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OFFICIAL REPORT
(HANSARD)

Thursday, June 15, 1995

Speaker: The Honourable Gilbert Parent

HOUSE OF COMMONS

Thursday, June 15, 1995

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Alfonso Gagliano (Secretary of State (Parliamentary Affairs) and Deputy Leader of the Government in the House of Commons, Lib.): Madam Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to nine petitions.

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NIGERIA

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Madam Speaker, because of the proceedings in the House earlier this week I was unable to give the statement I am giving today. Nonetheless, our government regards it as very important.

Two years ago on June 12, 1993 Nigeria held a presidential election. It was the largest vote ever in Africa and the first chance for Nigerians to choose their president. It was also the climax of an extended transition to democracy which had seen the adoption of a constitution and local state and legislative elections over four years. Most important, it was in the view of international observers including Canada the fairest and most peaceful election in Nigeria's history.

After preliminary results showed Chief Moshood Abiola winning a convincing majority of both votes and states, the military regime simply annulled the election. Protests at home and abroad led to leadership changes and months of confusion which ended with General Sani Abacha taking power in November 1993.

Since then his regime has disbanded all elected bodies, jailed Abiola and many other democratic leaders, closed newspapers, repressed labour unions and minorities, given itself absolute legal power and immunity, ended the right of habeas corpus and carried out public executions. The January 1996 date set by the regime's

own constitutional conference for return to democracy was recently dropped, enabling General Abacha to stay on indefinitely.

What happens in Nigeria matters to Canada. Our countries have had a broad relationship based on Commonwealth ties, human contacts in both directions and a shared commitment to federalism.

Nigeria is our largest export market between South Africa and Maghreb and our largest source of imports in all Africa. Its population and resources should make it a natural leader on the continent. Instead, its entrenched military regime has a chilling influence on democratic neighbours and has been imitated in Commonwealth west Africa and elsewhere. It remains a potentially destabilizing factor in the region.

Canada has responded to the situation in Nigeria. We have condemned abuses as they have occurred and at the United Nations. We have ended high level visits, military training assistance and military capable exports.

● (1005)

Our limited diplomatic relations have included many representations on behalf of Chief Abiola, Ken Saro-Wiwa and other repressed human rights leaders.

We have assisted the democratic movement with modest aid funds and have invited several prominent Nigerians on visits to give Canadians a firsthand impression of the situation.

Democracy delayed is democracy denied. Nigerians have been under military rule for 12 years and have already demonstrated their readiness and enthusiasm for the democratic process. General Abacha's regime must now act decisively to restore democracy, the rule of law and respect for human rights. In particular the release of Chief Abiola and ex-president Obasanjo would be a step in the right direction; so would debanning the media, freeing or charging detainees or setting a firm date for the end of military rule.

In the absence of visible measurable progress toward these objectives Nigeria's Commonwealth partners will be obliged to draw their own conclusions. Today we recognize the efforts of Nigerian democrats and ensure them they are not forgotten nor do they work in vain.

Dr. Wole Soyinka, a democratic leader and Nigeria's only Nobel prize winner, was recognized by the Speaker on Monday and met with me. As in South Africa, the struggle may be long but there can be no doubt about the outcome, Nigerians will enjoy the rights South Africans do today.

*Routine Proceedings**[Translation]*

Mrs. Maud Debien (Laval East, BQ): Madam Speaker, on behalf of the Bloc Québécois, I am pleased today to pay tribute to all Nigerian democrats.

Barely two years ago, the people of Nigeria believed they had acquired a democratic process worthy of the name. Their leader, Moshood Abiola, had won a resounding, eminently democratic victory. Unfortunately, as we know, the military regime did not accept the outcome, cancelled the election and ultimately, appointed General Sani Abacha as head of state.

In light of the special commercial and political ties between Canada and Nigeria, the Canadian government has a duty to condemn loud and clear the basic human rights violations that many Nigerians have suffered.

In our opinion, the Canadian government is not doing everything that it can to intervene. As the Minister of Foreign Affairs publicly announced only a few weeks ago, Canada is preparing to promote trade without taking into account the human rights record of certain countries.

The Liberal government's new foreign policy is questionable. When the Canadian section of Amnesty International gathered for its annual meeting last week, the director of the English section rightly stated that to remain silent on the human rights issue constitutes a serious abdication of our responsibilities, bordering on complicity.

As we have said, the Canadian government's policy on human rights is based on double talk. The policy of the Liberal government is to answer only to the economic imperatives of Canada's relations with its major trading partners, such as China or Mexico. However, it takes a hard line approach to small countries with which we have few or non-existent trade relations.

The Bloc Québécois believes that the Liberal government should not hesitate to proclaim and publicly defend the fact that democracy and human rights are the cornerstones of Canadian foreign policy, and that all of our trading partners should be expected to have a similar stand, regardless of how much trade Canada does with them.

By taking such a position, the government will be sending a clear message to the people and heads of state or government of countries that have trade ties with or receive aid from Canada, as is the case with Nigeria. Canada must not pass up this opportunity to profess in a vigorous way its democratic faith in an international community where the temptation to remain indifferent, detached or self-interested is omnipresent. We must move quickly to prove wrong the dictators who interpret the collusive silence of countries that claim to embrace democratic ideals as support for their actions.

Instead of turning a blind eye to anti-democratic regimes and human rights violations, whether in China or elsewhere, instead of

discussing the issue of human rights only behind the scenes to spare the feelings of countries with markets that are interesting to Canada, the government must adopt a coherent, clearly worded policy, one that is entrenched in legislative and regulatory texts and that ensures that decisions are based on three established criteria, namely human rights, development assistance and international trade.

• (1010)

Otherwise, the only clear message that the government will be sending is that governments of the south need only become good trading partners if they want to rule by dictatorship, free of any pressure.

In closing, I want to express once again my support for all Nigerian democrats. I know how difficult it can be to fight for human rights and democracy. Sometimes people have the feeling that their hard work produces only mediocre results. Yet, we are hopeful that their efforts to achieve democracy will prove successful. Until then, the official opposition will support their actions and join with them in condemning the human rights violations that many Nigerians have suffered.

[English]

Mr. Bob Mills (Red Deer, Ref.): Madam Speaker, I share the sentiments of the Secretary of State for Latin America and Africa who spoke well on the need for the restoration of democracy in Nigeria.

It is certainly true the people of that country deserve a far better government than they currently have. When they went peacefully to the polls two years ago they had a genuine hope that for the first time they would be able to choose their own president, but their hopes were dashed. Not only was their democratically elected president Chief Moshood Abiola arrested in jail by the army, but almost every personal freedom was taken away from the people of Nigeria. This unfortunate set of circumstances was described in detail by the secretary of state.

In response to this robbery of democracy the Canadian government has been quite right to condemn the illegitimate government which has taken over. It was similarly correct in taking certain punitive actions against that government. In the future the Reform Party hopes the Canadian government will vigorously promote democracy and improve human rights in Nigeria and throughout the world.

In general Reform supports positive measures to improve human rights such as support for the strengthening of democratic and legal institutions in the developing world through our international aid program. Canadian aid should support human rights promotion, democratic change and institution building. Reform also supports working with non-governmental organizations and the private sector to build up a civil society and middle class in developing countries. As civil society expands and the middle class grows, human rights issues will improve.

In severe cases such as Nigeria where the government is responsible for massive human rights abuses and with which a co-operative approach is not likely to be successful, we would support the multilateral use of certain penalties.

I pass on a message to the people of Nigeria that Canada does care and we will continue in our commitment to assisting democratization and human rights in that country and in others. With hard work and persistence they can overcome tyranny and Canadians look forward to the day when we will welcome their democratically elected leaders to our country.

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[Translation]

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Mr. Richard Bélisle (La Prairie, BQ): Mr. Speaker, I have the honour to present today to the House the 13th report of the Standing Committee on Public Accounts concerning the Correctional Service of Canada.

At the conclusion of the report, the committee recommends that the auditor general monitor the efforts of the Correctional Service of Canada to improve its accommodation planning and supervision of released offenders, and that he report his findings when he considers it appropriate.

The committee believes that the recommendations contained in this report should be actively implemented. It also recommends that unless it is directed to do otherwise, the Correctional Service of Canada report on the progress made in implementing the report's recommendations by April 1996 at the latest.

Appended to this report is the official opposition's dissenting opinion on the policy of double bunking. In closing, I would like to quote two recommendations contained in this dissenting opinion: one, that the Correctional Service of Canada assess the short, medium and long term impact of the policy of double bunking on inmates, particularly its effect on inmate rehabilitation and that the results of the study be published by January 1996; and two, that the Correctional Service of Canada await the results of this study before making the double bunking policy part of its accommodation standards.

Routine Proceedings

• (1015)

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

[English]

INDUSTRY

Mr. Paul Zed (Fundy—Royal, Lib.): Madam Speaker, I have the honour to present the seventh report of the Standing Committee on Industry relating to Bill C-91, an act to continue the Federal Business Development Bank under the name the Business Development Bank of Canada, with amendments.

The main change will be in the suggestion that the name of the bank be changed to the Small Business Bank of Canada.

* * *

BUSINESS OF THE HOUSE

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): A point of order, Madam Speaker. In view of the tremendous co-operation of all members I wonder if there would not be unanimous consent for this motion.

I seek unanimous consent for the following motion. I move:

That notwithstanding any special order, this House shall continue to sit after 11.30 p.m. this day in order to consider Government Orders and it shall not adjourn except pursuant to a motion proposed by the minister of the crown.

I seek unanimous consent for that motion.

The Acting Speaker (Mrs. Maheu): Is there unanimous consent to accept the motion?

Some hon. members: Agreed.

Some hon. members: No.

Hon. Alfonso Gagliano (Secretary of State (Parliamentary Affairs) and Deputy Leader of the Government in the House of Commons, Lib.): Madam Speaker, pursuant to Standing Order 56.1, I move:

That notwithstanding any standing order or special order, this House shall continue to sit after 11.30 p.m. this day in order to consider Government Orders and it shall not adjourn except pursuant to a motion proposed by a minister of the crown.

The Acting Speaker (Mrs. Maheu): Those members who object to the motion will please rise in their places.

And fewer than 25 members having risen:

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 56.1(3) the motion is adopted.

(Motion agreed to.)

*Routine Proceedings***PETITIONS**

HEALTH CARE

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, I am honoured to rise in the House to present a petition sent to me by Mrs. Margaret Wiens of Quesnel, British Columbia, and signed by over 1,000 constituents from many areas of my riding of Cariboo—Chilcotin.

The petitioners call for the government to enact immediate legislation for freedom of choice in health care that is full integration of alternate practitioners, homoeopathic, herbal, naturopathic, et cetera, into the Canadian health care system with full equal coverage of visits and necessary remedies.

HUMAN RIGHTS

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Madam Speaker, I also present eight petitions signed by over 200 constituents from Quesnel, Williams Lake and Lillooet in the riding of Cariboo—Chilcotin.

My constituents request that Parliament not amend the human rights code, the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or homosexuality, including amending the human rights code to include in the prohibited grounds of discrimination the undefined phrase of sexual orientation.

• (1020)

OFFICIAL LANGUAGES

Mr. Ed Harper (Simcoe Centre, Ref.): Madam Speaker, I wish to present four petitions on behalf of the citizens of Simcoe Centre. The first petition deals with the subject of state imposed bilingualism.

Given that the large majority of Canadians are opposed to the official languages policy imposed on them by the former Liberal government, the petitioners request that a referendum be held to either accept or reject this flawed policy.

JUSTICE

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, the second petition is on the subject of the drunkenness defence. It concerns the use of a legal defence that has become known as the drunkenness defence.

The petitioners believe that in committing the act of choosing to consume alcohol the individual must accept all responsibility for his or her actions while under the influence.

CRIMINAL CODE

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, the third petition involves section 718.2 of Bill C-41. The petitioners are concerned that naming some groups in legislation will exclude other groups from protection and that sentencing based on the

concept of hatred is very subjective and will undermine our justice system.

HUMAN RIGHTS

Mr. Ed Harper (Simcoe Centre, Ref.): Mr. Speaker, the final group of petitioners request that the Government of Canada not amend the Canadian Human Rights Act to include the phrase sexual orientation. The petitioners are concerned about including the undefined phrase sexual orientation in the Canadian Human Rights Act. Refusing to define the statement leaves interpretation open to the courts, a very dangerous precedent to set.

Parliament has a responsibility to Canadians to ensure that legislation cannot be misinterpreted.

RIGHTS OF THE UNBORN

Mr. John Williams (St. Albert, Ref.): Madam Speaker, pursuant to Standing Order 36, I present a petition on behalf of a number of my constituents organized by Suzanne MacDonell.

The petitioners request that Parliament urge the government to recognize the unborn fetus from fertilization onward as an individual in its own right with access to article 15(1) of the charter of rights.

Furthermore, the petitioners request that Parliament recognize and exercise its right to define in law the meaning of the unborn child as a judicial person and cause to cease by the most expedient means available the public funding of and the practice of abortion, thereby honouring Parliament's and the government's obligation under the Canadian Charter of Rights and Freedoms.

Not only am I pleased to present this petition but I endorse it as well.

The Acting Speaker (Mrs. Maheu): I believe the member is well aware that we do not enter into debate when presenting petitions.

HUMAN RIGHTS

Mr. Bill Gilmour (Comox—Alberni, Ref.): Madam Speaker, pursuant to Standing Order 36, I am pleased to present the following petition from constituents in my riding of Comox—Alberni.

The petition containing 163 signatures calls on Parliament to oppose any amendments to the Canadian Human Rights Act or the Canadian Charter of Rights and Freedoms which provide for the inclusion of the phrase sexual orientation.

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QUESTIONS ON THE ORDER PAPER

Hon. Alfonso Gagliano (Secretary of State (Parliamentary Affairs) and Deputy Leader of the Government in the House of Commons, Lib.): Madam Speaker, today the following questions will be answered: Nos. 186, 187 and 188.

Government Orders

[Text]

GOVERNMENT ORDERSQuestion No. 186—**Mr. Duncan:**

With regard to Indians making purchases on reserve or having purchases delivered to the reserve, what was the amount of GST exemption for eligible Indians for the fiscal years 1991–92, 1992–93 and 1993–94?

Hon. David Anderson (Minister of National Revenue, Lib.): Although Revenue Canada gathers information to administer the Excise Tax Act on the goods and services tax return including the amount of the GST collected and input tax credits claimed by each registrant, information is not collected on exemptions for particular groups. Consequently, it is not possible to provide the data requested.

Question No. 187—**Mr. Duncan:**

With regard to Indians making purchases off reserve at designated remote stores, (a) what was the amount of GST exemption for eligible Indians for the fiscal years 1991–92, 1992–93 and 1993–94, and (b) what are the designated remote stores off reserve by province?

Hon. David Anderson (Minister of National Revenue, Lib.): Remote stores are not required to accumulate or report on the total dollar value of their sales to Indians. There is no requirement in law for reporting this information to Revenue Canada. Moreover, accumulating such information would significantly increase the vendor's reporting requirements.

Off reserve vendors qualifying as remote stores are entitled to waive the delivery requirement on tax relieved sales to Indians. The department does not maintain a comprehensive list of qualifying remote store vendors. The individual vendors are responsible for determining their eligibility as a remote store and are accountable for the GST receivable if they did not meet the requirements. Their eligibility is later verified by a departmental audit.

Question No. 188—**Mr. Duncan:**

What was the amount of GST credit paid to eligible on reserve status Indians for the fiscal years 1991–92, 1992–93 and 1993–94?

Hon. David Anderson (Minister of National Revenue, Lib.): The information requested is not available as Revenue Canada does not keep statistics on the number of goods and services tax, GST, credit payments issued to status Indians. In addition, the department does not categorize individuals by status or residence and is therefore unable to extrapolate the requested information from its data banks.

[English]

Mr. Gagliano: Madam Speaker, I ask that the remaining questions be allowed to stand.

The Acting Speaker (Mrs. Maheu): Is that agreed?

Some hon. members: Agreed.

[English]

ELECTORAL BOUNDARIES READJUSTMENT ACT, 1995

The House resumed from June 14 consideration of the motion in relation to the amendments made by the Senate to Bill C–69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries; and of the amendment.

The Acting Speaker (Mrs. Maheu): Prior to resuming debate, due to the statement by the minister, Government Orders will be extended by 12 minutes.

I would inform the hon. member for North Vancouver that he has 14 minutes left in the debate.

● (1025)

Mr. Ted White (North Vancouver, Ref.): Madam Speaker, when my speech was interrupted last night, I was speaking on Bill C–69. At the time when I began my speech I mentioned the continuing growth of the debt and deficit.

