

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Madam Speaker, today, I have heard all sorts of arguments in the House.

There were those who thought that a person almost had to be put to death to be properly rehabilitated. Then there were those who said that these young people had to be put behind bars if we wanted them to be allowed back into society, but that there was no certainty they would be rehabilitated in jail.

I also heard people, such as the member for Berthier—Montcalm and the member for Portneuf, who explained what needed to be done for our young people, for young offenders. The focus needs to be on rehabilitation if we want to help them improve their lives. We are legislators and we want—I think that this is what all members here want—to improve society. I do not think that a bill such as this is going to improve society.

I have attended the opening of courts in my region. I have spoken with the chief justice of Quebec. She told me that the other parties in the House would have to examine Quebec's legislation, sit down with us and take a look at it and, if necessary, improve it. I think we have the deaf talking to the deaf.

I hope that Reform Party members will sit down and ask the member for Berthier—Montcalm to explain Quebec's young offender legislation to them. I hope that they will keep an open mind.

• (1715)

The Minister of Justice is a woman. Women sometimes see things differently than men. They are the ones who bear children. It is important to give children everything possible so that they have a better life. I do not think that a bill such as this is going to help them. I appeal to all parliamentarians here today to think carefully about what is going on with respect to this bill and to remember that we are considering a bill for the future. The young people of today are the citizens of tomorrow and we cannot jeopardize their future.

Mr. Pierre de Savoye: Madam Speaker, my colleague spoke so eloquently that there is nothing much I can add. Nonetheless, I would like to say that this bill is quite different from many bills introduced in the House.

When the subject is a treaty with aboriginals, it is important. When the subject is legal issues, it is important. When the subject

is international treaties, it is important. But today's subject is the most important of all. We are talking about our children. I appeal to the good judgment of all members and, especially of government members, in particular those from Quebec, in the hope that they will bring the Liberal government back to its senses and convince it to withdraw this bill, which goes against the interests of our children.

[*English*]

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Madam Speaker, I must say that it has been a very interesting day today listening to a variety of points of view on this legislation. I think it is fair to say that we are all pleased that the legislation is finally before us. There has been a feeling in the land, generally, that the Young Offenders Act needed improvements. I think there is almost unanimity among members in the House of Commons that this debate is long overdue. I hope we can move this debate along quickly today and into committee where we can get into some of the concerns that have been raised by so many.

If I can generally summarize my party's position, it is that we see this bill as a major step forward, and I will explain why I say that in a moment. However, we also have some serious concerns. I think they are very legitimate concerns and I want to articulate them very clearly because there is a role for opposition members, although it is probably distorted in the public's mind generally as simply to oppose things for the sake of opposing, that we are opposition and we are against everything the government does.

However, I am prepared to acknowledge for my Liberal friends that on rare occasions there are actually some good things that come forward. Today we are talking about some of those good things with this piece of legislation.

Bill C-3 is formally called the youth criminal justice act. We are starting from a whole new approach, youth justice. I want to take a few moments at the beginning of my presentation to read from the introduction of the bill itself because to me it summarizes what it is we are trying to do today. It states that Bill C-3 is an act in respect of criminal justice for young persons and that it will amend and repeal other acts.

The preamble reads:

> Whereas society should be protected from youth crime through a youth criminal justice system that commands respect, fosters responsibility and ensures accountability through meaningful consequences and effective rehabilitation and reintegration, and that reserves its most serious intervention for the most serious crimes and reduces the over-reliance on incarceration for non-violent young persons;
>
> Whereas these objectives can best be achieved by replacement of the *Young Offenders Act* with a new legal framework for the youth criminal justice system;
>
> Whereas members of society share a responsibility to address the developmental challenges and the needs of young persons and to guide them into adulthood;
>
> Whereas communities, families, parents and others concerned with the development of young persons should, through multidisciplinary approaches, take reasonable steps to prevent youth crime by addressing its underlying causes, to respond to the needs of young persons, and to provide guidance and support to those at risk of committing crimes;
>
> And whereas Canada is a party to the United Nations Convention on the Rights of the Child and recognizes that young persons have rights and freedoms, including those stated in the *Canadian Charter of Rights and Freedoms* and the *Canadian Bill of Rights*, and have special guarantees of their rights and freedoms;
>
> Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

That is what this whole bill is about.

● (1720)

In anticipation of this debate and the work that will take place over the next number of weeks, I consulted a group of people in my constituency. I went into the jails and talked to young people who were incarcerated. It was an interesting experience because I had not spent a lot of time visiting jails. I chatted to young people in halfway houses and, in general, to young people who were in some form of confinement. There were young people who were being treated in various treatment centres for addiction problems and so on.

I talked to young people on the streets of Kamloops who were practising young offenders. I met with police officers, parole board representatives, probation officers, judges, lawyers, criminal justice advocates, correction workers and others who had in some way come in contact with young offenders. I asked all of them what they thought was the fundamental reason for some young people becoming young offenders, because most do not. I think we would all agree that if we talked to young people across the country almost all of them would not be young offenders. They are hard working, decent, creative, dynamic, enthusiastic and optimistic young people who are accomplished in the sciences, arts, sports and so on. It is really quite astounding. However, there are a few people who do get into trouble with the law.

I asked all of these people if there was some commonality, if there was some reason or if they could give me a summary as to why these young folks got into trouble. Almost everybody said, more or less, two things. One was that these folks got caught. A lot of young people do unusual things and often flirt with things that are illegal, but they do not get caught, or if they do, they are released for some reason. They are caught but found not guilty. The ones who are in jail were caught. That was a small point.

