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OFFICIAL REPORT
(HANSARD)

Monday, February 23, 2004

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, February 23, 2004

The House met at 11 a.m.

Prayers

● (1100)

[*English*]

BUSINESS OF THE HOUSE

The Speaker: It is my duty to inform the House pursuant to Standing Order 81(14) that the motion to be considered tomorrow during the consideration of the business of supply is as follows:

> That, in the opinion of this House, the Canada Pension Plan Investment Review Board should be guided by ethical investment policies which would ensure that our pension investments are socially responsible and do not support companies or enterprises that manufacture or trade in military arms and weapons, have records of poor labour practices, contribute to environmental degradation, or whose conduct, practices or activities are similarly contrary to Canadian values.

[*Translation*]

This motion, standing in the name of the hon. member for Winnipeg Centre, is not votable. Copies of the motion are available at the table.

PRIVATE MEMBERS' BUSINESS

● (1105)

[*English*]

CRIMINAL CODE

Mr. Kevin Sorenson (Crowfoot, CPC) moved that Bill C-471, an act to amend the Criminal Code and the Corrections and Conditional Release Act (sexual assault on child—dangerous offenders), be read the second time and referred to a committee.

He said: Madam Speaker, it is a pleasure to rise in debate on my private member's Bill C-471. If enacted, the bill would amend sections 752 to 761 of the Criminal Code, automatically making anyone convicted of two or more sexual offences against a child a dangerous offender.

With Bill C-471, the onus would be placed on the individual designated a dangerous offender to provide the grounds or arguments against such a designation.

Furthermore, Bill C-471 would also amend the Corrections and Conditional Release Act, restricting the release of the offender.

Under Bill C-471, the National Parole Board shall not grant parole and shall not grant unescorted temporary absences or statutory release to an offender who has been designated a dangerous offender under section 753 of the Criminal Code, unless the board has first received at least two opinions following thorough psychiatric assessment of the offender. The assessors must be of the opinion that the offender, if released, "is not likely to commit another offence" and "will not pose a threat to persons under the age of eighteen years".

This private member's bill was prompted by the fact that our current laws do not, in my opinion, deal appropriately with those who pose ongoing risks to society, especially those who pose ongoing risks to the most vulnerable of our society, our children.

To illustrate this point, I would like to refer of the case of Walter Jacobson. Over a 40 year period, this sadistic pedophile was convicted 60 times and yet was never classified as a dangerous offender. Jacobson, who is currently incarcerated for a series of sex related crimes in Kingston and surrounding area, including the violent rape of a 16 year old girl, is scheduled for parole in March 2005. The last time this rapist was paroled, he went out and reoffended.

Why was an application designating Jacobson a dangerous offender never made? The offences for which he was convicted in 1999 were convictions dealing with criminal harassment, uttering death threats and making indecent telephone calls to young, teenaged girls.

These offences did not entitle the Crown to seek to designate him a dangerous offender because these particular offences do not carry a maximum sentence or a maximum term of at least 10 years.

Offenders can be designated dangerous offenders, which permits indefinite sentences, only if they are convicted of a serious personal injury offence and they are a danger to the life, safety or the physical or mental well-being of others. The offender must be facing a sentence of 10 years or more to be deemed a dangerous offender.

Jacobson was not designated a dangerous offender because, as one paper said, and I quote:

> —the sad fact is Jacobson isn't the problem. He's the symptom of a justice system that does not know how to deal with repeat child sex offenders, how to rehabilitate them or what to do with them when their sentences are up.

Experts tell us that the least likely offenders to be rehabilitated are those offenders who are sexual predators, especially pedophiles. I will quote another document:

> Repeat sex offenders are more than twice as likely to commit further sex offences, much more likely to violate conditional release conditions and more likely than other offenders to reoffend with a non-sexual offence. However, treatment programs for sexual offenders are sorely lacking.
>
> Financial figures from a few years ago showed the federal government spending approximately $98 million to incarcerate sex offenders and only $2 million a year on treatment programs....It is the norm, when it should be the exception, that convicted sexual offenders return to communities without any counselling or rehabilitation therapy.

● (1110)

I know the Liberal government recognizes and agrees with those findings regarding sex offenders because the statements I just finished reading were statements from an old document entitled "Liberal Perspective on Crime and Justice Issues". It comes straight from a Liberal document.

The information given was fully supported by a number of studies that repeatedly indicated that sex offenders had one of the highest recidivism rates of any criminal group. An estimated 40% of sex offenders go out and reoffend within five years.

As well, research indicates that offender treatment programs have shown limited results. In fact, practitioners in the field of sex offender treatment do not claim to cure the sex offender but would rather suggest that they would do their best to risk manage the offender.

In light of that information I would strongly suggest to the House that if we are going to err at all we should err on the side of caution. I believe that when there is any doubt at all that pedophiles will reoffend, we need to keep them incarcerated and behind bars. The only way we can achieve this measure of protection, protection for the most vulnerable members of our society, is to automatically make all those convicted of two or more sexual offences against a child to be automatically deemed dangerous offenders.

Another case to illustrate my point and substantiate the need for the legislation is that of Karl Toft, a name that is well-known in the country. Karl Toft, who perhaps is Canada's worst ever pedophile, was released over a year ago into a halfway house in Edmonton after serving 11 years of a 13 year sentence in prison.

After his arrest in 1991, Toft denied abusing boys over the 20 year stint that he was a guard at Kingsclear Training School in New Brunswick. However, later, when much came to light, he plea bargained a deal for a 13 year sentence, pleading guilty to 34 charges that included sexual interference, sexual assault and buggery.

As the years passed, Toft's count of victims rose. It rose to 80 victims and then to 100, 150 and finally to 200. However to date 233 compensation claims for sexual and physical abuse have been settled since Toft's incarceration. One victim believes that the 233 cases are only the tip of the iceberg, claiming that that this sadistic pedophile, Karl Toft, abused approximately 700 young wards of the province. Yet Karl Toft, who is scheduled for full parole in the very near future, has never been deemed a dangerous offender. That is a sad indictment on our system.

Another pedophile who has never been deemed a dangerous offender was Martin Dubuc of Laval, Quebec. This career sex offender was first convicted in 1986 for molesting boys on a hockey team that he coached. After serving his time in prison he did not let a lifetime ban on coaching in Quebec stop him. He simply changed locales, changed communities and became a coach and eventually president of a minor hockey association in southwest Montreal. This individual then slithered his way into the school system becoming a substitute teacher until he was arrested and pleaded guilty to threatening several boys aged 10 to 13.

● (1115)

The case of Dubuc is but one chilling example of how predators with long criminal records weasel and worm their way into positions of trust and authority solely for the purpose of bringing harm and victimizing children. The only way to stop these sadistic predators is to ensure they are held behind bars and that the protection of society remains our guiding principle.

How many more children will be victimized before the government takes account? How many more children will be victimized before the government wakes up and does something about repeat offenders like Karl Toft, Walter Jacobson, Martin Dubuc, Clifford Olson and Paul Bernardo, all of whom have never been deemed dangerous offenders? It is amazing.

How many more children's lives will be destroyed before the government realizes that there is only one way to keep our children safe? Repeat child sex offenders should be incarcerated indefinitely until there is absolutely no doubt or very minimal risk to putting them back out on the streets.

I implore all members on all sides of the House and in all parties to support my private member's bill which is without precedence.

Recently voters in a Swiss referendum backed the introduction of what is being deemed one of Europe's harshest laws on violent criminals and pedophiles. Under the proposals it says that "extremely violent and dangerous criminals who cannot be treated successfully with therapy" would be locked away for life "unless scientific findings show they have been cured or are no longer dangerous".

In Switzerland the referendum vote was actually initiated by a victims' support group called Light of Hope which was founded by two sisters, one whose daughter was abducted, raped, choked and left for dead. However, under the Swiss system of direct democracy, anybody can initiate a referendum as long as the proposals do not violate the law. What has to happen in Switzerland is that there has to be a petition or a referendum made and 100,000 signatures have to be collected within 18 months.

Although some legal experts have argued that the proposal may violate the European convention on human rights if the laws were strictly interpreted, the sisters went out and collected 195,000 signatures from supporters of the law.

I would argue that what I propose may be similar in nature. I argue that this would be well accepted by the Canadian public, and I also would argue that it would withhold any type of challenge.

I would say that for the sake of the children, of society and the safety and security within our communities, we should support this type of legislation and this bill. I again ask all members of the House to support and vote for this bill, a bill that is solely for the purpose of keeping our children safe.

● (1120)

Hon. Eleni Bakopanos (Parliamentary Secretary to the Minister of Human Resources and Skills Development (Social Economy), Lib.): Madam Speaker, I have often heard the members of the Alliance speak in the House and continuously tell Canadians who are watching about the most heinous of cases. If that is their way of ensuring that the children in our society are protected, it is a round about way of getting to the point in my opinion.

How does the member think that bringing out the most heinous cases, thus assuring there is fearmongering in our society, is the way to protect our children? I have two children. The way to do it is to make sure the predators, when they were children, were not victims of the same types of acts. These criminals did not appear out of nowhere. They obviously were children and had families. Most of them, from the research I have done, were abused when they were young. They ended up living a life of abuse and crime, and in the end we are asking to put them away forever.

Yes, it has been proven that most of them are not able to get away from sexual fantasies and being the predators that they have become. There have been laws passed in Canada in recent history. I was a parliamentary secretary in 1997 when we adopted other private members' bills and other legislation to ensure that the courts have the authority to put away the most horrendous of these criminals.

I do not see anything in the legislation before us that assures me, from what the hon. member has said, besides the fearmongering, that our children will be safe in our society. He has not convinced me of that.

What more is in the legislation that will ensure that there will not be more of these sexual predators in society? I believe we have to start with prevention, instead of at the other end.

Mr. Kevin Sorenson: Madam Speaker, I certainly did not attempt to stand in the House and only fearmonger. When I say that a person like Clifford Olson is not a dangerous offender, it is not to fearmonger, it is a fact. When I say that Paul Bernardo, as horrific a crime as he was involved in, is not deemed a dangerous offender, I think the Canadian public wonders why not?

I have laid out our approach. We have simply said that when someone has committed two sexual offences against a child, that we automatically deem him a dangerous offender.

The member said that we leave it up to the courts. I believe, in many cases, we would question the courts but how do we hold the courts accountable? The Conservative Party and our party have said in the House before that protection of society needs to be the number one guiding principle in our criminal justice system.

We heard from the member today the Liberal approach. She said that these people have been victims themselves when they were growing up and they need help and therapy. I agree with her. Part of having someone deemed a dangerous offender is that they will be put in prison. If they were to have that dangerous offender status removed, they would have to go through treatment programs.

We have individuals right now who are incarcerated and who have refused treatment. Karl Toft is a prime example of someone who has refused treatment. We are not helping the children.

When we allow these offenders to get out and be pushed back on to the streets without treatment programs, without going through counselling in prison, we are doing them no favours. If we really believe we can help them while they are incarcerated, we need to ensure that if they are to get parole they can show that they have taken the treatment programs.

I believe the Liberal way of doing this is hurting the children, our society and the offender. This is the Liberal approach. We can see it in other ways with drug addicts. Instead of saying that we need more detox centres and more help for individuals on hard drugs, what are the Liberals throwing at society? They are throwing safe injection sites; they are throwing heroin maintenance clinics because heroin is dirty on the streets, so let us give out clean heroin; and they are throwing needle exchanges. They have really bought in to a defeatist attitude. I would ask them to correct that today.

● (1125)

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am pleased to speak to Bill C-471, an act to amend part XXIV of the Criminal Code regarding dangerous offender designations and the Corrections and Conditional Release Act, introduced by the hon. member for Crowfoot.

The objective of the bill is to jail indefinitely anyone convicted for a second time for any one of three specific sexual offences against a child under the age of 18: section 271, sexual assault; section 272, sexual assault with a weapon, threats to a third party or causing bodily harm; and section 273, aggravated sexual assault.

The bill would require new criteria for these specific offenders to be granted parole, specifically requiring at least two psychiatric assessments indicating the risk posed by the offender, and with both assessments indicating that there was no risk of reoffending.

The bill proposes to meet these objectives by amending the dangerous offender provisions of the Criminal Code, specifically section 753, regarding the establishment of new mandatory criteria for judges to consider in dangerous offender applications against this specific group of offenders. The bill would add a new provision to the Corrections and Conditional Release Act establishing mandatory criteria parole hearings regarding these specific offenders.

I commend the overall objective of the bill of enhanced security for children from sexual predators. I do not think anybody in the House would do otherwise. As stated in the Speech from the Throne earlier this month, this is also a priority of the government and has been for the past decade.

However, I do not believe that the bill would accomplish what it is setting out to do, that is, to enhance child safety. I would like to examine how the scheme proposes to operate and in so doing clearly demonstrate why I believe it simply will not work.

The heart of the bill is the proposal to amend section 753 of the Criminal Code. This particular provision defines the criteria that a judge must consider to designate a convicted offender as a dangerous offender. The proposal in Bill C-471 seeks to dramatically change the way a particular class of offenders is designated as dangerous offenders.

This proposal would make dangerous offender designations automatic where the defendant has had two or more convictions for the enumerated sexual offences where the victim was a person under the age of 18. That is what the member for Crowfoot indicated when he introduced his bill on October 6, 2003, and again this morning in his speech.

I must submit that I have serious concerns about this proposal. The bill says quite clearly that individuals convicted of a sexual offence listed in subsection 752(b) where the victim was under 18 years of age is subject to this new provision if they had a previous conviction under the same offences. Again, these offences are for sexual assault, committing a sexual assault while carrying, using or threatening to use a weapon, and aggravated sexual assault.

As I understand it, these specific offences are currently listed in subsection 752(b) in order to define the term "serious personal injury offence". I note that these provisions are there to do exactly what the member for Crowfoot wants, that is, to make dangerous offender designations against sexual offenders easier. It seems to me that it is working.

At last count, of the 200 designated dangerous offenders since the last major revision to part XXIV, proclaimed August 1, 1997, over 90% of the designations were for sexual offences, and the vast majority were for the three listed offences, I believe about 80%. I would also point out that the Crown success rate for such applications is extremely high, over 90% in most provinces.

Right now there are over 340 dangerous offenders in the corrections system. Of those, over 90% are sexual offenders. About 80% of sexual dangerous offenders are there because of a section 271, 272, or 273 offence. Clearly, the current provisions are hitting the mark. These are the offenders that the provisions target and with great success. The bill seems to imply that this is not good enough.

Under the current provisions, one of the prerequisites for making a dangerous offender designation is that the defendant must have committed a serious personal injury offence with the criteria being defined in subsections 752(a) or (b). That is, if the offence was one of the listed ones in subsection 752(b), then no further inquiry by the court would be needed regarding the serious personal injury offence requirement.

● (1130)

The court must then turn to the test outlined in subsection 753(1)(b). This requires the court to satisfy itself that the Crown has met the prerequisites of proving that the individual, by his conduct, has shown a failure to control his sexual impulses and, further, that there is a likelihood that he will cause injury, pain or other evil to others in the future as a result of his failure to control his sexual impulses.

I would emphasize that the prerequisites for a dangerous offender designation for individuals convicted of the listed sexual offences are already significantly less stringent than for all other offences. Specifically, I would point out that if the Crown were to seek a dangerous offender designation for an offence other than the three mentioned in subsection 752(b), the first step for the Crown would be to meet the burden of establishing that the offence was a "serious personal injury offence" as defined in subsection 752(a).

This would require, first, that it be an indictable offence with at least a maximum penalty of 10 years and, second, the Crown must prove, under subsection 753(1)(a), that the offender constitutes a threat to the life, safety or physical or mental well-being of other persons. Subsections (i) through (iii) provide the criteria which the court would use for making such a determination.

I make these points and I know they are technical, but they are important points. I make these points to clearly demonstrate to the House that part XXIV of the Criminal Code already makes dangerous offender applications against individuals committing the listed sexual offences easier than non-sexual offenders. That is not in fact my primary concern with the bill. Far from it. My real concern lies with the mandatory imposition of the dangerous offender designation.

I would draw the attention of the House to subsection 753(1), which states that the court may impose the dangerous offender designation on the offender if the Crown satisfies all of the criteria I have mentioned above. This is the same for both categories of offenders, the designated sexual offenders and all others. This wording provides the court with discretion on whether to impose the designation. It is there for a reason and that reason is critical to the constitutionality of this provision.

When we lock up any individual, we are depriving that individual of his or her liberty, but we do so for specific reasons and we only do so where we provide due process and protection of fundamental rights of the individual. Since 1982 that right has been clearly entrenched in the Constitution by section 7 of the Charter of Rights and Freedoms. I would point out that even before 1982 those fundamental rights existed and were in fact vigorously protected by the courts.

Since 1982 that right has been codified and entrenched. The Supreme Court of Canada has had a lot to say about how section 7 interplays with the desire to protect society from habitual and violent offenders. The leading cases on this are the decisions of the Supreme Court in Regina v. Lyons 1987 2 S.C.R. 309, and more recently Regina v. Johnson, 2003 S.C.C. 46.

In Lyons, the court made it clear that Parliament could indeterminately imprison offenders in order to protect Canadians from harm, but if and only if the charter rights of these individuals were protected. In Regina v. Johnson, the Supreme Court reviewed the provisions as they are now and again found them to be constitutional. However, it emphasized, as it did in Lyons, the importance of the discretionary aspects of the provisions as a fundamental method to ensure that the rights of these offenders were protected.

Both of these cases provide an exhaustive examination of the constitutional viability of part XXIV, both before and after the 1997 changes. Both cases emphasize the discretion afforded the courts in refusing to impose a dangerous offender designation as a critical aspect of the viability of the scheme.

The bill before us today simply goes too far. It says that the court shall have no discretion and if there are two convictions it is automatic. I simply cannot support the bill regardless of the laudable objectives—and I know my colleague has put a lot of work into the bill—of protecting children. I simply do not believe the courts would uphold it. It would be irresponsible to amend the Criminal Code knowing that it would be unconstitutional. Along with the fact that part XXIV already successfully targets these specific offenders, I submit that this proposal does not merit the support of the House.

● (1135)

In theory we must envision the constitutional aspect. The Constitution is real and not just theory. The constitutionality of our laws is very important.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Madam Speaker, it is with great pleasure that I speak on behalf of the Bloc Quebecois on Bill C-471, tabled by my colleague and friend from Crowfoot. The bill will amend the Criminal Code and the Corrections and Conditional Release Act (sexual assault on child—dangerous offenders).

The objective of the member for Crowfoot is to substantially toughen up the legal framework with respect to sexual offenders who assault children.

Members from all parties in this House know how passionate and determined I am about protecting young people, especially children. As you know, Madam Speaker, I have had the opportunity to express my point of view many times, including during the last session, during consideration of Bill C-20 to protect children and other vulnerable persons from sexual exploitation, which resumed last week with Bill C-12.

I cannot emphasize enough how preoccupying the safety of children can be. As legislators, we have the moral obligation to make such protection the best and most effective possible. All victims of sexual exploitation end up deeply affected and scarred for life. This is especially true of children.

Children are the people who are dearest to us, of course, but they are also the most vulnerable. It is our moral, political and philosophical duty, and our human responsibility as legislators who make the laws that apply in cases like this, to provide and ensure that these dear little ones, these children and grandchildren we all have, are protected as effectively as possible.

Seen in that light, the bill before us this morning takes on particular importance and requires the utmost vigilance regarding its legislative objectives. I remind the House and those listening to us that this text amends the Criminal Code to provide that, if a court is satisfied that an offender has had two or more convictions involving sexual assault on a child, the court must find the person to be a dangerous offender unless the offender can satisfy the court that he or she should not be so designated.

Thus, we are faced with a serious reversal of the burden of proof. As a lawyer myself, I am particularly reluctant to support such a provision. Nevertheless, I sincerely believe that the safety of children should take precedence over the rights of a known criminal, and that, because of this, the proposal by the hon. member for Crowfoot should be further studied by the Standing Committee on Justice.

I want to emphasize this part of the position of the Bloc Quebecois and to qualify our support for the bill, because of a decision by the Supreme Court in R. v. Johnson. A judge would be obliged to declare a defendant a dangerous offender without having to do a case-by-case analysis.

In this, there is a risk of overzealous action that I, as an individual, am ready to assume. But as a legislator, I cannot ignore this reality. Therefore, I suggest that we also examine this important and contentious element in greater depth in the Standing Committee on Justice and that we ask witnesses and experts to appear before the committee.

● (1140)

The bill will also amend the Corrections and Conditional Release Act in order to severely restrict parole in certain cases. Under our colleague's bill, anyone designated a dangerous offender, under the circumstances I indicated earlier, would not qualify for parole, unescorted temporary absence or statutory release unless no fewer than two independent psychiatrists are of the opinion that the offender is not likely to reoffend or pose a threat to children.

This major statutory amendment deserves very close consideration. I still believe that the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness should hear from a number of witnesses and experts so that it can reach the most equitable conclusions possible.

Given the importance the Bloc Quebecois accords to child protection and the protection of all members of our society, we will support Bill C-471 at this stage. On several occasions, I mentioned the importance of strengthening the legal framework with regard to sexual predators and child abusers. The Bloc Quebecois' stand on this is extremely consistent and has sound reasoning behind it. Our support for this bill at second reading is based on this. This responsible attitude also requires that the legal framework be adequately, but carefully, amended.

Consequently, I invite my colleagues in the Bloc Quebecois and the other parties to support Bill C-471 at second reading, but I want my colleague from Crowfoot and the other members to note that this support is not without reservation. We will have to re-evaluate our position on this bill in accordance with the work of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

I assure my colleague of my utmost cooperation in this important work, which I hope will be done in committee, because our number one priority when debating such a bill is, naturally, the protection of the children we hold so dear.

[*English*]

Mr. Randy White (Langley—Abbotsford, CPC): Madam Speaker, I would like to make a number of comments on Bill C-471, which gives dangerous offender designation to individuals with two or more convictions. It is high time we look seriously at this. I am glad to see the Bloc is looking at it very carefully as well.

It is unfortunate the government is taking the position it is. If I heard the members right, their concerns are somewhat concerning in and of themselves. Scaremongering was mentioned, and it is a standard comment from them when they do not like what they hear about what goes on the courtrooms. That is unfortunate because some of the examples put forward my colleague, the member for Crowfoot who developed this bill, were absolutely accurate.

Some individuals in my riding are not necessarily nationally renowned for their misdeeds, but they have created some serious problems, and I will mention one of them. This is not in any way shape or form scaremongering. It is reality in our communities. Perhaps some of the folks on the opposite side have similar concerns, but it does not appear so.

Also, another government member said that this went too far. This does not go too far at all. In fact it gives a very reasonable approach to something that is a growing concern in our country.

The bill actually does something else that I like. It does not provide release provisions for serious sex offenders. We do not see UTA and ETA, that is unescorted temporary absence or escorted temporary absence, or parole. We do not see these people out on the street. When they are out on those types of releases, that is usually when the second, third and fourth crimes occur.

One wonders what one is supposed to do when constantly we hear about repeat offences from sex offenders who are the most difficult to rehabilitate. It is well known that better than 40% of sex offenders recommit other crimes. What is one to do if we cannot keep them inside? Continuously releasing them time after time creates more victims. These individuals go back into the pen and they wait for their time to get out. They go before the parole board and give what I call "the big four": that is, the reasons why they should get out such as, "I found Jesus, "I have a woman", "I am sorry for what I did", "I have taken all the courses and now my time is coming up so let me out".

That is exactly what happens in a parole board hearing. The unfortunate part is that these individuals do not have to take any courses. They do not have to do anything in prison. They can sit there and wait until their time to get out.

In fact not too long ago I was in a sex offender's cell in one prison. I found all four walls and the ceiling coated with pictures of women in various poses of pornography. I could not even see the paint on the walls or ceiling. Now this individual is probably out again and has probably reoffended. My colleague is trying to prevent that kind of scenario.

I want to talk for a moment about something that I suppose colleagues across the way will say is fearmongering, which it is not. It is reality in my community. I want to talk about James Armbruster who had 61 prior convictions. One of those convictions was raping his grandmother. James Armbruster, who I believe was 45, had been out time and time again. Every time he was released, he damaged somebody else's life. Imagine how many times he has done that. He has had 61 convictions against him.

Not too long ago he went from maximum to a community release centre. He did not cascade down to medium and minimum. He was released directly to a release centre. He was there six days, walked out of the system, sexually assaulted a lady and robbed a store.

● (1145)

When I went to the courtroom to listen to the hearing, I could not understand why crown counsel would not bring a dangerous offender designation for this individual. I found out later that they were too darn busy. They had a lot of files, a lot of things to do, which took a lot of time, and they felt he would likely go in for a long time this time. That was conviction number 63.

As it turned out, because of the complications of the law today, this individual, who was incarcerated, was out on a form of release and his full sentence, his warrant expiry, was not up, so the crime that he had newly committed got tacked onto the crime for which he was currently committed. Therefore, he received virtually no extra time. He will be out very shortly. He will be on my streets and he will commit another crime.

Surely, after 20 convictions, one would think the lawyers and judges would probably say that they should stop that. After 30, 40 or 50 convictions, one would think someone would say that we could not continue to allow the person to get out of prison. After 61, now 63 convictions, we will still let him out. This fellow is a dangerous sex offender. He will repeat his crime. My colleague is trying to prevent that.

This is not an isolated case. I could go through a litany of stories like this, having seven federal prisons, unlucky for us, in the immediate area. I know my colleague from Red Deer has a case like this or more. Colleagues in the House, every one of us, have cases like this.

We have to decide how we are going to stop it. Simply leaving it up to the courts will not get the job done. It is much like a sentencing grid today. The reason why people want sentencing grids is because the job is not getting done in the courtroom. We want some way of directing the courts as to what should happen to offenders, in particular, sex offenders.

Bill C-471 is well worth supporting. I think every one of us in the House could stand and give an example of it, and it is not fearmongering. It is the reality out there. It is not going too far. It is going to the distance where we have to protect society and not the sex offender.

We are running out of options. There are far too many sex offenders walking our streets and far too many going back into prison and going through the roundtable of law courts just because we are letting them out time and time again.

In conclusion, even with the national sex offender registry, for which I wrote the legislation, we ended up in the House with the government giving options for that. Even though someone commits a designated sex offence, the government wants to leave open options for the crown to apply, for a judge to use discretion and for criminals to appeal the fact that they will be put on a sex offender registry. Bills like C-471 are coming forward because the options do not work. They work in favour of the offender. What we are working toward are laws that favour the law-abiding citizens in our country.

I ask the government to have another look at this because I am sure that people on this side, the opposition, are all pretty well in support of it.

● (1150)

I might add this. There is an election coming pretty soon, and people like my colleague from Crowfoot and I and many other justice individuals like us in the House are going to make sure things like this do get into law, so it is one way or the other. How about it?

[*Translation*]

Hon. Eleni Bakopanos (Parliamentary Secretary to the Minister of Human Resources and Skills Development (Social Economy), Lib.): Madam Speaker, I appreciate this opportunity to take part in the debate on private member's Bill C-471 introduced by my colleague, the hon. member for Crowfoot. As has been previously mentioned, the purpose of this bill is to protect children from repeat sex offenders. This protection is to be enhanced by amending the sentencing provisions in the Criminal Code.

Obviously, our government is just as concerned as the Canadian public about protecting our children from sexual predators. But as for the arguments that the courts of this country are too soft on these offenders, that their current sentences are not severe enough, that sex offenders ought to have their basic rights withdrawn, that these predators get released without any concerns about children's safety, I have been hearing them for years from the other side of this House. They may get great press coverage, but they do nothing for public safety, as I have already said.

The Criminal Code states that the fundamental purpose of sentencing is "to contribute to respect for the law and the maintenance of a just, peaceful and safe society". The objectives of sentencing in the Criminal Code include denouncing unlawful conduct, deterring those who would commit offences and promoting a sense of responsibility in offenders in acknowledging the harm they have done to victims and to the community. The most vulnerable victims in our society are our children, as has already been said.

Canada is totally opposed to the use of draconian measures like the death penalty or the various forms of "three strikes and you're out" legislation, which would call for life sentences with no chance for parole. Our legal system has always respected the discretionary power of judges to adapt their sentences to the severity of the offence, the offender's behaviour, and the risk that offender poses to society.

A judge who has taken into consideration all the facts and all the testimony on the circumstances of the offence and the situation of the offender is in a better position than the members of the opposition to bring down a sentence that is appropriate to each case.

● (1155)

[*English*]

The recent Speech from the Throne confirmed that the protection of children continues to be a key priority for the Government of Canada. As a part of this renewed commitment to protect children from sexual predators, the government has reinstated the former Bill C-20, now Bill C-12, regarding the protection of children and other vulnerable persons.

This legislation proposes criminal law reforms that would provide increased protection to be given to children against abuse, neglect and sexual exploitation. It would strengthen the child pornography provisions by broadening the definition of written child pornography and narrowing the existing defences to one defence of public good.

Bill C-12 would also create a new prohibited category of sexual exploitation of young persons resulting from the existence of such factors as the age of the young person, the difference in age and the degree of control or influence exerted over the young person.

Bill C-12 would increase the maximum penalties for offences against children and would make the commission of an offence against any child an aggravating factor for sentencing purposes. It would also facilitate testimony by a child and other vulnerable victims and witnesses.

These changes would build upon amendments that have been in force since July 2002 for protecting children from sexual exploitation through the use of new technologies. These amendments addressed the communication of child pornography through the Internet and created a new offence of luring that made it illegal to communicate with a child on the Internet for the purpose of facilitating the commission of a sexual offence against the child. The changes also simplified the procedure to prosecute Canadians who sexually exploit children in other countries.