I would like to mention that in the 11 hours since I have stopped speaking and have started again, the debt has increased by approximately \$50 million. Overnight while we were out of this place the government overspent by \$50 million. That gets added on with interest to the debt burden already being carried by our children and our grandchildren.

I also mentioned earlier in my speech last night and I would like to reiterate that the issue of constituency representation is a very important aspect of many of the bills we are considering. Free votes were never an issue in past Parliaments because the three worn out, dictatorial, arrogant old line parties all played the same game of agenda politics.

They never wanted to and still do not want to govern the country according to the wishes of the Canadian voters. They are not interested in conducting business in accordance with the wishes of taxpayers. There was a very good example of that less than 15 minutes ago when the government created a situation where the House has to stay open well after midnight, debating bills and motions that could have been debated adequately many months ago when there was plenty of time to have public input, to do these things properly. Those bills and motions do not have to be rammed through the way it is being done, all jammed into a few days at the end of the session when the public and the media do not get an adequate opportunity to look at things.

If the government had been truly interested in carrying out the wishes of Canadian voters and taxpayers, it would not engage in this type of activity. It would admit that many of its bills are badly flawed and would simply allow them to die or withdraw them.

Government Orders

At the moment, with the exception of the Reform MPs and a few independently minded Liberals, most of the MPs are nothing more than voting machines. All we do is keep busy between votes. Apart from the group I just mentioned, MPs are simply not interested in reflecting their constituents' wishes in the House.

All of the debates, the questions, the committee meetings, the hearings, the witness testimony and the travel junkets are nothing more than make work projects to keep MPs busy between votes, votes for which the outcome is already known because the Prime Minister knows what he wants to happen before the first words of debate are uttered.

As I finished last night, I mentioned that last year the government introduced approximately 60 bills. By the end of the year, approximately 60 bills had been passed. Members could have come here for one day, for one hour last year, stacked the whole 60 bills this high on the Clerk's table, voted once and the outcome would have been pretty much the same.

For all of the debates and discussions that went on, the outcome would have been pretty much the same. That is because the outcome is already known before debate begins. It makes a mockery of attempts by people to properly represent the taxpayers, the constituents of this country.

Instead of having a reasonable approach to the bill before us, members end up debating a bill that resulted from partisan interference in the non-partisan electoral boundaries redistribution process.

When is the bill being debated? Right at the end of the session. Members have to go through the process of speaking right into the small hours of the morning. The government does not particularly care about input or debate any more than it cares for input or debate on any other bill.

The Liberals know it will pass because the Prime Minister has already issued his instruction. It will pass. Yesterday maybe half a dozen Liberal MPs were brave enough to defy the orders of the Prime Minister and to vote against the gun control bill in order to represent their constituents. Congratulations to those members who felt strongly enough to stand up for the principles that were important to them.

We heard that the Prime Minister gave a speech during the Liberal caucus meeting yesterday morning in which he told Liberal MPs that if they vote against a government bill twice, then they are out. If that is true, then I hope the hon. ladies and gentlemen on the government side think very carefully over the next few days about whether they can tolerate such an ultimatum.

Can they maintain their dignity? Can they continue to claim to have ethics? Can they look their families and their constituents in

the eye? And can they continue to support their party if they would accept such a dictatorial ultimatum? Are they grown adult Canadians with a sense of morality, or are they prepared to be pawns in a giant political machine?

● (1030)

Clearly, we have a little way to go before free and representative votes are a normal part of the operations of this place, but I truly believe we are on the verge of a revolution in the way Parliament functions. If there are dinosaurs on the other side of the House who refuse to accept the inevitable change, they will soon be sent into retirement by the voters. Then there will be no more Bill C-18s and no more Bill C-69s, because the people of Canada will be represented here instead of the political parties of Canada being represented here.

Mrs. Terrana: Madam Speaker, I rise on a point of order. I am disturbed to hear that our hon. colleague is saying that the Prime Minister yesterday threatened the caucus that they would be out of caucus if they did not vote for our legislation. That is not correct, and I would like to say that I oppose it.

The Acting Speaker (Mrs. Maheu): I am sorry, but that is an item for debate.

Mr. White (North Vancouver): Madam Speaker, as I was saying, once we get to a point where the representatives in this place are clearly representing their constituents, there will be no more need for Bill C-18s or Bill C-69s, Bill C-41s, because the people of Canada will be represented here rather than the political parties of Canada being represented here. The legislation passed will be meaningful because it will be legislation wanted by the voters and taxpayers who are building the country and supplying the funds we need to run this place. The debates will be real debates. The committee meetings will actually mean something. Questions during question period will actually be answered, and members of Parliament will regain the respect of the people of Canada.

In closing, I would like to mention two things. Our debt has increased by almost a million dollars during the time it took me to give the speech, the total time of the speech. The second point is that the Deputy Prime Minister promised to resign if the GST had not gone within a year of the election. She still has not done it.

[*Translation*]

Mrs. Pierrette Ringuette-Maltais (Madawaska—Victoria, Lib.): Madam Speaker, I am astonished by our colleague's comments. Perhaps he would care to tell the members of this House how many of the votes taken by Reform Party members since they were first elected to this House have in fact been free votes.

Government Orders

[English]

Mr. White (North Vancouver): Madam Speaker, I would like to thank the hon. member for her question.

I am astonished that she is astonished. Having had the opportunity to be in this House for some time since the last election, I would have hoped that the hon. member would have noticed that every vote that has been taken in this House by Reform has been a free vote.

We think very carefully about the details of the bills before us. We all consult with our constituents on an ongoing basis. For the most part we have been elected by voters who have similar beliefs and feelings, so it is not uncommon for us to be able to vote the same way on a bill. On routine bills, that is the way it happens. On controversial issues or issues where there are regional differences, it quite clearly can be witnessed that Reform has been able to demonstrate that freedom of voting quite regularly. There is never any punishment. There is never any animosity between the members because that is the understanding. The constitution of the Reform Party requires Reform MPs to reflect the wishes of their constituencies whenever that desire can be clearly demonstrated, and it is compulsory in the case of moral issues.

I do thank the hon. member for permitting me to elaborate on that and to clarify that point.

• (1035)

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, with respect to what the member refers to as new style politics and the wishes of his constituents, could he explain the activities of the Reform last evening, when for about three hours during the votes I noticed the members were deliberately standing up and sitting down very slowly? Instead of standing up so that the clerks could do the count very quickly, they were standing up and sitting down very slowly. With respect to this new style of politics, is this a new tactic the Reform Party has developed? Was it requested by their constituents?

Mr. White (North Vancouver): Madam Speaker, that is an interesting question from the member. The member asked why some of the members on the Reform side were getting up rather slowly during the votes on C-41 last night. I would like to mention that I think they were emulating and mimicking the member for Burin—St. George's, who makes a habit of carrying on that activity.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Madam Speaker, it is very interesting that this bill would come back from the Senate. They have already expressed displeasure with the kinds of bills the Liberals put through and are expressing it once again. Maybe this time the government will get the message.

One of the reasons we had this bill in the first place was the fact that many Liberal members did not like the way the boundaries

were changed. This did not suit the demographics that they thought were in their best interests, and without any thought to whether it was in the best interests of their constituents or the taxpayers of this country they set about to basically eradicate \$8 million worth of work by the boundary commissions.

In my riding and in all the ridings that are pretty well interconnected with mine we went through the public hearing process in British Columbia, as I am sure all the other provinces did as well. The initial boundaries that were set were not liked there. It is not important whether they were liked by the MPs or not; they were not liked by the constituents of those ridings.

The public hearings were held, which is the process that is in place, and they did their job. The boundary commission came out to the various towns where these were advertised and were absolutely deluged with letters, briefs, and with people coming before the commission at the public hearings to testify. The people who were not happy with those first boundaries explained in detail what it was they did not like about them, what they thought the alternatives were, why theirs were better and how things could work with the new plan they had.

The people from the boundary commission who came out on these public hearings accepted this information. They went to subsequent hearings until they had heard from the entire area. They then went back and considered all the information and input that took place. That is the way the process is supposed to work. If there is something wrong, it is up to the people it affects, not the MPs. It is up to the constituents, the voters. It is up to them to tell the people who have the authority to set these boundaries what is wrong with this in the first place. That is the process that took place. The people involved in setting the new boundaries took this information and decided that obviously it was what the people wanted. So they redrew the boundaries and changed the program based on the input of the people of the affected ridings.

What they came out with for my riding and for those interconnected with my riding was not absolute perfection as we would like to see it, but it was something that was much better than originally brought up. It was something that reflected the wishes of the people in the various ridings and it was something we could all live with. Unfortunately, it was not something, even at that point, members of the Liberal government could live with. They decided that they had to have changes. Well from time to time these things do need to be upgraded and changed, but that does not mean you should spend millions and millions of wasted dollars to make those changes. There is a time and a place for everything.

• (1040)

Simple changes to the Electoral Boundaries Readjustment Act can always be brought in, but they should not be brought in at the eleventh hour, scrapping all the work that had been just about completed before this started.

Government Orders

One of the problems with what the government is doing is that the cost of boundary examination and modification runs about \$8 million. As I said, most of that work had been completed. There is only the final step left to take place. Yet the government would have us scrap that so we can bring in a change of rules and have this work done all over again.

The public has already had an opportunity to talk about the boundaries and what was proposed. One of two things is going to happen if this bill goes through and they scrap all the work that has gone before and start back at square one: either the government is going to listen to the people, the voters of Canada, and do what they want, which has already been done; or it is going to ignore the voters of Canada, which is often its style, and do whatever it wants in order to get the boundary ridings that best reflects its members' ability to be elected. The latter is unacceptable.

If we are going to change the act there are a lot of things that should be in there. Some of those things have been addressed by the Senate amendments and some have not. One thing we proposed was a cap or even a reduction in the total number of MPs in this House.

We see the kinds of high jinks and antics exhibited by one side evoking a response from the other side and causing further retaliation. Do we need more people to do that? It costs a lot of money to have an MP here. Are people going to be better represented because we stuff more people into this place, increase the operating budget of Parliament, revamp this whole Chamber so we can squeeze extra seats in, and not only that but leave it in a formula that will see it continue to expand year after year? Is that in the best interest of the Canadian public? I do not think so.

We need elected representatives who are going to listen to the people. It does not matter if there are a thousand people in here, if they do not listen to what the people say it will do absolutely no good. That is what is happening in Bill C-69.

The government is not listening to the people who have already had input to the boundary commissions and said this is what they want. It is prepared to scrap that. There are not enough changes in these amendments or in the legislation proposed by the government, sent once already to the other place and returned to be sent back again, to justify spending \$6 million to \$8 million all over again. As I said, the end result is going to be the same thing or the total ignoring of the wishes of the public.

I am here to represent my constituents. My constituents can best be represented by the style of boundary changes we already have in place. If this bill goes through, with or without the Senate amendments as they have been proposed, then the wishes of my

constituents are going to be ignored. Consequently, I do not support the government's legislation dealing with C-69 one way or another, with or without the amendments from the other place. It is still an unacceptable piece of legislation and I will never support it.

Mrs. Diane Ablonczy (Calgary North, Ref.): Madam Speaker, I was interested to hear my colleague talk about the bill coming in at this time.

I am interested in his experience in the transportation portfolio he is working on. I wonder whether he has made any observations in that area with respect to the kinds of representation people are talking about. I know he has travelled quite a bit and he has talked to a number of people who may be looking for the kind of representation he is talking about. Is he basing his concept of representation on the remarks and the comments he hears from people as he travels? If so, what is he hearing?

• (1045)

Mr. Gouk: Madam Speaker, I thank the hon. member for her inquiry. I have travelled a great deal and I have talked with people on a number of issues not only in the transportation area but in many other areas as well, including representation and how that would be affected by the make-up of a riding.

For example, one of the problems we will have if the bill passes is that we will not know what the boundaries are. When we talk about representation we have no idea whatsoever who will be representing what area. The hon. member from Calgary could have her boundaries changed substantially. In my own riding I could look at the original model of boundary changes. It was changed immensely from the initial proposal by the boundary commission after listening to input from people who would be affected.

As I said, we either represent the will of the people or we ram something down their throats. In this case we do not know which way government members will go because once in a while they listen. I do not know if it is because we are getting to them or the people are getting to them but every now and then they listen. It catches us off guard when it happens. More often they do not listen to the people. We are seeing all kinds of legislation being rammed through the House right now and they are certainly not listening to the people on those matters.

That is one of the problems we have, and I am hearing about it as I travel from riding to riding across Canada. I have had meetings in places like Mississauga. The problem is that if the bill goes through the way the government proposes it, with or without the amendments now before us, we are looking at an unknown future for all ridings and for all boundaries. We have absolutely no idea who will be representing which portion of which riding.

Government Orders

In the case of my riding of Kootenay West—Revelstoke, a portion of the north would be cut off under the current proposal and massive areas would be added to the west. On the previous proposal I would go east all the way through the next member's riding and lose a portion of the compact area of my own. It is very important that we consider not only our own ridings but those of all MPs across the country.

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I noticed the hon. member was concerned about the cost of Parliament and the cost of members of Parliament, and I think rightly so. It is very important that taxpayers' money be well spent and be seen to be well spent.

However I noticed last evening the member sitting down and standing up very slowly during the votes. I have heard that one of the costs of Parliament is the cost of running the House and I have been told that it is roughly \$48,000 an hour. It seems to me last evening the standing up and sitting down very slowly perhaps cost us an extra three hours, which would be roughly \$150,000 or roughly the salary and associated costs of an MP for a whole year.

I noticed the hon. member was standing up particularly slowly and sitting down particularly slowly. I wonder what he thought about spending the equivalent of the annual salary and benefits of one member of Parliament in one wasted period of three hours last evening.

Mr. Gouk: Madam Speaker, I am very pleased the hon. member on the other side noticed anything at all.

With respect to the cost of running Parliament last night and getting around his stopwatch timing of how fast or slow I do my callisthenics from here, I would suggest to him that he should talk to his party leaders. We inquired if they were interested in moving things quickly last night. We were prepared to do that. We offered to have the whole House close down and we could have been well on our way long before he ever envisioned. However they chose not to go that way.

If we want to talk about wasting money and wasting time, let us examine why we were here last night in the first place. The reason we were here is that all last spring and all last fall the government had all kinds of opportunity to bring the bills forward that we are now ramming through with time allocation and late night sittings. Let us talk about things like Bill C-7, an absolute piece of garbage. That legislation has sat for an entire year with absolutely nothing being done, and the government is talking about bringing it forward next week and ramming it through.

If there is waste in the House it is not on this side; it sits firmly with the member and the Liberal Party on that side.

• (1050)

Mrs. Anna Terrana (Vancouver East, Lib.): Madam Speaker, I have been travelling with my hon. colleague on the transport committee so I know what his principles are. We shared a good relationship on the committee.

The riding of Vancouver East that I represent includes a portion of the former Vancouver—Kingsway riding that will be re-established. In 1988 I made a presentation to the travelling committee on the Kingsway riding. I remember at the time I suggested that Vancouver—Kingsway should be kept where it was because the population would grow and we would need it again. Most of the constituents of the riding asked for Kingsway to remain. As we can see seven years later we are trying to re-establish Kingsway and at the time, as I said, the constituents wanted Kingsway to remain.

Does my colleague think that we should have some kind of order in a bill that helps us make better choices on the process of redistribution?

By the way, the part of my riding that will go is one of the best parts of my riding. However I am not speaking to that effect because whatever will come will come. I am not trying to change things. I am just thinking that there is a need for some order in the redistribution of the electoral boundaries and we need a bill to that effect.

Mr. Gouk: Madam Speaker, I thank the hon. member for her question. She is right. We have had many good times on committee together and I do appreciate her point of view from time to time.

However I find interesting one of the comments she made when she said: "that helps us make better choices". I did not think we were here to make choices. I thought we were here to represent the choices made by our constituents.

In my riding what was proposed was a great problem. However the people of my riding had input and as a result the riding boundary was changed from the original proposal, not in a minor manner but in a major way.

The consideration is not what we in Parliament will do but rather making sure the people in the riding have the democratic input into electoral boundary commissions. I know for sure it happened in the B.C. interior. I can only assume the member and her riding, being I am sure she would suggest well represented, would ensure that the democratic process took place in the electoral boundary commission.

As far as changes are concerned I said in my speech that changes were needed. Changes should be brought in as a routine matter between electoral boundary revisions, not at the eleventh hour when it is all but completed, which would scrap the entire process and we would start all over again at great cost and with great uncertainty to the constituents of the various ridings.