The second point was that almost everyone agreed that one of the fundamental causes of young offenders in our society is poverty. Somewhere in their past, their parents, their guardians or they

themselves had lived for a period of time in some form of serious poverty. They did not have the things that most kids want and have. They did not have supportive parents, nurturing or guidance. These young people were without that. They were on their own to fend for themselves.

Those of us who have raised children or know children well all appreciate that it is tough growing up. There are pressures from peers and many other pressures. If they have no one to guide them, to direct them, to care for them, to nurture them or to give them a helping hand, it is no wonder they get into trouble. I am not suggesting that if they are poor they are going to get into trouble. Obviously there is no correlation there. The correlation is that almost all of these young people, if traced back, had some element of poverty in their family's past. That is a crucial factor.

Many of us were here in November 1989 when Ed Broadbent posed a motion, seconded by me, that we would do whatever was necessary to eradicate child poverty in Canada in the next 10 years. It was a very laudable goal. I see many of my friends opposite who were here and remember that time. First, we set a goal which was to eradicate child poverty in Canada in the next 10 years. We did not do too well. As a country, one area where we have to hold our heads down in shame is that we failed in reaching that goal. As a matter of fact, statisticians have told us that in the last 10 years the number of children who live in poverty has increased by 50%. It has worsened for a whole lot of young people.

Let us understand that the reason those young people are living in poverty is because their parents live in poverty. We do not have poor children living in rich homes. Because of that poverty good housing and support are often not there. As we deal with this new version of the Young Offenders Act and concern ourselves with assisting young people, particularly those who are on the edges of trouble, let us acknowledge that we cannot simply do this through this legislation. Other initiatives are required as well, such as alleviating poverty in our country, particularly child poverty.

● (1725)

There are some people in our country who assume that child poverty is a reality, that nothing can be done about it, that there is always going to be 5% of the population which is poor and that is just the way the world is. However, that is not the way the world is in some parts. There are countries where there are no poor children. There are no children living in poverty because there are no parents living in poverty. Those countries exist. It is possible to eradicate poverty and it ought to be a laudable millennium goal for us to have. We should eradicate child poverty in our country.

Based on whatever kind of questionable statistics or images, a lot of people do not feel that society is a safe place today, particularly elderly people who watch the news on television. Every bad kid in the world gets front page coverage, so we get the impression of one large madhouse with thousands of people killing, raping and murdering. In fact the opposite is true. By and large the rates are going down in our country in terms of violent crime. However, because of instantaneous communication and the fact that people watching television are not sure if the young people are from Canada or the United States, or from other countries, there is a sense that we are living in an increasingly violent society. People feel unsafe in their homes. There are instances, of course, where that is the case and people have committed heinous crimes, but we must keep in mind that these are isolated incidents.

I listened carefully to my colleague who represents a riding close to mine. He spoke about the intervention programs that have been successful in his constituency. I could name a number of programs that have been very effective in the Kamloops region in diverting young people away from a life of crime, which carry out all sorts of parole practices that result in people not reoffending.

My friend talked about his experiences in Trail and Castlegar, British Columbia where the intervention programs have been very successful. I appreciate that kind of information.

We have to create the impression that we are talking about a very small group of young people who get into trouble. Most of them, if dealt with properly in the justice system, do not reoffend. They learn their lesson, smarten up and do not do that type of activity again, whether it is stealing a car, breaking into someone's house and stealing a VCR or whatever.

We would all acknowledge the fact that there are young people, very few in number, who really have to be set aside so that society is protected from their behaviour. These are young people who participate in murder and manslaughter, rape and pillage and so on. We have to acknowledge that there are some really troubled people and society has to be protected from them. Those are the ones who we want to see in our jails.

There are a lot of people in jails who, quite frankly, we do not have to be protected from. If a guy has been writing bad cheques time and time again, do we really have to pen that person up in a cage? I do not think we do.

Our friends from Quebec have been pointing out the success they have had in dealing with young offenders in that province. In terms of young people who re-offend, the province of Quebec has probably had the greatest, most impressive track record of any other province or territory and we have to acknowledge that.

Quebec has made tremendous advances in the area of native justice, particularly native youth justice.

I had the occasion a while back to visit the Navajo reservation in the United States. They have had a youth justice system in place for some time and I wanted to see what it was about their system that was so effective. I spent about four or five days on the Navajo reservation with a number of lawyers and judges and sat in on a number of sessions.

● (1730)

I will explain how that worked. It was absolutely marvellous. One day little Johnny stole a VCR from a neighbour's house on the Navaho reservation. He was charged and the day was set for his court hearing. I am not a lawyer so I do not know the proper terminology, but the court was called and little Johnny was there. He had to bring his entire extended family with him: uncles, aunts, grandparents, brothers and sisters. They were all lined up all over the courtroom. The whole family was there.

They were not happy campers because they were busy. They had jobs and stuff but they had to set aside this time to go to court because little Johnny had stolen their neighbour's VCR.

The old judge got up there and asked ''Johnny, how do you plead?'' The kid was kind of mumbling. ''Speak up'', the judge told him, ''so all the court can hear you''. ''Not guilty, sir.'' ''Okay'', said the judge.

It was something to see, Madam Speaker. You should have seen it. The judge went to the kid and asked him if he could explain who the older lady was sitting at the table with him. The kid said ''That's my grandmother''. ''Speak up'', said the judge. ''That's my grandmother'', said the kid.

''Could you explain to the court how you think your grandmother feels today about what you did,'' the judge asked the kid. The reply was not clear so the judge said ''Speak up''. ''She is probably not very happy with me,'' said Johnny. The judge said ''Tell me some more''. ''She is probably embarrassed that I am her grandson'', and the story went on and on.