Another example of our focus on the protection of Canadians from sexual predators is the reinstatement in the House of Commons of former Bill C-23, now Bill C-16, the sexual offender information registration act, as was mentioned by my hon. colleague who first presented it in the House. That proposal seeks to establish a national sex offender registry requiring sexual predators to report to police agencies on an annual basis, which will allow rapid police investigation through an address searchable database. Under the proposal, failure to register would be a Criminal Code offence with serious penal consequences.

The February 2 Speech from the Throne also indicated a new commitment by the government to do more to ensure the safety of children through a strategy to counter sexual exploitation of children on the Internet. Under the lead of the Minister of Public Safety and Emergency Preparedness, we are working with our federal, provincial and territorial, private sector and international partners in the development of a strategy to coordinate and enhance our efforts to counter child sexual exploitation on the Internet.

Certainly I would be remiss if I did not point out that in 1997, when I was the Parliamentary Secretary to the Minister of Justice, the dangerous offender provisions of the Criminal Code were amended to toughen up the provisions against the most violent sexual predators.

The private member's bill before us today seeks to amend these provisions to go after repeat sexual offenders against children. Really, that is exactly what the 1997 amendments did. Individuals who are declared dangerous offenders by the courts are now subject to a mandatory indeterminate sentence. The 1997 amendments also included a provision that permits judges to impose a long term offender designation resulting in up to 10 years of community supervision after serving a penitentiary term.

● (1200)

[*Translation*]

Moreover, in 1997, we also toughened up the conditions for recognizance under section 810, particularly by adding section 810.2, a new category dealing with serious personal injury offences. Section 810 has been very useful to the police in protecting vulnerable persons—even when there was no conviction, or even charges against a potential sexual predator likely to attack children.

I would also like to say a word about the 1993 Criminal Code amendments that created a potentially life-long order of prohibition, prohibiting convicted sexual offenders from frequenting daycare centres, schoolyards, playgrounds, public parks and swimming places where children are likely to be seen.

The order also prohibits these offenders from seeking or continuing any employment, whether remunerated or volunteer, in a capacity that involves being in a position of trust or authority. Another provision was added to permit an individual to obtain a peace bond—a protective order lasting up to a year—if he or she fears that another person will commit a sexual offence against a child.

[*English*]

In closing, I want to insist that all efforts have been made in order to protect Canada's children.

[*Translation*]

While recognizing the validity of the concerns of the hon. member for Crowfoot with respect to sexual predators on children, I simply do not believe that his proposal would improve the existing provisions.

Moreover, the latest reforms now before Parliament will translate into changes in our laws to give our children even better protection.

[*English*]

We also are doing everything we can for the safety of Canada's children. It is for the sake of our children that we have to stop scaring them with the worst, most heinous crimes cited in the House. In fact, sexual predators are not the majority of criminals but the minority, and thank God that is the case.

The Acting Speaker (Mrs. Hinton): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

CONTRAVENTIONS ACT

The House proceeded to the consideration of Bill C-10, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act, as reported (with amendment) from the committee.

[*English*]

SPEAKER'S RULING

The Acting Speaker (Mrs. Hinton): There are seven motions in amendment standing on the Notice Paper for the report stage of Bill C-10.

Motions Nos. 5 to 7 will not be selected by the Chair as they could have been presented in committee.

Motions Nos. 2 and 3 will not be selected by the Chair as they were defeated in committee.

As well, Motions Nos. 2, 3 and 6 have not met the notice requirement pursuant to Standing Order 76(2).

All remaining motions have been examined and the Chair is satisfied that they meet the guidelines expressed in the note to Standing Order 76(5) regarding the selection of motions in amendment at the report stage.

Motions Nos. 1 and 4 will be grouped for debate and voted upon separately. Motions Nos. 1 and 4 shall now be proposed to the House.

● (1205)

MOTIONS IN AMENDMENT

Hon. David Pratt (for the Minister of Justice) moved:

That Bill C-10, in Clause 3.1, be amended by replacing lines 12 to 23 on page 2 with the following:

"trieval system maintained by the Royal Canadian Mounted Police, or any other law enforcement information system maintained by an organization that has a law enforcement role, and who knowingly discloses to a foreign government, an international organization or a person who acts in the name or on behalf of such a government or organization information contained in that system respecting an offence referred to in subsection 4(5), (5.1), (5.2) or (5.4) or paragraph 7(3)(a) of the Controlled Drugs and Substances Act, is guilty of an"

That Bill C-10, in Clause 9.1, be amended by replacing lines 1 to 8 on page 7 with the following:

"9.1 (1) Within three years after this section comes into force, the Minister shall appoint one or more persons to carry out a comprehensive review of the provisions and operation of this Act.

(2) The review shall be completed and a report of the review submitted to the Minister within one year after the appointment referred to in subsection (1).

(3) The Minister shall have a copy of the report laid before each House of Parliament on any of the first 30 days on which that House is sitting after the Minister receives the report."

Mr. Randy White (Langley—Abbotsford, CPC): Madam Speaker, I was going to call a point of order on that but I trust we are still speaking here about four amendments to the bill. I had better call a point of order on this before I start my time, Madam Speaker. I understand that there are four amendments to the bill. I would like confirmation from the Table, please.

The Acting Speaker (Mrs. Hinton): There are in fact two amendments to this bill. If it is helpful, I would be happy to read the first portion again.

There were seven amendments submitted and only two have been selected. If you would like me to repeat it, I will.

Motions Nos. 5 to 7 will not be selected by the Chair as they could have been presented in committee.

Mr. Randy White: Madam Speaker, I was concerned about the motion to allow the bill to be reviewed within three years. I understood that amendment was still in there and it was agreed to by the committee as well.

The Acting Speaker (Mrs. Hinton): If you would like further clarification, you might be more comfortable speaking to the clerks at the table. They may be able to answer some of those questions more thoroughly for you.

If you require clarification, I could move on in the speaking order and come back to you.

Mr. Randy White: Madam Speaker, I wonder if we could just suspend sitting for a moment until we sort this out.

Of the four amendments that I am referring to, I do not know how two of them got removed. I think we do have to know that before we speak to it. I am not trying to play games; I just want to make sure it is right.

The Acting Speaker (Mrs. Hinton): We will suspend sitting for a moment or two.

SUSPENSION OF SITTING

(The sitting of the House was suspended at 12:09 p.m.)

● (1210)

SITTING RESUMED

(The House resumed at 12:14 p.m.)

The Acting Speaker (Mrs. Hinton): Resuming debate, the hon. member for Langley—Abbotsford.

Mr. Randy White (Langley—Abbotsford, CPC): Madam Speaker, I have so much to say and only 10 minutes in which to say it. There are several things that must be pointed out here.

The question is why Bill C-10 is before the House now. I suppose it is to try to take the focus off the government's stealing antics, of taking money from the public. I think the other reason it is here is to take the focus off the national drug strategy, which there really is not one. Here we are trying to do a little bit of a national drug strategy and we are not doing a good job of it.

I will provide a quote from the *Ottawa Citizen*. The Prime Minister said:

I think one's got to take a look at the fines, I think that you have to take a look at the quantities and I think that there has to be a larger effort against the grow ops and those who distribute it.

The heading of this article is, "Marijuana bill will be back, but stronger: Martin favours higher fines than Chrétien's version".

The fact is that virtually nothing has changed. The new Prime Minister has tabled in the House virtually the same bill that was tabled before. Nothing has changed. We were told that something would be better in this bill and it is just as bad as it was before.

I also want to remind everyone that we are talking about a harmful substance. Before I get into the bill itself, I want to provide the medical evidence of what marijuana does.

Marijuana has a strong addictive capacity. This is emerging more and more in research and it is obvious for many marijuana users. Marijuana clearly impacts school performance and developmental trajectory. The American Academy of Pediatrics has warned of the possible effects of marijuana on the developing fetus, especially in the parts of the brain responsible for attention and memory. Marijuana has the same effects on the respiratory system as tobacco. Marijuana impairs motor functions. Estimates suggest that up to 15% of fatal motor car crashes involve marijuana.

The use of marijuana as medicine is highly questionable. Research has not demonstrated clear and unique benefits. Even Holland has refused to legalize marijuana for medical purposes.

This is the product we will be talking about throughout the whole debate. I want people to know that we are not talking about a substance that we want to give a green light to in this country.

The Prime Minister suggested that he would change the bill. I want Canadians to know what is not in Bill C-10.

Bill C-10 sends the wrong message to Canada's youth. Penalties for the production of marijuana have actually decreased from the current legislation where 25 plants or less are found, when they should have increased. Fines for growing the plants were decreased even further at committee stage for amounts under three plants.

Having a lighter fine for young people than for adults sends the wrong message. On one hand the Liberals are saying they are trying to prevent youth from using drugs and on the other hand they are effectively eliminating any real penalty for them to do so.

I also take note that no resources have been provided for police to crack down on organized crime that is profiting from lax enforcement. Nothing has been done in that area.

The fines set out in the bill are much too low and do not increase for subsequent offences. In other words, if a person is caught once or 30 times it makes no difference, the fine is the same. That is a major flaw in the legislation. Repeat offenders should always pay tougher consequences for their crime.

● (1215)

The whole idea about a national drug strategy is interesting. We started out with the drug committee of the House of Commons, although it was biased, and we can appreciate that, from the government's point of view. We wanted a national drug strategy. We do not have a national drug strategy. What we got is a government throwing out this idea of decriminalizing marijuana and leaving it at that. No proceeds of crime legislation has been advanced, or put into this legislation, or amended along with this legislation.

I have just dealt with one case and there are thousands of cases like it. The individual came from another country and has been on welfare since the day he got here. He got caught in a grow op. We found out that he owns three houses. How does one person who has been here for nine years on welfare own three houses? It is from proceeds of crime. The houses should be removed from the individual under the tax act or any other legal means and used for drug rehabilitation or some other facility. That was not advanced in this legislation.

No provision has been put forward in this bill to deal with the damages done to houses and other facilities as a result of grow ops.

What really irritates me about this more than anything is the fact that I am talking about marijuana legislation and there is not one single Liberal sitting in the House. That is really irritating. I have to say there is something wrong in this country when we are debating an extremely important bill and not one Liberals is sitting over there.

● (1220)

The Acting Speaker (Mrs. Hinton): I understand your frustration but you are not allowed to refer to how many people are or are not in the House.

Mr. Randy White: Madam Speaker, I know I am not allowed to say it, but I said it to bring to the attention of the Canadian people what is wrong on the other side.

No legislation has been developed to curtail financial institutions from funding mortgages relating to grow ops. That is happening in this country. I know there is one particular financial institution in this country that has funded up to 400. There is something wrong with that.

No coordination exists between provincial welfare departments and federal authorities of people on welfare having marijuana grow ops and making a lot of money that is non-taxable. If anyone thinks there are not that many, I have a list of individuals who are making money like that.

No commitment has been obtained from the judiciary to increase penalties within the limits set out in the bill or to follow the established possession guidelines. In other words, the government is going to tell us, and we will hear about this in a few minutes, that it is toughening up the penalties for grow ops. Wait for that comment. What the Liberals are saying is that the maximum penalty will be increased but there is no minimum penalty. There is not a courtroom in this country today that is giving the maximum penalty for marijuana grow ops or for crystal meth labs for that matter.

Time and time again people are getting caught with a $200,000 to $400,000 grow op and are getting a $1,000 fine. That is non-taxable money. If the government says that it is toughening up on those penalties, it is absolutely wrong. I have here a litany of cases of judges that are basically letting people off.

No provisions have been made to deal with the increasing toxicity of the THC content itself in marijuana. What the government is doing here is talking about a drug with a certain toxicity today that is increasing every single day. The government is talking about giving it a green light. It is talking about giving minor fines for possession. What it is not talking about is Ecstasy, crystal meth, heroin, crack, cocaine.

The government is playing around with fines for marijuana but does not have the courage to develop a national drug strategy to deal with the real harmful problems in our society.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, we on this side of the House accept the Speaker's guidance on the motions that have been forwarded on report stage debate. The Speaker has accepted two technical motions brought forward by the government to amend Bill C-10. These amendments flow from the amendments that were made by the special committee and will make the bill a better bill while maintaining it, in each case the intention of the Special Committee on the Non-Medical Use of Drugs.

The amendments were proposed by the government after it had the opportunity to consider the amendments that were made by the special committee. Members are aware that, in the somewhat unusual circumstances of last October, the special committee did not feel that it had time to wait until another day for the government to present amendments to implement the changes it wanted. Thus, we have those amendments before us today.

Accordingly, the amendments were drafted in some haste on the night when the special committee began its clause by clause review of the bill. It is therefore not surprising that these technical amendments that we have today are necessary to consider the wording of the amendments made by the special committee. The government believes that the improvements to the wording can and should be made.

I will walk hon. members through the amendments so they will be able to vote on them with a full understanding of their implications. I am confident that members will then support the changes.

The first technical amendment is to clause 3.1. The special committee added a prohibition regarding the disclosure to a foreign government or an international organization or their agents of information relating to a cannabis contravention offence maintained by the Royal Canadian Mounted Police or by an organization having a law enforcement role unless the disclosure is required by a court order. Violation of the prohibition would be a summary conviction offence.

The wording adopted by the special committee is somewhat imprecise and vague. Reference to "other law enforcement information systems" and "organizations having a law enforcement role" are vague and need to be clarified. The government's proposed amendment would bring added clarity and precision to the text. However there is a very important change suggested.

The wording of the bill currently refers to "an agent of a foreign government". The concern is that "agent", which is undefined, could be interpreted quite narrowly. Therefore the government believes that the special committee's intent to foreclose unauthorized disclosure to anyone of information regarding tickets would be best accomplished by replacing "agent" with "a person who acts in the name of or on behalf of such a government or organization".

The next amendments deal with the review of the provisions of the act. Members of the special committee heard conflicting testimony about the consequences of moving to a ticketing regime. They also heard from some witnesses that the increased penalties provided for major grow ops would have little effect in part because the courts would not respond to the signal provided by Parliament and that the offence of cultivation was to be treated very seriously. Some witnesses called for mandatory terms of imprisonment.

Given the importance of the changes which Bill C-10 is making in the way we would punish the possession of a relatively small amount of marijuana and in the way we would treat the cultivation of marijuana, the government fully accepts that there is a need for the review but the question is how best to ensure in law that the review will take place. The amendment of the committee is somewhat imprecise and vague.

The expression "national drug strategy", for instance, is undefined in the bill. We know there is enough national drug strategy, announced by the government, and $245 million would be devoted to fighting drug abuse over five years. However, in law, the national drug strategy is not specifically existing.

Moreover, the term "government" is not defined in the Controlled Drugs and Substances Act as it is in some other acts. To rectify this, the government is proposing an amendment that would bring added clarity and precision to the text and make it more effective in four ways.

First, the responsibility to appoint someone to carry out the review is placed squarely on the shoulders of the minister who is charged with the administration of the Controlled Drugs and Substances Act and who has the primary responsibility for Canada's drug strategy, and that would be the Minister of Health.

● (1225)

Second, the scope of the review was significantly expanded. The provision in the bill currently calls for a review of the "Alternative in Penalties", which refers only to the ticketing regime. The proposed change will cover "the provisions and operation of the act". This means that the report should cover the effects of the increased penalties for grow ops.

Third, the existing provision provides no timeline for the completion of the review. In theory, the mere appointment of the reviewer of the act would constitute compliance with the provision. If this amendment is accepted the review will have to be completed and submitted to the minister within one year of the appointment.

Fourth, the minister of the day will be obliged to table the report in both Houses of Parliament within 30 sitting days after receiving it.

Clearly the process that is proposed in these amendments is preferable to the process currently in Bill C-10. I put these motions and their explanations before the House for its consideration.

● (1230)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, again it is with pleasure that I rise to speak, this time to Bill C-10, which was previously Bill C-38.

The issue of simple marijuana possession has been studied frequently by many groups and often at great length. One such group is the Bloc Quebecois' youth forum, which has repeatedly looked at the risks associated with decriminalizing simple possession. In starting my speech, I would like to acknowledge and thank them for the work they have done on this issue.

Most analyses, if not all, have to be based on the premise that the repressive approach does not work, or, in any case, does not work well. This is a fact, despite the millions upon millions of dollars that have been invested. What we do know works well is prevention, and raising the awareness of everyone in our society, but especially of young people. That is the direction we should be taking.

Beyond raising awareness and prevention, we should adopt the principle that the possession of a small amount of marijuana must remain illegal and be penalized, but not under the Criminal Code. Leaving simple possession under the Criminal Code often makes the punishment worse than the crime. Bill C-38, the predecessor to Bill C-10, set out to eliminate this paradox. However, in the last session, the bill was not nearly as good as Bill C-10, which is currently before the House.

I believe we must give credit where credit is due and pay tribute to the special committee that was formed to work on this bill. I would like to acknowledge, among others, the work done by the member for Burlington, who chaired the committee. She did her job well, despite the fact that feelings often ran high in the committee. The subject matter the committee had to deal with naturally raises strong emotions and to many Quebeckers and Canadians is quite gut-wrenching, pardon the expression.

For many reasons, Bill C-10 is an improvement over its predecessor, Bill C-38.

First, this bill is an improvement because it contains the prohibition on disclosing a charge or conviction for possession to a foreign government or international organization. Many committee members believed, quite logically, that, if we want to avoid stigmatizing for life someone caught possessing a small amount of marijuana, it was essential not only that the Canadian authorities not use such information but that the knowledge of the offence for possession, the charge or perhaps even the conviction of an individual for possession not be disclosed to an international organization, agent of a foreign government or any individual working on behalf of another country. In this information age, we wanted to prevent a foreign country from learning about the offence committed by an individual, who would then be stigmatized not only in Canada but also abroad. We had to find a way to prevent something we did not want done directly from being done indirectly.

● (1235)

The other very interesting improvement is the comprehensive review of the effects of Bill C-10 within three years. Many people sent us e-mail messages, all based on feelings and very unscientific methods.

People claimed that, if marijuana possession were decriminalized, the earth would stop turning, civilization as we know it would end, and everyone would smoke up almost all the time. To avoid succumbing to pure demagoguery, we must base ourselves on the facts. What better way to do this than with a tri-annual review of the effects of enforcing Bill C-10. We will see that the naysayers predicting endless misfortunes as a result of the decriminalization of marijuana were wrong, and their fears and the consequences exaggerated.

I am not saying that the consequences of smoking marijuana are positive. That is not what I am saying; it is still a dangerous drug, and bad for our health. Nevertheless, decriminalizing the possession of small amounts will not lead to the decline of western society, as someone from Calgary commented in a letter to me.

Another improvement in the bill concerns possession of one to three plants. We have been told on so many occasions that organized crime was in control of the black market. So forcing occasional users to buy on the black market was forcing them into contact with biker gangs, making them into "worse" criminals, as well as encouraging organized crime because they made profits from the marijuana trade.

I brought in an amendment concerning growers of one to three plants. While this would still be illegal, it would not result in a criminal record, would not be a criminal offence under the Criminal Code. I was extremely pleased to see that my colleagues on the committee supported passage of that amendment.

It should also be pointed out that the special committee produced two reports. There is of course the one we are discussing today, with the amendments I have already mentioned, and then there is the one which called upon the government to step up the process of examination of legislation on driving under the influence of drugs. A number of different organizations, MADD Canada among them, came to us in order to raise our awareness of the problem of driving under the influence of drugs, and this they did most effectively, moreover.

We in committee felt there was sufficient consensus to make it a kind of twin brother—if I may call it such—to the bill decriminalizing simple possession of marijuana, by being far more severe on driving under the influence of drugs, and providing more efficient means of detection. At that time, I proposed a amendment to Bill C-48 in committee and was told this was out of order because it did not fall within the parameters of the bill. The idea was a good one, however, which is why we all decided to produce this second report. I must thank my colleagues for their support.

Today I saw reports in the media indicating that the Minister of Justice had heeded me, had heeded the committee, and will be taking steps to ensure that this bill, which is in preparation in various offices within this department, will be available for our discussion very soon.

That bill will make it possible for us to deal with driving under the influence of drugs, and is at least as important, if not more so, than Bill C-10. It must not drop out of sight. So we reiterate our support for Bill C-10.

● (1240)

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it is my pleasure to enter into the debate on Bill C-10 on behalf of the NDP caucus.

I wish to pay tribute to the work done by the NDP's social policy critic, the member for Vancouver East, who has dedicated a great deal of energy and resources to this issue. She has tried, as is her way, to introduce a voice of reason into a highly charged and emotional debate about the decriminalization of marijuana. Her contribution has been noted by other speakers in the House and I too would like to acknowledge the good work she has done on the bill.

It was during the previous session of Parliament that Bill C-38 was examined by the special committee for the non-medical use of drugs and was amended. Throughout the committee process, the member for Vancouver East and the NDP pushed for a number of changes. We did get some movement from the government on certain aspects of the bill. When Parliament was suspended in November and the new session commenced, Bill C-38 became Bill C-10 and is now up for debate in the House today.

There is a lot of misunderstanding about this bill and about the government's effort. On September 30, 2002, the Speech from the Throne indicated that the federal government would consider the possibility of the decriminalization of marijuana possession. This piqued the interest of a great deal of people across the country. Many of us believe that it is a waste of time and resources to lock up a whole generation for the simple possession of marijuana.

Many of us are reminded by our own youth when we learned that places like Texas were locking people up for 30 years for simple possession of small amounts of marijuana. There are still people in Texas jails serving the remainder of 30 year sentences that they received in the 1970s for marijuana possession. Our belief is that this is absolute folly.

We should be clear though that what was introduced in the Speech from the Throne was never passed because by May 2003 a government backgrounder on the bill stated that:

> Under the proposals included in the bill, cannabis possession and production will remain illegal in Canada under the Controlled Drugs and Substances Act. What will change is the approach to enforcement.

The justice minister at the time made a public statement. He said:

> —you say I'm saying it's not decriminalization. It has never been decriminalization.

Let us not let the Liberal government mislead people to think that the bill is about the decriminalization of marijuana. It is not and it never has been. What has been introduced under the bill is a fine regimen for simple possession under 15 grams.

Our problem with that approach is that, if enacted, the bill may lead to increased prosecutions and increased waste of resources by having this mandatory fine system and having fewer people charged criminally. The reason being is that quite often police let people go for a simple possession of under 15 grams because it would tie up the courts.

That would now be eliminated. Those people would now be fined. Criminologists have found that lowering, but not eliminating a punishment, results in more punishment. Among criminologists, it is called the net widening effect.

Individuals charged with fines and the people the police would normally have let off with a warning and a wave under the old system will instead be guaranteed to be hit with a fine. In other words, decriminalization in this formula could lead to more people being punished, not fewer. The *Ottawa Citizen* on May 28, 2003 stated:

> A cutting-edge plan—if this was 1968: Replacing the criminal charge for possession with a fine will change little, or nothing at all.

What did the federal NDP push for? Our member for Vancouver East was very active in the committee and she pushed for the amnesty provisions that past charges or convictions for simple possession of marijuana should be erased. A pardon does not go far enough. We said that it should go back as far as records were kept.

● (1245)

I still have people who have difficulty travelling to the United States because on their permanent record they have a simple possession from back in 1970. If they answer honestly at the border if they have ever been convicted of an offence and they cite their simple possession charge in 1970, they run into difficulties.

We made suggestions that the records of people who received a fine for simple possession and/or cultivation for personal use would be sealed and not shared with Interpol or other foreign jurisdictions. That is a sensible thing that the NDP member for Vancouver East pushed for at committee and we are happy that the government side did accept it. This is truly something to celebrate.

I also wish to recognize the member for Burlington and her efforts on the committee and her willingness to work toward a reasonable resolution to some of these issues.

Under the non-commercial transfer of marijuana, simply giving marijuana for no money, in other words passing a joint, would be technically trafficking. When someone says "Pass that joint over to me", technically the person who passes it may be guilty of trafficking.

Bill C-10 should be amended so that the non-commercial transfers of up to 30 grams of marijuana would not be considered trafficking. We pushed for that idea.

Under reasonable grounds for searches, changes should be made to the provisions which are required for police to obtain a search warrant to enter a person's home. Currently, under the Controlled Drugs and Substances Act suspicion that an illicit drug of any amount in a home is enough for a warrant to be issued.

The bill should include new provisions that are more consistent with decriminalization. The bill should be amended to require that police demonstrate reasonable grounds to believe that an amount of marijuana in the home would exceed 30 grams or that trafficking is in fact taking place in order to receive a search warrant.

Under fines, the NDP proposed that we eliminate the proposed fine for possession of up to 30 grams of marijuana. That was our base line position. Our member for Vancouver East argued that as aggressively as she could.

Under personal cultivation, non-punitive provisions for personal cultivation should have been included in the bill allowing for the personal cultivation of up to five plants. This has always been an irritant to any reasonable person in the country, that something that grows wild in the ditches could be a criminal matter if it is grown in their home.

The NDP did succeed on some issues. Throughout the committee stage, the two primary issues the NDP pushed for were ensuring that information on people who received fines for personal possession would be kept sealed and not shared. We are pleased that is the case today and that the laws would be amended to allow for the cultivation of small amounts of marijuana for personal use. We did get some improvements in these two areas.

The committee amended the bill to prohibit the disclosure of information on people who had a fine for simple possession. That is a very important measure because it would prevent law enforcement agencies in Canada from sharing that information with other countries. The U.S., in particular, often prohibits people from crossing the border if they have marijuana related charges or convictions.

Although the federal NDP pushed for amendments to allow personal cultivation of up to five plants, the Liberal dominated committee chose to set the maximum at three and it still supported imposing a fine. However, rather than the risk of jail time, those found with up to three marijuana plants would face a $500 fine. This is not satisfactory.

The NDP believes strongly that the bill needs to contain amnesty provisions for people who currently have criminal records for simple possession. Let us put a retroactivity measure in the bill, which we should have had, to correct an historic injustice and an historic wrong.

If simple possession of marijuana no longer risks a criminal charge, those who now have a record for a similar conduct should be entitled to amnesty. We feel very strongly on this point.

We had hoped that Bill C-10, or Bill C-38, would be a first step in recognizing the harms associated with a prohibitionist policy toward marijuana.

● (1250)

However, the new Minister of Justice has not given any indication that he supports further changes in this direction, leaving intact the myth that the criminal law can resolve problems relating to the use of drugs. We disagree and we feel it is sad that we could not get more of our amendments put through.

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I am very pleased today to speak in favour of the amendments of this bill.

While I was not a member of the committee, I followed the issue very closely. It had a great deal of interest in my riding, for several reasons. I would like to commend members on all sides of the House for a truly productive committee process.

I know my colleague from Winnipeg Centre mentioned some of the amendments that he would like to have seen take place. I would underscore that my understanding is that the amnesty was simply too complex to build into the bill and must be dealt with administratively on a case by case basis. I would also really encourage anyone who has a criminal record to apply for a pardon before undertaking international travel.

I am very pleased to speak of some of the other amendments that are found in Bill C-10. Members are undoubtedly aware that countries treat cannabis possession in different ways. Some countries tolerate certain forms of possession and consumption, certain countries apply administrative sanctions or fines and others have penal solutions to the issue.

Despite the different legal approaches toward cannabis, there is a common trend and we certainly can see this particularly in European countries. There is the development of alternative measures to criminal possession for the cases of use and possession of small quantities of cannabis for personal use. There is regime that can involve fines, cautions, prohibition, exemption from punishment and counselling, and we see these among the European judicial systems.

In Australia some states and territories have also adopted cannabis decriminalization measures. Some of these measures are similar to the ones being contemplated in Bill C-10, which is before the House. I would like to take just a few moments to describe the situation in South Australia, the first Australian jurisdiction to adopt cannabis decriminalization measures, and I think we can learn from this example.

Reform of the cannabis laws in South Australia came with the bill entitled, the controlled substances act amendment of 1986. This amendment proposed a number of changes to the controlled substances act of 1984, including the insertion of provisions dealing with the expiation of simple cannabis offences. This represented an adoption of a new scheme for expiation for simple cannabis offences, such as possessing or cultivating small amounts of cannabis for personal use or possessing implements for using cannabis.

The cannabis expiation notice, also known as CEN, came into effect in South Australia in 1987. Under this scheme, adults committing "simple cannabis offences" could be issued an expiation notice. Offenders were able to avoid prosecution by paying specified fees. The fees ranged in Australian dollars between $50 and $150, and Australian dollars are fairly comparable with Canadian dollars, as I am sure everyone is well aware. This fine had to be paid within 60 days of the issue of the notice. Failure to pay the specified fee within the 60 day period could lead to prosecution in court and the possibility of a conviction that would then be on a person's record.

Underlying this change was the rationale of a clear distinction that needed to be made between private users of cannabis and those that were involved in dealing, producing or trafficking in cannabis. This distinction was emphasized at the introduction of the cannabis expiation notice scheme by the simultaneous introduction of a more severe penalty for offences relating to manufacturing, production, the sale or supplying of all drugs of dependence in prohibitive substances. This included offences relating to large quantities of cannabis.

The CEN scheme was modified by the introduction of the expiation of offences act of 1996. It now provides those served with expiation notices the option of choosing between being prosecuted in order to actually contest the original notice. Previously if one did receive a notice, that person had to let the payment period expire before he or she could actually have a court appearance and then the notice could be contested. In choosing to be prosecuted, however, people who were issued a notice had their alleged offence converted from one which could be expiated to one which still carried the possibility of a criminal conviction.

● (1255)

The expiation system for minor cannabis offences in South Australia has been the subject of a number of evaluation studies. The impact of the implementation of such a system can best be seen in that review.

As I mentioned, the South Australian cannabis expiation notice system began in 1987. The main arguments for the system were the reduction of the negative social impacts upon the convicted minor cannabis offender as well as a potential cost saving to the state. Implicit in the former view was the belief that potential harms of using cannabis were outweighed by the harms arising from a criminal conviction.