Government Orders

Mrs. Pierrette Ringuette—Maltais (Madawaska—Victoria, Lib.): Madam Speaker, I heard right, but I thought the hon. member would come back with different comments and maybe undo what he said in the first place. He said that the cost of sending MPs here was very high, with which I agree, and that we did not need to increase the cost and increase the number of MPs in the House.

I am surprised because the thrust of the bill will permit western Canadians to have adequate representation here as far as numbers are concerned. I do not agree with the member from western Canada who wants to eliminate the possibility of westerners having more MPs and more representation in the House.

Mr. Gouk: Madam Speaker, I can see where this is a very complicated matter for the hon. member, particularly when the Minister of Justice says that he does not like mathematics. I guess it has affected the whole party.

The answer is that we do not always have to adjust upward. We can also adjust downward. We are not saying there should not be regional balance. We are saying we should adjust the numbers from province to province so that there is always equal representation, but it does not have to be done by adding to the cost.

• (1055)

Mr. Jim Silye (Calgary Centre, Ref.): Madam Speaker, I begin my speech today on Bill C-69 by issuing a challenge to Liberal members opposite to go back to their ridings this weekend, grab a piece of paper, a pen and a clipboard, and walk down the street asking their constituents if they think we need more politicians in Ottawa. They should not be surprised if they hear responses like are you joking, absolutely not, no way, get real, and a few expletives that I cannot say in the House.

The issue that we are debating today is quite simple: the need for more politicians in the House of Commons or the lack of need for more politicians in the House of Commons. The Liberal government wants to increase the size of the House of Commons from 295 members to 301 by the next election. Reformers would like to see the House reduced from 295 members and the rate of future growth reduced to 265 or less.

This is the direction Canadians want Ottawa to take: less government, less regulation, less bureaucracy and fewer politicians. We only have to look at how successful the Harris campaign was in Ontario to prove our point. One of his campaign promises was to reduce the number of members at Queen's Park by 25 per cent. The provincial Liberals were opposed to that, and we all know what happened to them once the smoke had cleared.

The cost of six new members is a factor that I highlight for Liberals. They constantly rise in the House in the name of

effectiveness, efficiency, lowering the cost of the MP pension plan, and how they are keeping all their promises when they are really breaking them all. I ask them to justify a contradiction. They will increase the overhead of running the country by millions and millions of dollars by adding more politicians full of hot air trying to do their jobs, which they do not get done because that select group over there, the cabinet, runs the country; the rest of us are window dressing.

The current compensation or remuneration for one member of Parliament—

Mr. Speaker (Lethbridge): They are like mayors.

Mr. Silye: Exactly. I refer to the cost or the overhead for six new members. I am glad to see the President of the Treasury Board is here because he has his favourite pet project, the Cadillac pension plan.

The Acting Speaker (Mrs. Maheu): I am sure the member is well aware that we do not refer to the presence or absence of anyone in the House.

Mr. Silye: I thought it might have been appreciated but I bow to the Chair.

The current compensation or remuneration for one member of Parliament is: a taxable salary of \$64,400; a tax free expense allowance of \$21,300, which is equivalent to a pre-tax value of \$42,000; a tax free travel status allowance of \$6,000; and tax free benefits as follows: free VIA Rail pass, free personal long distance telephone calls, free health and dental package, free parking at office and airports, free air travel for families, free life insurance policy which includes spouse and dependent children, free second language lessons, a severance of \$32,000 when defeated or retired, a re-entry or reallocation payment of \$9,000 when defeated or retired, plus the lucrative double standard obscene MP pension plan for a six-year member worth between \$500,000 to \$4.5 million depending upon the years of service and valued at \$28,400 per year by the independent consulting group Sobeco, Ernst & Young in February 1994. These benefits do not take into consideration the cost of householders, ten percenters, stationery, copying mail, and the list goes on.

It works out to at least \$1 million a year for each member of the House based on the overhead and everything else charged to the taxpayers. Multiply this by six and we have a cost of \$6 million.

We should not forget to kick in the cost of increased elections and redistributing the ridings, which the Liberals have estimated at \$5.6 million. The bill is in the \$12 million ballpark. It is a \$12 billion bill and the MP pension plan is supposed to save the country \$3 million. Now they are going to blow \$12 million. What is the net difference? They will increase the overhead of the country by \$9 million.

Government Orders

• (1100)

We are \$550 billion in debt and the government continues to spend money like it grows on trees. How can the Liberal government possibly defend the House of Commons' growing to 301 members? We all know we do not need more members in the House. There is not enough room to put in six more chairs.

Was it not the greatest classic Liberal of all, Thomas Jefferson, who said government governs best that governs least? It now appears the principle has been lost by the Liberals.

Let me compare Canada with the state of California which has roughly 30 million people. Canada has 29 million people. California is run on a federal level by 52 congressmen, two senators, one governor and one president; 56 federal officials to govern that state.

In Canada we have 295 members and we want to go to 301. We have 104 senators and it could go to 112. We have over 400 federal elected officials running the country. Are American politicians smarter than Canadian politicians? Do the Americans have a better system than the Canadian system?

We each represent on average between 80,000 and 100,000 people. One American congressman represents 570,000 and yet the Liberals cry and complain about the huge ridings they have when they contain 120,000 people. I do not understand that. What is so special about American politicians? I believe we are as competent. I believe we can represent more people. I believe the key is naturally we would have to hire more staff.

However, I will guarantee one thing, staff will cost the country and the taxpayers a heck of a lot less money in salaries than an MP costs and it would create more jobs at the \$30,000, \$40,000 and \$50,000 levels than the half a million dollar level for MPs.

Do we not have the intelligence to do what the Americans have done? Do we not have the technology to have representation by population with a higher population base?

In defence of his gun control registry system which he introduced yesterday, the justice minister used the new technology argument. Why can we not use the new technology argument for democracy, for Parliament for the size and the number of politicians?

If the United States used the same proportion of representation as in Canada there would be 2,900 congressmen, 2,900 members of Parliament. That is embarrassing. That is how disproportionate we are. I believe we are ten times worse off politically than the United States because we will not stick to the principle that a government governs best that governs least.

The Liberal Party pretends to be fiscally conscientious but when confronted with an opportunity to show leadership to lower the overhead and the cost of running the country it chooses instead to increase the size of government.

The finance minister has waxed eloquent numerous times, I think his next career is that of a stand up comic, about downsizing and reducing the cost of government. In Ottawa Canadians still have a big, fat, high spending government. Why not downsize the House of Commons?

The government talks out of one side of its mouth about laying off over 40,000 civil servants in the name of restraint, in the name of fiscal responsibility. Out of the other side of its mouth it talks about the need to bring in six more MPs to help achieve that fiscal restraint. Is that not a contradiction? Is that not an oxymoron? I cannot believe it; increase the size of the Commons, make it big, keep the backbenchers happy.

I hear some heckling from the other side. That person is so far from the centre of power in his own party that last night while we were voting he was told not to vote because they had enough people to beat the Reform votes. That is democracy at its best. It shows we need fewer people in the House. These backbenchers are willing to let cabinet control things.

The Liberals refuse to consider more effective approaches proposed by Reform to accommodate shifting, growing populations. Should the House be downsized from 295 to 265 members we would have a reasonably sized House. We would have members of Parliament who would represent larger groups of people and therefore have some leverage. The backbencher who keeps heckling me would have more power, more impact in the House if there were only 200 people here, not 301. These members would truly have some value and some input into what is happening, some power to check and balance cabinet's dictating.

• (1105)

Someone says why not quit. I would. I do not agree with career politicians. I do not believe what these people do here. They come back just to qualify for their gold plated fat cat pension plan instead of governing the country. That is what is wrong with this place.

The reality in this fish bowl is all those red little fish swimming around with the yellow little fish and the blue little fish, all these people, except for the 20 people who sit around the Prime Minister, are just biding their time. All they are doing is costing the country a heck of a lot of money and they are just a mouthpiece for the centre of power which is a freely elected dictatorship.

Reformers believe the time has come to reduce the House and set a fixed number. If the size is continually expanded to match population increases the House eventually will reach unmatchable proportions with unsustainable overhead costs. We will have to cap it eventually. Why not now? I do not mean cap in the sense of a fixed number that has to be there because I understand the Constitution and I know the commitments that have been made to provinces vis-à-vis senators, the senator clause, the Senate clause. We cannot have fewer MPs in a province than senators. Therefore

Government Orders

we need a clause that allows us to expand. I understand and accept that.

The answer to population growth is not to increase the numbers of representatives in the House of Commons but to periodically redraw the boundaries and redistribute seats according to the population shifts, reapportionment.

That is representation by population and that is a very important principle. The principle that one MP can represent only 100,000 people versus 150,000, 120,000 or 200,000 is the principle I am asking the House to accept. I am challenging the House to accept more people to represent and hire more staff. Overall that would be less of a cost to the country than adding more MPs. That is representation by population. We cannot have that because the urban centres would control and rule the country. We need the balance between urban and rural areas and 10 provinces across the country with another body, with another House. It is called a Senate.

The concentration and the thrust should be a triple E Senate, an elected Senate so it has some empowerment, so it can be held accountable; an equal Senate whether in terms of so many for each province or we look at five regions, Atlantic Canada, Quebec, Ontario, the prairies and British Columbia, and have an equal number of senators on that basis. The country sadly and dearly needs regional representation.

The gun control bill was born and bred and brought to the House from the heart of Toronto by the justice minister, not reflecting the true wishes of all of Canada and all Canadians. It was pitting the rurals and urbans against each other. If we had an elected, equal and effective Senate with some powers it could send it back and say it might be good for the little heartland of Toronto and the Ontario little area there but it is not what the rest of Canada wants. Fix this bill, change it. It is not acceptable in this form.

It could not overturn money bills but on other bills in terms of effectiveness it could improve things because it would be in touch with its constituents. It would be paid to listen to those people. Why would it be accountable? It would be elected by those people and if it did not represent them its members would be kicked out. That is why an elected Senate would be effective. That is why giving the Senate some powers would be good for the country. That is why equality is important so we are fair and treat each other with respect across this land from sea to sea.

Only a triple E Senate can balance the interests of less populous provinces with those of more populous provinces in Parliament. Reformers believe the time has come to bring financial responsibility to government, not to make government bigger.

• (1110)

I plead with my fellow colleagues in the House to apply their common sense and represent the common sense of the common people and do what is in their best interest.

If we had to go from 301 to 200 or if we reduced the size of the House of Commons the people who would be here representing the country would be more effective. They would have more power. It would be more beneficial for Canadians.

Politicians have to be accountable to the people of Canada and trusted to handle their money. More faces and more people in the House sucking more money out of the purse strings will not improve the system. It will detract from the system. It will cost the country more and more money.

We all know what it is like in committees. We all know what it is like when we want to make decisions. When we want to rule by committee or draft a document by committee we all know how hard it is. We all know how hard it is to build consensus. We all know how hard it is even within our parties to get everybody to agree. Why increase the number of people we want to include in that decision making process when we know the number we have already is hard enough? Why increase the problem? Why add to the problem?

Why not fix the problem by having fewer people to make those decisions? The decisions will be better. There would be more time for debate instead of the silly games that have been played for this past week and last night starting with the government's time allocation on important bills that affect the country, basically attacking the principles of democracy by limiting the freedom of speech. We would not have to do the things we do to give ourselves the opportunity to stand up on the floor of the House to talk to the Canadian people whether they are physically here or watching on television or reading it in the paper. It would give us the opportunity to explain things. We would not have to play these games.

We all know how the structure is in here. One has to be government. Therefore the minority of the House is already neutralized. If one is not in cabinet one gets a parliamentary secretary position. If one does not get that then one gets a chairmanship of a standing committee. After that everybody else is just fill him in, do him in. The reward for attending committee work is interparliamentary travel, one of those great eight associations that will really help the country and really does the country a lot of good because we are learning, giving and establishing contacts. The people who go out there to make those contacts, those backbenchers who are meeting these people in Europe, Asia, China and France come back here and the cabinet ministers do not even talk to them. They do not even ask them what was said. There is no authority there.

Government Orders

Why do we not smarten up in the House and get ourselves doing things better and differently? This system has to change. While the Liberals are politically selling a lean, mean government, their rhetoric I guess, they are trying to increase the size of the House of Commons, which will cost a lot of money.

The cutbacks we are talking about do not affect the people in the ivory towers. With Bill C-68 the ivory tower is still hiring. The ivory tower is the government. The cabinet and the Prime Minister have the opportunity to fix what is wrong in the country but party discipline is the same old way.

There was a newspaper article today about what was said in caucus. Whether it is true or not there has to be some smoke and fire because these journalists received from one of the backbenchers what was told to them by the Prime Minister. It is pretty bad when a Prime Minister has been alleged to have said to his caucus members that if they do not toe the party line their nomination papers will not be renewed. If they do not toe the party line they will not be back in the House. If they do not vote the party line they will be kicked off the committees and will not be allowed to travel. That is not leadership, that is dictatorship.

Mrs. Anna Terrana (Vancouver East, Lib.): Madam Speaker The comparison between California and Canada is really unnecessary. It does not apply. Canada is a much larger country, the second largest country in the world, whereas California is a state and is not as large.

My riding is in an urban area and I represent a great diversity of wants and needs of over 110,000 constituents. They want me to speak on their behalf. I imagine that a member who comes from a rural area has a much tougher time serving constituents because they live far away from each other.

• (1115)

I also find my colleague's tone offensive. We are not here doing nothing. I work very hard and I hope he does too. I know that most of my colleagues work very hard. Apart from the travelling which we have to do from the west, there is a large amount of work to do both here and in our ridings.

I am a backbencher. I have no post nor am I a parliamentary secretary. I do not want to be any more than an effective, efficient member representing the constituents of my riding. I have as much voice in all of this as anyone else. The ministers are here for a purpose and have the experience.

I have done a lot of volunteer work in the last 20 years. I have my integrity and my reputation and I feel offended when I am told that I am not doing anything in this job except keeping the seat warm. I do much more than that, as do my colleagues.

I also want to comment on the gun bill. There are rural areas where the bill is not acceptable but the majority of people live in

urban areas. There are two big boxes of letters in support of the gun bill in my office. Those letters came from my constituents. I received very few letters against the bill. I received letters in support of the bill. We all know how much more vocal people are when they are against something, but the surveys showed support for the gun bill.

I also want to remind my hon. colleague that we have a democratic system. Again, I say that the Prime Minister has been misquoted, unfortunately. It is not what he said. It is not up to me to tell my hon. colleague what to say. They are in caucus and know that caucus is the place where we can discuss our differences and our opinions. I want to set the record straight that the Prime Minister never said that. The Prime Minister is a very credible person and a great leader.

Mr. Silye: Madam Speaker, it is too bad the hon. member feels offended. I must have struck a nerve. I sense a lot of guilt, as if she were trying to justify the fact that the way she works as an MP is doing a lot of good in her constituency.

I know we all work hard. I do not question whether she works hard. That is not the question. The question is: What are the results she is achieving? What has she accomplished? That can be a matter of opinion. She works hard. At what? What impact has she had in her constituency? What has she done better than the person she replaced or is she just doing the same old thing?

I know what I do in my riding. I know the job I have to do administratively. I know what we have to do to help constituents solve their problems. However, there must be other reasons for being here.

She cannot understand my point about the fact that we freely elected a dictatorship over there. She chooses to kowtow to it and praise it and deny that the Prime Minister said something, when everyone in Canada knows he did. Everyone in Canada knows that the party discipline which is represented by a 30-year politician like the Prime Minister is a habit that cannot be broken. The situation is that they are trying to defend something which is not in the best interests of the country.

If she had her ear to the ground in her constituency she would know that there are differences of opinion between rural and urban ridings. She knows that not everyone in this room, even if we are in the same party, can vote the same way on every issue.

• (1120)

Also on a non-partisan basis she should be willing to discuss an issue like free votes in the House of Commons. On what basis could she vote against the so-called party line? That is not even being considered by this government, whereas this party made that an election campaign promise.

Government Orders

I ran because the member of Parliament for Calgary Centre while in government never once in any of his householders asked me as a constituent what I thought about the GST, what I thought about free trade, what I thought about any of the issues being discussed. He never asked me once but he kept sending me householders, photo opportunities: Have a nice Christmas; we are doing a great job; this is what we are doing in Ottawa for you; this is how things are going to get better for you; this is why it is important to send me to Ottawa because this is all the stuff I am doing for you.

I vowed to people door to door that I would represent Calgary in Ottawa, not Ottawa to Calgary. Within this Reform Party I have been able to do that. We have a mechanism where we do toe the party line, where we do discuss in caucus all bills and motions and what our position should be. We match it against our blue book policy. We match it against our election platform, what we promised the Canadian people in order to get elected. We stay true to those two. For any bills and motions that come to our caucus that are covered under those two areas, we then vote the way we promised.