The judge then went to the mother, the father, the cousins and brothers and sisters, and they were all embarrassed by this kid's activities. They said his actions were inappropriate. They were sorry and embarrassed that their grandchild or brother had behaved the way he had.

By the time they had gone through the entire extended family, the little kid was just like a melted pile of wax. He was beaten up, feeling like a complete idiot and wondering what he had done. Obviously he was found guilty.

What was the sentence? He had to do some community work. Every day after school for six months he had to take a plastic bag, go around the reservation and pick up paper until he filled the bag and then leave it at the judge's house door each night before he could quit.

In the centre of the Navaho reservation the *pueblos* have a central area where people hang out. Every Saturday he had to sit on a chair by himself from sun up to sun down in the middle of the reservation. Nobody could talk to him but everybody would know who little Johnny was. They would have to keep an eye out for him because he steals things from his neighbours and friends. They all figured out who he was. He had to do that for a certain length of time.

An hon. member: What would have happened had he stolen two VCRs?

Mr. Nelson Riis: My friend asks what would have happened if he had stolen two VCRs. I have no idea but anyway this was an interesting sentencing. I think there were a couple of other things added on to that but I have forgotten.

The long and the short of it is that the judge said young Johnny would never be back in his courtroom ever again. Why? It was because he realized the impact of his misbehaviour on his family, community and friends and that it was not the way to behave in a decent society.

I suspect that when he did it he was not thinking. Let us face it. We have all been there. We have all done things in our life for which we feel kind of stupid because we did not think about them. When one thinks about it, one does not do it. The judge guaranteed that young Johnny would never return to the courtroom again because he learned a lesson.

We cannot apply that for everybody, but as part of the native justice system in terms of dealing with young offenders it is that kind of sentencing, that kind of approach to the judicial system and so on that has proven to be very effective in certain circumstances.

When I read the legislation this is what the bill is all about. It looks to the various types of sentencing. Rather than just saying the guilty party goes to jail for 40 days or 40 years or whatever it give the judges some discretion. Let us face it. Every case is different. Every kid who is out committing some kind of a crime, gets caught and goes to court is different. Every victimized person is different. The circumstances are different.

That is why I oppose what my friends in the Reform Party are suggesting, that we should not give the judges that kind of discretion. That is why we have judges. They are hopefully very intelligent people. They know the law. They understand the legal system and society. They can mete out the appropriate form of justice in their judgment. That is why they are there. That is why we have them. Otherwise we would not need judges if we just had straight laws and so on.

• (1735)

My friends in the New Democratic and I have a concern. If we are to have all these creative systems to rehabilitate young people who have gone off the edge or try to get people redirected back into the mainstream of society, those who the judge deems can be, we need financial resources to have those systems in place to follow through with that. We have to have the money for the parole system, the community action groups and the community organizations to ensure those young people can be rehabilitated by carrying out the judges sentencing.

There is a major flaw in the legislation. I may be wrong, but from what I can gather there are only $260 million over three years. That is a drop in the bucket. It will not solve the problem. We can have all the great rhetoric, all the great ideas and all the great plans in this legislation possible, but unless we have the financial resources to give to support that system it will fail. For that reason I am loath to say that we have to oppose the bill at this stage.

We agree with the theory. We agree with the thrust. It is a major step forward, but we cannot handcuff our judges, handcuff our parole boards and handcuff community groups that want to help young people. Are they to say they are sorry and do not have any money for them?

It is like what we heard the other day with the RCMP in British Columbia. The spokesperson for the RCMP said ''I know those people have broken the law and I know they committed fraud, but we do not have any money to investigate them''. In other words the laws of the land cannot be enforced.

Obviously there are a number of other items that we should identify as problems. My colleague who spoke earlier certainly did that with some eloquence.

We oppose the bill reluctantly, but hopefully in committee we will get some changes, particularly a commitment from the Minister of Justice to adequately fund the system.

[*Translation*]

Mr. René Canuel (Matapédia—Matane, BQ): Madam Speaker, I listened attentively to my colleague, and he caught my ear when he said ''We must talk about poverty''.

I have known many delinquents personally. I asked myself ''How can a 12, 13 or 14 year old become a delinquent? Nobody is born a delinquent''.

I have an answer, and I would like everyone to listen. If one becomes a delinquent, it is obviously for one of many reasons. The most important reason could be that the delinquent was not loved enough or not loved at all. It has nothing to do with the young person; it depends on whether the family circle give that person the most important thing in life, love.

When someone grows up surrounded by hatred and violence, there is little doubt that that person is going to become a delinquent. Is it possible to legislate an end to the problem? Absolutely not.

We have to take this young person and introduce him to somebody who is going to love him. It might be a streetworker, someone who works for the social services or a friend. By friend, I do not necessarily mean another young person, it could be a teacher or a friend who will take him under his wing.

I will give an example. In France, a man called Guy Gilbert takes in certain delinquents on his farm. There are a number of animals there: deer, cows, pigs, chickens and others. The young delinquent chooses an animal, and the animal is his. Sometimes, this young person, who is seething with anger, may try to mistreat the animal. He is told in no uncertain terms ''Listen, you do not do this''.

• (1740)

He is made to understand that one does not hurt animals.

If he understands that, how will he be able, later on, to hurt an old lady just to get $50? He will have understood. Very few come back or go back to prison because they have understood that if they are not to mistreat animals, they are certainly not to mistreat a human being.

We have to think in terms of prevention. And I submit that we have to put up the money, especially at the elementary level. Even in elementary schools children aged six, seven or eight are sometimes tough, very tough on others, almost violent.

I hope my colleague is now going to tell me he favours prevention over a more drastic measure.