None of the studies upon the levels or patterns of cannabis use in South Australia found that an increase in cannabis use was attributable to the introduction of the CEN scheme. Cannabis use did increase in South Australia over the 10 year period between 1985 and 1995, but increases in cannabis use were detected throughout Australia, including in jurisdictions that possessed a total prohibition approach to cannabis use. In fact the largest increase in the rate of weekly cannabis use across all Australian jurisdictions occurred in Tasmania, which was a strictly prohibitionist state between 1991 and 1995.

A comparative study of minor cannabis offenders in South Australia and in Western Australia concluded that both the CEN scheme, as well as the more punitive prohibition approach, actually had very little deterrent effect on cannabis users. Offenders from both jurisdictions reported that the expiation notice, or the conviction, had really little or no impact upon their subsequent cannabis and other drug related use. However, the adverse social consequences of having a conviction for using cannabis far outweighed those of receiving an expiation notice. A significantly higher proportion of those apprehended for cannabis use in Western Australia reported problems with employment, further involvement with the criminal justice system, as well as having trouble finding accommodation and having interpersonal relationship problems.

In the law enforcement and criminal justice areas, the number of offences for which cannabis expiation notices were issued in South Australia increased in the year 1987-88, from about 6,000 to approximately 17,000 in the year 1993-94, as well as in subsequent years. This appears to reflect a greater use with which the police can process minor cannabis offences and a shift away from the use of police discretion giving offenders informal cautions to a process where it is formally recorded and all minor offences are noted.

Substantial numbers of offenders still received convictions due to their failure to pay their expiation fees on time. This was due in large part to a poor understanding by the cannabis users of the legal implication of not paying their fee to avoid a court appearance and due to financial difficulties. Most CENs are issued for less than 25 grams of cannabis and half of all CENs issued were received by people between the ages of 18 and 24. This can have a huge impact on somebody's future if they are looking at a criminal conviction.

There has been strong support by law enforcement, as well as criminal justice personnel for this CEN scheme. It has proven to be relatively cost effective. They estimate that the costs for the scheme were about $1.24 million from 1995 to 1996 while total revenue from the fees and fines were around $1.68 million. Therefore, it is a difference between costing that for policing and getting that in revenue. Had a prohibition approach been in place, it is estimated that the total cost would have been around $2.01 million with revenue from fines around $1 million.

There is much to be learned by the international examples. The South Australian example is very instructional and it is one of which I think our government has made good use.

● (1300)

I would underscore that this is not technically decriminalizing measures, but simply bringing in a different regime on how we deal with people who do use small amounts of cannabis. I am very pleased to be here to speak in favour of the proposed legislation.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I rise today to partake in the debate on Bill C-10 which would provide for a fine or would make it a summary offence for the possession of marijuana.

I also say that it has been a pleasure for me to serve on the non-medical use of drug committee where we studied the whole issue of the decriminalization of marijuana and other drugs issues as well.

At the outset, I would like to reiterate the position of the Conservative Party of Canada on this contentious issue.

The most important thing to understand is that we believe the use and the possession of marijuana must remain illegal. The message that we would get out to young people and people all across the land is that it must remain illegal. However, possessions of five grams or less could be dealt with through summary offences, after other safeguards have been put in place. This is significantly less than the 15-gram limit that the Liberal government is proposing.

Failure to pay these significant fines should result in the loss of a driver's licence or something similarly important. In other words, we would propose that if we move to placing this as a summary offence, the payments must be vigorously enforced.

I would like to also personally suggest that all moneys collected from possession fines be specifically earmarked or tagged for drug addition research, for education, for information and treatment.

The Conservative Party of Canada believes that what we are proposing could be more of a deterrent than the present situation inasmuch as the police may be more likely to fine individuals than charge them with a criminal offence. Writing out a fine is less onerous than laying a criminal charge, a charge which is often dismissed by our courts.

In my opinion, and I have spoken in the House regarding this in the past, scarce police resources could be better utilized dealing with much more serious crime, such as drug trafficking, which is synonymous with organized crime. Police forces all across Canada are grossly underfunded. As a result, the police are forced to priorize or to risk manage their investigations and their crime files.

On numerous occasions in the House, I have outlined the financial difficulties many municipalities in my riding of Crowfoot are encountering, as far as paying for police services. I pointed out that as a result of this financial crunch, the Alberta Association of Chiefs of Police had stated that, without federal support, police services in the Province of Alberta would have no choice but to set an order of policing priorities. This would seriously jeopardize the safety and security of all Canadians.

I, unlike the Liberal government, fully recognize and respect the position of the Alberta Association of Chiefs of Police in regards to funding issues and in regards to Bill C-10.

The Alberta Chiefs of Police are opposed to the decriminalization of marijuana. Last year, at a meeting of the Alberta Police Chiefs in Lethbridge, Camrose police Chief Marshall Chalmers, said:

> We are absolutely against decriminalization. We believe it's absolutely sending the wrong message.

Chief Chalmers is also the president of the Alberta Association of Chiefs of Police. He believes that marijuana is a gateway drug to harder drugs and to much more addictive drugs.

The Canadian Professional Police Association has serious reservations about the government's approach to drug use in Canada, particularly in regard to Bill C-10. It believes that it sends the wrong message to the youth. It has therefore strongly recommended that before the government does anything, that it come forward and implement what our committee asked, and that is to implement the national drug strategy that would provide frontline police officers with the tools to help reduce drug use and its negative consequences in communities.

● (1305)

The Canadian Medical Association and other health representatives are of the same opinion as the CPPA and have therefore urged the government to meaningfully fund and implement the national drug strategy prior to changing the legal status of marijuana.

As far as I understand it, this has the full support of the former minister of health, who publicly warned last year that decriminalization "will cause a spike in drug use". Those are powerful words. The former Liberal health minister stood up and said that if we decriminalize marijuana, it will undoubtedly cause a spike in drug use. It sounds to me as if this is really defeating the problem we should be trying to solve.

Following a caucus meeting in mid-May, the former health minister, pointing to other countries that have softened their laws, expressed concern that decriminalization would lead to an increase in marijuana smoking, which in turn would lead to an addiction. The former justice minister rejected his colleague's assertion outright.

I imagine that similar sentiments have been proposed to all of us. As members of Parliament we receive letters. I know that similar proposals were conveyed to the Prime Minister in an open letter from the Canadian Professional Police Association. I will quote from their letter:

> Perceived tolerance of drug use and misinformation has contributed to increased drug use among school age children. This will only continue until Canada adopts a National Drug Strategy focused on consistently and sufficiently informing Canadians about the true harm of drug use...we are disappointed by the rush to move forward with decriminalization before such a strategy is operational—

The CPPA outlined the necessary components of a national drug strategy, a strategy aimed at discouraging young people from using drugs. Unfortunately, the limited time available to me today does not permit me to provide the details of that plan.

I support the CPPA's proposal regarding the necessary components of the national drug strategy, as well as its advice not to proceed with Bill C-10 until the strategy is firmly implemented, established and properly funded.

I hold out little hope, however, that the justice minister will heed the advice, as his predecessor has totally ignored the advice of provincial counterparts.

The provincial justice ministers asked the former justice minister to remove Bill C-38 from the legislative agenda and to give greater priority to the national sex offender registry, to child pornography legislation and to conditional sentencing reviews.

As is evident by the bill before us today, the justice minister did not listen. This comes as absolutely no surprise to those of us on this side of the House and to members of the non-medical use of drugs committee. The justice minister completely pre-empted and ignored our committee's report. Our committee spent months travelling across the country. Indeed, we spent time travelling to other parts of the world consulting, and the justice minister completely pre-empted our report and did not really pay any heed to what it said.

In closing, I would like to take this opportunity to recognize and commend the graduates in my riding and all those involved in the DARE program. Last week, my daughter attended her graduation in DARE. I know that over the last few weeks hundreds and perhaps thousands of children throughout Alberta and Canada have been a part of the DARE program, a program that warns children about the harmful use of drugs and about violence in their communities.

● (1310)

I see that my time is up. I would simply like to urge the justice minister to drop the bill from the legislative agenda until the national drug strategy has been fully implemented and is operational, and to return his focus to more priority measures against crime, such as the national sex offender registry.

Mr. Chuck Cadman (Surrey North, CPC): Mr. Speaker, I am pleased to rise to debate Bill C-10, this government's feeble attempt to address the possession and production of marijuana in Canada.

At times Canadians must wonder if the government is even aware of the problems of marijuana grow ops in Canada. I have tried for some time now to make these Liberals aware of the extent of the problem in my constituency of Surrey North.

In Surrey alone, an estimated 3,500 to 4,500 grow ops generate, conservatively estimated, in excess of $2 billion per year. B.C. bud goes into the United States as currency for guns and cocaine. These grow ops are run by violent criminal gangs and many are located in residential neighbourhoods where there are plenty of children. I continue to receive letters, e-mails and phone calls from constituents who are extremely angry that too little is being done.

The criminal intelligence directorate of the RCMP issued a report, "Marijuana Cultivation in Canada", in November 2002. In 2001, Canadian police seized close to $1.4 million marijuana plants, a six-fold increase since 1993. In 2002, 54 million grams of bulk marijuana were seized, up from 28 million in 2001. This phenomenal increase in the illegal production of marijuana occurred under this government's watch while the current Prime Minister held the purse strings on funding that could have addressed the problem long before now.

The RCMP told the former solicitor general that grow ops had reached "epidemic proportions"—that is their wording—and that resources to take them down were an issue.

Innocent lives are at risk here. We have had drive-by shootings, assaults and murders. Neighbours frequently have their homes violently invaded in so-called grow rips, when the bad guys get the wrong address.

Why do we not see any resources directly targeting marijuana grow operations and why is there not a strategy in place? This is out of control.

The former solicitor general called the problem serious and admitted it should be challenged head on. He said, "We do have to do more". He said that he had raised the matter with the former minister of finance, the current Prime Minister. At that time, he declared that in the next few weeks the government would bring forward proposals that, in his words, "will in a more comprehensive fashion challenge the grow operations, to increase penalties and take them down".

Bill C-10 falls woefully short of that promise.

The current maximum sentence for growing marijuana is seven years. The bill we are debating proposes increasing the maximum sentence to 14 years, but only for more than 50 plants. The maximum sentence for growing four to 25 plants will actually be reduced to five years. That is shocking. We are reducing sentences while international organized crime is increasingly establishing grow ops in Canada due to our already lax laws and lenient sentences.

Besides, with penalties still at the discretion of the courts, what is the point of increasing maximum sentences when they rarely, if ever, come close to imposing the current maximums? With no set mandatory minimum sentences, we will continue to see judges giving far less than the maximum penalties for cultivation. If the government were truly serious about combatting grow ops, it would have instituted mandatory minimum jail sentences and more effective proceeds of crime legislation.

This legislation is great news for organized crime. The November 2002 RCMP criminal intelligence directorate report declared that high profits, a low risk of being caught and lenient sentences are spurring the epidemic of marijuana grow ops in Canada. It states:

> Police resources are now being taxed to the point where difficult choices must be made when faced with competing priorities.

This explains why law enforcement agencies are unable to make a lasting impact on the marijuana cultivation industry in Canada. Huge profits from illegal marijuana growing are often used by organized crime, in the words of the report "to finance other illicit activities, such as the importation of Ecstasy, liquid hashish and cocaine".

The number of illegal marijuana operations is rising so fast that some Canadian police agencies are being overwhelmed, the RCMP report said, stating that:

> In some parts of the country, the phenomenon has reached epidemic proportions.

I have been asking questions in the House for some time now about the government's lack of effort to take down marijuana grow ops. In the spring of 2003, the former solicitor general visited Surrey to examine the problem, in part, by his own admission, because of questions I had asked in this place. To this point in time, neither my constituents nor I have seen any action from the government. I commented at the time that his visit was just a grow op photo op. It now appears as though that is all it was.

In August 2003, another RCMP criminal intelligence unit report said that organized crime is extending its marijuana grow op reach clear across Canada by merging with biker gangs.

● (1315)

On December 17, 2003, the Ontario Association of Chiefs of Police released a report entitled "Green Tide: Indoor Marijuana Cultivation and its Impact on Ontario". This study sounds an alarm in Ontario about a problem the RCMP labelled epidemic on a national scale one year previously. It details the threats to public safety and the cost to society in stolen electricity and insurance premiums, among other things. It also links grow ops to organized crime and shows that the problem affects both rural and urban communities. This is all old news to British Columbians.

B.C. and the Surrey RCMP have been tackling the problem head-on and in recent months have taken down numerous grow ops, no thanks to Ottawa. Perhaps now that grow ops are a problem in vote-rich Ontario, these Liberals will take serious legislative action.

Why has the government allowed the problem to get worse? Report after report, year in and year out, has declared that there is an escalating marijuana grow op problem. Why did it not use the bill to do something significant rather than just tinker around with maximum sentences?

On the issue of decriminalization, the government is sending our youth an extremely confusing message. On one hand it has said not to use drugs and that it is getting tough on cultivation and trafficking, but then it has followed up by tacitly condoning the use of marijuana by decriminalizing its possession.

To further exacerbate things, the Liberals propose lower fines for kids than for adults: one gram of hashish, $300 for adults, $200 for youths aged 12 to 18; 15 grams or less of marijuana, $150 for adults and $100 for youths; 15 to 30 grams of marijuana, $300 for adults and $200 for youths. What lunacy: if they can afford to buy the drugs, then should we not assume they can afford to pay the fine? What kind of message is this?

To sum up, although the Liberals have committed to studying "drug driving", without effective roadside assessment capabilities we will see more drug impaired drivers getting behind the wheel with no concrete way to detect them. The Ontario police are experimenting with a "potalyser", which would detect marijuana in the bloodstream. The federal government should investigate these types of innovations.

Collection of fines and the nonpayment of tickets will fall under provincial jurisdiction. Many provinces have already indicated that they do not have the resources to follow up in these areas.

Fine levels do not increase for subsequent offences, so therefore there would be no deterrent for repeat offenders.

There has been no provision put in place by the government to review changes to the law resulting from the future increase in THC toxicity or potency of marijuana.

The proposed meagre enforcement resources add up to about two dozen extra RCMP officers nationwide. Local or municipal law enforcement would not receive any new resources.

There is no establishment of an office to coordinate the efforts to deal with illicit drugs in our society.

There is no change in the penalties for trafficking, and only a truly pathetic effort at addressing grow ops.

Personally I am opposed to any attempt to decriminalize the possession of even small amounts of marijuana, for a very simple reason. I have experienced the ultimate consequence of drug abuse by young people. The individuals involved in the assault on my son, which culminated in his murder some eleven and a half years ago, raised marijuana abuse as an issue for defence.

In conclusion, let me say that many of my constituents, several provinces, the Canadian Police Association, Mothers Against Drunk Driving and many Liberal backbenchers have expressed various concerns over this legislation. For all of these reasons, I will oppose Bill C-10.

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I am pleased to join in the debate on Bill C-10. The Minister of Justice has just reinstated Bill C-10, the proposed reform legislation for Canada, and the government is proposing amendments to the bill. I am pleased to speak to the bill and the amendments.

Some people have questioned Canada's ability to bring about a reform of the cannabis possession legislation as proposed in the bill. I would like to place on the record some of the facts and technicalities about cannabis and the international conventions that deal with cannabis.

Canada ratified the single convention on narcotic drugs in 1961 and the protocol amending the single convention in 1976. It acceded to the convention on psychotropic substances in 1988 and it ratified the convention on illicit traffic in narcotic drugs and psychotropic substances in 1990. All three of these drug conventions are in force at present.

The international community's main efforts in regard to drugs, as evidenced by the single and psychotropic conventions, are directed toward creating a network of administrative controls. The primary object of this regime is to regulate the supply and movement of drugs with a view to limiting their production, manufacture and import and export to the quantities required for legitimate medical and scientific purposes.

The conventions also require governments to furnish to the international drug control agencies periodic reports on their application of the international instruments and to submit to international supervision.

While the single and psychotropic conventions are, first and foremost, regulatory in nature imposing obligations to control the supply and movement of drugs, the trafficking convention is a law enforcement instrument. This convention calls upon parties to take specific law enforcement measures to improve their ability to identify, arrest, prosecute and convict drug traffickers across international boundaries. However it also contains a provision dealing with the possession of narcotics and psychotropic substances.

Cannabis products, marijuana, hashish and cannabis oil, are classified as narcotic drugs under schedules I and IV of the single convention. The single convention requires that a series of activities, cultivation, production, manufacture, extraction, preparation, possession, offering for sale, distribution, purchase, sale, delivery, transport, importation and exportation of drugs, be established as punishable offences when committed intentionally.

Parties are required to ensure that serious offences are made liable to adequate punishment, particularly by imprisonment or other penalties of deprivation of liberty.

Parties to the trafficking convention are required to establish as criminal offences under their domestic laws many of the same activities as those enumerated in article 36 of the single convention in respect of any narcotic or psychotropic substances.

Prior to the development of the trafficking convention, there existed a debate as to whether the simple possession of cannabis needed to be criminalized. Under the single convention, a party must, subject to its constitutional limitations, criminalize the cultivation, possession and purchase of drugs.

A few countries have taken the view that possession in the context of the single convention does not include possession for personal consumption. It was argued that the term "possession" that is contained in the enumerated list in article 36 refers to possession for the purpose of distribution. This view was based on the reasoning that the provisions of article 36 are intended to combat drug trafficking because this article is in that part of the single convention that deals with illicit traffic. Most countries have not accepted this line of reasoning and have criminalized possession for personal consumption.

● (1320)

The trafficking convention resolved that issue. Parties to the trafficking convention are required to establish, as a criminal offence, the possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption contrary to the provisions of the 1961 and 1971 conventions. This view is confirmed by the interpretation of the United Nations commentary to the trafficking convention.

None of the conventions requires the imposition of specific sentences. All of them require, in one form or another, that imprisonment or other forms of deprivation of liberty are available as a sanction for serious offences.

The conventions also provide that in appropriate cases where abusers have committed an offence, and in appropriate cases of a minor nature, parties may provide as an alternative to conviction or punishment or in addition to conviction or punishment measures such as education, rehabilitation, social integration, treatment and after care.

With respect to cannabis possession involving small amounts, the conventions do not require the imposition of specific sanctions. Accordingly, parties are free to impose the level of sanction they believe appropriate in respect of this offence.

It is possible to deal with this offence in a manner that excludes the possibility of imprisonment. The use of the Contraventions Act whereby a fine would be imposed through the issuance of a ticket without requiring a court appearance is an acceptable alternative to a possible imprisonment sentence. Such an approach would not decriminalize the possession offence. The behaviour would remain a criminal offence and would still attract a penalty, albeit in the form of a fine.

As can be seen, the international drug conventions are constructed in such a way as to give parties to the conventions flexibility in dealing with the offence of possession of small amounts of cannabis. Countries can choose to deal with this offence in a manner that best reflects that country's values and attitudes toward the possession of cannabis.

I will conclude my remarks by indicating my support for the bill and for the proposed amendments.

● (1325)

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, again it is my pleasure to speak to the bill. I am not an expert in this area but I have spoken with constituents, with police officers and with a number of family groups and I know their feelings on the bill.

I would like to share those feelings with members of the House. It is rather ironic that in the years that I have been here, every time we have a crisis in government all of a sudden we seem to start dealing with bills that will attract a lot of media attention. Whether it is same sex marriage, abortion or some of the social issues, it seems that those just happen to come up on the agenda about the same time that the government finds itself in a crisis.

I find it rather amazing that the government is in a crisis today and all of a sudden we are talking about marijuana, a most interesting subject that, hopefully, will attract some headlines and get the culture of scandal and corruption off the table.

I do not think it is a coincidence that we are talking about marijuana today. It is basically saying to Canadians that if they are foolish enough to forget about the scandal, here is something that we can get them worked up about as well. Let us start there and let us talk about the bill.

The government has no real strategy or vision, and the throne speech shows that. It does not know where it wants to go with the drug issue. It wants to sort of ride the middle rail, maybe a little bit here and a little bit there. Let us have a two tier system of fines that sends a clear message out to the police, the families and the kids in our society. If people are a certain age they will be fined this much but if they are that age they will be fined that much.

What message are we sending? Obviously, that is not taking a strong stand. That is not taking the science into consideration and, after all, it should be based on those sorts of things. It seems to me that the government is not really listening to the experts either. It is not looking at the consequences, such as the U.S. relationship, all of those things that are implications to the bill.

The government is also not looking to the fact that in my community and in many communities marijuana is now being used as a means to put crystal meth into marijuana so that a kid can become hooked sooner. Science again says that if people use crystal meth one or two times they become hooked.

That is the kind of dirty drug that back when I was young, a long time ago, we at least were smart enough to stay away from. The people who did take drugs knew that there were certain things that they should not fool around with and crystal meth was one of them. If in fact users of marijuana are being hooked by being told that marijuana is fine, that it is just a mild drug and that it is no big deal, but it is being laced with crystal meth, that is a serious problem. That is why the message becomes so important.

I read a pretty interesting book over the Christmas break called *The Road to Hell*. It is about how the biker gangs are conquering Canada. It tells what the biker gangs are doing in this country and it tells how they are hooking young people and putting them in business. It tells how these young people are so hooked that they become prostitutes and criminals who commit break and entries and steal cars. It is part of a big plan. The gangs are doing really well. They are making billions of dollars. Part of that can certainly fall on the shoulders of the government for not sending the right messages.

● (1330)

Let us look at several areas to which the bill applies.

Let us first talk about the families. I am sure that most members in the House have met with parents of kids who are hooked on drugs. I am sure they have met with parents who have 19-year-olds who started smoking marijuana, then worked their way up and are now 19-year-olds hooked on heroine. The truth is that those young people have a 90% chance of being dead at the age 30. We should talk about that kind of family issue.

What do we say to those parents? Do we say that it is really too bad, that they can go into rehab, but the chance of their children going back on that drug and overdosing is 90% by the time they are 30 years old. It will kill them. A parent's child is dead because of the message that we have sent. Our job is to send the right message. The message is that drugs are bad. We have to do everything to encourage young people by saying that there has to be a better way than to start off with drugs, starting with marijuana. Decriminalizing it I think will send the message that it is okay.

Biker guys are lacing marijuana with crystal meth, but that is okay. Yes, people will get hooked, but that is okay. Maybe they will try something else, but that is okay. That is the message coming out of this place. That is the message the police have when they are on the street trying to stop the whole crisis. They go into the courts and do not really know what the guidance is from Ottawa.

It is a slippery slope. Why did most of us get into politics? Because we cared about the country. We cared about what the country would be like for our children and grandchildren. We wanted to do everything we could to make it a better place for them. That is why the messaging becomes so important and why this bill becomes so important. I am not on the justice committee. I am just the average MP back at home listening to the families, the police and the people who are affected by this.

Families are concerned. The heartache that can be created by drugs within a family, all of us have experienced and seen firsthand. Obviously, we should do everything to try and help those families.

Having a two tier fine system again sends the wrong message to young people. It tells them we will not fine them as much because it is really not as bad if they get hooked early than if they get hooked late.

What does this do for our communities? Ask any police officer what causes most of the crime in our communities. I happen to have a thriving community that has low unemployment and massive growth. We are like a bright light. A former politician in the House and a good of friend of mine, Preston Manning, used to always say that bright lights attracted insects. We are attracting insects and those insects are pushing drugs. They are pushing crystal meth, marijuana and they are associated with a lot of crime.

What do they do when they get young people hooked? They get them into crime. They get them into breaking and entering. They get them into taking cars. There has been close to a 70% increase in crime in my community. If the police are asked why, they say it is because of drugs. They do it to fix and keep their habits going.

There are so many more areas we could talk about, such as the two tier system, American relations, marijuana leading to harder drugs and driving. We do not have a test for people who are intoxicated with drugs. Until we do, it seems to me that we should definitely not be legalizing in any way or sending the wrong message from this place about the use of drugs.

● (1335)

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, I understand I will have 10 minutes and so I have many things to say.

The bill is before us, having been referred initially as a private member's bill to a committee that was studying the issues of the non-medical use of drugs in Canada. It was a committee of members of Parliament from all sides, and at the time there were five parties in the House. The members set about reviewing what was going on in Canada.

The member for Red Deer likes to talk about the few people he talked to about this issue. For over 18 months, the committee made up of representatives from his two parties and other parties went out and studied what was taking place on our streets in our communities and considered what was the best solution to make changes. In all, the committee made 41 recommendations, two of them related to cannabis specifically. Those were related because of a private member's bill by an Alliance member at the time who wanted to decriminalize the possession of marijuana.

As I mentioned, there were 41 recommendations in the committee report. It was a unanimous report. The opposition members may forget, but their party also supported the decriminalization of marijuana.

The member mentioned the United States and what was happening there. He thought that was important for a comparison. There are at least 11 states that have some form of decriminalization.

Let us think about what decriminalization means. We have a substance that remains illegal. It is illegal to possess marijuana and resin in Canada. That was the 40th recommendation our committee made.

The 41st was to take a look at changing how we punished those who broke our laws. Canada has a series of punishments. We have fines, community service and jail time. Those are appropriate consequences for breaking the laws of Canada.

Today we have a situation where 50% of those who are caught possessing marijuana are given a criminal record which has dire consequences for their careers for the rest of their lives. It limits their travel. It limits the career options they can take. It affects their businesses and their families. People said to us that this was too harsh.

I am concerned about the other 50% of Canadians for whom there have been no consequences, who are under the mistaken belief that it is legal in Canada to possess marijuana. I want to send a very strong message to them that we have a law on the books and it will be enforced.

How do we ensure that it will be enforced? We make it administratively simple. We make it fair across the country so police forces are doing the same thing in my community as they are doing in Red Deer and as they are doing in your community, Mr. Speaker.

In spite of the fact that there is a potential for a criminal record, some 100,000 Canadians every day are using cannabis. I would say to the hon. members opposite who are concerned about the use of cannabis as I am, that there are legal drugs that are being misused. As a government, as people who care about our fellow citizens, we have to do a much better job. I was pleased to see the government support again for the committee recommendation that we get and talk to people.

For all those people who use back medication, which has codeine in it, each and every day, or for all those people who misuse alcohol, cigarettes and who are not being all that they can be, we have to do a better job of dealing with substances and helping people get through the misuse of substances, be they legal or illegal.

We talked to young people across the country who are using prescription drugs, injecting them and having difficulties.

The member opposite talked about marijuana being a gateway. That theory has been set up by some individuals. If we look back, yes, people who use heroine generally have used other substances. The member opposite mentioned crystal meth. They probably used cannabis. They also probably smoked, drank and ate cornflakes. However, we are not going to change our laws on that front. The commonality is that these people have a substance use problem. We have to make better inroads in dealing with substance use and misuse.

I know the members opposite mentioned that they had not been on the committee, so I am sure they are interested in hearing what the committee heard. Again, the committee was unanimous in that we had to do a better job.

● (1340)

Members of the party of the member for Red Deer also supported the recommendations that we decriminalize the possession of marijuana.

The member opposite mentioned that there are different systems in the bill, and there are. We have different sentences for murder for young offenders versus adult offenders. We have different sentences for the severity of the crime, based on quantity. We have a system in Canada where if people are speeding on the QEW at 20 kilometres over the speed limit, they are fined. Going much faster than that, 250 kilometres, is a criminal offence.

The bill would rightfully establish that for small amounts of marijuana, there would be a fine system. For a person possessing more marijuana, there would be alternatives, based on what police believed was the best way to proceed. For large amounts, it would clearly be trafficking and criminal behaviour, and that is the way with which it would be dealt.

Around the world, governments are dealing with how to best enforce the laws and how to deliver the most solid message to their constituents. It is not just about dealing with people who are using at the end. It is not just an end of pipe solution.

We have a need for more treatment facilities, for much more education and for a sounder social framework so we can say to people, that they seem to be getting a little out of hand with their alcohol use, or their prescription drug use, or their illegal drug use, and that we will help them find the resources to deal with the inner problems that are causing them, in some cases, to have this particular need.

The bill is a very solid response to what is happening across Canada in our communities.

My nieces will tell members that I do not condone the use of marijuana. Too many people make inappropriate decisions in their lives. The scariest thing I heard from young people was that they got the message that drinking and driving was wrong, but they did not actually get the right message. The message they got was, “Don't do it because you can get caught”. Some young people tell me that rather than drink at a party, they use cannabis.

To all those young people who think that it is okay to drive while under the influence of prescription drugs, non-prescription drugs, illegal drugs or legal drugs, do not do it. It is not good for them and it is not good for others on the highways and roadways.

We are developing a test, as are other countries. However, right now a police officer can arrest and charge someone with being impaired, whether they are impaired from codeine or over the counter medications or whether they are impaired from cannabis or alcohol. We have to work with our police officers, and we are working with our police officers. I have talked to police officers who have in fact arrested people on that basis. Those individuals tell me it is possible. We will continue to work on that test.

Let us be clear. Young people have been high from cannabis and have driven on the road beside other vehicles, However, the last five times they encountered a police officer nothing happened to them. They just had their pot taken away from them. That is the wrong message.

The message has to be that there is a law on the books. They need to be told that they will be given a fine. They need to understand that we have laws on the books that will be enforced, that we are being responsible and are sending a strong message to individuals.

I encourage all members to support this bill. We have heard much about democratic reform in the country. This was again an issue brought up by members of this House who said, “Let's study the problem. Let's find the solutions”, and members of this House, representatives of five political parties, came up with the unanimous report to which the government responded with action on education, on treatment and on dealing with research, which is far too lacking.