The Liberals promised gun control but they never ever promised a national registration system. They brought it in. It was not in our platform or blue book policy. Therefore, we were obligated to make a decision for ourselves and to find out what our constituents might want. We did that in various ways and forms. The position of our caucus was to be against it. It is a bad bill. It is a terrible bill. I am against it personally.

I distributed a householder in January in Calgary Centre telling constituents about the good and bad aspects of this bill and about my position. I did a poll in which 53 per cent said to vote in favour of it, but the government poll said 70 per cent of Canadians wanted it. I knew there was a difference of opinion.

I said on talk shows and working with constituents as I am sure the member who asked me the question did as well that during that time I received some more input and feedback. After we knew what the amendments would be and what the justice minister was prepared to change in this bill knowing there were some flaws I did a scientific poll. The results were balanced with 50:50 male to female, with 21 per cent gun owners in the urban heart of Calgary, Calgary Centre with high density population.

I was able to do something members in that party could not. There were quite a few who voted against the bill, nine of them, and they are going to be disciplined. That is why the finger was pointing at caucus on Wednesday by the Prime Minister. That is why the lecture was given, notwithstanding whether the quotes are right or wrong.

What is wrong is that the democratic system is not working when a party muzzles its own duly, freely elected representatives that are

paid to be here to expressly represent their constituents and they are told not to vote. They are not even allowed to get up to vote if enough members have voted already to beat what is in the House. That is shameful and unacceptable. That is what I am fighting against. That may be offensive to the hon. member and she may feel indignation at my comments but I firmly believe I am on the right side of the issue.

Mr. Fewchuk: Madam Speaker, on a point of order. I believe the hon. member across the way is speaking about something that has nothing to do with electoral boundaries.

The Acting Speaker (Mrs. Maheu): I am afraid the hon. member's time has expired in any event.

Mr. Ed Harper (Simcoe Centre, Ref.): Madam Speaker, I am very pleased to be participating in this debate today on Bill C-69. Here we are talking about adding politicians to this place.

• (1125)

My colleague from Calgary Centre said it so well. If we went down the street and asked 10 voters if they would support having more politicians in this place, I am sure we would get 10 very resounding noes with comments like what planet are we living on or where have we been. Here we are and in fact we are debating exactly that which flies in the face of everything we have been hearing from the Canadian voter.

I wonder where our priorities are when we are spending time talking about legislation that is so self-serving. This legislation is all about: What are my chances of being re-elected? This is the we-me syndrome, what is in it for me. That is what this is all about: I want to protect my kingdom; how does it affect my riding; how does it affect my chances of being re-elected?

It does not have the concern about what is best for the hard-pressed taxpayers of this country. It does not take into consideration what the taxpayers of this country indeed want. It is the we-me syndrome: I have got to look after myself, never mind what the voters of Canada want.

We are ignoring the deficit and the debt which was the number one issue when we campaigned. In the Ontario election the polls indicated it is still the number one issue. Instead of that, here we are debating adding more MPs. In fact, there is a good case to be made for the fact that more is not better because the deficit and the debt have been increasing. In the last year the debt has gone up by \$100 million. Here we are debating this issue and we are looking at \$550 billion of debt. We are going into the hole \$1,036 per second and we sit here fiddling about boundary lines and adding more people which I suggest will add to this debt.

What about employment? What about creating jobs, the jobs which are so desperately needed? What about the criminal justice system, the system that is not working and a system which Canadians are demanding to be overhauled? What about our social

Government Orders

programs? The threat to those social programs is the deficit and debt and the interest payments on that debt.

What never ceases to amaze me is that bill after bill, debate after debate from the other side reinforces the fact that government members are just not listening to the Canadian people. Whether they are not listening or it is selective hearing, they are absolutely not responding to what Canadians are asking for and in fact are demanding. They do not understand the change which has taken place over the years. The politics of 30 years ago, which unfortunately is still directing the group across the aisle, do not work any more.

Canadians are going to have no part of it any more. The Canadian voters have said very loudly and very clearly: "We want politicians in Ottawa who are representing us. We want to have a voice in Ottawa because obviously what you people have been doing over the years has not worked. We are deeper in debt than we have ever been and we are getting fewer services for more dollars than ever before". The old style politics of we know best, we know what is best for the mindless masses just is not working any longer.

I want to congratulate those government members who have stood up and represented the people in their ridings. That was courageous. I was absolutely appalled when I heard what was supposedly said by the Prime Minister. I do not know his exact words. He complimented the ones who changed their position and stayed with the party. He said that it took courage not to buck him. What about the courage it took to buck the leader and vote with the people who sent them here to Ottawa? That is where the real courage was. Those people should have been complimented. They should understand that.

That is the message from the voters. They want politicians to represent them in Ottawa, not to listen to the party line. That is the curse of this place: Do what you are told. We saw that last night. I could not believe the display in this House. Members were being told not to vote: Party over people, do not stand up and vote, we have got the numbers. Those members are not going to be recorded in some of those votes. They were here but they did not stand up to vote yea or nay.

How can they justify that in their conscience? We are taking the salary. We are sent here to do a job. Here we are ignoring the voters and responding to one person, the whip. Do as you are told, fall into line or else.

There is a double standard here that I am sure has not escaped members on the other side. They are being disciplined and whipped into shape for doing what is right, for representing their voters. Then we have the Minister of Canadian Heritage, who violates this trust. He invites a group to a dinner and there are political pay-offs, but there is no reprimand, that is all right. It does not matter about the appearance of a possible conflict here. It is okay.

• (1130)

The double standard has to be very confusing to the other members of the government, and it certainly is confusing to the public and to the staff in the minister's department.

What we had here last night was a charade. As a member of the Reform Party, I was appalled at what I saw. With 205 new members elected to this place, the message was: "We want change". You can look at it as either 205 new members were voted in or 205 old members were thrown out. Either way, the message remains the same: "We want change".

Perhaps part of the problem over there is that the government thinks it won the election. Its members actually think they won the election. I would suggest that they did not win the election; the Conservatives lost the election. And the Canadian voters are still looking for a party that will represent them. Day after day they are not getting it. I suggest that the day of reckoning is coming in 1997, because those members who are not listening will be replaced with members who will.

What the voters have asked us to do is look at the old ways. "We do not care if that is the way you have been doing it for years. It has not worked. We want some change. We want some fresh thinking in this place. Do not kowtow to the party line. Listen to us. Listen to the common sense of the common people. The message is we want less government, we want more efficient government". That is not what this bill gives them, or even addresses.

The Reform Party on the other hand has a vision. We are looking ahead. We are listening to voters. We are going to question the old ways. I am very proud that we are. The windows and doors need to be opened. Let us look at the way we have been doing things. There has to be a better way because what we have been doing has not worked. The country has never been further apart as a complete country and we have never been deeper in debt. Very obviously, something is wrong. It is broke. It needs to be fixed. Let us get that message across.

There is a good argument to be made for quality, not quantity. There is absolutely no basis or justification for increasing the size of this House. Reform proposed a 10 per cent reduction in members. We said we can do this job with fewer people, and there is no doubt that we can. In our proposal, Ontario would lose some seats. I would suggest that Ontario is prepared to accept that, because the voters in Ontario know that we have too much government. We are overgoverned. They are quite prepared for less.

In going from 301 to 273 we could reduce the number of members by 28. I heard a figure of approximately \$1 million to keep a member in this House. If that is right, we are looking at a saving of \$28 million a year, a significant amount of money. And it works two ways: We will reduce the cost to the taxpayer, and I would suggest we will do a better job in running the business here.

Government Orders

More does not mean better. That has just been proved by the statistics that came out from StatsCanada today. Those stats have proved that more taxes mean fewer dollars in the pockets of the average family. In 1989 the average family income was \$46,000, and because of this increased government and the increased taxes that has now dropped to \$43,000. So the average family income has declined by \$3,000. There is a very clear example that more means less and does not improve the situation. We are overgoverned.

You can look at Australia. It was mentioned earlier that Australia would double the number of voters per member for Canada. Germany has about two and a half times the voters per member, and just south of the border the United States has five times the voters per member. So you can certainly justify reducing the number of members we have in this House.

• (1135)

We just had an Ontario election in which one item in the common sense revolution was to reduce the size of the legislature. They wanted to take a 25 per cent reduction. That common sense revolution was overwhelmingly supported by the majority of people in Ontario based on that: less government, more efficient government. More does not mean better. We can do a better job.

In talking about the Ontario election, the common sense revolution would do away with MP pensions and let members look after their own pensions and get out of the taxpayers' pockets. We have not got that message here in Ottawa. We just changed the gold plated pension plan to a platinum. We did a little bit of scraping. But I suggest it is not going to sit well with the Canadian voter and it will be a major issue in the next federal election.

Reference was made to the gun control legislation that has been rammed through. You have to vote the party line and never mind what the people in your riding say. They say that in the red book they said they would do this. There is nothing in the red book about registration. The red book did talk about getting tough with the criminal use of firearms, but there is nothing in there about registration.

The voters in Ontario sent a very strong message, but it will be missed. All others have. I am sure this one will go right over the heads of the Liberals and they will continue to miss it. The voters of Ontario said they want a government that will listen, they want less government. But it has been ignored, and the Liberals will pay dearly for it in the next election.

There are some members opposite who have been listening to the voters. I would just like to quote some from the earlier debate. I will go back to Bill C-18, the debate we had in March 1994. I believe it was the solicitor general who said: "Since Confederation the number of seats in the House of Commons has increased steadily, from 181 in 1867 to the current level of 295. If new rules

had not been adopted some years ago the number of members by now would be more than 340. This is something we should be considering". Amen. I think that is right on.

There was the member for Halton—Peel, and I quote from the debate: "If one looks at Australia, for example, there are about twice as many voters per member in that country. We are at the point where we have to make some changes. Either that or we are going to have to knock out one of the walls". Right on. This House is full. There is no more room.

The parliamentary secretary to the minister of public works: "In the 34th Parliament I had suggested that perhaps this Parliament should look at the possibility of significantly reducing the number of MPs. Would this not be an opportunity to see whether we could do with one-quarter or perhaps one-third fewer MPs?" What fresh thinking. Right on. There is some hope over there. There is a germ of common sense.

The Liberal member for Carleton—Gloucester, and I quote: "Is this room not getting a little crowded, and has our national and public debt not grown so much that we should act to curb their growth?" Right on again. At a saving of possibly \$28 million a year, there could be substantial improvement in reducing our debt and deficit and at the same time doing a better job for the Canadian taxpayer.

Just to go back to the bill and looking at some of the amendments that have been proposed by the Senate, there are some that we can support, like the one that will reduce the allowable deviation from the provincial electoral quota from 25 per cent to 15 per cent. We proposed that and we can support it. It will help equalize the voting power between constituencies within a province.

We can support the requirement that the two non-judicial commission members be resident in the province for which the commission is established. That makes good, common sense.

There are some amendments in there that have been proposed by the Senate that we can support. However, in what we are debating here today, unfortunately we are wasting a lot of time and failing to deal with the real issues and the real problems the country is facing.

• (1140)

In closing, I heard the other day that the number of people who are watching this parliamentary channel has tripled in this 35th Parliament. I was really encouraged by that, because what it says is that the Canadian people are watching what is going on here. They are watching and they are listening. That is good news, because they are not just taking what is necessarily recorded in the press as being the gospel but they are watching what is being said and done here. They are watching those votes. They are watching those members who had the courage to stand up and represent the people in their ridings. They know the ones who were told to sit down and

do as they were told. I will tell you that is exactly not what the Canadian voters want from their elected members at this time.

I am encouraged when I discover that the viewing audience has tripled. I think the viewing audience is going to triple again as we get closer to the election and the Canadian voters realize what has been going on in this place.

The arrogance toward the voters perhaps can be partly explained by this leading in the polls. That is pretty heady stuff: We can do no wrong; look where we are in the polls.

I would suggest that is a very artificial number to base their popularity on. They should look to Ontario, because it was a very good indication of how wrong that can be. It was their own party that was leading in the polls in that province, in Ontario. When the rubber hit the road, when they got down to talking about the issues, it was just blown away. That is what it is all about today: it is the issues and who is best addressing those issues and who is listening to the voters.

I suggest to you that day after day we are seeing that this government is not listening. It is still the same old: "We know best. Listen to your leader. Do not worry about the voters". That is the tragedy for them. It is our salvation, because it is going to ensure a government that will be elected in 1997 that is truly listening to the people. I suggest that is going to be the Reform government.

Mrs. Carolyn Parrish (Mississauga West, Lib.): Madam Speaker, I was in my office watching the TV and shouting at it and decided I might as well come over here and ask the members opposite the questions I was shouting at my television set.

I am rather amazed at their lack of knowledge of the bill, since they are here to save the country money and they are here to be representing the people and they are here to be efficient.

The old boundary system was cobbled together by a bunch of dinosaurs called Tories, who are now sitting in the Senate trying to block legislation. They have another set of dinosaurs who are helping them in the process.

There are three things in this bill that I would like the hon. member opposite to respond to on a very practical basis. When we have these public meetings to look at the electoral boundary drawings, people go to these meetings and they have absolutely no knowledge of what happens when they change part of the boundary in the current system.

I was on the committee that designed the new system. I come from a riding with 250,000 people and it has not been changed in 10 years. Ten years ago it had 88,000 people. When these people go in and they are supposed to give intelligent responses to the way the boundaries are drawn, they have no idea what happens to the

Government Orders

population within those boundaries when they move them to take in a community of interest.

This bill gives three alternatives with the numbers of people in each of those three alternatives and it gives the rationale for picking the one the riding commission picked. This is representation in an intelligent way, rather than some sort of chaotic magical way.

The other thing it does is that it says it will be redistributed every five years instead of every ten. So you will not have a member standing here who yells at television sets because she is over-worked with 250,000 people. And it will be 300,000 before the next election. How do the members opposite respond to that?

In this bill, it says there will be no redistribution in provinces that have not had a remarkable change in population. This is really a cost saver, because the old system had a commission appointed, it had all kinds of bureaucrats appointed, and they had all kinds of wheels turning when it was not necessary.

I would like the member opposite to specifically respond to those three questions and not give me great long speeches about the way we are running the government.

Mr. Harper (Simcoe Centre): Madam Speaker, I am really pleased that the hon. member opposite stopped shouting at her TV set and came down to face the real world. I wish more members would face the real world and stop sitting there yelling at TV sets. Those members are not listening and getting involved in the process.

● (1145)

The member's first question dealt with the ignorance of the public, that the public came to the meetings and did not know anything. That is a major mistake. The member is underestimating just how smart the voters are. The member does them a disservice when she makes remarks like that. She thinks that most people came to those meetings without knowing anything; the voters are mindless out there and need our direction, that we have to get into the system and help explain life to them. I suggest to the member opposite that they are a lot smarter than she ever gives them credit for being.

The system was not changed because of any hue and cry from the public. The system was changed because some self-serving politicians on that side of the House said: "It is going to hurt my chances of getting re-elected". That is what we are talking about here. The voters did not ask for this. The backbenchers on the government side did. Their kingdom was threatened. The member may not have said this but many did say: "This is a threat to my kingdom and I have to do something about it. Let us scrap this \$5 million that we have wasted of the taxpayers' money and let us redo it all so that I can be looked after here and have a chance of getting re-elected".

Government Orders

I suggest to the House that regardless of where the boundaries are drawn, the member will not get re-elected because she is not listening to the Canadian voter.

Members talk about the number of voters and how they can represent only a certain number of voters. The boundaries can be adjusted to reduce the members of Parliament. I am not saying we have to stay with the same boundary lines. Changes can be made to accommodate shifts in the population. I used the example of Australia where it has double the voters. The United States has five times what we have here and it is not having any real problems. The argument for quantity just does not wash. Quality is what we need here, not quantity. More is not better.

Mrs. Ablonczy: More people for the Prime Minister to threaten.

Mr. Harper (Simcoe Centre): More people for the Prime Minister to whip into line, to do as they are told, to not represent the people in their ridings.

Let us get away from this charade. We are talking about doing something that is demanded by the voters and not something that is going to ensure the re-election of the people on the other side.

Mr. Alex Shepherd (Durham, Lib.): Madam Speaker, I will give you a perfect example that backbenchers are still allowed to speak in the House.

I listened with interest to the hon. member for Simcoe Centre. When I listen to the Reform Party I come to one conclusion: simple solutions for complex problems. I too have some concern about this bill. When I went back and studied it, I discovered that there was an agreement with the provinces in 1985 which would have to be broken to address the concerns of some, mine included. I had an idea that we could freeze the numbers in the House.