[*English*]

Mr. Nelson Riis: Madam Speaker, I do not know if I can add much to what my hon. colleague has just said. He has identified what he believes is a fundamental cause of misbehaviour. I would have to agree with him.

Perhaps I can add another point for thought. I think the hon. member was asking us to think about this matter. I am a parent. I am just going to stand in my place and pretend that my hon. colleague from Regina—Lumsden—Lake Centre is my child.

Mr. John Solomon: He will have to use a lot of imagination.

Mr. Nelson Riis: That is quite a leap. When a child misbehaves a lot of parents whack him. Let us just think about it.

If I whack this kid across the head or slap him a few times, which is what parents generally do to discipline their children, and if the child admires me as a parent and believes that I love him but I whack him, spank him or give him a little boot or whack across the head and keep doing that, what kind of symbol does that present to the young child? The person who loves him is hitting him. I would say that is the way a lot of violence begins.

The reality is that if the people children think love them keep hitting them day after day, month after month, year after year, and then say to the children that they should not hit other kids it is a little hollow and hypocritical. Rather than hit people we need to comfort them.

I think I have made my point and I would like to thank my colleague for his intervention.

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I should remind the hon. member that we have a rule here against the use of props.

The debate is going along quite well this afternoon. The hon. member touched on a number of the diverse elements behind the legislation, but I personally think the important part of the legislation is its enhanced access to what I would call adult measures.

The hon. member mentioned, as did previous speakers, the need for intervention, diversion, alternate measures and sanctions for young offenders. With the experience we have had in the last 15 years with the Young Offenders Act in many provinces but not all there has been a need, a request and an indication from Canadians that there is a need for enhanced access to new tools and firmer adult measures in some cases. That is an important readjustment in the current statute. It provides access to those even though in some provinces, and not just Quebec, there have been good results with the existing legislation.

I want to ask the hon. member if he accepts that principle. We may be running out of time and ability to respond, but I would leave the question on the floor. Does the member agree to disagree conceptually or otherwise with the thrust of the bill in providing access to courts that needed it or to judges who felt they needed access to potentially harsher and firmer adult measures?

● (1745)

Mr. Nelson Riis: Madam Speaker, I appreciate my hon. friend's intervention which was made in a thoughtful way as usual. I must admit that I was not listening to his question. I am sure it was a good one, but I am afraid any kind of answer I would have would sound a little bit silly. I would say that yes is probably the appropriate answer knowing the kind of questions he normally asks.

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Ref.): Madam Speaker, I have one comment and perhaps a question for the hon. member from Kamloops. I trust he is listening this time.

He gave a very graphic example and demonstration that we all feel toward his colleagues from time to time but he has had a chance to vent. His demonstration was well put. Hitting a child repeatedly on a day after day basis may create a tendency toward violence. I would hope that we in the House do not confuse child abuse with a swat on the backside at the appropriate time when other measures have not been effective or when a parent deems that to be effective. It would not be on a daily basis nor repeatedly hitting a child each time the child says something wrong, looks the wrong way or whatever. There is a time and a place for everything. We should not take that completely out of the hands of parents, especially when we tell them that we want to hold them responsible for the actions of their children.

Mr. Nelson Riis: Madam Speaker, that thoughtful question deserves a lot more attention than it is going to receive today.

One could make the case that there is little evidence available to suggest that violence of any kind is ever helpful. I know my friend and some of us might think it is, but we have to look at hard evidence. What evidence is there that striking a young person, in particular a little person, actually changes or modifies that person's behaviour?

I will use one example. I train horses as a hobby. There are two approaches to horse training. There is the violent approach which is called breaking animals. You break a horse. The horse's spirit is broken and then it decides to follow along with what you want it to do. The Horse Whisperer, the individual we are probably all familiar with from movies and so on, trained the horse to do whatever he wanted it to do through kindness. There is little evidence to suggest that violent horse breaking is better than kindness horse breaking, but we can discuss this matter further.

Mr. Scott Brison (Kings—Hants, PC): Madam Speaker, there will be no violence in the Progressive Conservative caucus. The New Democratic Party, in distancing itself from its previous policies of pacifism today in the House of Commons has surprised and shocked all of us. It is a sad day for democracy in Canada.

I am pleased to speak to Bill C-3, the youth criminal justice act. Canadians have been waiting for this very important piece of legislation for a long time. I hear regularly from people in my riding who are affected by and concerned about the current or previous act.

It is important for us when developing public policy to focus on reality and not simply perception. It is sometimes said that perception is reality, but sometimes reality is reality. Far too often

in the House and in politics we focus public policy on the perceptions of a situation as opposed to the reality of the situation.

There is an increasing trend for governments and political parties to focus action, public policy and legislation on what the pollsters are telling them to do. Of course polls are based completely on public perception as opposed to reality. I am concerned that in doing so, sometimes we overlook the more significant and root causes of some of the problems we try to fix with very simple solutions.

● (1750)

American humorist H.L. Mencken once said that for every complex problem there is a simple, clean, precise solution that is wrong. Sometimes we in this House come up with some solutions that simply do not address the holistic and root causes of the problems we are trying to deal with.

I was pleased to hear the member from Kamloops speak of some of the root causes of youth crime. He linked youth crime to issues such as poverty. Crime is often very much linked to opportunity or lack thereof, and particularly lack thereof is linked very closely to poverty.

If we are going to deal with the issue of youth crime in a significant and long term way, we need to deal with some very important economic issues in Canada. In Canada there has been an 8% drop in personal disposable income since 1990. On the other hand, in the U.S. there has been a 10% increase in personal disposable income.

In Canada homes, the pressures being faced by both parents where there are two parents are significant. The pressures are even more significant in single parent situations. That parent is faced with trying to provide for the household, trying to provide an adequate level of income for the household, and at the same time is trying to be an effective parent by devoting not just quality time but the quantity of time necessary in raising children.