The government also replied with legislation, and that is the bill is before us, again amended by a committee of the House. I know the member for Winnipeg Centre talked about the member for Vancouver East who did a lot of hard work, as did the member for Langley—Abbotsford, the member for Crowfoot, the member for Hochelaga—Maisonneuve, the member Charlesbourg—Jacques-Cartier and members of this party. We worked very hard to consider all the options. There was great cooperation from all members, elected representatives, who studied the issue and came up with the best solution.

● (1345)

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, the member opposite said she was concerned about drug use and its effect on our young people. I have no doubt that she is sincere when she says that. However I do not know where she is coming from when she relates a serious subject such as marijuana to the use of too many corn flakes when we were young.

I know this is a serious issue and Canadians are concerned about it. There are many serious aspects to this discussion that need to be discussed and relating it to corn flakes seems to me to be off the wall and inappropriate.

The government has continued with a legislative agenda that amounts to smoke and mirrors; illusions. It seems that legislation after legislation comes forward with serious problems that affect the health and well-being of Canadians and the government's response is to come forward with smoke and mirrors.

We have an ad scandal going on right now and the response has been to slap the crown corporations and hold the heads of those corporations to account. Even though they were former members of the Liberal government, and several were prominent ministers, they are not elected and not accountable. The government wants to hold the 14 supposed civil servants responsible but it does not want to look across at its colleagues who almost certainly had knowledge of the affairs and put responsibility where they could be held to account by the voters. That is smoke and mirrors.

Pornography was up for discussion earlier last week where we heard the artistic merit defence. We are talking about artistic merit as a defence for child pornography and the government comes up with a public good defence as a substitute. This creates the illusion that we are taking the appropriate response, when in fact we are not. The same could be said of sentencing.

When we talk about Bill C-10, members of the House ought to be concerned about the health and welfare of Canadians and building healthy Canadians. I am sure all members have an interest in this. I am opposed to Bill C-10 because it would not improve the health of Canadians. In fact, I argue that it would do just the opposite.

The consequences of smoking marijuana have yet to be studied and thoroughly understood. The health minister right now is spending $500 million trying to convince Canadians to stop smoking cigarettes. That is a lot of money. We have serious health problems in Canada. On the one hand the government wants to make it easier to smoke marijuana and on the other hand it wants to put $250 million into advising Canadians not to smoke marijuana. If we are trying to build a healthy population, what the government is doing is not logical nor is it consistent.

It is well-known that the benzopyrene, the tars, the carcinogens in marijuana are far more concentrated than they are in cigarettes. It is estimated that two to three marijuana cigarettes are equivalent to roughly 20 cigarettes in terms of the harmful components in that product. If we are talking about building healthy Canadians, this would be a health care disaster.

The former prime minister of Norway, Gro Harlem Brundtland, said "Politics that ignores science will not stand the test of time".

I am opposed to the bill for a number of reasons, the first being the effect on our young people. My colleague from Red Deer, who spoke a few moments ago, talked about the influence of marijuana now laced with crystal meth, for example, and the risk that poses. Society is at risk for break-ins because money is needed to buy the fix and so on.

The second reason I am concerned is the dangers to the public. We have no way of testing when someone is impaired by the use of drugs, including marijuana. The police are not able to do roadside tests that would provide protection for the public from people under the influence of drugs, including marijuana, when they are driving a vehicle or operating heavy equipment.

My third concern is the impact this would have on organized crime. Organized crime is up to its ears in marijuana and other illegal drugs and the bill would not help. It would only enhance their profit making.

My fourth concern has to do with the effects on our borders. My final concern has to do with the health of Canadians. All of those are very serious issues that have not been adequately addressed by the bill.

● (1350)

On May 9 of last year the *Vancouver Sun* ran a series of articles on the marijuana grow ops on the west coast. The same can also be said of Toronto. It is estimated that some 10,000 grow ops exist in and around the metro Toronto area. The headline in the *Vancouver Sun* at that time read:

> In every neighbourhood
>
> Marijuana has transformed B.C. from crime backwater into the centre of a multi-billion-dollar industry that has crept into communities across the province.

It estimated marijuana to be worth $4 billion a year in sales. Some estimates went as high as $7 billion. That would make marijuana the largest cash crop in British Columbia and probably in Canada, certainly in terms of agriculture. It would be higher than all our farm produce, the apples, the fruit and all other cultivated crops.

The RCMP say:

> Canadians who dismiss marijuana as a harmless drug should think twice.

> The link between marijuana cultivation and organized crime cannot be over-emphasized, and neither can the consequences for society. The huge profits associated with grow operations are used by many criminal groups to purchase other more dangerous drugs or even weapons, and finance various illicit activities.

On the west coast the RCMP are concerned about Vietnamese gang activity in Vancouver's cannabis cultivation industry which increased almost 20 fold between 1997 and 2000. The police are concerned about gang wars between Hell's Angels, the traditional profiteers in this realm, and the Asian gangs.

Again, in that series of articles by the *Vancouver Sun*, there was a response from then minister of justice, Martin Cauchon, who said "We're getting tough". It is interesting that the marijuana bill was introduced at the same time as the health department announced that its revamped national drug strategy will spend millions on drug education and prevention. It is inconsistent.

The then minister of justice said:

> My primary concern here is to make sure we're going to have an effective policy, sending a strong message that marijuana is illegal in Canada.

I do not think the message being put forward in Bill C-10 is that message when we make it easier to access the product and as many as 30 grams or 30 joints will not even require an appropriate response from the government.

I have an article that deals with crystal meth, which was mentioned by the member for Red Deer earlier. It is a substance for just $10 that can be salted into marijuana. Crystal meth is produced very easily in laboratories and homes. It is such a dangerous and debilitating drug that cocaine and heroine are safer choices, says Dr. Ian Martin. The success rate for treatment is a dismal 10%.

The article goes on to say that meth is a sneaky killer, that it is at least as addictive as heroine and cocaine, yet it is almost impossible to die from an overdose of meth. Meth addicts are more likely to kill themselves by leaping off bridges than to die from the direct effects of the drug.

What meth does do is kill brain cells. It causes hallucinations, paranoia and psychosis, following an exquisite high. The excess free radicals in the cells kill brain cells. All these dead brain cells lead to memory loss, a decrease in the ability to plan even simple things like going to the grocery store and it reduces motor abilities resulting in symptoms similar to Parkinson's disease. That cannot be good for our young people.

Our young people are being led to believe, by actions like the government is proposing, that there is nothing wrong with these drugs, that they are simple and harmless. In fact, it is a very dangerous precedent once people start to go down the path of these mood altering drugs and it makes them vulnerable to abuse from those who seek even higher profit from seeing them addicted in a manner they can no longer control.

The message of different fines for young people from older people, in my mind, is a very inconsistent message. It makes it possible for young people to be victimized by those who are a little older. They will simply say that it belongs to their young friend as they try to duck responsibility for the fines and the product.

What kind of message is it when we can say that all of a sudden it will be legal to possess it but illegal to grow it and illegal to buy it? This is an exercise in foolishness.

Canadians are looking for sound policies and real responses from government. They are not looking for smoke and mirrors. They want the kinds of answers that will build a stable society, not create more problems, more affected young people, more debilitated young people and more young people who are suffering and who will need help in the future when they will not be able to produce and look after themselves.

● (1355)

The bill has many deficiencies. The police need the tools to be able to evaluate a person's ability to drive a vehicle or operate heavy equipment. Organized crime does not need the kind of boost that Bill C-10 would provide.

STATEMENTS BY MEMBERS

[*English*]

VETERANS AFFAIRS

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, on February 19, 2004, the federal government announced a compensation program for Canadian veterans who were exposed to mustard gas testing during the second world war. I believe this is too little, too late.

Since 1939 these veterans have suffered in secrecy. Approximately 3,500 soldiers were exposed to mustard gas and other chemical weapons. The volunteers suffered severe burns and blistering, but military doctors refused to link their symptoms with the tests.

Why did the government wait so long to fully recognize and compensate these courageous veterans? Why did it take the threat of a class action lawsuit to push the government to provide compensation? Lastly, why did the ombudsman from the military have to step in to moderate?

It is time the government re-examined its funding for Veterans Affairs. Veterans Affairs does not have its own ombudsman its own parliamentary secretary, nor does it have enough funds to provide headstones for its fallen veterans.

When will the government place Canadian veterans on its priority list?

* * *

[*Translation*]

PUBLIC SERVICE

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, Canadians should take pride in a professional public service.

It is comforting to know that the President of the Privy Council will soon introduce a bill to protect conscientious public servants who blow the whistle on wrongdoings at the workplace. Such legislation must protect serious whistleblowers and those who are wrongfully accused either accidentally or purposely.

The key to success for whistleblower legislation rests on protecting the career of honest employees and the integrity of the public service.

* * *

[*English*]

TONY BETHELL

Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.): Mr. Speaker, I rise today to pay tribute to Tony Bethell, a second world war fighter pilot who was among the survivors of a German prisoner of war camp. Mr. Bethell died this week at his home in my riding at the age of 81.

Mr. Bethell spent three years in the POW camp Stalag Luft. Bethell was among 23 participants involved in a mass breakout from the camp known as "The Great Escape". Stalag Luft was supposed to be more secure than any other prison camp, but a daring tunnel escape was planned by prisoners so that the Germans could not go and fight at the front lines.

Bethell is remembered by his family as a man of great strength and character. We here in the House would agree with that. He is survived by his wife Lorna, several grown children and 14 grandchildren.

On behalf of all members of the House, I wish to extend our sincere sympathy and condolences to his family and friends.

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● (1400)

[*Translation*]

ÉCO-NATURE

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, a few days ago, the Éco-Nature agency won the 2003 Aventure Écotourisme Québec award for good environmental practices.

The mission of this not-for-profit agency, which was founded in 1985, is to protect and promote the Mille-Îles River and to manage the river park for the benefit of the community.

Through its environmental conservation work, Éco-Nature has also initiated a number of environmental education and awareness programs for the public.

Over the past year, Éco-Nature has also won the national Phénix Environment award in the sustainable use of biodiversity category and was the regional winner of the Grand Prix du Tourisme québécois in the outdoor adventure tourism category.

I would like to take this opportunity to congratulate Éco-Nature for the magnificent work it has done for the environment and for our community.

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[*English*]

POST-SECONDARY EDUCATION

Hon. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, on February 16 it was with great pleasure that I signed an accord, on behalf of the Minister of HRSD, with my colleague, the Minister of Education for Newfoundland and Labrador.

This integration agreement commits to a new level of federal-provincial relations between the Government of Canada and the people of Newfoundlands and Labrador. The accord provides for an amalgamation of services for students securing student loans and will create a much more efficient method for students to access financial assistance.

I would also like to add that the Prime Minister's commitment to strengthening federal-provincial relations was recognized by the Minister of Education as a welcome and appreciated gesture.

I offer my thanks to the Prime Minister for his unprecedented support of students in this country in accessing post-secondary education. One thing is clear. The students of Newfoundland and Labrador will now receive better service when accessing financial assistance as a direct result of the efforts of the Prime Minister and the Minister of Human Resources and Skills Development.

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HOCKEY

Mr. Roy Bailey (Souris—Moose Mountain, CPC): Mr. Speaker, on Saturday CBC carried part of the Hockey Day in Canada from Shaunavon, Saskatchewan which played host to Don Cherry and Ron McLean.

Less than a generation ago Saskatchewan boasted that it produced more pro hockey players than any province in Canada and further, more than any country in the world. Sadly, this statistic is no longer true.

The rapid change in the population of rural Saskatchewan, with the loss of hundreds of young farm families, has reduced the number of talented hockey players.

Thanks to a government that has no agriculture policy for western Canada and a Saskatchewan-only audit of junior hockey, hockey is struggling to continue in Saskatchewan.

The government needs to take much of the blame for the diminishing hockey program. The Liberals should get a match game misconduct penalty and that should start after the next election.

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[*Translation*]

FILM PRODUCTION

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, I would like to take a moment to congratulate all the artists and craftspeople of the Quebec cinema who were honoured last night at the Jutra Awards gala.

Les Invasions barbares, or *The Barbarian Invasions*, won four Jutra awards, including best film, best screenplay and best director, and as well, the Jutra for the film with the most success outside Quebec. *La Grande Séduction*, known in English as *Seducing Doctor Lewis*, received seven awards, including the prestigious Billet d'or and the Jutra for best art direction. *Gaz Bar Blues* captured the award for best actor.

I would also like to acknowledge the success of our filmmakers at the Nuit des Césars in Paris on Saturday. *Les Triplettes de Belleville —The Triplets of Belleville* won for the best original music and *Les Invasions barbares* gathered more glory, winning three Césars, including best film of the year. Moreover, *Les Invasions barbares* is also nominated for two Oscars at the Academy Awards taking place next weekend.

Perhaps the good wishes expressed by the hon. member for Témiscamingue last Friday brought good luck to Mr. Arcand. The Government of Canada is proud to support the creativity and influence of Canadian cinema.

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INGRID BETANCOURT

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, two years ago, on February 23, 2002, Ingrid Betancourt was abducted and imprisoned by the Revolutionary Armed Forces of Colombia.

Ingrid Betancourt ran for the presidency of Colombia in order to put an end to the corruption, drug trafficking and violence that are rampant in her country. She showed exceptional courage.

Today is the First International Hostages Day. Thousands of people around the world are demonstrating to deliver the message that, whatever the reason, taking civilian hostages is unacceptable.

The Canadian government has given no solid support to Ingrid Betancourt. Because we in the Bloc Quebecois share the same values of respect for human rights, we call upon the Government of Canada —in collaboration with other countries such as France and Italy—to do everything in its power to convince Alvaro Uribe to agree to enter into negotiations.

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● (1405)

[*English*]

MIKE WEIR

Hon. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, Ontario's Mike Weir won the Nissan Open at the Riviera Golf Club in Los Angeles yesterday, joining Ben Hogan and Corey Pavin as the only golfers to win consecutive Nissan Opens.

It was an exciting finish with Mike tied for the lead with only one hole remaining in regulation. In the pouring rain, Mike pulled out an even par round of 71 to win the tournament.

With this win Mike rises to number four in the official world golf ranking. The 33 year old was named Canadian Tour rookie of the year in 1993 and rose through the ranks to win the Masters just 10 years later.

Now, well established among the best golfers of the world, Mike is establishing himself as the best left-handed golfer ever.

I would like to extend my congratulations, along with those of the residents of Simcoe North, and indeed of all Canadians to Mike Weir on his success.

[*Translation*]

We say congratulations to Mike and tell him to keep up the good work.

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[*English*]

AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, CPC): Mr. Speaker, the government has had plenty of time to deal with the BSE crisis. Looking back, a solution within a few weeks would have been great and within months would have been tolerable, but by letting nearly a year pass without a solution, the government has guaranteed a disaster.

We still have no plan to deal with the cull cows. We have no new slaughter facilities and the border still remains closed.

Statistics Canada has released the cold, hard facts detailing just how bad things are getting. It becomes clear that this is not a million dollar crisis as the government would lead us to believe, but a billion dollar crisis.

The hope was that the border would be open by now, but the reality is that cattle stocks have reached an all-time high. The prices ranchers are receiving for their product are at an all-time low. Meanwhile, the federal support programs are falling significantly short of addressing the disaster.

The calls I am now receiving are of abject distress. The Minister of Agriculture and Agri-Food and the Prime Minister have once again failed Canadian agriculture.

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VETERANS AFFAIRS

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, last Thursday the Minister of National Defence and the Minister of Veterans Affairs made an important announcement.

I rise today to remind all members of the importance of their new initiative to recognize Canadian veterans who volunteered to participate in chemical warfare agent experiments during the 1940s and the 1970s at Suffield and Ottawa.

Veterans will be offered a one time payment of $24,000 in recognition of their service, and in cases where the veteran has passed away, certain surviving beneficiaries may be eligible for the payment.

Too often we Canadians take our veterans for granted. That is why this initiative is premised on recognizing these veterans for their service to their country. I hope those who participated in these tests so long ago will come forward so that the government might, in the words of the Minister of National Defence, “set things right”.

It is never too late to salute those who bravely sacrificed so much to defend our country so long ago. I trust that all members will join me in praising this long overdue initiative.

S. O. 31

CANADA-U.S. BORDER

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I rise today to express my condolences to the family of 40 year old Ms. Lori Bishop who was tragically killed in Niagara Falls.

On February 18 American police pursued a high speed chase through the border crossing with no regard to Canadian sovereignty. This action set off a chain of events that resulted in this tragedy.

This has happened before. American police have breached Canadian sovereignty, and put the general public and our customs workers at risk with total disregard for our laws.

Last summer, when a similar situation took place in Windsor, Ontario the minister of customs and the Minister of Foreign Affairs brushed off requests to deal with this issue seriously. They were both warned and requested to take decisive action. This was a tragedy waiting to happen.

Border communities demand action. Instead, here we are again. Now that someone has been killed, the Minister of Foreign Affairs should have the integrity to call upon the ambassador of the United States and convey that these breaches will not be tolerated.

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[*Translation*]

QUEBEC CINEMA

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Denys Arcand film, *The Barbarian Invasions*, won best film, best screenplay, best director, for a total of three Césars in Paris and four Jutras in Montreal, including best film.

The César for best musical score went to Benoît Charest for his inspired *The Triplets of Belleville*, and seven Jutras went to Jean-François Pouliot's *Seducing Doctor Lewis*. Another winner in this amazing year for Quebec cinema is *Gaz Bar Blues*, which garnered the Jutras for best actor for Serge Thériault's performance and best musical score for Guy Bélanger and Claude Fradette. *À hauteur d'homme*, by Jean-Claude Labrecque, and *Roger Toupin, épicier variété*, by Benoît Pilon, tied for best documentary.

2003 was an exceptional year for the Quebec cinema. As the mistress of ceremonies for the Jutras noted, our creators have been our best ambassadors and do not need to be recalled from Denmark.

The Bloc Quebecois congratulates all the nominees, both individuals and companies.

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● (1410)

AGRICULTURAL COOPERATIVES

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, these days, agricultural cooperatives in Canada are faced with a changing business world. Given the globalization of markets and increased competition, a lack of capitalization prevents agricultural cooperatives from making strategic investments in areas such as cutting edge technologies.

These cooperatives make an important contribution to the Canadian economy, generating cumulative sales of over $28 billion and a total of 80,000 jobs. Typically located in rural regions, cooperatives are an important source of regional economic development.

It is important that the various levels of government implement national programs so that agricultural cooperatives can obtain sufficient capital, at lower rates, while preserving their integrity and the fundamental values they hold dear.

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[*English*]

MARIJUANA

Mr. Chuck Cadman (Surrey North, CPC): Mr. Speaker, marijuana growing factories are appearing all across Canada.

There are an estimated 15,000 grow ops in homes across Ontario. This is old news to British Columbians. Surrey alone has an estimated 3,500 to 4,500, while the city and the RCMP do their best to cope.

The RCMP have called grow ops an epidemic in B.C., Quebec, and Ontario. The huge bust at an old brewery in Barrie underscored just how big the problem has become, an increase of more than six-fold since 1993, all during this government's watch.

In Ontario the green tide summit on March 4 and 5 will coordinate the efforts of police, firefighters, utilities, real estate brokers, and insurance companies, in the fight against grow ops. Police believe that 10,000 Ontario children are being raised in these houses.

Ontario Community Safety and Correctional Services Minister Monte Kwinter is quoted as saying, “There are serious implications for the quality of life that we have in our community”.

The best the Liberal government can do is to tinker around with maximum sentences when the courts do not even use those currently on the books.

* * *

[*Translation*]

THE ENVIRONMENT

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, Ind. BQ): Mr. Speaker, on September 26, 2001, in order to protect our migratory bird populations, I introduced in this House a motion to replace sinkers and lures containing lead with non-toxic ones. At that time, because of the archaic procedure for private members' business, my motion unfortunately died on the order paper.

Most unexpectedly, almost two and one-half years later, my initiative seems to have finally raised people's awareness sufficiently for the government to finally decide to take action. Better later than never. Last Tuesday, the Minister of the Environment announced that he will be taking steps to gradually phase out this environmentally harmful fishing equipment.

I can therefore conclude that my initiative was not completely wasted. So, in these tumultuous times in which praise is a rare commodity, I must congratulate the Minister of the Environment on this excellent decision.

GUIDO MOLINARI

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I was saddened to learn yesterday of the passing of the enfant terrible of Quebec painting, Guido Molinari.

Mr. Molinari was one of the greats in Quebec, outranked only by Borduas. He was an open and generous man, a man with a big heart. He was a great dreamer as well.

His contribution to the creation of an art form specific to Quebec was a huge one, and his work always focused on a search for purity of colour.

Guido Molinari was a painter who has left his mark. A great dreamer with a concern for the posterity of his life's work, he did not have time to create a foundation bearing his name. It will, we hope, eventually see the light of day, for this great painter owned a sizeable collection.

Our condolences to the Molinari family.

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[*English*]

EQUALIZATION PAYMENTS

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, on Friday last the finance ministers from the provinces met with the federal Minister of Finance. The purpose was to discuss a new equalization deal for the provinces.

The minister offered a deal; the provinces rejected it and rightly so. The $1.3 billion over five years works out to be $265 million a year, to be divided among eight provinces.

The minister says the gap is closing between the have and have not provinces. This only happens when the economy of Ontario takes a dip. The minister is playing politics. He knows he can get more political credit from putting money into other areas rather than equalization. He might reject the provinces and their people for now, but it will be their turn when the election is called.

ORAL QUESTION PERIOD

● (1415)

[*English*]

SPONSORSHIP PROGRAM

Mr. Grant Hill (Leader of the Opposition, CPC): Mr. Speaker, the government last week refused to suspend the heads of crown corporations. "Wait for the public inquiry," was the message into this scandal. We now hear the Prime Minister is considering changing his mind and he is actually thinking of this.

What new information has come to light to cause him to change his mind on this important issue in a week?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the Prime Minister had requested that the President of the Treasury Board do a review of the crown corporations referred to in the Auditor General's report. In fact the President of the Treasury Board is conducting that review and he will report to the Prime Minister upon its completion.

Mr. Grant Hill (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister started by blaming Gagliano. Next, he started to blame those individuals from the former prime minister. Now, he is blaming heads of crown corporations.

Does the Prime Minister really think we will believe that there was no Liberal implication in this scandal?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, let me reassure the hon. member that we are not in the business of blaming anyone.

What we want to do is get to the bottom of this matter on behalf of all Canadians. That is why we have a public inquiry. That is why public accounts committee is at work. That is why the Prime Minister has requested that the President of the Treasury Board review the crown corporations referred to by the Auditor General.

This is not about blame. This is about getting to the bottom of what happened here.

Mr. Grant Hill (Leader of the Opposition, CPC): Mr. Speaker, the Prime Minister said today that this is not a Quebec scandal, that it is a national scandal. That is not true. This is a scandal of the Liberal Party of Canada, wasteful mess piled on wasteful mess.

Does the Prime Minister really expect us to believe that he and his party are going to get out of this mess by blaming a few heads of crown corporations?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, let me say again that this is not about blaming anyone. This is about getting to the bottom of this situation. That is why there is a public inquiry. That is why the public accounts committee is at work. That is why the President of the Treasury Board is reviewing the actions of crown corporations referred to by the Auditor General.

We all want to get to the bottom of this matter. This is not about blame.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, to get to the bottom, one has to go to the top. The Prime Minister has become the artful dodger of accountability. Rogue bureaucrats, a few Quebec ministers, a former prime minister, throw in an ambassador, now it is crown corporations; the Prime Minister has mastered the art of finger pointing.

It has been literally months since he was aware of this brewing scandal within the department. It has been months. Does the Prime Minister really believe that after years of inaction and denial, simply suspending a few Liberal friends is going to absolve him completely of any his own personal responsibility?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, this is an exceptionally serious matter.

The Prime Minister asked me after the report was tabled to evaluate the activities of people who serve at pleasure who were there at the time that these incidents took place, to satisfy him that the management of the crown corporations had responded appropriately to the concerns raised, had and put in place systems that would prevent this from happening in the future. That is what I am doing. I will report to the Prime Minister when I am ready.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, the Liberal Party sharing the outrage of the public completely denies the fact that they are responsible. The chairs of VIA Rail and Canada Post and the BDC president were all implicated by the Auditor General in this scandal. They are still drawing hundreds of thousands of dollars in public money as salaries. There are massive waste, shady transactions and an all too common Liberal arrogance about the whole thing.

How can the Prime Minister, who was able to amass a personal fortune in business with a reputed eye for detail, now plead complete ignorance of the most basic levels of accountability and knowledge of public spending in the government for the last 10 years?

● (1420)

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, as has become common with the member, he is willing to jump to the verdict well before he sees the evidence. Like the queen of hearts he runs around wanting heads, but government cannot do that. It would be completely improper for us to come to any conclusions until we have examined all of the facts. I am doing that and I am doing it carefully. I will report to the Prime Minister when I have reached a conclusion.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the people have the right to know whether the money from the sponsorship scandal ended up in Liberal Party trust funds or in Liberal MPs' funds. As the Chief Electoral Officer has pointed out, it is impossible to know who financed these slush funds.

Will the Prime Minister, who says he wants to get to the bottom of things, open the books of these Liberal slush funds before the election, so that we can find out, at last, whether the sponsorship scandal benefited Liberal members and ministers?

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, repeating things over and over will not make them come true. The Quebec division of the Liberal Party of Canada has no secret slush funds.

The members' fund at issue is one in which money was accumulated through fundraising activities in ridings, year after year, and set aside by the Liberal Party of Canada-Quebec to provide election funding for these ridings. Sitting member or not, it is the same for everyone.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if there is no problem, then let them make everything public. Moreover, let them make public the funds denounced by the Chief Electoral Officer of Canada, who talked about the personal trust funds of MPs who laundered this money on December 31—it is impossible to tell who made which contributions—before turning it over to the Liberal Party.

So if they say there is no problem with the Liberal funds—and I do believe them—let them also show that there is no problem with the other funds, and make it all public. Is the government prepared to do that?

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, it is quite fascinating how someone can introduce a premise that makes absolutely no sense. How can the Liberal Party be asked to make public contributions already so public that they are on the Elections Canada website? It makes absolutely no sense.

And as for what goes on outside the party, pardon me, but I have no control over what happens outside the party, just as they have no oversight over what goes on outside their party.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister announced publicly that he would track down all funds that might have originated from the sponsorship scandal, even within the Liberal Party's coffers. No doubt he will look at public donations, but there are a number of donations beyond our control. These specific funds are the Liberal Party Trust Fund 2 and the Corporation de service—PLCQ.

We must know just one thing. Will these funds which come from somewhere be subject to review to determine whether they include sponsorship funds?

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, the answer is quite simply yes. There is nothing to hide. The Liberal Party has nothing to hide. This has already been announced. Furthermore, we said from the start that the commission of inquiry can go wherever it wants to seek all the answers it needs.

We have repeated this ten times already, but instead of listening to the answer, the opposition prefers to stick to its question.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the government House leader does not need to get upset. On the contrary, I am quite pleased to hear that both these funds will be subject to investigation.

Now, I have another quick question. In this same spirit of cleaning house, will the funds of each member, which flowed through these trust funds thanks to Bill C-24, be subject to investigation by those individuals conducting the inquiry to see if they started off as sponsorship funding? That is all we want to know.

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, all the funds belonging to the Liberal Party of Canada are accessible, and the contents of our books are clear, transparent and open. There is no problem.

As for funds outside the Liberal Party, the answer is simple: the commission of inquiry has all the means to investigate in this regard and to reach its own conclusions.

I cannot provide an answer on things outside the government and the party.

● (1425)

[*English*]

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of National Defence, who keeps thumbing his nose at Canadian values. Now he tells us he may approve American controlled missile bases on Canadian soil. This flies in the face of Canadian independence and Canadian values. How dare he make these commitments without permission from Canadians?

Does the Prime Minister support the defence minister's position, or did the minister clear it only with the White House?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, inherent in that question are really two levels of speculation.

The first level presumes that we will be part of the U.S. missile defence system. That in effect is not the case. The government has not made a decision on that. The second level of speculation involves whether or not the U.S. may need our territory if we decide to participate. We do not know that at this point.

Again the NDP has run off on a tangent here in terms of its level of speculation.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the minister's refusal to deal with the facts leaves Canadians speculating. Canadians want some straight answers.

Fact: the U.S. has budgeted for space based interceptors. Fact: the U.S. has unveiled plans for missiles in orbit. Fact: Russia has successfully tested a hypersonic missile defence busting weapon. The facts are clear for everyone except the hawks in the government.

Given the minister's refusal to deal with the facts, can he not understand why Canadians fear that he is lying?

Some hon. members: Oh, oh.

The Speaker: The hon. member for Halifax knows that the use of that kind of language in the House is quite out of order and I would ask her to withdraw the word that she has used.

Ms. Alexa McDonough: Mr. Speaker, I did not accuse the minister of lying. I said, can he not understand why Canadians think he is lying when he will not deal with the facts. He himself said he leaves people speculating.

The Speaker: We will deal with the matter after question period. The hon. Minister of National Defence.

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, I am not going to accuse anyone of lying, but what I will say is that the leader of the NDP has failed in his obligation to tell Canadians the truth about missile defence.

We have had a number of instances where the NDP has exaggerated facts about the missile defence system. The $1 trillion price tag is an example, as is the fact that the NDP believes these missiles are going to be nuclear tipped, which is absolutely absurd.

The U.S. policy on missile defence has absolutely nothing to do with the weaponization of space. The NDP seems to ignore that.

[*Translation*]

SPONSORSHIP PROGRAM

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, the Prime Minister does not appear to have the public's confidence as a true government leader. The Prime Minister is an expert at blaming others. He has blamed Alfonso Gagliano, the former prime minister, the bureaucracy, and now the heads of crown corporations.