However, it really requires addressing the constitutional agreement that existed at that time. The member has not talked about how he is going to address that problem, how he is going to go to the provinces and get an agreement with the provinces to reduce the numbers.

The formula would require major changes to address the concept of representation by population. It would require major reductions in both the province of Saskatchewan and the province of Manitoba. If my memory serves me correctly, the province of Saskatchewan would lose about four seats.

I do not hear members of the Reform Party from Saskatchewan standing up saying they are prepared to sustain a loss of four seats

in the province of Saskatchewan. Let us be honest and clear about these things. They should tell us how they are going to reduce those numbers of seats and if they are prepared to lose four seats in the province of Saskatchewan. They should also tell us the magic solution they have to go back to the provinces and retrench that agreement that existed in 1985.

• (1150)

Mr. Harper (Simcoe Centre): Madam Speaker, I appreciate the questions from the member. I want to start out with his first comment, simple solutions.

I suggest that the solutions are simple. What is lacking on the part of the government is the guts to do what is right.

There is nothing complex about the problems in the country today. What is desperately lacking is the courage and the guts it is going to take to do what is right and bring some fiscal sanity to the country.

I should take a moment to applaud the member. He is one of the few who had the courage to stand up and buck the party line last night. He had the courage to stand up and represent the people in his riding and I applaud him for that.

I will take him to task though for not watching his TV set and knowing that last night the member for Kindersley—Lloydminster said he has no problem with the reduction in the seats in Saskatchewan. It is not all about what is in it for me. He is looking at what is good for the country as a whole. We did put our money where our mouth is. Nobody hedged on that. The member stood up in the House last night and said yes, we will have to share the hurt right across the country.

[*Translation*]

Mr. Maurice Godin (Châteauguay, BQ): Madam Speaker, as I listen to the member for Simcoe Centre, I see that we are talking about the electoral map as opposed to a reduction in the number of seats. I see that the words or comments used approximate those of the Bloc. There are too many members and too much government. The country is over-governed and on the verge of bankruptcy. Running the country has become too costly and the government should be more efficient and less cumbersome. The number of seats should be trimmed by 10 per cent.

For our part, we are merely offering to eliminate 75 seats in one fell swoop. Could it be that they are finally beginning to understand our position and that they will soon be supporting us?

[English]

Mr. Harper (Simcoe Centre): Madam Speaker, the question from the hon. member suggested there may be 75 here who want to leave this place but I do not for a minute think that they represent the majority of the voters of the province of Quebec.

I suggest the majority of the voters in that province do not want to leave Canada. They want to be represented in this place by politicians who are going to keep Canada together, not tear it apart and that will be corrected in the next election.

Mr. Werner Schmidt (Okanagan Centre, Ref.): Madam Speaker, Bill C-69 is a very significant piece of legislation. It is an honour for me to follow the member for Simcoe Centre. I am enjoying the kind of debate that has been generated around this particular topic.

I wish to look at this bill from three points of view. I want to look at it from the point of view of democracy, the point of view of fiscal responsibility and the point of view of leadership.

Let me first speak on the first point with regard to democracy. The whole democratic system in Canada is represented through the election of representatives on the basis of the particular party they represent. It makes the representation a rather difficult one because there are three things we have to look at when we are that kind of a representative. We have the mandate that our party has given us. It represents the policies and principles which that party has developed in its election platform and its approach to government.

The Reform Party has a tripod that supports the representation that we as Reformers will give to the House and to the people of our constituencies. First, we will reform the democratic system in Canada as it exists today. The first requirement is to represent the people according to their wishes and represent them to this House, not this House to the people.

The second principle is that Reformers will manage the affairs of the country in a fiscally responsible manner. We will have a balanced budget. We will not spend money that we do not have. We will treat the money that is given to us by the taxpayers as money kept in trust. It ought to be treated at least as well as any personal money we would spend. In some cases we should treat it more significantly and with greater respect than if it is our own.

• (1155)

The third principle of the mandate the Reform Party has given us is that we want our streets to be safe. We want the property and lives of individuals to be secure. Men, women and children should be able to walk down the streets with impunity, not in fear of being attacked. To that end, we want to reform the criminal justice system.

Government Orders

That is the first duty of a Reform representative. It is the mandate. We told the people that we would represent them, be fiscally responsible and reform the justice system.

A second part in the representation is this. The people have trusted us to represent the Reform Party because of certain talents, abilities and their confidence in us. They expect us to exercise our best judgment concerning the problems and issues that will face this country at any given time. We will act in the best interests of the people we represent as we understand them and not in our personal interests. That is significant.

There is a third area in which we want to represent the people. It is on certain moral issues such as capital punishment. We would conduct a referendum in which we want them to cast their ballot on an issue, yes or no.

There are three very distinct aspects to the business of representation and Reformers want to be true to all three of them. It does not make the task easy. It makes it a very responsible one, an accountable one where we can stand before the people and say: "This is what we stand for. This is the judgment we will apply and we want you to have a voice on the issues that affect you directly and significantly on a day to day basis". In a democratic system it is the first thing we will do.

It also means we listen to the people. The people told us one thing about the size of the government. They told us it is too big. It is too big in numbers of representatives and too big in the way it intrudes into the lives of the people, whether in business, families, our communities. No matter where it is, government is all pervasive. The people told us they wanted less government.

The bill flies in the face of that observation. The bill says more MPs, there should be 301 MPs, not 295. The hon. member across the way suggests this is a sermon. This is the most accurate position in terms of democracy. If the member does not understand that, he had better learn to listen to the difference between fact and simple statements.

That is the problem the Liberals have. They make all kinds of statements but where is the action on those statements?

Mr. Forseth: What do the people want?

Mr. Schmidt: We only need one member on that side of the House, the Prime Minister. All they do over there is listen to what the Prime Minister says. He tells them what they will do, when they will do it, how they will do it and sometimes he explains why they should do it: "Because I said so". That is not democracy. On that basis we could reduce the size of the House rather dramatically.

One other point has to be recognized. If the government is going to start listening to the people and if it is going to demonstrate what is said in the bill, that it is actually going to consult with the people, I ask the government with whom will it consult?

Government Orders

I want to read from the bill that is currently before us. It talks about a community of interest.

Mr. Forseth: You are making the Liberals squirm now.

Mr. Schmidt: I quote clause 19(5) of the bill:

For the purposes of paragraph 2(b), "community of interest" includes such factors as the economy, existing or traditional boundaries of electoral districts, the urban or rural characteristics of a territory, the boundaries of municipalities and Indian reserves, natural boundaries and access to means of communication and transport.

• (1200)

That is a good phrase. That is a good section. That means the interests of the people should be paramount.

However, there are other provisions in the bill which make us wonder whether they really mean that. When it gets into the business of consulting with people there seems almost to be a blockage. The boundaries commissions which are asked to do the redrawing of the boundaries are required to hold at least one hearing per province.

That is an insult to the large provinces like Quebec, Ontario and British Columbia. One hearing will actually determine the boundaries of the municipalities, look at the economic interests, look at the differences between rural and urban ridings? Somebody in downtown Vancouver will say what the characteristics are of Vermilion in Alberta, in Kamloops or in Prince George? It is ludicrous.

There have to be some real directions given to the commissions which will mean they will actually consult with the people.

There are some interesting technicalities in the bill. In section 21(6) there is the provision as to how one goes about making a presentation to the commission. This is for ordinary people, people who apparently do not understand anything about boundaries, people who do not know how they will be affected. That is an insult of the first order.

There is a greater insult in here which says a commission shall, before completing a report, hold at least one hearing in the province for which the commission is established for representation by interested persons. Notice of that commission hearing must be given 60 days before the actual hearing is to take place and the application to appear before the commission must be in writing. The application must be not more than 57 days before the hearing. Let us examine that. The notice must be given 60 days before the hearing and the person may make application up to 57 days before that date.

Let us look at another section to see what happens. Section 22(6) states:

No representation by an interested person shall be heard by a commission at a hearing held under this section unless notice in writing is received by the commission not later than seven days before the hearing is held,

Which section will apply? In one instance it can be three days before the hearing but in the other it cannot happen unless it has been at least seven days. That is an inconsistency.

We have a person who wants to make a representation and he reads one of those sections of the bill. He has to read more than one section to find out how he goes about actually notifying the commission that he wants to make a presentation.

Another principle of democracy has been violated. There were amendments to the bill presented by the Senate. The Senate is not an elected body. It is an appointed body by none other than the Prime Minister. The Senate in this case has stopped the legislation. It has made some amendments to legislation which was created by people who were elected to represent the people. This is wrong in principle. It is a violation of what I have learned democracy should be. Our tradition and our Constitution says the Senate has this kind of power. Does that make it right? Does that make it just? I submit it does not.

• (1205)

The Reform Party wants to reform the democratic system. One of those reformations is to have an elected Senate, to make sure those persons in the second Chamber do represent the people.

There is a very valuable service and function for the second Chamber to perform in this House, to provide sober second thought which it did in this case. It did make some amendments that were very useful and that we can support. That is good and shows the upper house can be an important part of the democratic process but it ought to be elected, just like the House of Commons. I certainly hope it will be.

The upper house ought to balance the representation that exists in this House. It ought to make sure the very highly and densely populated centres of the country are balanced against those not as well populated and therefore the interests of both parties can be served in a balanced fashion. A major reformation needs to take place here.

People have said they want smaller government and also less intrusion in their lives. A bill will be coming before the House very shortly, Bill C-88. It provides in section 9 for the cabinet to suspend, modify or extend the application of a federal law or provincial law. The House and provincial legislators have the right to make laws. It is their responsibility. The people have elected them to do that.

Within a bill coming before the House that power on certain issues will be taken away from the House, and deposited with the cabinet. That is a miscarriage of misrepresentation, a miscarriage of responsibility, a miscarriage of anything that I believe and understand about a democratic system.

Government Orders

On the matter of fiscal responsibility, a point was made here recently about tradition. It seems that practice has developed a certain kind of tradition in the House over a number of years. We have had an increase in the number of MPs in the House and parallel with it has been an increase in the debt of the country.

That kind of tradition must be broken. Other people have said we are a lean and mean government. I suggest they understand what most of those words mean. Lean, no; mean, yes but not fiscally.

What does it mean to have a balanced budget? I came here to find out how we got into this deep debt. I want for the benefit of everybody in the House to recognize the reason we are in debt is we spend more than we take in. That is why we have a debt. Let us not have any doubt that if we are to get our fiscal house in order we have to get to the point of cutting and controlling our spending.

To increase the number of representatives in the House will not reduce our costs. It will increase them. We can talk about the physical things, the everyday things like salaries, personnel, office space and so on but we need to look at MP pensions. This is in the craw of virtually every Canadian.

We need to illustrate exactly what happens with the C twins, Charest and Coppins, the member for Sherbrooke and the Deputy Prime Minister. Between these two alone—

The Acting Speaker (Mrs. Maheu): I am sure the hon. member is well aware we do not use members' names. Rather, we use their title or district.

Mr. Schmidt: The C twins, the member for Sherbrooke and the Deputy Prime Minister, between these two alone there will be a payout of more than \$6 million if they retire and live to age 75, with an inflation rate of approximately 5 per cent.

There is nothing in this bill that will in any way come to grips with these things. We have seen the opposite. We have seen debate on certain bills stopped. There is another way this new bill negates the work of fiscal responsibility. It will do away with the work that has already been done if it is passed, and the \$6 million already spent will be gone.

• (1210)

Fiscally the attitude seems to be to spend, don't worry, be happy. We have seen how democracy works in the country with closure on Bill C-41, closure on Bill C-85 concerning MP pensions, closure on Bill C-68, the firearms legislation. In each case the government has stopped the debate. In each case the government has ignored the wishes of a large proportion of our country. Worst of all, MPs are being warned that not toeing the line could put their opportunity to stand for election on the line and it definitely puts into jeopardy advancement in their political careers.

The people have told them what to stand for and they have been told to stand for what the Prime Minister says. In my opinion that is completely backward and is not the way it ought to go.

Probably the most difficult thing for me to stomach is the message this is sending to our young people. The message that seems to be coming from the House as exhibited by a bill like Bill C-41 is families are old-fashioned. I know as do many members in the House that families are the social institution best suited for the transmission of values from one generation to another. They are where we learn such things as accountability, that freedom has a price and that we must be responsible for our actions, that there is such a thing as common decency, that there is such a thing as respect for another person without fear.

It is necessary to develop courage, to have the guts to stand up to say what we believe and to be honest and true representatives of the people who have elected us to stand in their stead in this place to govern the affairs of the nation in a manner best suited to their interests, to look after their interests and not our interests.

The government did—

The Acting Speaker (Mrs. Maheu): I am sorry, the hon. member's time has expired. Questions and comments, the hon. member for Waterloo.

Mr. Andrew Telegdi (Waterloo, Lib.): Madam Speaker, I heard the hon. member talk about deficit, pensions, an elected Senate, et cetera. He spoke very little on the bill before us. I feel compelled to make a few comments.

I will say this often because I feel voters have a right to be reminded. Members of the third party mentioned they were to do politics differently and instead of mindlessly opposing all government legislation they would actually contribute to make it better. We in the Liberal Party, both new and veteran members, really appreciated those promises. Instead we have the sanctimony of previous parties replaced by the Reform Party which reminds me of the rise of the right wing parties in the United States.

We have a virtual attack on every institution in the country as well as on every bill we put forth. I still recall the hypocrisy of the leader of the third party who turns in a government car and then we find out he has—

Mr. Morrison: Madam Speaker, on a point of order, has the word hypocrisy when applied to an individual in the House become parliamentary language when I was not looking?

• (1215)

The Acting Speaker (Mrs. Maheu): This took place during the debate. I agree the comment could be on the iffy side. I would request that the member be a little more careful and that all members be more careful in the future.

Government Orders

Mr. Telegdi: Madam Speaker, I was not referring to a member with that word. I was referring to an action.

Let me expand on it a bit. The Reform leader promises to do things differently. He makes a great show by taking the keys to a five-year government car and turning them back in. Then we find out about the situation where that party is providing the individual with a \$30,000 suit allowance.

We are told that on this side we are ruled by a dictatorial Prime Minister. Let us not forget the code of ethics the leader of the Reform Party was going to impose upon members of the Reform Party dealing with how many drinks they could have, whom they could have dinner with—of course not with members of the opposite sex—and on and on.

Let me say that the Reform has shown itself to be a warmed up version of the social credit which has a long illustrious history. Let the Reformers say, when they attack appointments by prime ministers to the Senate, that the father of the present leader of the third party was appointed to the Senate. I have not heard criticisms on that.

Be that as it may, let us look at the policies. Gun registration was mentioned. The fact of the matter is that this party supported gun registration because the people of Canada wanted it and it was good public policy. We are not captives of the religious right in the country.

Mr. Morrison: Madam Speaker, I rise on a point of order. I wonder if the hon. member would classify a non-believer as I am as being part of the religious right.

The Acting Speaker (Mrs. Maheu): I am sorry but that is a matter for debate.

Mr. Telegdi: Madam Speaker, much was made about doing what our constituents want us to do. Members of the third party repeat that as their mantra. That is what they are going to do. They are going to represent their constituents. They have 1-900 numbers where they encourage the public to call in to voice their views so they can be represented.

Then we had some members of the Reform Party standing during the gun debate and saying that they did not believe in polls. The leader of the Reform Party said that he would not take a poll on the issue because it was too difficult for the public to understand. He made references to how support was changing but he was not going to listen to the constituents.

Another bill we dealt with mentioned by the member was Bill C-41. It deals with trying to make sure that hate crimes are dealt with harshly. Of course there was no support on that.

Let me just relate a very small incident regarding the present bill before us.

The Acting Speaker (Mrs. Maheu): I am sorry to interrupt the hon. member but the time for questions and comments has almost expired. Perhaps he would like to give the member time to respond.

Mr. Telegdi: The hon. member of the Reform Party who took my seat on Waterloo council moved a motion that the proposed redistribution debate should not stand. Not only did that person do it, the former Reform candidate, but every municipal councillor of every political stripe in the regional municipality of Waterloo unaniously said that. That community unaniously opposed the proposal. That is what the bill is all about. I am glad it is addressing that.

● (1220)

How can the Reform argue against listening to communities representing all political stripes and being unanimous in their stance?

Mr. Schmidt: Madam Speaker, there are three responses. First, it would be very beneficial for the member who has just spoken to read the code of ethics of Reform Party MPs. He would be rather severely chastised by the content of that ethics statement for the words he used. He needs to examine very carefully his facts before he makes statements such as the ones he made.