The difficulty I have with some of the band-aid approaches taken by this government is that far too often we are ignoring some of the real solutions. There are examples both in the U.S. and Canada of very successful headstart programs which have achieved a great deal.

The Fraser Mustard studies have demonstrated that $1 invested in a child in a high risk situation before the age of three can provide a return to society of $7 by the time the child is 30. That return is based on the savings to society on the police system, the judiciary, and in the worst case incarceration, social welfare expense, the expense of dealing with somebody who has fallen between the cracks.

The first three years are the most important years in a child's cognitive development. Ninety per cent of a child's cognitive adaptive skills actually close off after the age of three. It is ironic in dealing with perceptions as opposed to reality that those who develop public policy on the education front, particularly on the provincial side, tend to focus on higher education and on secondary and primary education and they tend to ignore an important area, the preschool area.

Quite possibly it is a step in the right direction for the government to indicate in the throne speech that there will be more generous EI benefits for new parents. That is a step in the right direction but again, it only addresses part of the problem.

Certain types of youth activities are important in providing a way for young people to meaningfully spend their time. Recreational activities such as hockey, softball, 4-H or scouts are all wonderful activities that come with a price. Any parent who has outfitted children in hockey in recent years will attest to this. For Canadians who have outfitted their children in sports gear, it is a very expensive pursuit. Whether it is registration in the leagues or buying equipment, there are barriers. Parents in many cases lack opportunity and adequate income levels and therefore children lack opportunities to pursue the types of self-actualization and important activities that can prevent them from pursuing crime.

● (1755)

I represent primarily a rural riding. Many of the studies on early intervention and headstart are focused on urban centres. The fact is that for rural poverty and urban poverty the demographics are strikingly similar. In many cases substance abuse, spousal abuse, child abuse, all these issues are linked very closely to poverty. I am not saying that is always the case, but living in a household with inadequate income certainly increases the pressures on parents and makes things awfully difficult.

If the government wanted to move in the right direction, it would increase the basic personal exemption for taxation to at least $10,000. Ideally it should be higher than that. It is ludicrous that we are taxing individuals making $7,500 per year which makes it even more difficult.

My colleague, the member of parliament for Shefford, has co-chaired the PC task force on poverty and has travelled throughout the country. I have travelled with her on some of those trips to speak with and learn from those most directly affected by poverty. The growth and pervasiveness of poverty in Canada has never been greater.

The member from Kamloops quite rightly identified the motion from 1989 to eradicate child poverty by the year 2000. Parliament's lackluster performance in meeting that motion indicates a focus on perception and not on reality.

We should be delivering on some of these things. The best way is to create more economic opportunities to provide Canadians with opportunities to succeed and prosper and thus provide Canadian

children with an opportunity to actually break out of the poverty cycle.

The poverty cycle is important. There is a fine line between programs that benefit families and children and programs that create a cycle of dependency. It is important that we become more innovative in the types of social policy solutions we are seeking in preventing that cycle of dependency which can be so pervasive and deleterious in the long term.

Some elements of the legislation are very positive, such as those which deal with parental accountability. The notion of bringing parents into the courtrooms to deal directly with the questions of where they were at a particular time or why they had not taken a greater level of responsibility over the action of the child is very important. There has to be parental responsibility and that has been sadly lacking the past. It can help significantly if parents and family members play a role within a judicial framework in this regard. The bill addresses that to a certain extent. I think that is very positive.

I am concerned relative to the cost of implementation of the bill. It will be largely borne by the provinces. There has been a decline in the federal government's commitment to assist provinces to meet an increased burden on the judicial system. I am concerned about that. Since the 1993 election the burden on the provinces has been increasing for instance by reducing the CHST. The provinces have been offloading on municipalities. Ultimately there is one taxpayer. Ultimately provinces that are enjoying less economic growth at this time will be put in a very difficult situation to try to pay for some of the costs of compliance with some of the provisions of the legislation.

● (1800)

It is important that parents become more accountable. We are not suggesting that jailing parents would improve the situation, but we should recognize the importance of parents playing a role not just within the realm of a courtroom but on an ongoing basis.

I enjoyed the member from Kamloop's comments. One thing he mentioned was that in his study of the issue in his riding, many of the young people who were incarcerated or who were in various stages of rehabilitation had mentioned that the only thing that differentiated them from someone else or one of their peers was that they happened to get caught. I think there is a fair bit of truth to that.

I think there are a lot of young people who do end up running afoul of the law but are not of a criminal bent. These young people will do what young people sometimes do because of the intrinsic sense of mischief that exists. It is very important that we find ways to identify those people and find ways to deal with them relative to the crimes they have committed as opposed to those who actually demonstrate sociopathic tendencies and are capable of far greater crimes.

The opportunity to rehabilitate someone who has committed a crime of mischief or an aberrational offence will be far greater than it will be for someone who has more of a psychological profile of a criminal.

It is also important that we work with parents in a preventative sense and in a more holistic sense. We need to identify and assist parents in developing the types of parenting skills that are necessary.

I happen to believe that provinces are, in many cases, better at some of the preventative remedies than the federal government. Part of that involves constitutional and jurisdictional boundaries, but the provinces would be far closer to the actual situations, particularly in terms of strategic social investment, than the federal government would be.

One example of a program that I think has great potential is one that the provincial government in Ontario has been working on. Dr. Fraser Mustard co-chaired a study on early childhood intervention and headstart. I believe we will see the province of Ontario pursue a policy of headstart and early intervention. I hope that as part of that policy we will seek to identify some of the situational commonalities between those that ultimately end up falling afoul of the law. I think we will find significant overlap.