What we want to know is whether he will apply to ministers of his government the same standards applied to Alfonso Gagliano, if ministers of his government are involved in this despicable scandal.

[*English*]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, far from blaming people, in fact what the Prime Minister has done is put in place a number of processes by which we can all find out what happened here. As the Prime Minister has indicated and as we have all indicated, whether it is the public accounts committee or the public inquiry, ministers of the government are willing to come forward and are willing to appear before these committees.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, the Prime Minister is not pointing fingers; I suppose that is why Alfonso Gagliano is not the ambassador any more, because he is not jumping to any conclusions.

What I want to know and what Canadians want to know is if the Prime Minister wants to clean up the appearance of conflict, scandal and this Liberal money laundering scheme. He knew about this scandal. He had the Auditor General's report in hand on December 12 and he did precisely nothing. He got rid of the program for the future but he did nothing to clean up the mess until a couple of weeks ago because he thought he could run up the date, call a quick election and muddy this over.

If he wants to clean up the appearance here, why did he not do anything on December 12, and will he get accountability here?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, you would know much better than I would, but I believe that until the Auditor General's report was tabled in the House we would in fact have run the risk of being found in contempt of Parliament by you, Mr. Speaker.

Let me reassure everyone in the House that upon minutes of the tabling of that report, we saw what the Prime Minister did. He put in place a series of measures, including a public inquiry. He asked the public accounts committee to constitute itself quickly. We are introducing whistleblower legislation. We have begun a review of the Financial Administration Act. He asked the President of the Treasury Board to—

● (1430)

The Speaker: The hon. member for Medicine Hat.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, it was up to the government to recall Parliament early. It could have done that and we could have had the government get on with dealing with this problem a long time ago.

A few minutes ago the President of the Treasury Board said that he is reviewing the heads of the crown corporations. I thought the public inquiry was going to do all of this.

How much confidence can we really have when we find out that the government is going to deal with this problem by having Liberals investigate Liberals?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, in the instructions that I received from the Prime Minister, I was not asked to replace the work that is done in the public inquiry and I am not doing that.

I said very clearly that the public inquiry will deal with the issues that it will deal with. Unfortunately, or fortunately, we have people in charge of these crown corporations who serve at pleasure who were there at the time that these acts took place. I have been asked to evaluate whether they have taken appropriate steps to satisfy the concerns that were raised by the Auditor General that would enable them to stay in control until such time as the public inquiry has done its work.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, I do not think that answer will wash with the public.

The public wants to know that the public inquiry is dealing with this. What we do not want is the Treasury Board president and the Prime Minister hanging out Chrétien loyalists to dry while covering his own tracks and the tracks of all those people involved in his party and supporting him.

Why is it that we are investigating Chrétien loyalists, but people such as the former president of the Treasury Board and his current communications director get to sit around the cabinet table and continue to talk about this?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the member might want to consult the person who sits up the bench from him who was taking exactly the opposite position a few minutes ago.

We are not investigating anyone. What we are looking at is the response of the crown corporations leadership to the concerns raised by the Auditor General. The Prime Minister has asked me to assure him that the management of the crowns have taken the concerns seriously and have put in place measures to address the concerns that were raised. That is all.

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[*Translation*]

BUDGETARY SURPLUS

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, as he left the finance ministers' meeting last week, P.E.I.'s finance minister said that having attended 18 such meetings in the past, this one was the most disappointing. These comments were echoed by Quebec's finance minister, who predicts a deficit in Quebec if Ottawa refuses to budge and transfer part of its budgetary surplus.

How can the Prime Minister say he wants to address the problem of health care when he was completely off-target at the finance ministers' meeting?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, in the period that we are now in, we are in the process of the renewal of the equalization formula.

I am pleased to say that the Government of Canada has worked very hard on the arithmetic. We have a proposal that would increase the value of equalization by some $1.3 billion over the course of the next five years.

I have undertaken in my conversation with the finance ministers on Friday to see if there are some other ways in which that arithmetic could be improved further. I would point out that is $1.3 billion on top of about $9 billion that flows every year through equalization.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the big priority for everyone is health care, and Quebec's finance minister reiterated this at the end of the finance ministers' meeting. Quebec and the provinces need financial support.

How can the Prime Minister enter into discussions with the municipalities, as he did today for instance, when the big priority is health, and the finance ministers left empty-handed despite an estimated surplus between $7 billion and $8 billion here in Ottawa?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the finance ministers of the provinces generally said to me that they thought health care was the leading priority.

Their first priority was to get the $2 billion that had been committed conditionally last year. That of course has been done, $2 billion, and it is the subject of legislation in the House right at this moment. This will make sure that the provinces can receive those funds, each one of them within the fiscal year that is most advantageous to them.

On top of that, the first ministers have all agreed on a process leading toward greater sustainability in health care to be pursued this spring and summer.

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● (1435)

[*Translation*]

FOREIGN AFFAIRS

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, despite the presence of an international mission in which Canada plays a part, the situation in Haiti is becoming an increasing source of concern, as we receive confirmation that the rebels have taken over Cap Haïtien, the second largest city in that country.

What plans does Canada have to respond to this rapidly changing situation?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows, the minister responsible for la Francophonie travelled to Haiti this past weekend. I myself have spoken with Mr. Powell and other leaders in the region. We are monitoring the situation closely. We belive that a political solution is necessary if any intervention is to succeed in the long term. We are continuing to consult all members of the community of the Americas to ensure that any intervention in Haiti would be successful in resolving this problem, which is so difficult for our hemisphere in the long term.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the reality is that we are dealing with a civil war and an unprecedented humanitarian crisis, and the situation could deteriorate further.

Does Canada, along with the other states involved, intend to explore other avenues in order to avoid the irreversible solution of sending an implementation force?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as I have indicated, we are looking at all the possibilities. We feel we have a duty to protect people's lives, while at the same time seeking a long term solution.

Canada cannot act alone. We will be working in conjunction with the United States, CARICOM, and the Francophonie to resolve the problem in Haiti, a problem that concerns the entire international community. We are continuing with our policy in this respect.

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SPONSORSHIP PROGRAM

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, the Prime Minister is letting the rumour spread that he is going to fire the heads of the crown corporations involved in the sponsorship scandal. It is obvious, however, that they did not act on their own, but rather followed the orders of their political bosses.

Why does the Prime Minister not admit that he was one of those big political bosses himself, and when will he stop blaming other people for his own incompetence as finance minister?

[*English*]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, one more time, nobody is blaming anybody. What the Prime Minister has asked me to do is to look at the management of the crowns, given that some of the people who serve at pleasure in positions were there at the time that these incidents took place some years ago. He has asked me to make an evaluation, have they taken it seriously and have they put in place the systems that prevent a reoccurrence so that he can continue to have confidence in them.

This is not about blame. It is not about the work of the inquiry. It is about the simple examination of individuals who serve at pleasure.

Mr. Jason Kenney (Calgary Southeast, CPC): Talk about incompetence, Mr. Speaker. First he said that they are not blaming anybody, after the Prime Minister blamed a secret cabal of 14 functionaries and then blamed the former prime minister. The minister a minute ago started by saying that they are investigating the heads of the crowns. Then he said that they are not investigating. Now he said that they are merely examining them. What the heck is he talking about?

We want to know why the government put Liberal lapdogs in charge of these big crown corporations in the first place so that they were susceptible to precisely the kind of political influence which led to this scandal.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): One more time, Mr. Speaker, it is guilt by association that seems to be the standard to which that side has risen right now.

The Prime Minister has taken a very responsible position. He has asked me to exercise due diligence because he cares about the quality of management and he expects people to respond. He is doing exactly what anyone would expect a responsible prime minister to do.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, this is why the Prime Minister is on a road show and dodging his responsibility here in the House.

This scandal is more about the rogue bunch of bandits in the civil service.

The Speaker: The hon. member for Edmonton—Strathcona is treading very close to the line. He knows that he cannot refer to the absence of members, which I sense he was doing with that comment. I do not know what constitutes a road show in his definition, but he will want to be very prudent in his choice of words.

● (1440)

Mr. Rahim Jaffer: Mr. Speaker, I guess we will have to put his picture on a milk carton.

The Privy Council Office works hand in hand with the PMO to service its political masters around the cabinet table. It is simply not possible that rogue bureaucrats could act without cabinet ministers in the know.

If the Prime Minister is indeed going after those bureaucrats in the PCO, will he also go after those cabinet ministers who directed those bureaucrats to steal that money from Canadian taxpayers?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as has been said on a number of occasions in the House, there is a public accounts process and a public inquiry process. Ministers on this side of the House have made it plain that if we are called to appear before either of those processes, we will be there.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, let us start with those ministers. The President of the Privy Council is neck deep in this scandal and still he refuses to answer questions as to his involvement. Now that we know the Prime Minister is targeting bureaucrats in the Privy Council Office for discipline, the minister must end his silence.

My question is for the President of the Privy Council. What is his involvement in this scandal and what steps did he take to cover it up?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as I have said before and I believe I have made plain before, ministers on this side of the House will appear before either the public accounts committee or the public inquiry if we are requested to do so. At that point the hon. member can be reassured that all of us will be forthcoming. All of us on this side of the House want to get to the bottom of this matter, just as do all Canadians.

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FOREIGN AFFAIRS

Hon. David Kilgour (Edmonton Southeast, Lib.): Mr. Speaker, my question is for the Minister of Foreign Affairs. Questions have been raised about Haiti. Canada, since Rwanda, has spoken much about humanitarian interventions. Is he prepared to consider asking the UN to stage a humanitarian intervention in the case of the terrible situation happening in Haiti?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, obviously there is a great deal of concern. We are working, as I said in an earlier response, with all members of our community: the OAS, the United States, CARICOM, la Francophonie. We are working together to ensure that there is a political context in which any intervention would be appropriate and would be successful.

Any intervention in Haiti has to be seen in a way which can be effective, but it has to be the international community working together. Canada is working with our international community to ensure that we can intervene in Haiti in a way that will be effective. It depends upon a political solution worked at by Aristide and his—

The Speaker: The hon. member for Churchill.

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HEALTH

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, my question is for the Prime Minister. Talk about Liberal hypocrisy on for profit medicare. Bruce Young, a senior officer working in the Prime Minister's office, was a corporate lobbyist for a group of private surgical facilities in B.C. Earnscliffe hack, Mike Robinson, chaired the Prime Minister's transition team and lobbied for private diagnostic services. No wonder B.C. Liberal Premier Gordon Campbell expanded for profit health care, saying that he expected greater flexibility from the Prime Minister.

Will the Prime Minister clean house by firing his medicare corporate lobbyist today?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, at least someone is paying attention to the situation of health, which is the number one priority of Canada. I was quite scandalized to hear the Conservatives continuing to talk sponsorship when we were talking about Haiti, as if they do not care at all about foreign affairs.

On this side, we will stand by the five conditions of the Canada Health Act. We believe in the universality of our system. We are attached to it, and we will defend it across Canada.

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, that pitiful response as an answer to the serious issue of health care in the country is exactly the Liberal rhetoric to which Canadians are tired of listening. In fact Liberals changed the Canada Health Act and made it easier for corporate friends to profit from home care.

It does not stop there: private surgeries in B.C., open; private hospitals in Alberta, open; home care privatized in Ontario; operating tables for rent in Quebec; for profit MRIs in Nova Scotia.

Why is the government allowing profiteering from the ill health of Canadians?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, we will continue to review any particular complaint that anyone has about the violation of the Canada Health Act. If the member of Parliament has precise cases to bring to our attention, she should please do so. However, in the meantime we should see that the government is standing by the Canada Health Act in defending every one of its five principles, as every one of them is widely supported by a vast majority of Canadians across the land.

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● (1445)

SPONSORSHIP PROGRAM

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, when a regular Canadian applies for employment insurance or a disability tax credit or a fishing licence, he or she is normally required to complete all kinds of forms and go through all kinds of hurdles. There is always a paper trail. However, when it came to the sponsorship program the Auditor General says that there were no vouchers, no documentation, no paper trail.

Could a minister, any minister, explain exactly how a cheque was generated? Did a minister just phone up and say "Please write a cheque for a few hundred thousand dollars"? How was it done? Has the system been changed so ministers cannot order cheques verbally?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, as the hon. member knows, the sponsorship program was significantly changed over the last two and a half years to ensure that the proper safeguards were in place.

Between 1997 and 2001, there were significant problems. The Auditor General has reported on them. We found them in internal audits. References have been made to the RCMP. The public accounts committee and now the public inquiry will look into the very questions in detail that the member has raised.

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, my question was, in the end, whether ministers could still call up and request a cheque for a few hundred thousand dollars with no voucher, no documentation and no paper trail. The question is this. Can ministers still phone up and order cheques?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I will not attempt to prejudge the decisions of the public accounts committee or the public inquiry with respect to the past, but with respect to the present, I would say no.

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ACCESS TO INFORMATION

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, despite the Prime Minister's promise for openness and transparency in government, crown corporations are still exempt from access to information requests and reviews by the Auditor General.

Will the Prime Minister put his money where his mouth is? Will he immediately amend the Access to Information Act to cover crown corporations?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, if the member would read the announcements that we made on February 10, he would see that we talked in the review of crowns corporations of government about the possibility of extending the Access to Information Act to them.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, the Prime Minister's actions unfortunately speak a lot louder than those empty words from him and this government. Not only once, but twice, the Prime Minister stood in this House and voted against expanding the Access to Information Act to cover crown corporations. Now, that this government suddenly finds itself in some type of damage control mode, it stands up with all these empty promises.

Why does this government only agree to make promises after it is caught?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I will send the member a copy of the information that we put out on February 10. The fact is this is a huge and complicated issue. We have agreed to study it and we have agreed to put legislation before the House to do it, so all members can look at it, make an evaluation and decide how they will vote on it.

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[*Translation*]

NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Minister of Defence is continuing to shilly-shally and now says that, instead of financing the missile defence project, they are looking at opening up Canadian territory to deployment of interceptors and radar stations. For weeks now, contradictory statements by ministers have been coming thick and fast.

Will the Minister of Defence admit that, regardless of who says what, the government has already decided to go ahead and participate in the missile defence system? Let him admit that.

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, I will repeat my answer to the earlier question, which was this. The government has not made a decision on whether to participate in the U.S. national missile defence program. Nor has there been any request by the United States to use our territory.

In any event, as I said before, there are two levels of speculation involved here. I want to quote from the article that appeared yesterday, in the *The Gazette*.

> We're not saying no. We're not saying yes. We want to understand precisely how the security architecture of this system is going to function.

Beyond that, I would simply say that what we are looking at is a limited system of land and sea based interceptors.

● (1450)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): And yet, Mr. Speaker, in his letter to his American counterpart, he said a very clear yes. We do not understand the minister's hurry to take part in the missile defence system when Canada's defence policy will not be debated until next fall, and Parliament has not yet had a free vote on the merits of this system.

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the world does not stop. We do not have the opportunity to get off the world in terms of the security issues while we are studying our defence policy. This government is taking action with respect to what we feel is in the best interests of Canadians, action consistent with Canadian interests and values.

Protecting Canadians from a possible ballistic missile attack is one of the things that is under consideration.

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JUSTICE

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, this Liberal government has allowed judges to become the most powerful force in setting social policy in Canada. Whether it is by allowing convicted murders to vote or by changing fundamental institutions like marriage, this government has substituted the supremacy of an elected Parliament with unelected judges.

What steps will this Prime Minister be prepared to take to ensure that Parliament will participate in the future appointment of any Supreme Court of Canada judge?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, on the question of the role of judges it is not what the Liberal Party has conferred. It is what the Constitution has conferred.

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, it is the refusal of this government to pursue legitimate efforts to ensure that Parliament remains supreme that has allowed this reversal in roles to take place.

The vacancy of a Supreme Court of Canada judge that has recently been created presents this Prime Minister with the unique opportunity to address the democratic deficit insofar as the appointment of judges is concerned.

Will this Prime Minister assure Canadians that no future Supreme Court of Canada judge will be appointed without a review and the consent of a parliamentary committee?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the Prime Minister has made it clear that there will be a role for a parliamentary committee. However, I want to advise the member opposite that we do not speak any longer about parliamentary supremacy. We have moved from being a parliamentary democracy to being a constitutional democracy, and that is the law of the land.

* * *

PUBLIC SERVICE

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, Burlington is located in the region of Halton, and Halton is part of the greater Toronto area.

Imagine my surprise when I received an inquiry from a constituent who wanted to know why he could not apply for a job in downtown Toronto because, according to Treasury Board guidelines, residents of the L7L postal code area were not allowed to apply.

Could the President of Treasury Board tell the House how my constituents, many of whom travel every day to downtown Toronto, can get access to federal government jobs through the website?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I have had similar questions raised by the member for Cumberland—Colchester, the member for Miramichi and a number of members in the House.

It is a policy that has been the practice of the Public Service Commission for 40 years. In 2001 the commission began examining it to see if there were ways it could be modified. It has two test projects underway and it has a proposal for E-recruitment, which I think may solve this.

I would be willing to undertake to arrange a briefing for all members on this so we can clarify these important questions.

* * *

AGRICULTURE

Mr. Gary Schellenberger (Perth—Middlesex, CPC): Mr. Speaker, there are reports today in the press that the Minister of Agriculture is delaying additional help to cattle producers until all the provinces agree to the details of his program. The provinces have repeatedly stepped up to the plate without the participation of the federal government.

Will the minister stop fighting with his provincial colleagues and announce, unconditionally, the program today?

Hon. Mark Eyking (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Agri-Food), Lib.): Mr. Speaker, we have a good relationship with the provincial ministers. Many of the programs that we unfolded over the last eight months were in agreement with the provinces. We will not stop there. We will work on new programs, and we do have a good relationship.

Mr. Gary Schellenberger (Perth—Middlesex, CPC): Mr. Speaker, the provinces have taken the initiative and left the federal government and that minister behind in helping their farmers cope with the BSE crisis. Almost every province has initiated individual programs, so the minister cannot use the provinces as a reason to hold up his new program that he is planning to announce.

Will the minister stop using the provinces as his excuse and actually do something for our cattle producers rather than just talking about it?

● (1455)

Hon. Mark Eyking (Parliamentary Secretary to the Minister of Agriculture and Agri-Food (Agri-Food), Lib.): Mr. Speaker, over the last year we have put out $5 billion with the provinces. We are unrolling CAIS as we speak, as well as the cull cow program. Hon. members should look at the figures and check the facts.

* * *

[*Translation*]

FISHERIES

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, last week, seasonal workers blocked highway 138 on the North Shore because they want the government to act. The fishing season is about to open in a few weeks and there is still no word on the terms.

Will the Minister of Fisheries and Oceans tell us when he intends to announce his fisheries management plan for 2004 whether there will be a moratorium and what the quotas will be for groundfish and crustaceans?

[*English*]

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I look forward to speaking with my hon. colleague about this matter. There are many concerns from the region about crustaceans, particularly lobsters. I am aware of these concerns.

There is a four point plan. We have talked to the MFU, the Maritime Fishermen's Union, about this matter. It is a concern in other parts of the country, like Quebec. I look forward to speaking with my colleague.

* * *

[*Translation*]

FRENCH LANGUAGE HEALTH CARE SERVICES

Mr. Jeannot Castonguay (Madawaska—Restigouche, Lib.): Mr. Speaker, coming from a French-speaking region of New Brunswick and knowing the importance to my fellow citizens and other francophones in the country of having access to health care professionals in their own language, could the Minister of Health tell us about the announcement he made today to improve access to French language health care services in Canada?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, this morning, my colleague, the hon. member for Ottawa—Vanier, who is the government deputy House leader, and I were at the Cité collégiale to announce an investment of $119 million over the next five years to improve access to French language health care services for francophones across the country.

The money will go to initiatives called for by the country's official language communities and developed in close cooperation with them.

Through this program, students will be able to study in French—their own language—and practice in their language, ensuring that health care services are provided in French.

* * *

[*English*]

AUDITOR GENERAL'S REPORT

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, my question is for the President of the Treasury Board.

How many crown corporations is the President of the Treasury Board investigating and is the purpose of the investigation to assess the actions taken by the crown corporations at the time of the scandal, or is the investigation simply into the measures that have been put in place since the Auditor General's report?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the right hon. member, who follows these issues and takes them very seriously, asked an excellent question.

The Auditor General mentioned 10 crown agencies as having difficulties at the time of the problems. For four of them, the Auditor General herself in the report says that there are no concerns. For the other ones, the Prime Minister has asked me not to get their response to what went on at the time of the problems, which is for the public inquiry and for the public accounts committee to do, but to simply evaluate whether, since the report came out and they have had the information of the concerns? they have taken the appropriate steps to correct the concerns? Have they taken it seriously? Have they put in place measures to prevent it from happening?

That is the evaluation I am making. That is what I will report to the Prime Minister.

* * *

[*Translation*]

LIBRARY AND ARCHIVES OF CANADA

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, yesterday on Radio-Canada we heard confirmation of the Auditor General's report on the disastrous condition of the Library and Archives. We learned that certain irreplaceable documents, including the originals of the memoirs of Champlain, the founder of Quebec, are deteriorating beyond repair because of a shortage of funds. What a fiasco in an area of federal jurisdiction.

Instead of spending millions in the sponsorship scandal, how could the government not have managed to find the millions necessary to ensure the conservation of priceless documents even though it is the one responsible for them?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, I just want to say that the government took the points raised in the Auditor General's report very seriously. Moreover, steps were undertaken some months ago. I also want to point out to my hon. colleague that $15 million had already been earmarked in the last budget, the 2003 budget, for putting in place concrete measures to protect our heritage.

* * *

● (1500)

[*English*]

CANADIAN NATIONAL RAILWAY

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Immigration and it has to do with the rail strike that is going on and the extent to which the Canadian National Railway is importing Americans to do the work of striking Canadian railroaders. They are otherwise known as scabs.

Is the minister's department investigating the number of Americans who are coming across the border to do the work of striking Canadian railroaders? Is she willing to call CNR and ask for a list of these thugs who are coming in to do Canadian work? Is she going to call the CAW in and ask for the information that it has about Americans coming in? What is the government doing about this outrage?

Hon. Joseph Volpe (Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, as you may well know, and I know the hon. member knows, the strike action began just last February 20 and the employer is continuing to operate currently with the help of management personnel. However the union and the employer have indicated that grain and passenger services will not be affected by this work. In fact, they have begun to renegotiate.

It is our hope, as it is the hope of everybody else in the House, that those talks will bring about an amicable and worthwhile solution, and that the member opposite can put his outrage toward another serious event.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, in reference to my earlier question in which I made reference to people accusing the Minister of National Defence of lying, I wish to withdraw that terminology out of respect for yourself and for the rules of the House.

Speaker's Ruling

POINTS OF ORDER

REINSTATEMENT OF GOVERNMENT BILLS—SPEAKER'S RULING

The Speaker: I am now prepared to rule on two points of order: the first one was raised on Friday, February 13 by the hon. member for Pictou—Antigonish—Guysborough regarding an alleged discrepancy between Bill C-34 from the second session of the 37th Parliament and its reinstated version during the current session, Bill C-4; and the second one was raised by the hon. member for St. John's West regarding the electronic PDF and the HTML versions of the bill.

The member claims that Bill C-4 is not in the same form as Bill C-34 at the time of prorogation because the English version of clause 12 of the reinstated bill contains at page 14, lines 25 and 27, the expression "the office of the Senate Ethics Officer or office of the Ethics Commissioner" whereas Bill C-34 referred to the expression "office of the Ethics Commissioner or office of the Ethics Commissioner". Because Bill C-4 includes the words "Senate Ethics Officer" in replacement of the first occurrence of the words "Ethics Commissioner" in that subsection, it is the contention of the member that the bill is not in the same form as Bill C-34 at the time of prorogation.

[*Translation*]

The Chair has looked into the matter and consulted with the officials of the House responsible for the preparation of bills.

I would ask the House to bear with me as I explain the process whereby the change came to be made and render my decision regarding the validity of the point of order before us.

[*English*]

There is a longstanding practice between the law clerks of the two Houses that they will administratively correct errors in bills when they both agree that they are faced with an obvious printing error. This is an authority that they exercise with extreme care, in rare cases, and only after they are satisfied that the error is a manifest error. Let me explain the specific circumstances of this case.

I have been informed that indeed the words "Senate Ethics Officer" were added in replacement of the words "Ethics Commissioner" to the electronic version of Bill C-34 following an agreement between the Law Clerk and Parliamentary Counsel of the Senate and the Law Clerk and Parliamentary Counsel of the House to the effect that the absence of those words in the subsection rendered the text unintelligible and constituted an error that could be fixed administratively.

On October 30, 2003, when Bill C-34 was in the Senate, the Law Clerk and Parliamentary Counsel of the Senate advised the Law Clerk and Parliamentary Counsel of the House that Bill C-34 contained, at page 14, lines 25 to 27 of the English version, the expression "office of the Ethics Commissioner or office of the Ethics Commissioner". After careful analysis of the surrounding text in both the English and French versions of the bill, he contended that this redundancy constituted an error that could be fixed administratively if the Law Clerk and Parliamentary Counsel of the House came to the same conclusion. I note here that this error appeared in the first reading version of the bill as drafted by the Department of Justice and had until that point in time remained undetected.

The Law Clerk and Parliamentary Counsel of the House did indeed reach that same conclusion. His reasoning can be summarized as follows, and there are five reasons.

First, the expression "office of the Ethics Commissioner or office of the Ethics Commissioner" in the English version is a repetition that in itself is nonsensical.

Second, the English version thus refers only to the office of the Ethics Commissioner for the House of Commons whereas the French version of that same subsection refers to both the offices of the House ethics commissioner and the Senate ethics officer, that is the "bureau du conseiller sénatorial en éthique" et le "commissariat à l'éthique".

Third, when the English and French versions are looked at as a whole, it becomes evident that the absence of the words "Senate" and "Officer" in the English version of subsection (2) renders the meaning of the English version uncertain, whereas the French version is clear and unequivocal.

Fourth, in subsections (1) and (3) of the section amended, as well as in clauses 9 to 18 of the bill, one notes the consistent use of the terms "Senate, House of Commons, Library of Parliament, office of the Senate Ethics Officer or office of the Ethics Commissioner". Only in subsection (2), which is the one under review, are the words "Senate" and "Officer" absent.

Fifth, the insertion of the words "Senate" and "Officer" in subsection (2) reconciles the two versions of the bill, and achieves consistency of meaning within the English version itself.

In summary, then, the law clerks applied two very rigorous tests to the situation: first, they were satisfied that the error was a manifest printing error; and second, they agreed that there was only one way to correct that error. Therefore, the Law Clerk and Parliamentary Counsel of the House prepared a new parchment copy of page 14 where the words "Senate Ethics Officer" were inserted in replacement of the first occurrence of the words "Ethics Commissioner" in subsection (2), and forwarded it to the Law Clerk and Parliamentary Counsel of the Senate.

● (1505)

[*Translation*]

On October 31, 2003, the electronic PDF version of Bill C-34 was also corrected to reflect the change agreed upon. This took place before the prorogation of the House on November 12, 2003. Unfortunately, because of human error, the HTML version remained erroneous.

[*English*]

When Bill C-34 was reinstated during the present session, the PDF electronic version of Bill C-34 served as a source document for the preparation of Bill C-4. This explains why Bill C-4 contains the expression "office of the Senate Ethics Officer", as pointed out by the member for Pictou—Antigonish—Guysborough.

After a careful review of the facts, the Chair is satisfied that the administrative correction of this clerical error by the Law Clerk and Parliamentary Counsel of the House was consistent with the long-standing practice of the law clerks of both Houses relating to the correction of obvious printing or clerical errors.

Although such corrections are relatively rare, I believe that for greater clarity there should be a mechanism for informing members of these changes. Accordingly, I have directed the Law Clerk and Parliamentary Counsel of the House to inform the Speaker of any such changes by letter that I will then table in the House for the information of all hon. members.

By so doing, I believe we will ensure that the time of the House or its committees is not wasted on correcting manifest clerical or printing errors, while nonetheless ensuring that members are aware of any change, however minor, made to the text of proposed legislation before them.

So, to turn to the matter of the point of order, it is the opinion of the Chair that Bill C-4 is indeed in the same form as Bill C-34 in the second session. The administrative correction described above did not affect the form of the bill; it was correctly incorporated as part of the bill before prorogation of the last session and so is appropriately included in the bill as reinstated in this session.

I thank the hon. member for Pictou—Antigonish—Guysborough and the hon. member for St. John's West for their vigilance. Their raising this important matter has given the Chair an opportunity not only to clarify the situation with regard to Bill C-4 but to set down a protocol for better dealing with such issues in the future.

* * *

● (1510)

PRIVILEGE

DOCUMENT TABLED BY PRESIDENT OF THE TREASURY BOARD

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, my question of privilege follows from a point of order I raised on Thursday, February 19. It is in regard to the failure of the President of the Treasury Board to correct misleading information that he presented to Parliament with respect to the sponsorship scandal.

The House has been presented with two versions. On Wednesday during question period the President of the Treasury Board said, and I quote from page 757 of *Hansard*:

> ...the member for Calgary Southeast received $115,000 from the sponsorship program—

Following question period, when on a point of order I challenged the veracity of his statement, the minister corrected himself and said, and I quote:

> There was $115,000 given to the organization in the hon. member's riding...I said in his riding. It was given two years in a row.

That appears on page 760 of *Hansard*.

He was challenged by members of the opposition to table the document from which he was evidently citing. Finally, at the end of the same day, he returned to the House and did that at page 784 of *Hansard*.

However, his having tabled the document, we had an opportunity to review it. It turns out that no such grant existed, that neither I nor my riding nor any organization in my riding received a $115,000 grant from the sponsorship fund, or any other kind of grant whatsoever.