Second, with regard to representing the people of Okanagan Centre, I stand here as I stand there to represent all of them whether or not they voted for me. The issue is not one of representing Reform Party members only. It never was. It is not now and it will not be. I was elected by the community. The member ought to be very careful about the kinds of statements he is making.

With regard to the third aspect of being captive of the religious right, there has not been a more irresponsible statement than that one in the House since I was elected as a member. No religious right has the dominant power within or without or in support of the Reform Party of Canada. It represents all people to the degree that they identify with the principles the Reform Party stands for.

It is for virtue and truth that the House ought to stand. That is what the Reform Party stands for and that is where we need to put our mark.

Mrs. Diane Ablonczy (Calgary North, Ref.): Madam Speaker, we are debating today the amendments that have been made by the Senate to the boundaries redistribution bill.

Boundaries redistribution is a way of redrawing the federal ridings or constituencies that we belong to as voters and in which we vote. We elect representatives from these ridings to the Canadian Parliament to represent our wishes, our interests and our concerns and to be our liaison with what is happening in the federal government. Because population shifts and growth take place from time to time, the boundaries of our constituencies from which we democratically elect representatives to govern us have to change.

Politicians, especially those in government, seem to be very nervous about the process. The previous government delayed the process more than once because it did not want to put its members at any disadvantage by having shifts in the boundaries, different voters from time and time, and perhaps even a loss of seats if the boundaries showed there should not be as many seats in a province as there were. Governments have shown themselves to be quite reluctant to let the process go forward. The last redistribution was about 10 years ago, even though populations had grown and shifted considerably during that time.

What happened when this government was elected? There was a process to redistribute the boundaries that had been ongoing for some considerable period of time. It had reached the point where the new boundaries had actually been pretty well drawn up by the commissions in each province.

Lo and behold, government members found to their horror and dismay that they were disadvantaged by this democratic process. Their boundaries were to change. In some cases a lot of their ridings would disappear. The support basis they had built up would be interfered with. A nervous hue and cry arose from government members about the process that had been put into place.

Even though the process had already consumed over five million tax dollars, had been properly carried out, and had pretty well been finished for public hearings on the recommendations, the government decided to do it all over again. Therefore it introduced Bill C-69 to start the process all over again. The process is not substantially different from the one that it interfered with. Independent commissions looked at various factors to redraw the riding boundaries. They will have to do that all over again if the bill passes. We are not quite sure why because the result will be about the same.

• (1225)

There are four problems with the bill that Canadians should know about and they are the reasons we are not supporting the bill.

The first problem and the biggest problem is that the bill and the process that it endorses would increase the number of members of Parliament by six. Instead of the 295 members that we have today there would be 301. The growth under the bill would continue so that for every Parliament there would be more and more parliamentarians. We will be putting people in the galleries who are supposed to be representing constituents because there is not enough room down here.

Government Orders

This is simply nonsense. It shows a shocking lack of sensible leadership by the government. It had a perfect opportunity to cap or diminish the number of members of Parliament. A number of my colleagues have spoken at length about the fact that the country is overgoverned and has far more representatives per capita than almost any other democracy. Yet somehow the Liberals are telling Canadian people, with straight faces, that they need more MPs.

For goodness' sake, why? Already government members have been told by the Prime Minister how they are to vote on pain of being expelled from the party and not being allowed to do their job as a representative next time around. Why do we need more members to be whipped into line and to stand like trained seals to do as they are told? How will that benefit the people of the country?

The Reform Party put forward a very sensible proposal to modestly reduce the number of MPs from 295 to 273. This would be done on a very fair and equitable basis. I am willing to bet any province that loses MPs will not have a great revolt and say: "Give us more MPs; we must have more MPs". That simply will not happen. The country is tired of being overgoverned. It is looking for a little leadership, a little sensibility in the way we put together the House of Commons.

As other members of my party have done, I point out that every member of Parliament costs at least \$500,000 and probably more per year, not to mention the pension that is in place for these individuals which they collect after only six years of service until the date of their death.

When seniors' pensions are being cut back, when health care services are being lost daily, and when unemployment insurance benefits are being cut back by a minimum of 10 per cent in the last budget, why on earth would we spend scarce dollars on more representatives in the House, if the 295 members we have now cannot get their act together and get the country into good shape?

It simply does not make sense. I am ashamed to be part of a House of Commons—and I would certainly be ashamed to be part of a government; thank goodness I am not—that cannot do better than that for the people of Canada. On that basis alone this is a bad bill.

The government lost a tremendous opportunity to get some sense and some balance back into the number of representatives and to spend money wisely. We need enough people to do the job but not ever increasing or ever expanding numbers.

The second problem with the bill is the Liberal insistence that there can be a variance between the number of people in each riding of up to 25 per cent.

Government Orders

• (1230)

Even the Senate was aghast at this kind of variance. That means some ridings will have fewer people represented than other ridings, up to 25 per cent. If there were twice as many people in one riding as another, every voter in that riding would have twice the democratic clout as people in the next riding which only had half that number of members. Here we have it almost as bad. It can be 25 per cent more members.

The basic principle of democracy is representation by population, a basic tenet of democracy.

I ask for unanimous consent to delete Standing Orders 56 and 78.

The Acting Speaker (Mrs. Maheu): Question and comments.

Mrs. Ablonczy: Madam Speaker, I do not believe you were listening to what I said.

The Acting Speaker (Mrs. Maheu): I do not think it is necessary to accuse the Chair. I was being consulted on another issue.

Mrs. Ablonczy: I am very sorry, Madam Speaker.

The Acting Speaker (Mrs. Maheu): Would you please repeat what you said.

Mrs. Ablonczy: I asked for unanimous consent to delete Standing Orders 56 and 78.

The Acting Speaker (Mrs. Maheu): Is there unanimous consent?

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): Resuming debate.

Mrs. Ablonczy: The third reason this bill is not a good bill and why we oppose it is the appointments on the commissions that redraw the boundaries are now not being made accountable to Parliament. Commissions are appointed in each province to draw up new boundaries as population shifts happen in each of the provinces. This is a very good process, one which has pretty well stopped the old and odious practice of gerrymandering, a problem in the past in a number of countries. This was even in the 1800s a difficulty in our democracy.

In the 1960s the electoral boundaries redistribution commission was set up. It is independent of government so that the self-interested fingers of politicians cannot be making decisions about how the boundaries of our ridings and constituencies are put together. Since that time the political interference in the process has been pretty well looked after.

The appointments to these commissions are made by the Speaker of the House. They can be challenged by members of Parliament if it is felt those appointments are not objective, if they include people who lack independence from government. That is a healthy check and balance.

There is a real difficulty in ensuring the process is fair and objective and that it is seen to be fair and objective. We want to keep that accountability to Parliament. We have every respect for the Speaker of the House of Commons but there needs to be a certainty the appointments can be scrutinized and challenged if necessary. We would like the process to be totally above board and accountable to Parliament. There is a move in the bill to diminish and remove that accountability, which is the third reason we oppose it.

The fourth reason Canadians should be concerned about the bill is that if it goes forward the whole process of redrawing boundaries will have to start all over again. Canadians will not know what riding they are in until six months before the election. Many Canadians who are becoming more involved in the democratic process will have to get ready for an election and nominate representatives they feel will do the job properly in the next election, and they will be guessing. How are constituency associations supposed to nominate candidates for an election when they will not even know the area from which they might be drawing voters? They will be trying to sell memberships and get people involved in the democratic process but the people will not know what street or what avenue the candidate will represent.

• (1235)

Mr. Silye: Madam Speaker, on a point of order, there does not appear to be a quorum in the House.

The Acting Speaker (Mrs. Maheu): I do not see a quorum in the House. Call in the members.

And the bells having rung and the count having been taken:

The Acting Speaker (Mrs. Maheu): There is a quorum.

Mrs. Ablonczy: Madam Speaker, it is an honour to see so many members opposite coming in to listen to the words of wisdom I am adding to the debate.

We now have a bill before us which is very badly flawed, which does not serve the interests of Canadians appropriately for four reasons. It increases and will continue to increase the number of members in every Parliament. It allows a very wide variance in the number of voters in each riding, thereby violating the basic democratic principle of representation by population since some voters will have greater weight than others depending on how many voters are in the riding.

The appointments of the commissions which will draw up the boundaries of our ridings will have an important check and balance to their objectivity removed. There will be real uncertainty, unnecessary disruptive uncertainty, because new boundaries would not be finalized until a few weeks before an election would take place, very much interfering with the ability of Canadians to participate properly and freely and effectively in the democratic process.

For those reasons which are substantial and very clear I urge members of the House to reconsider support for the bill, which is not serving the interests of Canadians as it ought to and has not been put together with appropriate measures.

I move:

That the amendment be amended by deleting the numbers 1, 4(a), 6(a) and 6(b)(i) and substituting the following:

“1, 4(a) and 6(a)”.

• (1240)

The Acting Speaker (Mrs. Maheu): The amendment is in order. Resuming debate.

Mrs. Ablonczy: Madam Speaker, on a point of order, I was wondering whether there were questions and comments following my presentation.

The Acting Speaker (Mrs. Maheu): There were two minutes remaining. That is why I did not call questions and comments. Questions and comments.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Madam Speaker, since the reapportionment commission was holding hearings quite actively at the time the government heavily intervened, and since in my riding there were no complaints about the way the redistribution had been planned nobody went to a hearing, including me.

I would like a little information. I would like to be informed as to how these things work. I wonder if the hon. member did have hearings in her riding and if she did if she would enlighten those of us who were not involved in that.

Mrs. Ablonczy: Madam Speaker, there was some confusion about the hearings relating to the redistribution process that as I said was nearly finished when the government interrupted it.

Because of the government's decision to introduce legislation to start the process all over again, some of the commissions were not sure whether they ought to hold hearings. Some held them and some delayed them.

The notice of those hearings was in some cases very short. There were hearings held in my area and there were representations made. In some cases there were some recommendations for a better redrawing or a less disruptive redrawing of the boundaries in Calgary, where my riding is.

I also had feedback from other hearings that there was no substantial concern with the way the commissions had been proposing to redraw. It did vary across the country.

Mr. Ray Speaker (Lethbridge, Ref.): Madam Speaker, I certainly appreciated the comments from my colleague.

Government Orders

On this legislation, one of the major concerns I have, and I will speak to it in a moment or two as the seconder of this amendment, is that the government is behind in a time line. This legislation will impose a lot of restrictions on the commission in terms of its fulfilling its function in a very proper way. Would the member comment on the government's ability to deal with this circumstance under the current legislation?

Mrs. Ablonczy: Madam Speaker, there will be a substantial difficulty put in the way of all of the players in this new drama that has been launched on us as far as redistribution is concerned.

• (1245)

All of the steps in this process need to be done thoughtfully and with good administration, good recording, good consultation. There is going to be tremendous pressure on all of the people involved to get the documents together and make the studies and findings. It is not going to be a process done with as much time and thoughtfulness as could be done because there will be tremendous stress on the process to get it done in time for the next election. It is particularly unfortunate that is going to be done in light of the fact that it had already been done at some length two years previously. There was really no reason to have this thing started up again in a hurry.

I do think the hon. member has pinpointed another difficulty with this whole process.

Mr. Ray Speaker (Lethbridge, Ref.): Madam Speaker, it is certainly my pleasure to second the amendment that was moved by my colleague. We have done that for a very important reason.

The amendment that is before the House at the present time on clause 6 indicates that the commission will only recommend changes to the existing electoral district boundaries where the factors set out are significant enough for changes. That clause put a rather rigid parameter for the commission to follow. When one examines the motives behind that kind of a directive to the commission, what it really does is tell the commission not to touch the existing boundaries unless they really have to. In a sense, it is a partisan intervention that controls what the commission can and cannot do. It does not allow for an objective look at the boundaries as such, which is wrong. Therefore, the Reform Party has moved this amendment to deal with that issue and try in every way possible to allow the commission to have flexibility in boundary determinations.

We have also added, in support of this, a substitute amendment, clause 4.(a), which adds the requirement for the two non-judicial commission members to be residents in the province for which the commission is established.

Government Orders

Mr. Morrison: Madam Speaker, I rise on a point of order. My hon. colleague for Lethbridge has some very important remarks to make. Could we not have some Liberals in the House to listen to them?

The Acting Speaker (Mrs. Maheu): I am sorry, the hon. member is well aware that we never refer to the presence or absence of anyone in the House. I am sure he will withdraw his comments.

Mr. Morrison: Madam Speaker, I do withdraw my pejorative comment. However, I would again request that we have quorum.

The Acting Speaker (Mrs. Maheu): The member has called for a quorum. I do not see one.

Call in the members.

And the bells having rung:

The Acting Speaker (Mrs. Maheu): We have quorum. Resuming debate.

Mr. Speaker (Lethbridge): Madam Speaker, I would like to speak to this amendment that is before us and as well to Bill C-69 and the recommendations that come from the Senate.

• (1250)

I want to say something about the process this bill has gone through between the fall of 1993, when this Parliament began, and today. One of the most disappointing things I have found about this Liberal government is it came to this assembly ill-prepared. This bill is another item that demonstrates the ill-prepared way in which they took on the responsibilities.

The Liberal Party spent 10 years in opposition. One of the basic functions and purposes of the loyal opposition is to be a government in waiting. That is the basic purpose, to prepare itself for government. The Liberals were to know what kind of a budget they would bring to Canadians. They were to know what kind of a social program they would bring to Canadians. They had to know what kind of a redistribution bill would be brought before this House of Commons in 1993.

When this government came here it was not prepared in any way. We spent one year with nothing but procrastination, with studies, with no answers to questions. It was not a government in waiting.

What did the Liberals do in opposition? What did they do on this side of the House? They are doing about the same thing today.

Mr. Volpe: Madam Speaker, I rise on a point of order. I realize we are all here to debate the truth so the public will be informed on everything. But I think it is important that when a member stands up he knows that of which he proposes to speak.

There is no way an opposition party under the old system could possibly have intervened in the system; it is an arm's length system—

The Acting Speaker (Mrs. Ringuette-Maltais): Please continue.

Mr. Speaker (Lethbridge): Madam Speaker, I appreciate your ruling that is not a point of order but a sensitivity of the hon. member to the irresponsibility that went on in this House for 10 years where the Liberal Party members sat on this side of the House and did nothing but play politics and attempt to get into the powerful position of being government. But they did not know why they really wanted to get into government, other than getting the perks, being ministers and having powers. Supposedly they were going to run the country with those terms of reference. There was no preparation at all.

Since coming to this House in the fall of 1993 I have observed what has gone on over and over again, whether the budget, the social policy, the health policy, which is delayed until this fall. The government still does not know what kind of a health policy Canadians are going to have or what kind of a—

Mrs. Terrana: Madam Speaker, I rise on a point of order. We are here to discuss Bill C-69 and not the performance of one party or another.

The Acting Speaker (Mrs. Ringuette-Maltais): Resuming debate.

Mr. Speaker (Lethbridge): Madam Speaker, I am discussing the process relative to Bill C-69. I prefaced my remarks to that. My preface was that Bill C-69 is in a process that was ill conceived, that was based on a lack of preparation by this government, and was basically incompetent.

At this time we are faced with trying to design the ground rules by which a commission is going to establish the constituency boundaries across this nation. We are going to put them under a terrible time constraint to do a good, competent job.

There are a couple of other arguments with regard to Bill C-69. My colleague from Calgary Centre outlined very clearly to us a concern that we are going to expand the number of seats in this House from the current 295 to 301. The Reform Party has taken a very clear position, saying we are prepared to reduce the number of seats in this House, which is responsible. It is a response to the Canadian public at the present time, who recognize that we must be frugal and respond to their direction at this time. The Reform Party is prepared to do just that.

• (1255)

We have to ask a question, which relates to my first comments: Why does the government not do that? My colleagues have said very clearly in their debate that the government does not listen and has not listened to the Canadian people and what it is they want.

Another point I want to make, which I feel is different, is the reason the government is not doing it is because it does not have the political will. It is playing the old political games of the 1970s and the early 1980s, when government had more money and was not afraid to go into debt and the public was not holding it accountable. The object was to not get into any political problems, not make any difficult decisions. Just expand the House of Commons and no one will know the difference. Just add on and play the old political game.

The Liberals have not changed. They do not realize that society has changed, the political system has changed. The demand on the public purse and the leadership of the country and the leadership in the provinces is saying be more frugal and adjust your cloth according to the budget of the country. That means we have to start here.