That links very closely to economic factors and opportunities. It is difficult enough for parents who have a relatively good income to raise children. It is an increasingly complicated, difficult and challenging world. For parents who do not have adequate income and do not have economic opportunities, it is evermore difficult.

We must be extremely careful to balance social policy and economic policy. We must recognize that while all of us probably agree on the end, some of us differ on the means to get there. We use the justice system to deal with our young people as a way to deal with those people who have fallen through the cracks, but ultimately, this place and all the provincial legislatures in the country should actually be preventing and reducing the number of young people who do end up falling through the cracks. We would all be better served by that. It would involve dealing with the realities of the situation and the root of the problem.

● (1805)

One of the best headstart programs in a Canadian context operates out of Moncton, New Brunswick. The Minister of Labour spent a great deal of her life working on building that headstart program and deserves credit for her contribution to Moncton and to Canada. I am certain that program has resulted in significant change to the lives of those children who have gone through that headstart program. Goodness knows how many young people have had their lives and directions changed based on participation in that program. How many parents are now proud of their children

and the young people they have raised partially because of the assistance of that program?

It is very important that we take a look at not just examples of headstart and early intervention programs in Canada but also examples that exist around the world, particularly in inner city communities in the U.S. that have pursued some of these things.

It is also important to create a culture of responsibility through the education systems in Canada. This can be difficult because the justice system is largely federal and youth criminal justice is a piece of federal legislation. However, we are dealing with a problem that emanates, to a certain extent, from education and could potentially be ameliorated, diverted or improved by a better educational focus on areas of responsibility. There is a requirement for better provincial and federal co-operation in some of these areas to ensure that, across the country, provinces are pursuing education systems that teach a little bit about responsibility.

How about citizenship? I continually hear from constituents that there is very little today to teach young people about citizenship. They talk about the importance of not just responsibility to one's family and one's friends but of responsibility to the country and of trying to devote some of our young people's incredible amount of energy to build a better community and a better country?

These are all things that can be achieved if there is a co-operative effort to deal with the realities and the root causes of the problem and not always with the big stick approach at the end.

While we are pleased that the government has gone a ways toward improving the youth criminal justice with this legislation, we are not satisfied that it has gone far enough in certain areas. On the real root causes of the problem, we do not think that the government has really done an adequate job of approaching those issues. There are members opposite who will point to specific programs designed to benefit children, but Canadians need the types of programs that provide for a culture of opportunity that would benefit all Canadian families, including children.

[*Translation*]

Mr. Stéphan Tremblay (Lac-Saint-Jean, BQ): Madam Speaker, my Conservative colleague mentioned the roots of criminality. This is one of the main issues we have to address when dealing with youth crime. What is the root of the problem?

We have heard some interesting arguments linking the increase in crime to the increase in poverty. Unfortunately, in the bill now before the House, instead of looking for the roots of criminality, the government is going for a bandaid solution, not a proper solution.

I do have some concerns when I see a child who was raised in a low income family, or maybe a single-parent family or under a number of circumstances that could have led him or her to commit crimes and become a problem for society, being told ''From now on, you are going to be treated like an adult criminal''.

• (1810)

The problem is that this young person, instead of being rehabilitated, going to school and becoming a good citizen, will be sent to prison, a school for crime, where he will be in contact with confirmed criminals. My concern is that, when he is released, he will be even more frustrated with society.

How could a young man have respect for society when he feels he does not get any respect from it? I do not want to be too categorical, but I think that in that school for crime, his frustration with society will just build up, and he will learn more about crime. When he is released, he will probably be a much better criminal. He could also have a thirst for vengeance, and the problem will still be there. Since he will have become a young criminal, he will remain a burden for society for many years.

This debate is very important. I am concerned when I hear some people say that young people should be punished more harshly. But I do understand the basic philosophy of the Reform Party. I know many members of that party have been involved with or have themselves been victims of young criminals. I can understand the frustration.

This kind of frustration sometimes lead to a thirst for vengeance, and we tend to say that we need more stringent laws against young offenders. That reaction is quite normal, but I wonder what the consequences would be for society and for young people.

Since the prison systems are there, I hope, to protect society, a more repressive attitude will not help us solve the problem. Far from it.

A few moments ago, a member talked about prison systems in aboriginal communities. I heard about one system where it is agreed that young offenders have to be isolated from society for a while but, instead of being sent to jail with other offenders, they are sent to spend some time in the forest, which I think is a basic aspect of aboriginal culture, to reflect on their actions and to take responsibility for those actions.

There are alternative measures that have not been examined carefully enough. They could yield better results than the Reform proposals, which, unfortunately, have found favour with the government.

I do not know if most members of the Liberal caucus believe in this approach. I hope this is not the balanced approach mentioned by the government, leaning to the left on some issues, leaning to the right on others, and all that to score political points.

I hope the Liberal members opposite are truly convinced this bill will improve society by putting more young people in jail, by

treating them like adult criminals when they are not always fully aware of the seriousness of their actions. I think this is not the way to increase that awareness.

[*English*]

Mr. Scott Brison: Madam Speaker, I thank the hon. member for his question. He has been very articulate and vigilant in speaking passionately about the young people in poverty in Canada and the fact that typically in the House we do not really deal with some of the deeper issues which deal with that reality, as opposed to the perception.

In fairness to the government, this legislation deals with justice. It is very limited in terms of the scope it can take to address some of those issues. We need to spend more time pursuing some of the social and economic policies that can help reduce the poverty and dependence that can lead to it.