I sought clarification from the President of the Treasury Board, and he has not yet come forward and corrected the misleading information that he presented to the House. It has been four days since I raised this matter and the two versions are still before the House.

On February 1, 2002, the Speaker ruled on a similar matter in regard to the Minister of National Defence. The hon. member for Portage—Lisgar alleged that the minister of defence had deliberately misled the House as to when he knew that prisoners taken by Canadian JTF2 troops in Afghanistan had been handed over to the Americans. In support of that allegation, he cited the minister's responses in question period on two successive days.

The Speaker considered the matter and found that there was a prima facie question of privilege. He said, and I quote:

> The authorities are consistent about the need for clarity in our proceedings and about the need to ensure the integrity of the information provided by the government to the House.
>
> ...in the case before us there appears to be in my opinion no dispute as to the facts. I believe that both the minister and...hon. members recognize that two versions of events have been presented to the House.

As was the case involving the minister of defence, the records of the House will show that there is no dispute as to the facts: that two versions of events have been presented to the House by the President of the Treasury Board. He has offered a verbal statement that states one thing and tabled a document that says something else altogether.

The President of the Treasury Board has refused to advise the House which statement is true. He is in contempt for failing to uphold the traditions of this place and for knowingly providing the House with false and misleading information.

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I will have a little bit of difficulty responding it this on that I was not aware of what the concern is at the front of it; I was given no notice so I had to come back into the House to listen to it. If I understand it, though, and maybe I am reading more into it than is there, it seems to be that there are three issues here.

On the date in question, I read from the document that indicated there had been a $115,000 grant to an organization, I believe in the member's riding, Springhills; I am going from memory here, Mr. Speaker. I do not have the document in front of me. In that same document, in the subsequent year I believe the grant was in the order of $50-some-odd thousand dollars. I do not know exactly what the number was.

Now it is true, I believe, that I made the statement in the House in response to a challenge from the member that it was a $115,000 grant and it happened for two years. So to that extent I misspoke myself: $115,000 versus $52,000 or whatever the number is.

However, the document I was reading from was broadly distributed public information, which I re-tabled in the House. On the question the member is raising about having asked for clarification, this is the very first time I have been informed that there is any request for clarification. I would be more than happy to give it. I would have given it days ago, but not knowing exactly what the allegation is, it is a little difficult to clarify it.

● (1515)

The Speaker: I think there is a logical thing to do here. I have asked for a *Hansard* from last Thursday when the hon. member for Calgary Southeast raised the matter. The government House leader took the matter under advisement at the time and said he would get back to the House. Obviously that has not come back yet, but I assume it will and obviously the President of the Treasury Board now says he will come back as well and clear up the matter.

We are going to need to have the explanation from the President of the Treasury Board before we can deal with this, so I can invite the President of the Treasury Board to look at the undertaking given last Thursday, which is to be found in *Hansard*. However, having just received the copy, I am going to have to locate it again. I have seen it in the transcript but not in the actual *Hansard*.

Therefore, I will get it to him and will look forward to hearing from the President of the Treasury Board, I am sure in due course, to clear up the matter for the diligent member for Calgary Southeast, who has raised the matter now, as he has indicated, a couple of times. We are always pleased to hear from him on points of order and questions of privilege, of course, as from all hon. members.

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT CONTRACTS

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I have the honour to table, in both official languages, in response to the hon. member for Roberval's question on February 18, the list of departments that received the syndicated research poll through the Department of Public Works and Government Services.

* * *

ELECTORAL BOUNDARIES READJUSTMENT ACT

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.) moved for leave to introduce Bill C-20, an act to change the names of certain electoral districts.

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

Hon. Jacques Saada: Mr. Speaker, there have been discussions among all parties with regard to this bill and I believe you would find that there is unanimous consent to deem this bill now to have been read a second time, referred to and reported without amendment from the committee, concurred in at report stage, and read the third time and passed.

The Speaker: Is there unanimous consent to proceed in this fashion?

Some hon. members: Agreed.

Some hon. members: No.

* * *

VETERANS

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, today we are recognizing an exceptional group of veterans to whom we owe a great deal of gratitude.

● (1520)

[*Translation*]

These veterans volunteered to participate in chemical agent testing at Suffield and Ottawa during and after the second world war.

[*English*]

Through their selfless service, service that has until now gone unrecognized, these veterans spared their comrades in arms the horrors of chemical warfare. More than that, they have provided the foundation for Canada's response to the very threat of chemical warfare, a threat that continues to this day.

From all accounts, these experiments were secret for a long time and, as a result, some veterans felt that they could not share their experiences with their family and friends. Others have brought to light that they felt that they could not access veterans' benefits as it meant disclosing the trials.

We are particularly thankful to Mr. Harvey Friesen and Mr. William Tanner for bringing these concerns to the attention of the government and we find the difficulties that these veterans encountered over the last several years very regrettable.

That is why we have established a program to provide payments to these individuals, payments that will total $24,000 for each eligible veteran or the beneficiaries of their wills.

We hope that today's announcement of this payment and recognition program will allow these veterans who have served Canada with pride and distinction to move forward with the respect and admiration they so richly deserve.

I would also like to take this brief opportunity as well to thank the current Minister of Veterans Affairs, the previous Minister of Veterans Affairs and the DND ombudsman, Mr. André Marin, for their contribution to this recognition program.

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, the Canadian soldiers used as guinea pigs in chemical warfare testing from the early 1940s to the mid-1970s never gave up the fight. They displayed great courage and stamina in their decades-long search for recognition and compensation from the government for horrible experiments that should never have happened.

Canadians can only imagine the unspeakable frustration of the 3,500 chemical test veterans as they endured respiratory problems, skin conditions and cancer in the years following exposure to mustard, phosgene and lewisite gases.

Though a welcome relief, it is unfortunate that it took so long for the Canadian government to acknowledge its responsibility and liability. I am particularly struck that, though they would have been justified in feeling abandoned and betrayed by the government throughout their long wait, many of these vets remained reluctant to divulge the secret chemical tests out of a sense of duty to their country. Duty always came first.

No amount of money can make up for the years of frustration, illness and suffering these veterans and their families faced. It is heart-wrenching that so many died before this issue was resolved. I sincerely hope that this compensation and government admission will bring some peace to the veterans, their widows and their families.

The government's responsibility is this matter is not over. It must now act to restore faith among those currently serving in the Canadian Forces that the Government of Canada views their health and their well-being as the most valuable military asset.

I call upon the government to demonstrate transparency and an improved willingness to quickly resolve the medical concerns of our soldiers and veterans. We must ensure that no other Canadian soldiers face such a long battle for justice.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the unthinkable occurred during that period, when 3,500 soldiers volunteered to test chemical weapons that could be used on the battlefield.

Today, about 2,000 of these soldiers remain. The promised program will cost the government about $50 million.

The Bloc Quebecois has a number of questions however, and does not think that the statement today by the minister will put an end to this matter.

Among other things, we continue to wonder why this government reacts just when a parliamentary watchdog is about to table a report. This happened with the Auditor General. Now it is happening again, with the government reacting to a report by Ombudsman André Marin.

Why did this government not react sooner and say, "We will consider these people and we will take care of them"?

When talking about compensation, the minister mentioned Harvey Friesen. Mr. Friesen does not feel it is enough. We fully agree with giving the $24,000, but is this amount sufficient? We reserve the right to appeal this decision.

Now, National Defence should be much more proactive too. It should track down all these individuals, contact them and do its best to speed up this process, because these people have waited far too long already.

What we find clearly unsatisfactory is the government apologizing and highlighting the dedication of these individuals. More must be done. The government must apologize for conducting tests on them.

To this end, fact sheets—there is currently one on the department's website about mustard gas—must be circulated, and we must be told exactly what kinds of chemical agents were used so we can help all these people.

This is a first step but, in our opinion, it is not enough.

[*English*]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I would like to acknowledge and thank the government for admitting the error of its ways in recognizing that some form of compensation needs to be forwarded to these brave individuals who served their country so well in terms of experiments back in 1941.

This Thursday marks the 61st anniversary of the internment of the Japanese. It is funny how it was a Liberal government back then that did the mustard tests on our soldiers. It also interned the Japanese. Some people would say that was wartime and different actions had to be taken; however, what was scandalous about that was that the government was warned in those days. If we go back to *Hansard* and other articles, the government was told not to do these types of experiments and not to intern the Japanese.

It has taken very long for these brave men, many of them who suffered for many years along with their families, to finally get recognition from the government by saying it is sorry and to offer them compensation. As previous colleagues have said, no amount of money is enough to satisfy their concerns.

We cannot help but notice there is a string going along here. The merchant mariners and aboriginal veterans received about the same amount. It seems that every time soldiers and veterans come up for compensation, it is around the $20,000 to $25,000 mark. We believe that some of these soldiers may have a valid option when it comes to fighting this debate in the courts, if need be.

On behalf of the New Democratic Party, I wish to acknowledge what the government has done. Our party also wants to salute and honour those brave men and women who took part in those tests and their families who fought so long and so hard. We would wish now that those veterans who are suffering from mental disabilities would also have those rights and not have to go to the courts, as they did just recently.

The government took these disabled veterans, those who were mentally challenged, took their money and said they were not capable of looking after it, so it would do it for them. These veterans and their families had to fight year after year, and in the end lost their case in the Supreme Court of Canada.

This government did that. We would like it to ensure that no other veterans' group or any other group in this country must fight so hard and so long to get what is rightfully theirs.

● (1525)

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have the honour to present the fifth report of the Standing Committee on Procedure and House Affairs regarding the associate membership of the Standing Committee on Agriculture and Agri-Food.

If the House gives its consent, I move that the fifth report of the Standing Committee on Procedure and House Affairs, presented to the House, be concurred in.

The Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

MARRIAGE

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, it is my privilege to present eight petitions, with a total of 256 signatures, adding to the thousands that have been introduced in the House already, a significant number by myself.

These petitioners are asking Parliament to take all necessary steps to preserve the current definition of marriage as between one man and one woman.

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, as we approach March, which is kidney month, I am pleased to present another petition from the now tens of thousands of people in the Peterborough area who have signed a petition in support of people suffering from kidney disease.

They point out that kidney disease is a huge and growing problem in Canada. Real progress is being made in the various ways of preventing and coping with this disease. The petitioners wish to thank those who are involved in making progress with the disease and for the work they do.

They call upon Parliament to encourage the Canadian Institutes of Health Research to explicitly include kidney research as one of the institutes in the system to be named the institute of kidney and urinary tract diseases.

MARRIAGE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, my second petition is from the people of the Peterborough area who point out that marriage is the best foundation for families and for the raising of children. They call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman.

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mr. Bélair): Is that agreed?

Some hon. members: Agreed.

[*Translation*]

The Acting Speaker (Mr. Bélair): I wish to inform the House that, because of the ministerial statement, government orders will be extended by eight minutes.

GOVERNMENT ORDERS

● (1530)

[*English*]

CONTRAVENTIONS ACT

The House resumed consideration of Bill C-10, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act, as reported (with amendment) from the committee, and of the motions in Group No. 1.

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to speak to Bill C-10, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

This is an extremely important bill. There are quite a number of aspects to the bill, but one of the most important components of it is the national drug strategy itself. It would put in place the funding for a lot of education and getting information to the general public, especially young people who may be interested in trying marijuana.

First and foremost, this is not about legalizing marijuana. Those in the opposition and others across Canada often say that it is about legalizing marijuana. That is not what it is about at all. It is about changing the penalties. It would still be illegal to use marijuana in Canada should this bill carry.

The time has come to deal with this issue. The current system is not working. Unless we put in place the strong components of this bill, the current system will cause young people and families, and many Canadians continued hardship through the use of marijuana and through the continuation marijuana grow operations.

I have had the opportunity to talk to a lot of police associations across Canada. Yes, it is true, there is some opposition to this in some ranks. But people who say the current system is working are fooling no one but themselves because the current penalities are not being applied uniformly across the country.

Let me give an example. If an individual in my home province was caught smoking a small amount of marijuana or in possession of a small amount of marijuana, that individual would be charged and would have a criminal record. We know what a criminal record would do to individuals. These individuals may be truck drivers. They would not be able to get across the border to do their job, and participate in the economy of country and provide for their family. In that situation, individuals caught with possession of a small amount of marijuana would face the full wrath of the law.

In other areas of the country, say in Toronto, one would just get a slap on the wrist in many cases. There is no penalty in that case, other than maybe a talking to by a police officer.

The current law is not working because it is not being applied uniformly across the country. We might as well recognize that up front. This bill is attempting to change the penalties in order that there would be a fine for small amounts of marijuana less than 15 grams. In fact, the bill states:

> —in an amount that is not more than fifteen grams, guilty of an offencepunishable on summary conviction and liable to a fine of not more than the amount referred to in item 2 of Schedule VIII.

The bill clearly lays out the penalties, in terms of an individual caught with no more than 15 grams. There would be a penalty. It would still be illegal and there would be a fine.

Some people will argue that the fines are not high enough, and that is their right . That is a debatable question. I myself believe that the fines should be increased; however, at least this bill would certainly be a good start.

I have had the opportunity to go to the Vancouver downtown east side which, for about a three block area, is devastated by the drug problem. I had the opportunity, in my previous responsibilities, of meeting many groups of police officers of both jurisdictions, local and RCMP. I had the opportunity to sit down and discuss with them the marijuana grow operations.

● (1535)

Marijuana grow operations are a terrible problem in many areas of the country, especially in the Vancouver and Toronto areas. Marijuana grow operations must be dealt with and dealt with severely.

I know we are not supposed to criticize the courts, but in the province of B.C., in terms of individuals caught with marijuana grow operations, I do not believe the courts are imposing the penalties that were intended by the law. This bill sets out some aggravating factors and the courts must justify in writing if they are not imposing the penalties fully intended by the law.

When I hear police officers tell me that they put their lives at risk when they go in to take down a marijuana grow operation and before they come back to work the next morning those individuals are back out on the street again, that tells me that the current system is not working. The bill moves some distance to ensure that the penalties intended by the law are imposed by the courts. That is as it should be.

There are some who have argued that we should not bring in this bill without having a roadside test for driving while drug impaired. It would be nice if there was one, but there is not.

However, the national drug strategy puts in place, first, the funding for the training of police officers in order for them to see the physical characteristics of individuals to determine whether or not they believe they are drug impaired. Second, it puts in place some moneys for research to find something that is similar to a breathalyzer, only related to drug issues. It moves the issue forward. It is an important step. It is one that is spelled out concretely in terms of the national drug strategy itself and it moves us ahead in addressing the problem of those who may be driving while drug impaired.

One of the most important aspects of the bill is the whole aspect of education. As I indicated earlier, the current system is not working. In some areas offenders get a slap on the wrist and in other areas they end up with a criminal record. Individuals out there, young people, do not believe that it is really against the law to be using marijuana or to be in possession of it.

Within the national drug strategy, there is funding in place to go out on a fairly major campaign to educate people, to tell them about the harmful effects of marijuana, to tell them about some of the situations that can be seen in downtown Vancouver's east side, and to tell them about the harmful effects, that it is illegal, and that they should not be using it.

There is some talk about how the Americans are strongly opposed to Bill C-10 and the changes in the penalties on marijuana. I have had the opportunity to meet with Attorney General Ashcroft as well as the drug czar in the United States. When appropriately explained to them—rather than the rhetoric by some on the other side of the House—what the intent of the bill is and how it will accomplish a reduction in marijuana use over time, and how it will put in place penalties to shut down marijuana grow operations, the U.S. political players will in fact come on side.

● (1540)

In conclusion, it is very important for the House to pass Bill C-10. We must pass it now because the longer we wait, the greater problems that will occur for many young people and many families in the country. Let us get it done and pass the bill.

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, it is good to be able to speak to the bill on the decriminalization of marijuana. It is important to me and all members of the House because it is an issue to which Canadians have really paid attention. Sometimes when we amend the Criminal Code it happens without much input but this is one issue in which all sectors of society have been interested.

The first meeting I went to where people had asked me to speak about this issue was quite some time ago. It was in a seniors centre. Some ladies had come to my office to talk about the bill. They were very concerned that any steps would be taken to decriminalize marijuana. When I thought about it afterward, they had probably raised teenagers right in the middle of the 1960s and it had been a big concern to them at that time. It still is now. They have been watching this with interest, as have others.

I spent some time with the local law enforcement people in my riding not too long ago and asked them about some of the issues that Canadians are facing. The marijuana issue was brought up. They are dead set against any decriminalization. They feel that it leads right into harder drugs and more pain for our society.

The non-medicinal use of drugs in our society is an absolutely huge issue. It affects many more people than we realize. It gets into society at all levels. It is not only in the lower end of town, the east side of Vancouver or some of the skid row areas where we see this. It is everywhere. If there is anything that we as a government and as a country can do to stop the availability of or the use of drugs, we need to do it. We need to enact laws that make it harder, not easier, to use these types of drugs.

One thing that was mentioned to me when I was discussing some of these issues was the aspect of organized crime as it creeps into the entire area of marijuana.

As has been mentioned many time here today, across the country we have seen the increase in the number of grow ops. There was one in an old brewery in Ontario not too long ago. The size of the operation and the investment put into it were huge. The amount of illegal drugs cranked out of that place was unbelievable. This goes on and on.

Now people are buying and using residential homes in the upper level areas of cities and towns and not in places where one would associate this type of activity. They are harder and harder to detect. The amount of damage being done to real estate across the country by these grow ops is huge.

Something that needs to be addressed is the involvement of organized crime. Those people who think that organized crime is not involved in the growing of marijuana and its distribution should give their heads a shake because it is involved.

The moneys created by trafficking in these drugs are used to purchase harder drugs and to infiltrate more and more of society. The more people who get hooked on this stuff and the more people who become involved, the better it is for the organized crime rings in Canada. They certainly are using this as a means of funding the rest of their activities. That is a huge issue.

The former solicitor general mentioned the issue of driving under the influence and the inability to have roadside checks. This is important.

It seems that we are trying to put the cart before the horse. We should address some of these other issues before we make any attempts to increase the availability of this drug. Certainly the level of the amount, whether it is 5 grams, 15 grams or 30 grams, is something that is up for debate. The amount that the government has put in the bill is far too much and if it is going to be looked at, it should be far less. There are things that need to be done before we do that.

● (1545)

The whole idea of a national drug strategy is to deal with the whole issue of drugs. Marijuana is part of that culture and part of that circle. We need to have something in place that would allow our police officers and other people in law enforcement to deal with the whole drug issue.

There is also the proceeds of crime. This is something that I dealt with some time ago in connection with child pornography and the equipment used to create and distribute child pornography. There was nothing in the code that allowed for the confiscation of that equipment. That is there now. The same should apply in this instance.

These are the issues that need to be dealt with before we make any move to change what we are doing, in decriminalizing or legalizing this drug.

We talked about fines in great detail and the subsequent fines for people who go back to this activity. It was mentioned that police have shut down a grow op and by the next day the people are out on the streets again. For people who reoffend, the fines and penalties should increase on a very steep ramp. We have to make sure that there is an increasing deterrent for those people who want to be involved in this activity.

One thing that is always remarkable to me is the value of the drugs that are seized in these marijuana grow ops. It does not seem that one has to cover a whole lot of area with plants in order for it to be worth a substantial amount of money on the street. In order to stop people from taking the gamble and breaking the law, we have to make sure that the penalties are such that they are deterred from taking part in these activities. The subsequent fines and penalties for people who reoffend have to a true deterrent and of a nature that would make them think twice before they went back into it.

The other issue is the difference in the penalties depending on the age of the person. The government is proposing in the bill that a younger person would be penalized less severely than an older person. That absolutely sends the wrong message. If the laws are different according to the age of a person, that says to young people that they can get away with this activity because they will not be penalized as severely as adults, so why not take a chance on it.

We have to really be careful that the message we are sending, particularly to our young people, remains that this drug is dangerous. We should not be proceeding down the line that the government has proposed.

Before any steps are made to change the existing laws, we have to deal with some of the other issues. How are we going to decriminalize something that is illegal to purchase or illegal to grow? There are so many aspects of it that just do not add up. It needs a lot more work, a lot more effort and a lot more change before the bill will become acceptable to Canadians.

In closing, I want to register my opposition to what the government has proposed. It is a step in the wrong direction. The use of drugs in this country will increase if we proceed with this bill. We should make every effort to make the needed changes before we take that step.

BUSINESS OF THE HOUSE

BILL C-20—AN ACT TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

Hon. Jacques Saada (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. There have been discussions among all parties with regard to the bill that was introduced today, and I believe you would find that there is unanimous consent for the following:

> That this bill be deemed to have been read a second time, referred to and reported without amendments from the committee, concurred in at report stage and read the third time and passed.

● (1550)

[*Translation*]

The Acting Speaker (Mr. Bélair): Is there unanimous consent to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to, bill read the second time, referred to committee, reported, concurred in, read the third time and passed)

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[*English*]

CONTRAVENTIONS ACT

The House resumed consideration of Bill C-10, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act, as reported (with amendment) from the committee, and of the motions in Group No. 1.

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I am a little surprised that Bill C-10 has come forward. Under its previous number, Bill C-38, it went through a very interesting process, a parliamentary subcommittee of members of Parliament who, certainly on my side, spent a considerable amount of time on this issue.

I have a number of concerns about the bill. I should say from the outset that if the bill does not have sufficient amendments, it will not enjoy the support of the people of Pickering—Ajax—Uxbridge, the riding I represent.

I want to quantify my concerns as to why I believe this bill is not sending the appropriate message at the right time. Clearly if one wants to include themselves in a national drug strategy, one ought to consider putting the strategy in place first and foremost. To have decriminalization come in at the same time almost defeats the purpose of trying to educate young people as to how this ought to work and to give them, if you will, a proverbial heads up as to the dangers of marijuana.

We have seen more recently the scourge of marijuana grow operations right across my region. We have seen it in the greater Toronto area. We have seen it in Barrie, Ontario, certainly in terms of the sophistication of some of the marijuana grow operations. It is no longer about a few people growing this recreationally, Cheech and Chong style. It is in fact a very serious matter.

It confirms the report that I tabled in the House earlier in the year about operation green tide, which of course is not about what is happening in Atlantic Canada, but is about the serious nature of the economic impact that marijuana growth is having across the country. It is so much so that as confirmed by Criminal Intelligence Service Canada, this product is becoming the product of choice for members of organized crime, who I can assure you, Mr. Speaker, are not, and I repeat not, marijuana enthusiasts. Instead they see opportunities of renting or buying a house and for $25,000 they can make a $600,000 return on investment.

I believe notwithstanding the provisions here and the penalties the government has put forward of doubling the sentence, that in fact the courts will treat it the same way. Currently seven years is yielding an average of about 35 days for every marijuana grow operation that is out there. Does that now mean it will be 70 days for people who effectively provide a product that will wind up with the students in many of our schools?

We all understand it is a product which many people will try from time to time. Frankly, I probably do not care a whole lot if Johnny or Josephine wants to have a joint in the basement of his or her house. Frankly the concern I have is much greater than that and it deals specifically with a number of very serious flaws in the bill.

Number one, there is no protocol to take roadside sampling for individuals who have imbibed the product. We now know through studies in Ontario, through various organizations, and I am not just talking about MADD Canada, that young people are choosing marijuana as a means of evading detection. They want to get high and rather than taking a bit of alcohol, they smoke a joint. The effect is that their responses are affected and they should not be operating a motor vehicle. Yet there is no means under which we can take a sample.

The bill calls for a series of fines for possession of 15 grams or less of cannabis and one gram of resin. However the fines for each offence are not uniformly applied. Adult fines are higher than those for youth. As well, the fact that the fines are not high is hardly a deterrent. A concern also exists for reducing the fines applicable to youth, especially if the federal government is actively trying to educate young people not to take up cigarette smoking. They are contradictory messages.

There is no provision for repeat offenders. In other words we are dealing with simply a ticketing offence, much in the same way one would get a parking ticket. The court system will be clogged. Let us be honest about this. We will effectively render a situation which will be impossible to enforce and which will undermine the very credibility of what the bill is trying to accomplish, and that is to get this thing away and unclutter our court system.

The aggravated provisions have a maximum of $1,000 or six months of imprisonment. However, there are only three aggravated provisions: possession while operating a vehicle; possession while committing an indictable offence; and possession in or near a school. More aggravated provisions in my view could have been added, for example, possession in or near a sports or community centre.

The $1,000 or six month penalty are maximum fine sentences. Mandatory minimum sentences would have been more productive, as courts rarely, as I have just explained, impose sentences, and they are really far from it.

● (1555)

Section 253 of the Criminal Code prohibits operation or control of a motor vehicle while impaired by either alcohol or a drug. However there is no mandatory blood, saliva or urine testing roadside protocol in the bill that could determine the level of impairment from marijuana use. It is serious when organizations have pointed this out and the bill is deficient in that. The question is why? Perhaps that is not a question that I can answer at this stage.

To try to rush a bill through because we are concerned about young people having a criminal record for the rest of their lives is a noble point but we have the Youth Criminal Justice Act. At 19 years of age their criminal records are removed any way. If we want to deal specifically with removing the opprobrium on individuals who are caught with possession, I suggest we begin to look more seriously at reducing the amount of time it takes, for instance, a pardon.

Much has been said about the United States, and I am glad we have used it as an example. While it is true that 12 states have decriminalized the possession of small amounts of marijuana, it is not true that the U.S. government has abandoned its discretion to impose penalties and to continue to enforce the national criminal code as it exists with respect to possession. That argument is a non-starter.

A sliding scale of increased penalties, summary, hybrid and indictable, are introduced based on the number of plants involved in the grow operations. The maximum penalties in terms of fines and incarceration appear sufficient at first view but that is not the case.

Mr. Speaker, I would ask you to put yourself in the position of a police officer or a peace officer who has to look at the prospect of determining the 15 grams and how many tokes or how many joints a person needs to have in order to make a determination between the criminal provisions or the decriminalized civil provision for giving the person a ticket.

It is conceivable that if people were able to get 15 or 20 young people to move these things around for them at any given time then they would be able to avoid the sting of trafficking. In the rush to push this legislation forward, this was obviously missed in the bill. I think that would do an injustice and would only increase the appetite of traffickers to get around the law.

The mandatory direction to the courts, in my view, should not have been limited to only those examples on the list. Grow ops are the product of organized crime and over 90% of the marijuana in this country derives from those operations. We know that they are exported in many respects to the United States.

After attending several conferences there is no doubt in my mind that there is concern about the damaging effect this could have on Canada's image around the world. There have been concerns that as a result of this and the massive amount of exportation to the United States and other jurisdictions, Canada is gaining the unfavourable moniker of being somehow a drug centre for other nations, particularly as it relates to marijuana.

I would not be so concerned about that except for the fact that the THC level in the product has increased dramatically so we are no longer dealing with a soft drug. No one on the committee and none of the proponents of the bill have bothered to look at the medical implications for individuals who may suffer long term psychosis and other effects that in many respects lead to the potential for this being a gateway drug. I am speaking of individuals who will never see an opportunity, through a national drug strategy, to know that there are real implications.

Why would other countries be concerned about what we are selling to the United States? According to the national institutes of health in the United States, over the past few years a greater number of people are being admitted to emergency wards because they have not been able to accept the high potency of the Canadian marijuana product. This certainly is not helpful in terms of our image. I can assure the House that there is more concern for all of us here to ensure that we get this legislation right and that we get it right from the beginning.

I think it is clear to all of us that, if we are to take this issue seriously, in order to correct the problem of possession, the perception that we are giving young people a criminal record for the rest of their lives, we are in effect opening the door to a greater perception that it is acceptable to do these things, whether we like it or not.

Parliamentarians know full well that they cannot control what happens beyond here. It would be simply irresponsible for us to pass the legislation at a time when Statistics Canada has pointed out that there is an increased use in drugs across the country. The last thing we need to do is to give a green light. It is time to step back, understand this product and, for the goodness of our society, stop the legislation, vote against it and have a second look before we leap.

● (1600)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, I could not help but sit here in almost total agreement with my colleague from Pickering—Ajax—Uxbridge in his very eloquent remarks on the subject matter of the legislation for which I know he is quite familiar.

He outlined in particular the messaging that comes from the passage of the legislation. It completely undermines in my opinion the entire sentencing principle of deterrence and denunciation where in effect there is legislation being presented that would condone small amounts of marijuana being in the possession of both youth and adults alike.

The legislation sends entirely the wrong message as far as the public perception is concerned. It indicates a government that is not only out of touch with reality on drug strategy but, as my friend alerted us, on health care issues as well.

There is a great deal of physical harm, mental harm and anguish that can come from this type of drug use. Even small amounts of cannabis have been linked to an altered state in a person's brain. MADD Canada, in particular, has made the point numerous times in its appearances before the justice committee of the dangers of driving under the influence of marijuana, cannabis and drugs generally and the difficulty that police officers have in detecting traces of those substances.

There is mounting evidence that if we were to pass this legislation we would be moving in the polar opposite direction than where we should be headed.

I would suggest that the Statistics Canada report that was released today further undermines the intent and objectives of the legislation. It, in essence, points out that drug use and crimes related to drug use have increased substantially in recent years. In police reported drug crimes the rate has gone up an estimated 42% since the early 1990s and now stands at a 20 year high. Three in four drug related incidents in the year 2002 involved cannabis. About 72% in fact were related to the possession of cannabis.

Obviously the government's drug awareness strategy is not working. I would say, with tongue in cheek, that it has gone up in smoke. Its joint strategy has not worked.

The government has made a token attempt to do the right thing, and I do not mean to make light of this because it is very serious, but this bill would, I suggest, add even more problems in terms of the government's estimated $245 million national drug strategy campaign. According to Statistics Canada, its strategy has been an abysmal failure. I suggest that this bill would cause even greater harm.