I give the Minister of Finance some marks for bringing about approximately an \$8 billion expenditure reduction in the budget. He has brought about reductions, which his Liberal friends resisted for a long time. It took months before the cabinet could turn it around and say they were going to support the Minister of Finance in these expenditure reductions. They just said they would not do it. Finally somebody told them the public wanted expenditure reductions and it was done in the last budget. That took some political will. As Liberals they are still afraid to make some major decisions for the country, and that concerns me very much.

Mr. Volpe: We are making this one.

Mr. Speaker (Lethbridge): In Bill C-69, again we see a lack of political will to make a major important decision.

I think I should leave it at that, because the government wants to defend its position, which is indefensible and unacceptable at this time.

The Acting Speaker (Mrs. Maheu): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Mrs. Maheu): The question is on the amendment to the amendment.

Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mrs. Maheu): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Government Orders

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the nays have it.

And more than five members having risen:

• (1300)

[*Translation*]

The Acting Speaker (Mrs. Maheu): Pursuant to Standing Order 45(6), the division on the question now before the House stands deferred, and I will get back to you after consulting the parties to inform you of the time agreed upon.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I would urge the Chair to consider scheduling the vote for 1.30 p.m. for the following reason. If this bill is not passed by the House of Commons later today in its final version, it may well die as, under one of its provisions, the bill must be passed by the other House and receive royal assent no later than the 20th day of the current month. This means that if the bill with all its provisions is not passed today at the latest, we will be unable to deal with this matter, and the bill will die.

I suggest that, when considering the submissions of the two political parties in this House allowed to present proposals to the Chair regarding the timing of the vote, the Chair should keep in mind that the bill must be voted on not only at the amendment stage but also at final reading later today. Otherwise, this would be an academic exercise.

This concludes my submission to the Chair. I hope that this bill, which was drafted by a parliamentary committee after the committee reached a consensus, will clear all stages. I think that the loss of this bill would be very unfortunate and prejudicial to all.

Mr. Michel Gauthier (Roberval, BQ): Madam Speaker, our Standing Orders are very clear on this issue, and I am going to take the liberty of reading you an excerpt to refresh everyone's memory.

Our Standing Orders very clearly state that the Chief Government Whip or the Chief Opposition Whip may approach the Speaker, while the bells to call in the members are being sounded, to request that the division be deferred. The Speaker can defer the division until a specified time, but, in any case, no later than the normal time of adjournment for the following day, etc.

But, it has been the custom and actually the practice in this House, certainly since this Standing Order was put in place, that in cases where the request to defer the vote is presented for the following sitting day, only one request is made and it is made immediately, the Speaker automatically grants the request. Even if, subsequently, a second request is made by another political party, never has it been decided to grant the second request.

Government Orders

• (1305)

The standing order is clear: the first request takes precedence. Therefore, I ask you to grant my colleague's request.

[*English*]

Mr. Jim Silye (Calgary Centre, Ref.): Madam Speaker, I concur with the previous speaker. I support that decision. Those are the rules of the House. They are well established. They are clear. They are meant to benefit all the members of the House. I believe whoever is first should be recognized.

Second, the government whip has put extra pressure on you to consider it, a 30 second consideration. However, the extra pressure that was placed on you by the government whip failed to outline and acknowledge the fact that the other place has all of next week to do its work as well. It is sufficient time for its members to get the job done and, therefore, I would support the opposition's request.

The Acting Speaker (Mrs. Maheu): I have already said that I will take it under consideration. We will come back to the House within a few moments.

In the meantime we will continue with Government Orders.

* * *

INCOME TAX ACT

The House proceeded to the consideration of Bill C-70, an act to amend the Income Tax Act, the Income Tax Application Rules and related acts, as reported (with amendments) from the committee.

Hon. Sergio Marchi (for the Minister of Finance) moved that the bill, as amended, be concurred in.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Acting Speaker (Mrs. Maheu): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mrs. Maheu): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mrs. Maheu): Call in the members.

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

(*Division No. 298*)

YEAS

Members

Adams	Alcock
Allmand	Anawak
Arseneault	Assadourian
Augustine	Axworthy (Winnipeg South Centre)
Barnes	Beaumur
Bellemare	Bertrand
Bethel	Bevilacqua
Bhaduria	Blondin-Andrew
Bodnar	Bonin
Boudria	Brown (Oakville—Milton)
Brushett	Bryden
Bélair	Bélanger
Campbell	Cannis
Catterall	Chamberlain
Chan	Cohen
Collenette	Comuzzi
Cowling	Culbert
Dhaliwal	Discepolo
Dromisky	Duhamel
Eggleton	English
Fewchuk	Finestone
Finlay	Fontana
Fry	Gaffney
Gagliano	Galloway
Godfrey	Goodale
Gray (Windsor West)	Grose
Guarnieri	Harb
Harvard	Hopkins
Hubbard	Ianno
Irwin	Jackson
Jordan	Keyes
Kilger (Stormont—Dundas)	Kirkby
Kraft Sloan	Lastewka
Lavigne (Verdun—Saint-Paul)	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee	Lincoln
Loney	MacAulay
MacLellan (Cape/Cap-Breton—The Sydneys)	Malhi
Maloney	Marchi
Massé	McCormick
McGuire	McKinnon
McLellan (Edmonton Northwest)	McTeague
Mifflin	Minna
Mitchell	Murphy
Murray	Nault
O'Brien	Pagtakhan
Parrish	Patry
Payne	Peters
Peterson	Phinney
Pillitteri	Reed
Rideout	Ringuette—Maltais
Robichaud	Rock
Rompkey	Scott (Fredericton—York—Sunbury)
Serré	Shepherd
Sheridan	Skoke
Speller	St. Denis
Steckle	Stewart (Brant)
Stewart (Northumberland)	Szabo
Telegdi	Terrana
Thalheimer	Torsney
Ur	Valeri
Vanciel	Verran
Volpe	Walker
Wappel	Wells
Wood—127	

Government Orders

NAYS

Members

Abbott	Ablonczy
Bellehumeur	Benoit
Bergeron	Bernier (Gaspé)
Bernier (Mégantic—Compton—Stanstead)	Blaikie
Breitkreuz (Yellowhead)	Breitkreuz (Yorkton—Melville)
Bridgman	Brown (Calgary Southeast)
Bélisle	Caron
Chrétien (Frontenac)	Crête
Cummins	Dalphond—Guiral
Daviault	Debien
de Savoye	Dumas
Duncan	Epp
Fillion	Forseth
Frazer	Gauthier (Roberval)
Gilmour	Godin
Gouk	Grey (Beaver River)
Grubel	Guay
Hanrahan	Harper (Simcoe Centre)
Harris	Hart
Hermanson	Hill (Macleod)
Hill (Prince George—Peace River)	Jacob
Jennings	Johnston
Kerpan	Landry
Lavigne (Beauharnois—Salaberry)	Lebel
Leblanc (Longueuil)	Lefebvre
Leroux (Shefford)	Marchand
Mayfield	McClelland (Edmonton Southwest)
McLaughlin	Meredith
Mills (Red Deer)	Morrison
Ménard	Nunez
Picard (Drummond)	Pomerleau
Ramsay	Ringma
Rocheleau	Sauvageau
Schmidt	Silye
Solberg	Solomon
Stinson	Strahl
Thompson	Tremblay (Rimouski—Témiscouata)
Venne	Williams—76

PAIRED—MEMBERS

Asselin	Bachand
Brien	Calder
Canuel	Copps
Crawford	Deshaies
Dupuy	Easter
Gagnon (Québec)	Guimond
Harper (Churchill)	Hickey
Knutson	Lalonde
Laurin	Martin (LaSalle—Émard)
Mercier	O'Reilly
Ouellet	Plamondon

● (1345)

The Speaker: I declare the motion carried. When shall the bill be read a third time? Now?

Some hon. members: Agreed.

Hon. Herb Gray (for the Minister of Finance) moved that the bill be read the third time and passed.

Mr. David Walker (Parliamentary Secretary to Minister of Finance, Lib.): Mr. Speaker, I am pleased to again rise in support of speedy passage of Bill C-70, an act to amend the Income Tax Act.

As the House is aware, the bill will implement a number of measures relating to taxation that were introduced in the 1994 budget, along with certain others announced by the government over the last year.

In moving to third reading, it is again appropriate to remind ourselves of the context of this legislation. The fiscal challenge facing the country is familiar to us all. Few dispute the need for tough action and that difficult choices face us all. Surely we will all agree that fairness and effectiveness must be essential guiding principles of the steps we have to overcome in our challenge in dealing with the deficit.

These principles have guided the government as we have worked to restrain spending. They have guided the minister in crafting the budgets of 1994 and again in 1995. In both cases, spending cuts alone could not deliver the deficit reductions that Canada needs. Rigorous government restraint needed to be complemented with some measures on the tax side.

Doing so for us was simply a question of fairness. It was our vision of fairness that guided us as we looked at the tax system, addressing unsustainable tax preferences instead of imposing general tax hikes on Canadian taxpayers.

In looking at the corporate tax regime we sought to ensure that corporations paid their fair share of the tax revenues needed to fund government programs and to prevent certain businesses or sectors from taking undue advantage of certain tax provisions.

With this in mind, the 1994 budget proposed a number of measures to the rules governing the taxation of business income. Our goal, and let me stress this, was not to penalize the business sector or to impede the competitiveness of Canadian corporations. In fact, we believe that it is essential to maintain a competitive tax system in today's global economy.

I would like to now outline some of the specific measures from the 1994 budget which have been reflected in Bill C-70.

One fairness issue this legislation addresses is the tax rules dealing with debt forgiveness and foreclosures. Under the old provisions of the Income Tax Act many transactions involving the settlement of debt were not recognized in any meaningful way for income tax purposes.

The new rules provide a comprehensive basis to deal with debt settlement. In general, they provide that forgiven debt amounts will be applied to a loss carried forward and expenses are partially included in the debtor's income. I should point out, however, there are special relieving rules to minimize undue hardship from these new rules.

Let me now turn to the tax treatment of securities held by financial institutions. Until now the Income Tax Act has not provided specific rules regarding the tax treatment of such securities. The measures under Bill C-70 seek to reduce uncertainty in this regard and also to ensure that the income derived from such securities is measured appropriately. The amendments provide that certain securities will be marked to market, meaning that the

S. O. 31

appreciation or depreciation in their value each year must be recognized in that year.

In keeping with our goal of fairness, the amendments include a transitional rule that allow increases in income resulting from the new rules to be spread over five years. These new measures have been generally effective after February 21, 1994.

• (1355)

In addition, new rules are provided for debt securities that are not required to be marked to market. These rules deal with the measurement of income while the securities are—

The Speaker: The hon. member will have the floor when we return to debate.

* * *

ELECTORAL BOUNDARIES READJUSTMENT ACT, 1995

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries; and of the amendment.

The Speaker: Earlier today the Chair had a request for the deferral on the division of the amendment to the amendment relating to Bill C-69.

[*Translation*]

I would ask the whips to consult with each other and I hope they manage to agree or at least produce a recommendation for the Chair.

[*English*]

I hope the whips would consult with each other. If the whips have not reached a decision, I will return to the House at 4 p.m. and I will set a time for the vote at that time.

There was a request for a vote at 1.30 p.m. That is a moot point. We are past 1.30 p.m. and now I would like the whips to discuss it and if they cannot arrive at a decision I will decide at 4 p.m.

[*Translation*]

The hon. member for Roberval, on a point of order.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, I rise on a point of order which concerns the procedure in this House. When a whip asks for a division to be deferred—and I looked up a number of precedents—the Chair always defers the division at the request of the whip who rises in the House, when there is just one.

Perhaps you could tell us why you are now asking the whips to consult with each other, since there is only one valid request before the Chair and, in our opinion, the Chair must consider that request?

Some hon. members: Hear, hear.

The Speaker: I asked for a little more time, since question period will start in a few minutes, to review what happened. I would like some time to do that.

Furthermore, I would ask the whips to consult with each other. If they are willing, perhaps it would be unnecessary to have a decision from the Chair.

However, should it be necessary, I will announce my decision at 4 p.m.

[*English*]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, with all due respect, Standing Order 45(5)(a)(ii) clearly states:

During the sounding of the bells, either the Chief Government Whip or the Chief Opposition Whip may ask the Speaker to defer the division.

That is what happened.

The Speaker then defers it to a specific time, which must be no later than the ordinary hour of daily adjournment on the next sitting day that is not a Friday.

That occurred. The opposition whip asked for a deferral. Five minutes later the government whip stood up and gave a speech asking not to defer it. He asked for a time of 1.30. Two different times were asked: deferral of the vote until the next sitting day which would be tomorrow and subsequently would have to wait until Monday or 1.30 p.m. today. The 1.30 p.m. today has expired so there has been no valid request by the government whip. The request of the opposition whip must be respected and accepted.

The Speaker: I thank the whip of the Reform Party for his opinions. I will surely take them under advisement when I make my decision at 4.00 p.m.

It being 2.00 p.m., the House will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

CO-OPERATIVE EDUCATION

Mr. Andy Scott (Fredericton—York—Sunbury, Lib.): Mr. Speaker, a group of co-op students from the University of New Brunswick are visiting the capital today. They are here to encourage development of new and exciting co-operative education programs in Canada. These programs are made up of six work terms for two years in total of valuable work experience for every participant.

Students, especially those who work away from school and home, develop personal skills such as independence and time management. Co-op students are also given the opportunity to acquire vital contacts with employers. Out of 37 co-ops graduating from UNB this year, only five are still searching for a job.

Most non co-op students only begin the job hunt on graduation. The most immediate and tangible benefit from the co-op program is financial. The program funds the students' educations with little or no assistance required. The students of UNB ask our government to encourage the development of co-op programs.

* * *

[Translation]

PATENTED DRUGS

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, the Liberals' insistence at the beginning of this session on amending the legislation on patented drugs is hard to explain from an economic point of view. In fact, the Patented Medicine Prices Review Board announced this week that patented drug prices fell by nearly 0.5 per cent in 1994.

Since 1987, when the legislation came into force, patented drug prices have risen an average of only 2.1 per cent, below the rate of inflation, while drug prices generally rose an average of 7.5 per cent. In other words, generic drugs were the ones to increase significantly in price.

In addition to containing their prices, manufacturers of patented drugs invested \$561 million in research and development last year, which is more than they are committed to do. The Liberals should stop harassing a major industry that has a considerable impact on the economies of Quebec and Canada.

* * *

[English]

FREE VOTES

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Mr. Speaker, after the 1993 election, my party asked if I would take on the responsibility of dealing with the issue of parliamentary reform. I quickly came to the conclusion that the main issue was freer voting. It is not just the situation where the leaders of the government side would declare a particular bill the subject of a free vote, but the situation where parties allow dissent to occur, true dissent on particular government bills, bills that form part of the government program.

It was the opinion of those involved in the writing of the McGrath report in 1985 and those who sat on the House management committee in 1993 that dissent should be allowed to be expressed without fear of retaliation by the leadership of the

S. O. 31

political party concerned. Both groups believe the expression of dissent would make the House a healthier place.

I am pleased to see that members on both sides of this House are beginning to express themselves in dissent. However, in order for freer voting to occur, the fear of reprisals by party leadership must disappear. I hope the leadership on the government side will respect the dissent that has been expressed as a healthy part of our democratic system and that no reprisals will come to those expressing dissent.

* * *

PROFESSIONAL HOCKEY

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, I would like to draw the attention of the government to the fact that a ruling from Revenue Canada is being sought with respect to the deal that has been arranged to save the Winnipeg Jets.

What has been sought from Revenue Canada and which may not have been received yet is a ruling which would have the effect of making the millions of dollars that are being donated toward the purchase and the saving of the team for Winnipeg as a charitable donation.

It seems to me given all the other things that are happening in this country that hockey, particularly professional NHL hockey, is not a charity. I would like to see the team stay in Winnipeg, but I do not want to see a precedent set whereby professional hockey is regarded as a charity for tax purposes. I think that would be an awful precedent and an awful injustice.

* * *

FEDERAL BUSINESS DEVELOPMENT BANK

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, since its inception 50 years ago, the Federal Business Development Bank has addressed the needs of Canada's small and medium sized businesses. This institution has continually adapted its operations to meet constantly changing political, social and economic climates. However, once again the time for significant change has come.

● (1405)

That is why the business leaders of London—Middlesex are applauding the business development bank of Canada act which was recently tabled. The proposed act would not only allow the present bank to change its name, it would also allow it to evolve and to expand its programs and services to meet today's requirements.

At present, we must adapt to the realities of the new global economy, an economy which in large part sees entrepreneurs along with small and medium sized businesses charged with the responsibility of promoting economic growth and job creation.

S. O. 31

I believe that this initiative demonstrates yet again our government's commitment to the people of Canada. I look forward to its implementation.