• (1815)

It was interesting that he mentioned the issue of natives and the penal system in Canada. The situation exists as well in the U.S. where there is a disproportionate percentage of visible minorities in the penal system. Part of what happens in both countries is a systemic racism that reduces opportunities for minorities. Then there are opportunities through archaic drug laws that create a loophole for people to make money.

If we look at the history of organized crime, or go back to prohibition, typically those who participated in organized crime were of an ethnic background that denied them opportunities in the mainstream. They sought opportunities where they could find them. In some cases those opportunities came to them because the government had laws that did not make sense, whether it was prohibition or the drug law.

Many people feel our current laws on recreational drugs may be particularly tough and do not reduce the usage of those drugs among young people. Instead they increase the number of young people who ultimately end up running afoul of the law. They may be decent people who get caught doing something that is a crime of mischief more than a crime of misanthropy and ultimately are penalized as hardened criminals.

There are a lot of issues to be discussed and I appreciate the hon. member's question.

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Madam Speaker, I have a little question for the member from the Conservative Party, as well as all the members from the Liberal Party.

Bill C-3 contains very dangerous measures. I would like the member from the Conservative Party to tell us what he thinks about two of them: lowering the age limit of young offenders that could be submitted to adult sentences, and releasing young offenders' names.

[*English*]

Mr. Scott Brison: Madam Speaker, I appreciate the hon. member's questions. The difficulty in the limitation of this piece of legislation is that it is justice legislation which has to deal with the problem. Once it has gone too far preventive measures cannot be met.

In terms of lowering the age of accountability there are some reasons this is possibly a positive measure. The idea is not to punish or to incarcerate 10-year-olds. The fact is that in many urban settings organized crime is preying on young people and utilizing some as young as the age of 10 years to pursue crime because it realizes there is a loophole in the law by utilizing young people.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, it is a pleasure to represent the good people of Dewdney—Alouette by entering into the debate on the topic of the youth criminal justice act, Bill C-3.

• (1820)

I would like to start my speech today by talking a bit about the philosophical perspective that underpins this piece of legislation and many, if not all, pieces of legislation the Liberal government brings forward in this place. We in the official opposition have a differing philosophy which is the reason we oppose much of what is in the legislation but not all of it. There are some steps in the right direction.

We must acknowledge that the Liberal government moves forward in some areas that are positive. There are some steps forward in the legislation but many that simply do not restore the balance of the justice system with regards to youth justice as could be provided through this piece of legislation.

We have waited for the legislation for a great deal of time. I believe my colleagues have been mentioning that length of time all day today as being around the 864 days the current justice minister has been justice minister and has talked about bringing in the legislation in a timely fashion. If this is what is called a timely fashion, I would hate to see what length of time it would take if the justice minister were taking her time on something. It is quite amazing it has taken this degree of time to get to this point.

I would like to go back to the underlying philosophical perspective that seems to be apparent in much of the discussion today. The government talks quite a bit about offenders, their background or what may have happened to them which may have caused them to enter into an offence. That is a consideration that needs to be taken into account. That is certainly something we would take into account as well.

The scale seems to be tipped over a bit too far in that direction. The current government is dealing with that rather than restoring the balance within the justice system, which is what we would seek to ask the government to address by putting forward some positive, proactive solutions that we think are missing from the legislation. I will touch on some of those points a bit later.

Apparently it has become important to the Liberal government to get its message out, the communication pieces out about what it is doing. The message may go out that the government is acting on youth justice and is firming up the law to make our streets safer. It seems to be most concerned about getting out that message rather than the actual tool of legislation which will make an impact at the street level on the great concerns of many Canadians in this area and many others.

The Liberal government's main concern seems to be its messaging. If it gets the right spin, if it gets the right story out to enough people, it can garner support by saying it has addressed the youth justice issue, for example. I encourage Canadians to look beneath the surface of not only this piece of legislation but every piece of legislation that comes before the House to see what is their effect and direct impact on people and on the system.

This piece of legislation fails to meet its goal in many different areas. That is too bad. The Reform Party will continue to put forward some positive proactive solutions which we hope the government picks up on. Failing that, we will certainly work hard in every way possible to form a government to put those solutions into place.

Personal responsibility, accountability and consequences are issues that should be at the foundational level of the legislation. If an individual participates in an action, he or she should be held accountable for it. The Liberal government seems to be too quick to excuse the behaviour of people based on their age, their background, their experience or something that has happened to them.

My party would advocate the idea of personal responsibility. Young people should be held accountable for their actions. Our position has been misrepresented by others in this place today. We are not advocating harsh treatment of young people. We are saying that it is harsh to ignore them, not to help them at a very young age, not to include young people in the youth justice system so they can get help and access to rehabilitative processes at a younger age.

● (1825)

My colleague from Kings—Hants mentioned earlier that if we wait too long there is a group of young people that can be exploited by the fact that older individuals can seek them out to participate in illegal activities without any fear of reprisal or fear of being held accountable for the action. That is simply wrong and needs to be addressed but is not addressed in the legislation.

It was mentioned in the House today that we are talking about a small number of young people that choose to participate in illegal activities. I agree that a small number of young people choose to participate in those kinds of activities, but they cause a great deal of damage and harm and are a concern to the public safety. Even though it is a small number, when stacked up against the number of offences that occur it is a concern which we need to address. The Liberal government has failed to clearly address it through the legislation. That is a shame. We will continue to give the government some suggestions and solutions.

I will talk about some things that are happening within my own community of Dewdney—Alouette. In the city of Maple Ridge there is an individual who is very concerned about the youth justice system. She is so concerned about it that many years ago she took the time to go down to the local courtroom and monitor some of the cases involving young people.