The overall drug related crime rate has been on an upward trend since 1993 driven by increases in cannabis possession as well as the production and importation offences.

The cannabis offence rate has risen approximately 80% in the last 10 years, largely as a result of increased numbers of possession offences and trafficking offences declining over the same period of time.

What my friend across the way also pointed out was the discretion and flexibility that already exists within the sentencing provisions of the Criminal Code. To suggest, as many have on the government benches, and the howls that a young person is saddled for life with a criminal record is simply not borne out by the facts. In many, if not most instances, a first time possession offence will result in a conditional discharge or an absolute discharge wherein a young person will be required to perform community service, to give something back to the community as a punishment rather than a fine. In very rare instances would jail or incarceration ever be contemplated for even a second time offence depending, of course, on other aggravating circumstances and the amount of the drug and type of drug involved.

Therefore there is enormous discretion available to judges under the current provisions of the code. For these and other reasons, the Conservative Party of Canada is adamantly opposed to the passage of the legislation. We believe there is far more that can be done: to have a drug prevention strategy, a public education strategy and to give the police the tools and resources they need to combat the rise in more serious drug offences.

● (1605)

My friend also referred, to borrow his phrase, to the gateway drug phenomenon, where a person, whether they are youth or otherwise, uses marijuana, cannabis or hashish and then goes on to use harder, more mind altering drugs than that.

Police reported in Canada almost 39,000 incidents related to the Controlled Drugs and Substances Act in the year 2002 alone. Of these, two-thirds were for possession, 22% for trafficking and the remainder were offences involving importation. Clearly, the drug strategy has failed and this legislation would make it worse.

In 1992 to 2002, both British Columbia and Quebec accounted for 29% of drug related homicides, the highest proportions. They were followed by Ontario with 24%. Heroin and cocaine involvement were highest in British Columbia where about 58% of its homicides were heroin related.

I underline the fact that a gateway drug or drugs leading to the use of harder drugs often add to the phenomenon of violence. Whether it be home invasion, assaults or actual homicides related to drug activity, there is a clear linkage, a continuity. There is a string that attaches increased drug use to these other types of societal harm, these other types of serious offences against a person.

The bill seeks to increase the penalties in some instances and yet, in the same breath literally, fines are being dropped considerably, which undermines the principles of sentencing as they refer to deterrence and denunciation. Many on the Liberal-dominated committee were loathe to use the words deterrence and denunciation.

My colleague from Manitoba, a former attorney general and crown prosecutor, will tell us that these words are used daily by prosecuting attorneys, lawyers and judges alike, yet we somehow want to pretend that deterrence and denunciation are not proper considerations in the courts.

Implementing this drug strategy is supposed to discourage drug use, yet this very perverse mixed message is what results: the legalizing, or in essence decriminalizing, drugs and making them more readily available and more acceptable while at the same time telling the public that we will educate them more on why they should not use drugs. It is bizarre.

There are initiatives, certainly on the education side, that need to be embraced fully and implemented but there should be an effort to send the message through the sentencing provisions. Mandatory minimums were mentioned. Decriminalization sends a very poor message to young people in particular. The provisions of the new Youth Criminal Justice Act, or the YJCA as it is referred to in colloquial terms—and many in the criminal justice system are now basically saying that this acronym equates to You Can't Jail Anyone—are for diversionary purposes. In principle, I could not agree more, but what we are seeing is that the programming does not exist. In fact, those diversionary programs, those mythical ideals that we all embrace that are aimed at prevention and at keeping a young person from going down that road or further embarking on a life of crime, are not there.

There has been lengthy discussion that carrying small quantities of marijuana should not result in a criminal record. I have spoken to how the courts have been dealing with small amounts of marijuana for years. There is always as well the discretion of the police officer at the scene, who in many instances will simply seize the substance in question, take the kids home, give them a tongue lashing and alert their parents. This is the type of street justice in which many police officers are already engaging. It is already condoned and available under the Criminal Code provisions.

The people who implement and enforce our laws, the front line police, the Canadian Police Association, municipal police and RCMP officers everywhere, are shuddering at the passage of this bill, just as many are now waking up to the realization of the flawed gun registry and how they were sold a bill of goods to get their support in that first instance.

To top it off, this talk of a national drug strategy is really a myth. There is nothing to back up these words other than the fact that this is somehow in the works. Like so many other policies, there is very little substance behind those words.

● (1610)

We in the Conservative Party do not support the legislation. We feel that Canadians would be best served to review the drug policies with a mind to protecting citizens and educating them on the harms that flow from drug use in Canada today.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am pleased to talk about Bill C-10 at report stage, the legislation to modernize the marijuana laws. I appreciate the support of the Bloc and NDP on the motion.

I had a speech ready, but I am more interested in replying to the last two members who spoke because it will make a far more interesting debate to rebut the points they made as opposed to dryly giving out the facts on this.

First, I want to talk about some of the points that my close colleague, the member for Pickering—Ajax—Uxbridge, made. I want to commend him. We work very closely together on a number of things. He has done an excellent job on the drug patents to help reduce drug prices in Canada. We are partners on a lot of things, but on this bill we disagree on a number of points.

The member suggested that, without amendment, the bill would not enjoy the support of the people of Pickering—Ajax—Uxbridge. I would contend that a majority of people in Canada are in favour of changing the marijuana laws. Therefore, I cannot see that some of people in his riding would not be in support of changes. I know in my own riding people are mixed on this. They have made some of the points the last two members made, and there are some people who are definitely in favour of this.

I have to agree with both the members on the sentencing. If seven years results in an only 35 day sentence then obviously that is a problem, but that is not what we are dealing with here today.

The member talked about there being no means to take a sample in relation to driving. This has been raised a number of times in the debate at the various readings we have had.

First, people are working on this intensively. I think people became aware of that in committee and at other readings. I do not think it is too far off in the distant future. More important, impaired driving is an offence and there are hundreds, probably thousands of substances and activities that can make a person impaired. There are tests and mechanisms that police use to determine impairment. It would be fallacious if people were getting the impression through this debate that impaired driving through marijuana was not a crime and that police did not find it.

There is a message that the bill is contradictory to the message we are giving on cigarette smoking. I would argue that it is not true. We have very large, well funded public campaigns. I know I announced the funding in my own riding about cigarette smoking, and we have a large funded campaign to convince people about the dangers of marijuana, some of which were so eloquently outlined by my colleague.

One point was made that we should not use the argument, on which I will probably elaborate more at the end, that we would give a person a criminal record for life at the age 19. That is actually one of the strongest motivations, certainly it is for me. For a small amount of possession, which has occurred for many people in North America, the penalty throughout the rest of their lives can be immense.

The member suggested that we should perhaps reduce the time for those convicted to get a pardon. I agree with that, and I have no problem with it. However, the problem is that a Canadian pardon does not help one overseas. Having worked in a constituency office and having seen these problems a lot, it does not help one in the United States. Once people have a record, another country does not erase it just because we do.

I have all sorts of people who have come up against this problem in other countries. While they have their pardon here, their access to the rest of the world is restricted. I think many people could make the mistake of having a small amount in their possession, and we really should not allow that to make such a drastic effect on the rest of their lives.

● (1615)

We have talked about the medical implications of marijuana. I do not think anyone disagrees with that. This bill puts tougher penalties on those who provide the drugs or on growers of the drug. It works to reduce the ability to get it, and therefore there is less ability of people to harm themselves by using it.

I agree with many of the speakers, including the hon. member for Pictou—Antigonish—Guysborough and the member for Pickering—Ajax—Uxbridge about perception. I am not sure that Parliament has done a good job in getting the message across of what Bill C-10 is about. The bill to a large extent is being tougher on drugs. It is being tougher on the people who grow marijuana, who sell it, who promote the use of it and who traffic in it, and on organized crime. To some extent members are right that the message is not getting out properly. The government will have to work on that aspect.

I will now move on to the remarks of the hon. member for Pictou—Antigonish—Guysborough. I enjoy debating with the hon. member, and we have a great relationship. He talked about driving while impaired. I have said that there is work being done on that aspect of the bill.

The member also talked about a criminal record. He said that many people only received a conditional or an absolute discharge. However, later on in the member's speech he said that there should be a deterrent in sentencing as well. What is the deterrent in sentencing if, as he also has said, everyone is receiving a conditional or an absolute discharge?

The member went on to say that the police officer could take the person home and give him or her a tongue lashing. What kind of sentencing deterrent is that? What the government is proposing is a $100 fine. This is definitely a deterrent to a young person, especially because this is a summary conviction or a type of ticket offence which can be quite easily imposed, and many people could end up with this type of sentence. This may have the effect of tougher sentences than are being allocated, if they are being allocated at all, which is the evidence that the member opposite just provided.

It is encouraging that the member supported our promotion strategy. The government is doing a large public relations campaign to ensure that people understand the dangers of drugs and the harm marijuana has on their health. The member said that the strategy was not real. However, it will cost $245 million. I consider that amount of money over five years quite real and an excellent beginning.

Concern was expressed with some of the amendments proposed and that this was an amorphous timeframe. However, the government has stated in the amendments that the strategy should be in place within a year.

It also has been mentioned that marijuana is a gateway drug. This is another major argument that has been raised against Bill C-10. However, science does not prove that. There is no science which indicates that because people use marijuana that they will go on to other drugs.

I believe it would benefit the opposition speakers, when they speak to Bill C-10, if they could provide some of the detailed scientific, educational and statistical information on the use of a gateway drug.

The United States will be happy that Canada is being tougher on grow operations. There are a number of states that have no imprisonment at all for a first offence and small fines ranging from $100 to $500. These states include, California, Colorado, Hawaii, Maine, Minnesota, Mississippi, Nebraska, Nevada, New York, North Carolina, Ohio, Oregon and West Virginia.

● (1620)

A lot of these places have $100 fines. When we compare that to our present first penalty of six months in jail or up to a $2,000 fine, we are moving more in line with reality and more in line with what a lot of Canadians think. We also are sending a message to the growers and those in organized crime who are using drugs for illegal purposes.

[*Translation*]

The Acting Speaker (Mr. Bélair): Pursuant to Standing Order 38, it is my duty to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Acadie—Bathurst, Public Services.

[*English*]

Hon. Susan Whelan (Essex, Lib.): Mr. Speaker, first, I would like to thank the member for Yukon for clarifying some of what I will call the misconceptions that have been put forward to the House this afternoon. It is important that we stick to the facts that are in front of us, that we look at the legislation as it appears in front of us and that we look at the facts that have occurred throughout history to get us to this point in time.

I have heard some hon. members say today that we are rushing this bill through. It has been over 30 years since the last change in legislation with regard to the possession of marijuana and changes to the criminal issues around that.

We also have heard today we are legalizing marijuana. It is absolutely not true. Very clearly under the proposals included in the bill, cannabis possession and production will remain illegal in Canada under the Controlled Drugs and Substances Act. What is going to change is the approach to enforcement. Let us be very clear with Canadians on what exactly is happening and why we are doing it.

It also is important that we talk about fairness and about all Canadians because that is something that Canadians expect from Parliament, their legislators, law enforcement officers and the laws of the country.

I want to clarify and continue on the point the member for Malpeque explained earlier. In about half of all incidents in which law enforcement officers encounter individuals in possession of cannabis, no charge is laid. In large urban centres, police are much less likely to lay a charge for possession of small amounts of cannabis than in other parts of the country. Where a charge is laid in large urban centres or in other parts of the country, the accused is more likely to receive a discharge, particularly in large urban centres. We know that large urban centres and smaller rural communities are being treated differently under the current law.

We also know that heavy use of cannabis is linked to serious health problems, like respiratory damage and the impairment of physical coordination. The government believes that in the interests of health, cannabis use must remain illegal. When we put those together, how do we make this work for all Canadians?

We have to ensure that all Canadians are being treated fairly and equally under the law. What is in front of us is a proposal that would create different offences.

First, we begin with the offence of a fine for small quantities of possession. Why is that? It is to ensure that Canadians are treated fairly and equally. It is to ensure that when people are charged, they do not receive a criminal record for a small quantity, as was raised by the hon. member for Yukon and the hon. member for Malpeque, so they can continue on in their lives with their educations and careers. Therefore, someone who takes the opportunity to try marijuana or smokes one joint, as it is called, or takes a toke is not faced with a lifetime of prohibition against certain job activities or with problems as they cross the border into the United States because they have made that mistake one time.

We recognize there are other types of laws, and I correlate it to speeding. We recognize that speeding is illegal. Yet I guarantee that a large majority of members of the House have often gone over that maximum speed limit posted on the side of the road. It graduates into different offences as well and at some point it becomes reckless. At the point when it becomes reckless, people then suffer criminal consequences. Otherwise, people are faced with fines.

Who are we really after? We are really after the growers. We are really after those large grow ops. I heard the member for Pickering—Ajax—Uxbridge say that over 90% comes from farm grow ops. We know the marijuana problem in our country stems from the grow ops. What are we doing in this legislation? We are addressing the problem. We are increasing the penalties. We are changing the law from a single offence to four separate offence categories. To me, we are dealing with the issue.

Let us take a look at those four new separate offences are. Before there was a single offence punishable by up to seven years of imprisonment, whereas today, under the law in front of us, an individual found growing one to three plants would face a summary conviction with a fine of up to $5,000 and/or 12 months in jail; four to 25 plants would constitute an offence punishable by up to $25,000 or 18 months in jail; 26 to 50 plants would result in a jail sentence of up to 10 years; and the penalty for growing more than 50 plants would be up to 14 years, which is double the current maximum term of imprisonment.

● (1625)

That to me goes to the heart of the problem, as recognized by those who have just spoken against the bill. Some 90% of the marijuana that is produced in this country is by grow ops. We are doubling the punishment those growers can receive to prohibit, stop and deter those types of operations.

We found those operations in small towns and in large communities. We know we must have better enforcement and deterrents. What else are we doing? We are providing those resources. Let us remember that not only do we want to be tougher on grow ops and be consistent in how we apply the law, we also want to ensure that this is in coordination with the national drug strategy, which it is.

That strategy aims to reduce the demand for and supply of drugs by addressing a number of underlying factors that are associated with substance use and abuse. Specifically, the strategy aims to: decrease the prevalence of harmful drug use; decrease the number of young Canadians who experiment with drug use; decrease the incidence of communicable diseases related to substance abuse; increase the use of alternative justice measures like drug treatment centres and courts; decrease the illicit drug supply, and address new and emerging drug trends; and decrease avoidable health, social and economic costs that are related to substance abuse.

The strategy goes further because it will be implemented in partnership with the provinces, territories, communities and stakeholders. The strategy would include education, prevention and health promotion initiatives, as well as enhanced enforcement measures. It addresses the concerns that have just been raised by members who are opposed. The government is doing exactly what people are suggesting we should be doing.

Activities to be undertaken would include community based initiatives that would focus on prevention, health promotion, treatment and rehabilitation. Public education campaigns would consist of and deal with substance abuse, with a specific focus on youth, with the issue of illegality, as well as educating our youth so they understand that the laws in Canada are different than the laws in other countries.

It is particularly important in a community like mine that borders on the largest international border crossing in the world. It is important that the youth in Windsor and Essex county understand that it is illegal to possess marijuana and that they understand that in Canada they will receive a fine for small possession, and they will go to jail for trafficking and growing large quantities of growing. If they cross the border with marijuana into the state of Michigan, they will suffer serious penalties and serious consequences.

It is important that we educate our youth so that they understand the differences between the countries, and that they understand what the law is about and why Canada has laws. It is important that they understand why the Americans have different laws. That is part of the plan, to educate.

We also want to have new funding for research activities on drug trends to enable more informed decision making to take place; a bi-annual national conference with all stakeholders to set research, promotion and prevention agendas; as well as new resources such as funding for increased enforcement efforts against marijuana grow operations and clandestine drug laboratories. That is exactly what I heard members on the opposite side telling us.

We had two committees that travelled across the country, a Senate committee and a House committee. Members of Parliament and Senate listened to Canadians. The House committee came back with a unanimous recommendation. There was no objection other than that the quantity should be smaller. Recommendation 41 stated:

> The Committee recommends that the Minister of Justice and the Minister of Health establish a comprehensive strategy for decriminalizing the possession and cultivation of not more than thirty grams of cannabis for personal use.
>
> This strategy should include: Prevention and education programs— [which I just outlined].

The government is responding to the work of the members of Parliament and Senate. I hope that we are able to come together and recognize that we have a law that is 30 years old. Problems are being created for young people in the country, and older people as they are trying to go on in careers as we are changing the rules to cross borders. We need to change our laws. We need to react. We need to be proactive and we need to ensure that we go after the people who are responsible for 90% of the growing of marijuana in the country, which are the grow ops.

● (1630)

Hon. Andrew Telegdi (Parliamentary Secretary to the Prime Minister (Aboriginal Affairs), Lib.): Mr. Speaker, I wish to applaud the government on finally coming out with a piece of legislation that in some ways goes back as far as the Le Dain Commission report which was 30 years ago. For all the people who are critics of the concept of decriminalization, this issue has been debated for far too long. I wish to congratulate the government for finally moving on this issue.

Let me go back 30 years when people who were charged with possession of marijuana would end up being incarcerated. They would end up losing their jobs and would have a criminal record that would follow them for the rest of their lives. This is a heavy price to pay for a young person trying to start out in life.

We have had hypocrisy around this issue. All we have to do is look at the former Prime Minister of this country who acknowledged having smoked marijuana, a former minister of justice who said that he has, in the past as a young individual, smoked marijuana, a former president of the United States, Bill Clinton, acknowledged having used marijuana and the present President of the United States has also had some indulgence with drugs.

It is critical that we as a legislative body who want to have credibility with the young people in our country modernize the law. We should finally act on something that goes back 30 years and was put forward by the Le Dain Commission.

If I go back 40 years, and I hate dating myself, one of the favourite programs that we used to watch was *The Untouchables* with Eliot Ness. The reason I mention it is because at that time the Americans were dealing with a prohibition on alcohol. That prohibition on alcohol ended up spawning organized crime in the United States to the extent that it had not been spawned before. There were all sorts of organized cells right across the country involved in criminal activity. They were producing illegal alcohol which gave a tremendous boost to organized crime.

I believe that in any drug strategy that we undertake, one of the underlying pillars must be to ensure that organized crime is not in a position to profit from it. We know of the kind of destabilization when organized criminals get involved in the trafficking of drugs. I only have to point to what is happening in Colombia where the government is actually destabilized. I only have to point to Afghanistan and how drug activity ended up funding the Taliban. Often drug trafficking funds not only organized crime but terrorism as well.

By updating our legislation on the possession of marijuana, are we saying, as the opposition would have us say, that we are recommending its use, and that we are promoting it? No, we are not saying that any more than by having control on alcohol are we saying that we are promoting its use.

● (1635)

One thing we have learned as a society is that for our laws to be respected, they must have legitimacy in the population to which they apply. For too long and too many elections politicians have ignored what happened with the Le Dain Commission report and every other report that followed it. We have in place a law which criminalizes many young people. We have a law that is, in many cases, unevenly enforced across this country. Clearly, that is wrong. The law should be equal whether it is on the west coast, the east coast, central Canada, or in urban or rural areas.

The government must expand its involvement in the whole area of education through the national drug strategy. We have learned one thing in the last couple of decades and I will use tobacco as an example. Education on the harmful effects of cigarettes has resulted in a real reduction of tobacco products.

I believe that this law does not go far enough. I would like to see it go further. I would like to see government being responsible for quality control. If we do not have quality control, then we might be passing that on and allowing criminal elements to decide on the quality of the product.

The way we regulate alcohol could be a good model. There is no question that alcohol consumption has some negative social impacts. We all know that. We have people who end up in detox centres. We have people who become alcoholics. At least we have some resources, when we collect taxes, to deal with some of those problems. We can fund those problems along with some of the fallout from those problems. Unfortunately, that does not exist in the current bill.

In closing, I would like to reiterate that we have moved in the right direction. We have done something that will decrease much of the clogging that we have in the courts, and where police resources, which are scarce and stretched, could be put to better use.

It is time we had this piece of legislation. We must commit ourselves as a federal government to work with the provinces to put in place an education program for people who use marijuana so that they may understand the possible negative impacts and that we as a society also move in that direction.

● (1640)

The Acting Speaker (Mr. Bélair): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Bélair): I declare Motion No. 4 carried.

(Motion No. 4 agreed to)

The Acting Speaker (Mr. Bélair): The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill.

Call in the members.

[*Translation*]

And the bells having rung:

Ms. Diane St-Jacques: Mr. Speaker, I move that the division stand deferred until the end of government orders tomorrow.

The Acting Speaker (Mr. Bélair): As requested by the deputy government whip, the recorded division stands deferred until the end of government orders tomorrow afternoon.

* * *

[*English*]

CORRECTIONS AND CONDITIONAL RELEASE ACT

The House resumed from February 20 consideration of the motion.

Mr. Randy White (Langley—Abbotsford, CPC): Mr. Speaker, this is an interesting point we get to in Bill C-19 on the issues in there. One of the particular issues I want to talk about is victims' rights. I find it interesting that we are still dawdling with victims' rights in this country.

One of the rights we find is that we are going to recognize the right of victims to present statements at National Parole Board hearings. It is now the year 2004. I can recall talking about this in the House of Commons in 1994. It took four years before we even got an acknowledgement from the government that there should be victims' rights in this country. That was in 1998, after many victims' groups and police and we ourselves got involved with the movement of victims' rights and tried to get some changes.

I want to refresh the memory of the government as to just what we were looking for in victims' rights from 1994 through 1998. I will ask the particular question: Why is it taking so desperately long to get victims' rights entrenched in the Criminal Code of Canada?

These are the kinds of rights we were looking for and will continue to look for throughout the next year or so, or even less if we can get rid of this government and implement the victims' rights legislation ourselves.

We were looking for a definition of victim, which does not exist, and there is a problem because it does not exist. In many cases, victims are not treated as victims. In particular, when an individual is killed, or murdered, the family is not necessarily considered to be a victim for any compensation or other things. The dead person is considered to be the victim. We went about trying to describe what a victim was, which is yet to be acknowledged by the government.

We said that a victim is anyone who suffers, as a result of an offence, physical or mental injury or economic loss, or any spouse, sibling, child or parent of the individual against whom the offence was perpetrated, or anyone who had an equivalent relationship, not necessarily a blood relative.

Why such a long definition? Because in this country there is no definition of victim. The definition of victim, quite frankly, is at the discretion of those in a courtroom. Heaven forbid we keep allowing that, because nothing is consistent in a courtroom these days. We need to provide some assurance to those who have been wronged through criminal acts that they will be treated as victims.

I wrote this legislation in 1994 and we got some of it in 1998. That was so long ago, almost a decade now, and we are still fighting for victims' rights. It really is quite unbelievable. We still need a definition of what a victim is.

Let us go on further. Victims should have the right to be informed of their rights at every stage of the process, including those rights involving compensation from the offender. They must also be made aware of any victims' services available.

People would not believe how often it is after a crime is perpetrated in this country that immediately somebody reads the rights to the criminal. I have witnessed victims sitting on the street, holding their heads, or trying to keep blood from emanating from their body, who sit there until someone decides to remove them because they are in the way. They never have a right read to them and never have a right explained to them at all.

But the criminals' rights are looked after. They are escorted somewhere. Everything is done for them. They are asked, “Can I get you a lawyer? Can I do this? Can I do that?” The poor victims are left by themselves. We need to give assurances that they have rights too and that they are told their rights at the scene of a crime. What is wrong with that? Why am I, a decade after writing these rights, still asking for them in the House of Commons?

● (1645)

Is there something wrong on the other side that this is such an onerous task, something that is too difficult to implement? I just find it so hard to believe.

The folks who are listening out there have been listening to me talk about this stuff for a decade. I just cannot for the life of me understand why we have to suffer intolerably because of the people on the other side who will not listen to common sense.

Let us talk about the other rights victims should have, which we wrote about. Victims should have the right to be informed of the offender's status throughout the process, including but not restricted to notification of any arrests, upcoming court dates, sentencing dates, plans to release the offender from custody, including notification of what community a parolee is being released to, conditions of release, parole dates, et cetera.

By and large that one has improved. We got that into legislation to some extent in 1998, but still today I deal with victims from all across the nation who are coming to me and saying, "I did not know this person was out. Nobody told me. Nobody told me he was in the community. Nobody told me he changed his name".

In fact, I have frequently found, particularly among sex offenders, that they change their names while in prison. When they get out, they appear in the same community. With the name change, nobody knows who they are except that the victims ultimately run across them and find out to their surprise that it is the same person with another name. Victims should have the right to know these things at all times. It should not be considered an imposition to individuals who have suffered through crime.

So once again I am in the House after a decade asking for some legitimacy to be given to victims of crime. Victims should have the right to choose between giving oral and written victim impact statements before sentencing, at any parole hearings and at judicial reviews.

This bill is dealing with that. What I am reading from is the victims' bill of rights that we wrote in 1994. Today in 2004 we are dealing with this very one. If we can imagine that, it takes these guys a decade to get around to dealing with it. That is far too slow and it is far too low a priority that is given to victims of crime.

I apologize to all the victims out there. It is a sad state of affairs, but I can assure them that with the stealing that has been going on with the government, and all these other issues we are dealing with today, it looks like it could very well be a change of government. I will give great assurances that these kinds of victims' rights will be put into law within very short order, with no committees, thank you very much.

Victims also should have the right to be informed in a timely fashion of the details of the Crown's intention to offer a plea bargain before it is presented to the defence. This has not yet been tabled by the government in the House of Commons, but it is one of the issues that is a terrible imposition to victims of crime. What happens is that plea bargaining takes place, usually unbeknownst to the victims. The lawyers get behind closed doors and make a deal with the judge. Suddenly the victim is standing there asking why the person got a lesser sentence and is told that a sort of a deal was made.

We can see that today within the gun law. Heaven forbid I even talk about that. In many cases within the gun laws, the crime of possessing a firearm is plea bargained out for a lesser crime. That is why the statistical data says there are not as many gun crimes. In fact there are, except that they are plea bargained out of the system.

The very least we should be giving victims of crime is the knowledge that a particular offence is being bargained for. They are not there to bargain. They are there to see justice. It is wrong and inappropriate to go away from the victims without their knowledge and make a deal on behalf of a sentence. It is absolutely wrong.

I do not have the time to finish the rest of the victims' rights here, which I have read to everybody, but people can get in touch with me or any of us if they like and they can be sure that we are going to continue fighting for victims' rights. I apologize to all the victims that it has taken a decade to even get to this level. Unfortunately, that is far too long.

● (1650)

[*Translation*]

Hon. Yvon Charbonneau (Parliamentary Secretary to the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness (Emergency Preparedness), Lib.): Mr. Speaker, I thank you for giving me the opportunity to speak to Bill C-19 introduced by the Deputy Prime Minister and Minister of Public Safety.

I would remind the House that, when this bill was first introduced in the House on June 4 of last year, it was known as Bill C-40. It died on the Order Paper when Parliament was prorogued on November 12. We now want to reinstate it and refer it to committee before second reading.

As we know, a subcommittee of the Standing Committee on Justice and Human Rights made a number of recommendations in its report entitled "A Work in Progress: The Corrections and Conditional Release Act". All 53 recommendations contained in this report were approved by the standing committee. The government then accepted 46 of these recommendations, the majority of which were implemented internally by the Correctional Service of Canada and the National Parole Board.

We now have before the House the responses to some of the recommendations yet to be implemented. These responses were gathered in a bill, because they need to be officially approved before they are implemented.

Before going over some of the proposed measures, let me give you an indication of the efficiency of this legislation and of its impact on public safety.

Since the Corrections and Release Act came into force, the crime rate has dropped to its lowest in 20 years and keeps decreasing. It is important to note that, for the same period, the number of inmates in Canada has practically stopped increasing.

Also, the number of prison sentences is declining while public safety measures are on the rise. For instance, according to Statistics Canada, 8,914 criminal offences were reported to police in 1996, compared to 7,590 in 2002. Therefore, the number of inmates in federal prisons has decreased from 14,100 to 12,600, for a total decrease of 1,500.

I could also point out that the success rate of offenders on conditional release continues to be excellent. During the past year, over 99% of temporary absences, 84% of day paroles, and over 75% of full paroles encountered no problems. That shows that the legislation is working very well overall.

Countries all over the world respect Canada for the integrity and efficiency of its criminal justice system because, while on the one hand, it protects its citizens by ensuring that offenders are kept and supervised in safe and humanitarian conditions, on the other hand, it prepares offenders for their reintegration into society as law-abiding citizens.

The provisions of Bill C-19 will make it possible to increase the effectiveness of this act and respond directly to the concerns expressed by citizens. Bill C-19 is designed to tighten up the provisions relating to the accelerated parole review process, as it is called in the act. The current provisions apply only to offenders who are serving their first federal sentence and who have been convicted of a non-violent crime, and allow them to be released on parole at the earliest date possible, provided it is unlikely they will commit a violent offence after their release.

The bill will tighten up these provisions in a number of ways. First, offenders sentenced for the following criminal acts will be added to the list of those already excluded from the accelerated process: criminal organization offences, child pornography, high treason, sexual exploitation of a person with a disability, causing bodily harm with intent in certain cases, and torture.

Second, parole under this process will no longer be statutory. The National Parole Board will use much more stringent tests. Each case will be subject to an individual review and decision by the Board. Moreover, the bill will ensure that, when reviewing the cases of offenders eligible for accelerated parole review, the National Parole Board take into account the likelihood of re-offending in general, versus the likelihood of committing violent re-offending, as is the case under current legislation.

Finally, the APR provisions will increase the ineligibility period for day parole for offenders serving more than six years, if those offenders are serving a first federal term for a non-violent offence.

● (1655)

So these are proposals to be added to what is already in place; they will improve the legislation. The bill will ensure society is better protected through provisions on statutory release.

Offenders serving a sentence for a determinate period, that is anything shorter than a life sentence or a sentence for an indeterminate period, who have not been on day parole or full parole, benefit from statutory release with supervision after they have served two-thirds of their sentence.

However, offenders who, in the opinion of Correctional Services, are likely to commit another offence causing death or serious harm, may be sent before the board for examination with a view to continuing incarceration or imposing special conditions.

The concept of statutory release is based on research which has proven that the best way to protect society is to implement a gradual, structured release program before the end of the sentence, rather than a release without transition at the end of the sentence.

The bill before us today will tighten up the provisions relating to statutory release in a number of ways. First, it will require the service to examine all cases with a view to their eventual referral to the national board.

Second, Bill C-19 will require Correctional Service Canada to refer to the National Parole Board the case of all offenders who have committed a sexual offence involving a child and all those who are likely to commit an offence causing death or serious harm, so they can be kept in prison until the end of their sentence.

The tightening of provisions relating to the accelerated review or statutory release of offenders, which I just outlined, will inevitably have an impact on the number of cases the board will have to review.

That is why this bill increases the maximum number of board members from 45 to 60.

Another provision in Bill C-19 concerns victims of crimes. Our opposition colleague from Langley—Abbotsford addressed this subject.

The bill will give victims the legal right to make a statement at parole hearings. Now, we could discuss the amendments proposed earlier by our opposition colleague.

Currently, victims are authorized to make a statement only under a board policy. Now, this will become a legal right. The measures proposed, which I have just briefly touched on, directly respond to many recommendations made by the Standing Committee on Justice. They follow up on almost all the improvements recommended by this committee.

The protection of society continues to be the guiding principle of the correctional process, as indicated in the bill's first principle. This legislation will continue to be closely scrutinized by the Standing Committee on Justice, the media, Canadians and, of course, the opposition parties.

The government remains open to any suggestions to improve the correctional process and is committed to making the necessary changes in due course.

We have the opportunity to take concrete action, once again, to further improve this system. For this reason, I urge my hon. colleagues to support Bill C-19 without reservation.

● (1700)

[*English*]

Mr. Raymond Simard (Saint Boniface, Lib.): Madam Speaker, I am privileged to join the debate on Bill C-19 put forward by the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness. These proposals speak to the issues of conditional release and the basic rights of individual Canadians.

Having carefully reviewed the debate thus far, I see no need to enumerate the specific facets of the bill that have been dealt with thoroughly by others. The government, through the vehicle of a parliamentary standing committee, has identified areas of which the federal correctional system may be improved. These areas coincide with those highlighted by Canadians across the country through a thorough process of consultation. The government is rightly acting to update the legislation to reflect the constructive input of many knowledgeable citizens.

Over the past decade, there have been numerous legislative initiatives undertaken by a series of ministers responsible for facets of the criminal justice system. Among the more constructive of these initiatives was the passage of a massive bill in 1992 that was brought forward by the solicitor general of the day to replace the parole act and the penitentiary act with the Corrections and Conditional Release Act. On several occasions since, even this well thought out legislation underwent additional useful changes.

All Canadians are aware of examples of senseless crimes and the plight of the victims of these crimes. We are all aware, through our consistency offices, correspondences and media accounts, that some of our citizens live in fear of crime and believe that the government has not risen to the challenge of protecting society in a time of perceived lawlessness.

I would emphasize that this is but a portion of Canadians. I would not for a moment discount the concerns of the individuals and groups who urge us to get tough with criminals. For a time in the 1980s and early 1990s the incidence of crime was a concern to us all. We saw both more and different sorts of crime being reported as victims of crimes involving family violence and sexual assault came to be less stigmatized and could come forward more readily to assist in the prosecution of their assailants.

The public has become more aware of our criminal justice system. It is obvious that an informed public is more likely to perceive flaws in a system with which it has more than a passing knowledge. Those directly responsible for the safety of Canadian communities, the police, prosecutors, judges and ultimately our penal systems, both provincial and federal, are responding to the criticism of this increased awareness and oversight. As legislators, we should do no less.

However, I must emphasize that almost all statistical crime reports in Canada indicate a reduction in the rate of offences and in the incidence of crimes up to and including homicide. This is a trend of many years standing and not a momentary downturn.

There are many factors that affect an individual's exposure to crime that may be gleaned from statistics. Geography, for example, plays a big part as an urban area witnesses more violent crime than does the countryside. Rampant crime does not pervade the land. While I grant that many Canadians have ready options as to where they live and to whom they may encounter in their daily lives, most Canadians may reasonably expect that their lives will not be put asunder by encounters with serious crime.

It is when this reasonable expectation of safety is shattered by direct involuntary involvement with senseless crime that public reaction surfaces in our mail and in our media. We must respond to these concerns and we must do so in an effective manner.

I submit that the government is doing just that by putting forward Bill C-19 to respond to identified issues within the correctional system. In the case of individuals who are victimized, often problems may be dealt with directly by referring them to community and victim support services that are available from the Correctional Service of Canada and the National Parole Board regional offices across Canada.

In addition, most police forces assign officers to community service duties. Many courts are monitored by the representatives of victims' services organizations. These direct interventions as well as the information and assistance by our staff members in constituency offices, can provide satisfactory and personalized solutions to Canadians who may be feeling baffled or neglected by the criminal justice system.

Nonetheless, the parliamentary committee that reviewed the legislation governing our correctional system said that the status quo was just not good enough. Some victims felt the need for more direct involvement in the cases of offenders who caused their victimization.

● (1705)

Improvements to the system can be made both through the legislative process and through changes to policies and practices. The government acted swiftly some time ago by accepting most of the committee's recommendations on the policies and programs governing corrections and conditional release. All but a few have been fully implemented.

Today we are dealing with recommendations that require the force of law. Public safety is the guiding priority of the federal system of corrections and conditional release. While considering this principle, we must remain mindful of the balance that must be sought within correctional legislation.

On the one hand, the law must be fashioned to deal with a range of offenders in any given category. Offenders who respond favourably to the treatment, training and educational opportunities available in our system must be able to rejoin the community as upright citizens. Every reasonable opportunity must be provided for those who no longer threaten us to return as expeditiously as safety dictates.

On the other hand, as part of the balance of the system, victims who so desire must be given the opportunity to voice their concerns and ultimately to appropriately affect outcomes of decisions regarding corrections and conditional release.

The bill before us touches both sides of the correctional equation. Victims will be empowered to better participate in the system. The provisions will appropriately limit the conditional release opportunities for a significant number of offenders. In addition to the input from victims who may alert decision makers to the risk of a particular conditional release decision, there are provisions to limit accelerated parole review and to provide additional safeguards in respect to the potential conditional release of offenders who have served two-thirds of their sentences.

Bill C-19 is a coherent package of reforms and is worthy of our serious consideration and swift passage on to committee, whose predecessors set this legislative train in motion. It is to be hoped that through a frank discussion of these issues, the public may gain a greater knowledge about our correctional system and the responsiveness of the government.

It is my further hope that Canadians will be reassured that public safety is paramount, the system is under scrutiny and we will always try to improve it.

● (1710)

The Acting Speaker (Mrs. Hinton): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Hinton): The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mrs. Hinton): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

(Motion agreed to and bill referred to a committee)

* * *

CRIMINAL CODE

The House resumed from February 18 consideration of Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, as reported from the committee, and of the motions in Group No. 1.

Mr. Norman Doyle (St. John's East, CPC): Madam Speaker, I want to speak today to Bill C-12, an act to amend the Criminal Code, in the area of child exploitation and child pornography.

In the last session of the House I spoke to a motion on this issue and made particular reference to the Sharpe case. Mr. Sharpe was found guilty of possession of child pornography with respect to certain photographs in his possession but was found not guilty with regard to certain written material in his possession. The reason for him being found not guilty was what caused such a public uproar, as we all remember. The courts found first, that his written material did not openly advocate committing illegal acts with children and, second, that his written material had some artistic merit.

I am of the view that without exception all child pornography should be illegal. Child pornography does not lead to openly advocating a certain lifestyle to be harmful to children. It can induce and promote illicit behaviour by its very existence. It helps establish a permissive atmosphere in society that is conducive to the sexual exploitation of children.

In a similar vein, I cannot for the life of me understand how child pornography can be regarded as having artistic merit. This reason, in particular, caused outrage among the general public. In its guidelines on hearing this case, the court ruled that if the alleged material had even minimal artistic merit, then the person must be found not guilty. In other words, if an article is 90% pornography and 10% art, then art has to carry the day. The person must be found not guilty.

I do not have a legal background, but as anyone in this Chamber who has a legal background knows, courts rule on fine points of law but it is we in Parliament who give them the fine points to rule on or leave loopholes that allow for a fine-tuned argument to slip through.

In this context, I have trouble with the latest twist in the law that allows for a not guilty verdict if the alleged pornographic materials have some degree of public good. I have been told by people in the legal profession that, if anything, the words "public good" have a much broader concept than artistic merit.

Artistic merit could be claimed as for the public good in a piece of written material which could otherwise be simply viewed as child pornography. All it takes is a good lawyer and one could argue that there is public good in just about anything. Instead of plugging the legal loopholes of artistic merit, it can be argued that government has actually widened the loophole.

This points out a fundamental difference between our party and the governing Liberal Party. If I were to err, I would rather err on behalf of children and child protection. The government, however, is reluctant for some reason to slam the door on child pornography because it might somehow infringe upon the constitutional rights of the pornographer.

Forgive me, Madam Speaker, but I must confess that this is the very least of my worries. I would not want to go to my grave as having erred on behalf of the pornographer. When children are involved, they deserve the benefit of the doubt and the full protection of the law.

● (1715)

We need to have a sober second look at this business of public good versus artistic merit. It is not an improvement at all.

The bill would make it an offence for an adult to interfere sexually with a person under the age of 14. I feel that the age of consent is too low and that it should be raised to at least 16. Is the government not aware that recent polling has indicated that 80% of the general public favours an increase in the age of consent from 14 to 16. Most parents want to see the age of consent increase from 14 to 16 and some would argue, and rightly so, that even 16 is too low.

I am sure the government is aware that a couple of years ago provincial ministers from across Canada passed a resolution to have the age of consent raised to 16. It is beyond me why the government has not listened to the various provincial ministers who want the age of consent raised.

We do advocate criminalizing sex between adults and children under the age of consent. We also believe that the government should be in favour of raising the current age of consent from 14 to 16.

The bill would also make it an offence for someone to sexually exploit a young person between the ages of 14 and 18 under his or her care, influence or authority. That makes sense and it is something I am sure we can all agree with, but it is already against the law. Therefore I am unclear as to how a slightly different wording will improve things, but we would support it.

The bill would create a new offence for voyeurism, which is a positive step. The bill would strengthen maximum sentences for sexually exploiting children but judges would still have a lot of leeway in passing sentence. We feel that sex crimes involving children should have mandatory sentences with little or no room for flexibility. The message has to be made clear that if people sexually exploit children they can expect no mercy from the court system. This is the message that pedophiles should be receiving from the government.

However the bill fails to prohibit all sex between adults and children and so it leaves children vulnerable to exploitation by sexual predators. The bill does not increase the age of consent. It still treats 14 year old children as consenting adults as far as sexual activity is concerned.

On the issue of pornography, the bottom line is that if the government is to err then it is willing to err on the side of an adult possessing child pornography. We on this side of the House are only willing to err on the side of child protection.

A government under pressure to provide more protection for children tends to come up with an awful lot of complicated, cumbersome legalese. We want to see laws that outlaw all forms of pornography period. The law should be made very clear on that.

I support strong laws protecting children, laws with no loopholes or wiggle room. If we in Parliament set the tone, I am sure the courts will follow suit. However if we are wishy-washy on the issue and not strong in our defence of children, if we are not strong in the laws we write, we will have no one to blame but ourselves if the court allows people to slip through the loopholes that the House provides for it. I therefore cannot support the bill.

● (1720)

Hon. Andrew Telegdi (Parliamentary Secretary to the Prime Minister (Aboriginal Affairs), Lib.): Madam Speaker, I rise today to oppose the motion that seeks to delete clause 7 of Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Bill C-12 proposes important criminal law reforms that seek to better protect children against sexual exploitation, abuse and neglect. It proposes reforms that would facilitate testimony by child victims and witnesses, and other vulnerable victims and witnesses, in criminal justice proceedings. It also proposes the creation of a new offence of voyeurism.

Clause 7 of Bill C-12 proposes two child pornography amendments that respond in a very direct and meaningful way to the issues highlighted by the Robin Sharpe case.

First, Bill C-12 proposes to broaden the definition of written child pornography. Currently, written child pornography is defined as written material that advocates or counsels sexual activity with a young person under the age of 18 years that would be an offence under the Criminal Code.

In its January 2001 decision in the Sharpe case, the Supreme Court of Canada interpreted the existing definition and its requirement that written material advocate or counsel as meaning material, when objectively viewed, that actively induces or encourages the commission of a sexual offence against a child.

Bill C-12 proposes to broaden this definition to also include written material that describes the sexual abuse of a child where the written description of that abuse is the dominant characteristic of the material and the written description is done for a sexual purpose.

This proposed amendment reflects Canadians' belief that these types of written materials pose a real risk of harm to our children and society by portraying children as a class as objects for sexual exploitation. This motion says that such materials are acceptable. Bill C-12 clearly says they are not.

Bill C-12 also proposes to amend the existing defences for child pornography. Currently, the Criminal Code provides a defence for material that has artistic merit or an educational, scientific or medical purpose. It also makes the public good defence available for all child pornography offences.

Bill C-12 proposes to merge these two defences into one defence of public good. By doing so, Bill C-12 introduces an important new second step in assessing the availability of a defence for all child pornography offences. Under Bill C-12, a court would be required to consider whether the act or material in question serves the public good and if it does serve the public good, then the court must also consider whether the act or material goes beyond what serves the public good.

Under the current defence of artistic merit, material which, objectively viewed, has artistic value, for example, it demonstrates artistic technique or style, has a complete defence. However, under Bill C-12 no defence would be available for such material where the risk of harm that it poses to society outweighs any potential benefit that it offers.

The motion says no to this additional harms based test. Canadians disagree, and I disagree, and that is why I oppose the motion.

● (1725)

Mr. John Herron (Fundy—Royal, PC): Madam Speaker, I would like to make a few remarks pertaining to this piece of legislation. I was unable to do it in its previous incarnation as Bill C-20. I am here to speak to different aspects of the legislation but one aspect in particular.

Shortly after being elected for the first time in 1997 a constituent of mine came to my office. She told me a story about her daughter and an incident which took place on Labour Day weekend in 1994. The woman on whose behalf I am speaking today is Julia Buote.

On Labour Day weekend in 1994 Mrs. Buote's daughter was taking a bath when she discovered a video camera hidden in a hole in the wall underneath the faucet. It was determined later on that the video camera had been put in place by the young woman's then stepfather, to spy on her in the bathtub, in a state of undress. After she noticed the camera, the RCMP was approached but the Crown could not press charges because secretly videotaping someone in a state of undress is not a crime in Canada.

Mrs. Buote has been on a crusade, not only on behalf of the injustice that occurred with respect to her own daughter, but to ensure that this invasion of privacy in a very personal way would never happen again.

Mrs. Buote was recently quoted in the *Telegraph-Journal*. She asked me where Bill C-20 was and where the issue of voyeurism was and what was happening with the law in Canada.

I wrote a letter to the newly minted Minister of Justice and said that regardless of whether there were flaws in the particular act, there was clearly some good. I encouraged the minister at that time to bring the bill back as early as possible.

I will share with members some of Mrs. Buote's comments. She said, "If it had happened to one of their family members," meaning members of Parliament, "it would have been in place long ago. I am hoping that this will make them aware that this is something they have to act on and put through. If there was a way I could sue the government right now, I would, because I feel 10 years is too long for them to be dragging their heels on this. There have to be others; my daughter was not the only one".

She went on to say that she knows that the law in fact would not be retroactive. However, she did say, "It would change the fact that it is acknowledged as being a crime, and that it is not something that was okay to happen. Right now, it is something that is acceptable, as far as the law is concerned. So it would just give the feeling that well, okay, this is something that is against the law. My daughter did the right thing coming to me, and I did do the right thing, and finally, there is hope there for other people it happens to".

The remarks I am making with respect to the legislation, the cornerstone of the bill, most of the remarks that I heard throughout the debate, have been that we needed to tighten the artistic merit component that evolved from the Robin Sharpe case. For me, if child pornography exists, by its very nature it means that a child has been abused. Some individuals may challenge the artistic merit aspect of it to want to have exceptions in that regard. I applaud the government for using the common good approach with respect to trying to tighten the legislation to ensure that more children are not susceptible to harm.

I am the proud father of a three and a half year old and an 18 month old, and I am looking after my own children here as well. In speaking here today, I hope I am ponying up for all young children wherever they reside in this great nation.

● (1730)

I accept the consensus that has been expressed by most members of Parliament that this legislation does tighten up the heinous loophole that existed in the Sharpe case. The bill is an improvement in the toolkit that we have right now.

I acknowledge the efforts by the members of the Conservative Party who want to push this envelope. They may even have a difference of opinion, but that is the role of the opposition as well. It is to send the signal that we need the strongest piece of legislation possible in order to remedy this type of issue.

I am speaking on behalf of Julia Buote and her daughter. This piece of legislation must pass. To be quite frank, it is almost inconceivable that an incident such as that which occurred to Mrs. Buote's daughter was seen as just that, an incident. It was not seen as a crime.

We need this type of legislation even more so today than we did 10 years ago when Mrs. Buote started her crusade to protect young men and women. Because of the advances in technology, and that actually sounds counterintuitive, but in terms of the existing technologies in wiring and cameras, this type of voyeurism is ubiquitous. It is omnipresent. It is our duty to ensure that our legislation is modernized to keep up with those advances because sometimes those advances are used in a heinous and draconian way which harm individuals.

I will be supporting this revised piece of legislation, Bill C-12. I will acknowledge that some individuals say that this legislation needs to be stronger and I will share their concerns about the artistic merit aspect of it as well. However, I believe the consensus approach that the government has taken right now is an improvement to at least squeeze that loophole even more with respect to the Sharpe case. Perhaps more can be done, but we cannot kill this legislation. We cannot allow individuals to be subjected to the same types of crimes, such as that experienced by Mrs. Buote's daughter, that were called mere incidents.

Hon. Susan Whelan (Essex, Lib.): Madam Speaker, today I rise to speak in favour of Bill C-12 and to oppose the motion to delete clause 7 of the bill.

Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, supports the government's commitment announced in the Speech from the Throne to better protect children against sexual exploitation.

I would like to quote the preamble of Bill C-12, which provides:

> WHEREAS the Parliament of Canada has grave concerns regarding the vulnerability of children to all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect;

I am quite certain that this is a concern that all hon. members share, so I appreciate the opportunity to speak to the bill today. I would like to highlight criminal law reforms in Bill C-12. It proposes reforms in five key areas.

First, it proposes to strengthen the existing child pornography provisions by broadening the definition of written child pornography and narrowing the existing defences to one defence of public good and imposing a harms based test.

Second, it seeks to provide better protection for young persons against sexual exploitation.

Third, Bill C-12 proposes to increase penalties for offences against children.

Fourth, it seeks to facilitate testimony by child and other vulnerable victims and witnesses.

Last, it proposes the creation of a new offence or voyeurism to better protect Canadians against the surreptitious viewing or recording of a person in circumstances that give rise to a reasonable expectation of privacy.

The motion before us seeks to delete two child pornography reforms proposed by Bill C-12. In other words, the motion proposes to maintain our current child pornography laws, including how they have been interpreted and applied in the well known child pornography case involving Robin Sharpe.

In contrast, however, Bill C-12 seeks to change the laws as they were interpreted and applied in the Sharpe case. Bill C-12 proposes two child pornography amendments.

First, it proposes to broaden the existing definition of written child pornography to include written material that describes prohibited sexual activity with children where that description is the predominant characteristic of the material and it is done for a sexual purpose.

Second, Bill C-12 proposes to narrow the existing defences into one defence of public good, a term that is now specifically defined in the bill.

As I understand this proposed reform, it would mean that no accused would have a defence for any child pornography offence where the material or act in question does not serve the public good or where it exceeds or goes beyond what serves the public good.

To me, these are very important reforms. I welcome them because they reflect what most Canadians believe, namely that written stories that are primarily describing acts of sexual abuse of children and that are written for a sexual purpose are in fact child pornography and should be prohibited.

I also believe that Canadians understand that police officers and prosecutors, for example, need to be able to possess and share child pornography for purposes related to the criminal investigation and prosecution of a child pornography case. Canadians understand that doctors may need to possess child pornography to help treat offenders. Canadians also understand that a film that laments that sexual abuse of a child or a documentary that is an exposé of a child sex abuse ring can also serve the public good.

We understand this and we expect the law to protect them, and that is what Bill C-12 does.

What Canadians do not understand is any attempt to provide Canadian children with less protection against child pornography. Unfortunately, that is exactly what this motion before us proposes. It proposes to give more protection to child pornographers and less protection to our children. That is why I cannot support this motion.

● (1735)

The Acting Speaker (Mrs. Hinton): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

● (1740)

[*Translation*]

Mr. Michel Guimond: Madam Speaker, I seek clarification. Did you put the question on the first amendment? I absolutely did not hear it.

[*English*]

The Acting Speaker (Mrs. Hinton): I did, but for clarification purposes, I will do it again. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

An hon. member: No.

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

Some hon. members: Yea.

The Acting Speaker (Mrs. Hinton): All those opposed will please say nay.

I declare the motion carried.

(Motion No. 1 agreed to)

The Acting Speaker (Mrs. Hinton): The next question is on Motion No. 2. Is it the pleasure to adopt the motion?

Some hon. members: Agreed.

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

Some hon. members: Yea.

The Acting Speaker (Mrs. Hinton): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Hinton): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Mrs. Hinton): Pursuant to order made on Thursday, February 18, the recorded division on Motion No. 2 is deferred until Tuesday, February 24, at the end of government orders.

The next question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion No. 3 agreed to)

Hon. Roger Gallaway: Madam Speaker, I rise on a point of order. I think if you seek it, you would find agreement to see the clock at 6:30 in order that the late show might begin.

The Acting Speaker (Mrs. Hinton): Is that agreed?

Some hon. members: Agreed.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

PUBLIC SERVICES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Madam Speaker, on February 9, I rose in the House to ask the following question:

> As the NDP predicted, the Liberal government wants to go ahead with its privatization plans. The Prime Minister's right hand man is quoted in today's *National Post* as saying that he wants to see government operations privatized.
>
> Can the Deputy Prime Minister tell us why the government is prepared to abdicate its role in favour of the private sector and the banks, as the parliamentary secretary has said?

The answer I got from the President of the Treasury Board and Minister responsible for the Canadian Wheat Board was as follows:

> Mr. Speaker, I would like to thank the member for this question.
>
> I would like to take advantage of this opportunity to say the government has no plans to privatize services. We are exploring a wide range of options. We have met with the unions. We have said that we will be including them in the process. We are going to look at every means possible to modernize the delivery of public services.

I want to come back however to what was said in the newspaper.

● (1745)

[*English*]

It was in the *National Post* of February 9, 2004. The member for Scarborough East said, and I quote:

> This is the buzz item, the big ticket. This is the way government is going to be done.

The member for Scarborough East, the Parliamentary Secretary to the Minister of Finance, said that on the issue and then continued by saying:

> The whole system needs to be brought into the 21st century. If we were in private business we'd be out of business.

The article continued:

> The leaders of the Public Service Alliance of Canada and the federal NDP have served notice they will fight privatization, but [the member for Scarborough East] said he anticipated that. "They're locked in the Marxist-Leninist dialogue of the 1960s and '70s and I feel sorry for them", said [the member for Scarborough East].

Let me continue with the article:

> Nycole Turmel, president of the Public Service Alliance of Canada, said her union has studied previous attempts by Ottawa at P3s, such as with the Defence Department's supply chain, and found costs actually increased.
>
> "If [the member for Scarborough East] has a mandate to look at the privatization of the infrastructure and leading to privatization or letting the administration go with the structure, then it really proves our concerns. This is the first person who is openly saying it," she said.

As members heard today, we again raised a question about this in the House of Commons. We raised a question about privatization of hospitals. Canadians across the country are worried.

[*Translation*]

Canadians fear the hidden agenda of the government concerning privatization. From the way the hon. member for Scarborough East and parliamentary secretary expressed himself candidly in the paper, it is clear he is accusing the unions and the NDP of being stuck in the sixties and seventies. It was easy to see where he was headed.

This question was valid on February 9, 2004. It is important that we know the government's plans. On the one hand, it is saying that it does not want to privatize, but, on the other hand, the Parliamentary Secretary to the Prime Minister is saying just the opposite. That is why I want to ask the question once more tonight. Canadians should know where they stand.

Does the present Liberal government intend to privatize public services? Or will it work hand in hand with the public service without trying to privatize call centres, for example, as rumours have it?

There is a great deal of doubt. I would like to hear the parliamentary secretary give us the federal government's vision, and tell us whether it intends to privatize public services. Some vague answer is not good enough. Is it yes or no?

[*English*]

Hon. Joe Jordan (Parliamentary Secretary to the President of the Treasury Board, Lib.): Madam Speaker, I want to thank the hon. member for the question. I come from a rural area as he does and share some of his concerns on this issue. I will reiterate the answer that the minister gave in the House to the question. He said:

> I would like to take advantage of this opportunity to say the government has no plans to privatize services.

Governments in Canada and around the world have longstanding experience in working collaboratively with the private sector to deliver important services. In fact, in this country, dating back to the 1840s, pre-Confederation Canada partnered with the private sector to build railroads and, some would argue, build a country.

More recently, the Government of Canada has used public private partnerships, or P3s as they have come to be known, to address water and infrastructure needs on first nations reserves, to develop air force flying and combat support training, and to build the Canadian embassy in Berlin.

These partnerships fulfill national objectives when the private sector shares responsibilities, costs, risks and benefits with the government. However, we in government are still accountable for managing the contract for best results.

Public private partnerships are just one option for delivering public services. Government takes a case-by-case approach to determine which way is most appropriate to meet the needs of Canadians. Our approach is purposefully moderate and incremental, and based on sound reasoning and due diligence.

Public private partnerships work to the mutual advantage of the partners by satisfying public needs, by increasing the capacity of government to deliver programs and services, and by generating employment and economic development opportunities. P3s work best when they are based on mutual trust, reciprocal benefits and enforceable consequences.

The government does not take a final decision on any specific cases without prior consultation with employees and their unions.

Recent transition decisions by the Prime Minister have raised the profile of P3 as an important procurement option. For example, the newly created expenditure review committee assesses all program spending proposals against the criteria that include partnership, value for money, and efficiency. This makes P3s one of the options under consideration.

The position of the Parliamentary Secretary to the Minister of Finance, with special emphasis on public private partnerships, is a newly created position to champion P3 opportunities where they make sense.

Canada's use of P3s is primarily among sub-national governments, where it is being considered for many sectors, from municipal recreation centres to hospital buildings. Five provinces have officially embraced P3 as a procurement alternative. The other provinces, the territories, and several municipalities, are poised to adopt the method.

Most P3 experience has been gained through infrastructure projects, including roads, bridges, airports, water, power, et cetera. Several Canadian firms have successfully used the experience to win P3 project contracts overseas. Good examples of that would be the Cross Israel highway, and the Santiago and Budapest airports.

By contrast to a rich P3 experience, the Government of Canada has not done a fully-fledged privatization since 1996, when the Canada Communications Group was sold. Some construe shared governance corporations, like NavCan, as divestitures. However, these are examples of creating non-profit organizations with minority federal representation on the board to serve public interests more effectively.

Meanwhile, many departments and agencies continue to explore and promote P3s through their programs and initiatives. Our partners' time, expertise and funding add value to the quality of life we enjoy in this country.

● (1750)

Mr. Yvon Godin: Madam Speaker, the member talked about P3s and the experiences we had. I do not know if it was a P3 in New Brunswick when the highway between Moncton and Saint John, and Moncton and Fredericton, was built and it cost over $650 million. The government had to pay for it because the people did not agree to it. Would that be a type of P3? I do not know if it is a type of P3 when we look at defence facilities in Labrador. The cost actually increased.

When we look at the responsibility of the government, is the government just giving up its responsibility and saying that it will give it to the private sector, or to its friends? As we know, so many friends got money from the Liberal government in the last couple of years. Is that what the government is saying? Is it saying that it has to find another way to give money or contracts to its friends instead of looking at its programs and its public services that need to be managed in a correct manner?

I do not think that is the answer. Canadians do not believe that is the answer. I totally disagree with the privatization of our public services in this country.

Hon. Joe Jordan: Madam Speaker, in response to my hon. colleague, I did preface my comments by saying that I too share the concern.

If we were to look at what is happening in terms of not only the technology that is out there to assist governments in what they do, but also the regulatory frameworks that are necessary to manage in a global economy, as a government, we would be selling Canadians short if we took the position that we have the in-house capacity to do absolutely everything ourselves.

I share the concern. The government has undertaken and will continue to undertake decentralization of services. In the case of my hon. colleague's region and mine, it puts good paying skilled jobs in rural areas. I too will fight erosion of transfer to the public sector if I do not think it is appropriate.

At the end of the day, we must take a look through realistic lenses at approaches that maximize the benefits of these potential partnerships.

● (1755)

The Acting Speaker (Mrs. Hinton): 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 5:55 p.m.)

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