The minister responsible for amateur sport is very interested in this discussion and I appreciate his concern. I hope he is taking notes. I would be willing to send him a copy of my speech right after I have finished. I know he would be willing to look at it.

The individual in my riding is named Lola Chapman. She has dedicated a lot of her own time to set up a very innovative and successful court diversion program. It is based on the notion that young first time offenders have an opportunity to go through a diversion program rather than the regular court system.

I know diversion is mentioned in the bill. That is good. It is one tool that can be used to address some very serious concerns about young people. The court diversion program developed by Ms. Chapman has become very effective.

When individuals are referred to the program there is a quick turnaround between the time they commit the offence and the time they come before the youth justice committee. Sometimes it is within a week if not shorter than that. The longest period of time may be two or three months. Rather than having to wait for a court date a year or a year and a half away, this system works quickly and effectively. It has garnered a lot of praise within my own area and could certainly be used as a model throughout the country.

It is a good program because it deals with the issue of personal accountability. There are key individuals within the community who sit on this panel. They include the mayor of one of the cities, the inspector of the RCMP, a lawyer within the community, a school principal and a member of the ministry. It is a good representation of key influential people within the community. Young people have to come before the group and talk about what they did and then some suggestions are made.

I know my time is growing short and I will have an opportunity to speak again. Might I ask for unanimous consent to table this proactive positive solution which outlines the diversion program within my own riding of Dewdney—Alouette so all can see what great work is being done?

The Acting Speaker (Ms. Thibeault): Is there unanimous consent?

Some hon. members: Agreed.

An hon. member: No.

ADJOURNMENT PROCEEDINGS

• (1830)

[*Translation*]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

BILL C-6

Mr. Pierre Brien (Témiscamingue, BQ): Madam Speaker, today, during question period, I asked a question to the Minister of Industry but it was answered by the Minister of Revenue, who is also responsible for the Economic Development Agency of Canada.

It concerned the request made by two Quebec ministers to meet with the Minister of Industry to discuss Bill C-6, which will be superimposed on what already exists in Quebec for the protection of personal information.

There is a law in Quebec that protects personal information, and the Quebec government wants to be heard by the federal government on this issue and express all the fears and objections it has concerning this bill.

By the way, this position is not without support. Several witnesses defended it before the committee. The Quebec access to information commission, the Quebec bar association, the CSN, the Chambre des notaires and the Conseil du patronat all said the same thing, that is, they are very concerned about the impact of this duplication, the problems it will create, when Quebec consumers are probably the best protected of all. After passage of this bill, these people will find themselves in a very muddy situation.

Some things have to be said, and the House should not be misled. The minister has alluded to the fact that there had been discussions between governments and that the federal government had responded to the fears and concerns of the Quebec government.

I have here the correspondence between the Quebec government and the federal government. First, on November 11, 1998, the minister received a letter explaining why there were differences and enforcement problems.

The minister replied. The Quebec government wrote another letter on January 25. This time, two ministers of the Quebec government signed the letter. I do not have time to read it in full, but I will quote at least one part of it.

> With respect to clarity and fairness, as we were saying in our preceding letter, because of the overlap in standards and procedures that Bill C-54, if passed, would give rise to in Quebec, the bill is a step backward. It complicates the life of members of the justice system, it causes uncertainty about the rules and, thus, it penalizes both Quebec businesses and consumers.

Consequently, the minister cannot tell the House that there were satisfactory discussions with the Quebec government, that everything is fine, that we are talking to each other and harmonizing. There is no willingness to harmonize on the part of the federal government.

In its brief to the federal government, the Quebec bar association, in support of the recommendation of the access to information commission, said the following:

> To avoid all confusion and make sure that Quebecers can continue to benefit from a comprehensive system of personal information protection, we submit that Bill C-54 should be amended to say clearly that the federal act will not apply to businesses covered by the Act respecting the Protection of Personal Information in the Private Sector.

That is the Quebec act. The Barreau went even further. It added, and I quote:

> We would go further. To avoid confusion and legislative overlaps and duplications in Quebec, we believe that the bill should include a specific reference to the Quebec act to establish that it applies to areas of federal jurisdiction.

We favoured the reverse approach, that is that the Quebec act should apply to all federal institutions and all federally regulated organizations.

Why does the government want to railroad the bill this week? There is very serious opposition to it in Quebec and also in Ontario. I know that the Ontario Ministry of Health has problems with the bill. Why refuse the meeting? Why not wait before passing the bill?

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General of Canada, Lib.): Madam Speaker, Bill C-6 will provide exemptions for private sector activities governed by the provinces, if one of them has already passed legislation essentially similar to federal legislation to protect personal information.

• (1835)

The Province of Quebec has already passed legislation to protect personal information, legislation that is essentially the same as that

proposed by the federal government. The organizations covered by the Quebec legislation will be exempted from the application of Bill C-6 in the case of transactions taking place entirely within Quebec.

The federal bill will add to the protection provided by the Quebec law for consumers in that province. These laws apply to different activities, and the federal law fills in the gaps in the coverage provided by the Quebec law.

Bill C-6 resolves problems and situations that can simply not be covered by provincial laws, however rigorously they are drafted.

One example might be a company with its head office in Alberta that gathers information on consumers in Quebec. Neither of the provinces is under the authority of the other and therefore a federal scheme is required.

Once Bill C-6 has been passed, the privacy of Quebecers will be the best protected in Canada, since they live in the only province that has enacted legislation to protect personal information in the private sector.

As far as national security is concerned, I would like to repeat what has already been said and that is that the police and government authorities will be able to do no more and no less than they do now.

I think Bill C-6 is good legislation for Quebec and good legislation for Canada.

[*English*]

The Acting Speaker (Ms. Thibeault): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.37 p.m.)

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