* * *

FORGING THE LINK

Mr. John Murphy (Annapolis Valley—Hants, Lib.): Mr. Speaker, on June 8 and 9, Acadia University, Chrysler Canada, the Nova Scotia Department of Education and the Department of Economic Development hosted "Forging the Link", an international symposium on education and the economy. This conference as a preamble to the Halifax summit brought business leaders, educators and youth together to discuss new partnerships between education and the economy.

For young Canadians the chances of finding that first job in a chosen field are a lot better with relevant training and work experience. Whether it is post-secondary education or an internship that helps get a foot in the door, available jobs are going more than ever before to people with more schooling and more skills.

It is crucial therefore that we as a government forge closer links between educators and business. Through important forums such as this, more young Canadians will gain an understanding of the ties between good education and good jobs.

* * *

ELDERS AND TRADITIONAL PEOPLES GATHERING

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, the 12th annual Elders and Traditional Peoples Gathering was held at Trent University in Peterborough. Three thousand aboriginal people and others met to address the theme: family growth through our elders.

There were ceremonies, plays, concerts and workshops. Workshop topics included oral traditions, immersion schools, being Indian today, Inuit life, the spirit of healing, native women's issues, traditional language and medicinal herbs. A highlight was the play "Earth Rhythms" about young people creating change in their own environment. This was performed by people from the First Nations of Curve Lake and Hiawatha.

The annual elders conference is aboriginal Canadians helping themselves and others to make Canada an even better place.

I am delighted to add that Trent University will be appointing a new chancellor this fall. She will be Mary Simon, former president of the Inuit Circumpolar Conference and currently Canada's ambassador for circumpolar affairs.

[Translation]

CANADIAN BROADCASTING CORPORATION

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, this morning's *Globe and Mail* reported staff cuts at the CBC which are the start of further major cuts that could well change the role, nature and even the mandate of the corporation entirely.

As a result of the latest budget, the SRC and the CBC will have to cut 1,000 employees. However, Tony Manera, the former president had indicated that between 3,000 and 4,000 jobs would have to be cut in the next three years. In this context, it is therefore surprising that the Minister of Cultural Heritage continues to refuse to reveal the budget cuts he has imposed on the corporation.

We should not be surprised to discover more American television programs in CBC programming in the near future or to find ourselves witnessing the long slow demise of what was once the jewel of Quebec and Canadian culture.

* * *

[English]

DEMOCRACY IN CANADA

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I am sad to say that the past few days have ended democracy for the people of Canada.

It was not so long ago we had a Prime Minister promising fair representation for all Canadians who elected Liberal members of Parliament. Not only has it become blatantly obvious that he has reneged on one of his iron clad red book promises, he has taken it a step further by threatening his caucus members to toe the party line or he will use the ultimate weapon of refusing to sign nomination papers for those members prior to the next election. This in turn could deny access to their beloved gold plated pension plan which is the worst possible catastrophe for a Liberal to experience.

I want to inform members opposite that our constituents have their wishes followed on a day to day basis. They have the power to nominate their own representatives. As well, our leader will sign nomination papers based on constituents' wishes. With these three policies alone, our constituents know that we are the only truly democratic party left in Canada.

* * *

● (1410)

YOUTH SERVICE CANADA

Mr. Rey D. Pagtakhan (Winnipeg North, Lib.): Mr. Speaker, Canadian youth have a wealth of fresh insight, energy and intellect

to offer our national institutions, our workplaces, our society. What they require in return is opportunity. It is therefore laudable that this government is helping young people who are both out of school and out of work receive the training and experience they need for future success.

Through Youth Service Canada 850 young people nationwide are taking part in 63 projects which will help them gain invaluable work experience while making significant contributions to their communities.

In my riding of Winnipeg North the Maples Youth Justice Committee will target as a project racism, gang violence and fraud with crime awareness programs.

Indeed Canadians have much reason to take pride in Youth Service Canada. We take pride in the renewal, the hope and the vision our young Canadians offer our great nation.

* * *

[Translation]

2002 WINTER OLYMPICS

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, as chairman of the Quebec Liberal caucus, I want to join with all Quebecers and Canadians in wishing good luck to Quebec City, which might be chosen tomorrow as the host city for the 2002 Winter Games. The decision will in fact be made in a few hours, and we will finally find out whether Quebec City is the lucky winner.

It goes without saying that we are keen to hear the outcome of the decision and that we will be delighted to have the 2002 Winter Games here. Quebec has a worldwide reputation because of its athletes, whose remarkable performances have made them provincial ambassadors, and because of the warm welcome it reserves for visitors.

The fact that Quebec City is among the top contenders is confirmation that we are a strong candidate for the next Winter Games. I offer my thanks to all those who have had a part in this important bid, and I extend my best wishes for good luck to Quebec City.

* * *

JOB CREATION

Mr. Raymond Lavigne (Verdun—Saint-Paul, Lib.): Mr. Speaker, yesterday, Quebec's Minister Responsible for Restructuring released the 8th report on Quebec's sovereignty. One of the first conclusions drawn by the author is that the Outaouais region would lose at least 3,500 jobs if Quebec declared its independence. These 3,500 well paid jobs coupled with the 5,000 others the minister says will also disappear in the head offices of big companies in

S. O. 31

Montreal already puts the separatist's balance sheet for job creation in a debit position of 8,500.

Quebec's Minister Responsible for Restructuring should devote his efforts without delay to putting an end to these reports and start using the funds at his disposal to create jobs instead of to announce they are going to disappear. This is what Quebecers want and this is the goal towards which the Government of Canada is working.

* * *

FAMILY INCOME

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, a study done by Statistics Canada which was released yesterday revealed that the after-tax income of families dropped 2.1 per cent in 1993. Compared to 1989, Quebec and Canadian families have on the average \$3,025 less money to spend per year. All levels of society have been hit by this drop which started in 1989 and which has carried us back to income levels we have not been seeing since the early 1970s. Even the poorest families have seen their after-tax income drop since 1989.

Economists predict that this decline could very well continue over the next few years, all the more so because the federal government's unemployment insurance reforms are having a negative impact on workers at the lower end of the pay scale. The dignity of working is above all the dignity of being able to earn a living at it. That is what the government should have realized before it started blindly cutting its support to those in need.

* * *

[English]

FREE VOTES

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, page 94 of the Liberal red book states that if elected, Liberals would give more power to individual MPs by providing more free votes. Yesterday the Prime Minister broke this promise by warning his own MPs that if any one of them vote against the party line more than once, he will not sign their nomination papers for the next federal election.

Breaking campaign promises to free voting backbenchers, kicking them off committees, killing their travelling privileges, threatening to pull their nomination papers and last night the government whip ordering them not to vote is not leadership. It is dictatorship, duly elected and duly followed by sheep like members on the other side.

• (1415)

If it looks like a Mulroney caucus and baas like a Mulroney caucus then I guess it is a Mulroney caucus and can be led to the slaughter in the next election just like a Mulroney caucus.

*Oral Questions***ILIQQUSIVUT****Mr. Jack Iyerak Anawak (Nunatsiaq, Lib.):***[Editor's Note: Member spoke in Inuktitut.]**[English]*

Mr. Speaker, today at 4 p.m. the Inuit Tapirisat of Canada will be holding a news conference on Parliament Hill to unveil Iliqqusivut, the Inuit Spirit of the Arctic Pavilion which will be showcased at this year's Canadian National Exhibition in Toronto.

For 18 days in August the Inuit will bring a piece of the Arctic to Toronto's CNE. The pavilion will feature Inuit businesses, artists and cultural performers. Visitors will be able to hear and see the famous Inuit throat singers and drum dancers, participate in traditional Inuit Arctic games, enjoy northern food of char and caribou, and purchase Inuit carvings, prints, jewellery and clothing.

I encourage all members of Parliament, their staff and all other Canadians to experience the Inuit way of life at the CNE this summer and, for a foretaste, to join us on the front lawn of Parliament Hill later this afternoon.

ORAL QUESTION PERIOD*[Translation]***BOSNIA**

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Group of Seven summit opened this morning in Halifax, while 12 Canadian peacekeepers and observers are still being held hostage by the Serb forces. They are literally being used as a shield, as Bosnian government troops launch an offensive on the outskirts of Sarajevo to break the Serb siege of the Bosnian capital.

Could the Minister of National Defence tell us what specific steps have been taken to provide a safer environment for some 850 Canadian peacekeepers deployed in Visoko who are now caught between the two sides in a confrontation between Bosnian government troops and Serb troops north of Sarajevo?

Hon. David Michael Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I appreciate the hon. member's question. I can inform him that at the base in Visoko, because of the build-up of Muslim forces, certain precautions have been taken to be ready in the event of an attack. The situation is very disturbing but, so far, our troops are in good shape and not in any immediate danger.

As for the 11 members of the Canadian forces in Ilijas, this is a real problem because of the start of hostilities in this region. So far, they are in good shape and are not in danger.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, during a previous question period, the Minister of National Defence said they were in a very delicate situation.

I wish the Minister of National Defence would explain what he meant by this very delicate situation and why these peacekeepers still have not been released? Could he be a little more specific?

[English]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, we are very concerned that our people have not been released. Yesterday I called in the chargé d'affaires of the Yugoslavian government to lodge a formal protest with the authorities in Belgrade.

Although we appreciate very much the efforts of President Milosevic and the Yugoslavian government in Belgrade so far in getting the release of the hostages and working with the Bosnian Serbs, we have demanded they intercede immediately to release the 11 Canadians at Ilijas and Captain Rechner who is still in Pale, the Bosnian Serb headquarters.

There is no reason for these people to be detained other than the fact that perhaps these forces are being held as some kind of a shield to try to prevent the Bosnian Muslims who are amassing for an attack apparently to liberate Sarajevo from Serb control in the suburbs.

• (1420)

It is totally unacceptable to have United Nations personnel, especially Canadians, used as pawns in the middle of a conflict between those two parties.

[Translation]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, since the Prime Minister is now at the G-7 summit, together with some very important players in this unfortunate series of events, could the Minister of National Defence tell us whether today, the Prime Minister intended to make it clear to the G-7 heads of state that quick action is urgently needed to save our troops, to save Canadian soldiers who are now in the worst possible situation in that part of the world?

Hon. David Michael Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I am sure our Prime Minister intends to raise the matter in Halifax with his G-7 colleagues, because he knows perfectly well this is a bad situation and everyone wants to see the liberation of all hostages and prisoners.

[English]

I am sure the Prime Minister will be talking about this with his colleagues in Halifax. All members of the G-7 are as concerned as everyone about the deteriorating situation in the former Yugoslavia.

As to whether or not Canada will take part in the rapid reaction force, again that will be the Prime Minister's decision. He will announce that in due course.

[*Translation*]

Mr. Jean-Marc Jacob (Charlesbourg, BQ): Mr. Speaker, my question is for the Minister of National Defence.

As the minister mentioned, the heads of state at the G-7 Summit will be discussing the situation in Bosnia. However, yesterday in Washington, French President Jacques Chirac expressed his regret at the length of time it was taking to set up the rapid reaction force in Bosnia. Here, on the other hand, we still do not know whether Canada will be part of the force or not.

Would the Minister of National Defence tell us whether or not Canada will participate directly in the establishment of the rapid reaction force as France and Great Britain have proposed?

Hon. David Michael Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I have already answered that question.

Mr. Jean-Marc Jacob (Charlesbourg, BQ): Mr. Speaker, I do not think either the minister or the Prime Minister have ever answered this question. They have said they will discuss the matter at the G-7 summit, and again we have the same response.

How can the government not commit to participating in the rapid reaction force—because we have still not had an answer—and thus abdicate its responsibility to further protect the safety of the peacekeepers in Bosnia at a time when many members of the large contingent of Canadian peacekeepers are in very precarious situations?

[*English*]

Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the Canadian government is certainly not abdicating its responsibilities.

We have taken measures in the last number of months to ensure that our forces take all necessary precautions, as I described in reply to the earlier question, especially increased fortifications at our base in Visoko, especially increased protection for our troops, and a number of other things that will help them do their duties.

The question of the rapid reaction force was an initiative that we support. It is an initiative that will largely be manned by British and French forces. Certainly it is the desire of the NATO allies that Canada participate. We want to make sure before we give our concurrence that we are fully satisfied with the way the force will be deployed. Those answers will be coming shortly.

Oral Questions

MINISTER OF CANADIAN HERITAGE

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, yesterday the government House leader said that he did not accept the premise of our questions about the heritage minister's violation of the federal code of ethics. We are not dealing with assumptions, conjectures and speculation here. We are dealing with the facts.

It is a fact that the heritage minister targeted departmental clients for political donations. It is a fact that everyone who attended that dinner received a government contract or appointment. It is a fact that the minister blatantly broke section 23 of the government's own code of conduct.

What does it take for the Prime Minister to remove a minister guilty of unethical behaviour? A criminal conviction?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, there is a fundamental flaw in the hon. member's question because on the public face of information available it is not based on fact. There is no information I am aware of to say that the minister personally invited people to the dinner but rather that he simply attended the dinner. It is quite proper for ministers and members of all parties to attend fundraising dinners. It is part of the normal political process in the country and I am informed that the donations were properly recorded.

• (1425)

I can ask the hon. member a question. Why is she asking questions that do not appear to be based on facts?

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, it is clear the minister attended and he is personally responsible for the contracts that go out under his signature.

The government's excuses and its carefully crafted damage control lines are certainly wearing thin. The heritage minister was clearly in the wrong. The government is making matters worse by refusing to release the full list of all the people who were invited to the minister's dinner, the full list of those who actually sent contributions, and the full list of donors who have received heritage contracts or appointments, not just giving donations. Trying to bury this information in Elections Canada documents will not make it go away.

I have a supplementary question. If the government does not have anything to hide, why is it hiding behind these ludicrous answers? When will it make all the list public?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, it is clear from public information that this dinner was not organized by the government and the invitations were not sent by the minister or the government. These are not materials within the control of the government, except to the extent that they are

Oral Questions

recorded in the Elections Canada returns. To have information disclosed in the Elections Canada returns is not hiding the matter. It is carrying out the requirements of the law.

I again ask the hon. member why she is asking questions like this rather than about matters of real concern to most Canadians.

Miss Deborah Grey (Beaver River, Ref.): Mr. Speaker, in the red book in the last campaign I thought integrity was a fairly major issue in the country.

The Prime Minister has said that the heritage minister was not at fault because receipts were issued for all donations. Selling access to a minister of the crown cannot be justified by a handful of receipts. The heritage minister has violated the federal code of ethics by placing himself in a conflict of interest, but instead of doing the honourable thing and demanding his resignation the Prime Minister continues to stubbornly defend the indefensible.

The government has put politics ahead of principles and it is making a mockery of the code of ethics. Enough is enough. Will the heritage minister resign now?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, the hon. member has made what I consider to be a totally unwarranted accusation by saying that access to the minister of heritage was being sold. Ministers generally come in contact with the public in a whole range of acceptable ways, including attending fundraising dinners.

It is clear if anybody is putting politics ahead of principles it is that member and her party.

* * *

[Translation]

G-7 SUMMIT

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, only a few weeks ago, the Prime Minister stated that the G-7 summit would be held in Halifax rather than Quebec City, because the Canadian flag did not fly above the city hall occupied by the separatist mayor of Quebec City. Now that the G-7 summit has just opened in Halifax, *La Presse* reports that, "those who do not speak English are lost".

How can the Acting Prime Minister, whose government defends a vision of Canada as a supposedly bilingual country "from coast to coast to coast" not be embarrassed by the almost total lack of French on the very site of the G-7 summit in Halifax?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker,

since this summit is being attended by spokespersons for the G-7 countries, including France and Canada, it is obvious that both official languages are represented at the summit site.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, we see the faces of francophones, but the image being projected is English. How can the federal government explain that Canada continues as always to project a unilingual English image at the G-7 summit, while federal representatives in Quebec seize every opportunity to emphasize the merits of a bilingual Canada?

• (1430)

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I totally reject the premise of the hon. member's question. The face we are showing at the summit is that of a bilingual, proud and united country. The hon. member's attempt to tarnish this image of unity is regrettable.

An hon. member: Right.

Some hon. members: Hear, hear.

* * *

[English]

ETHICS

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, my question is for the Acting Prime Minister.

It has been revealed that both the director general and the director of the public works contracting branch have doled out contracts to close family members without competition. One director hired his wife to do his office work. Mr. Hugues Bureau—St. Pierre has received close to \$50,000 from his generous Aunt Lillian since September 1993.

Is the government investigating this matter? If so, will he punish those responsible for unethical conduct?

Mr. Réginald Bélair (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.): Mr. Speaker, in the last election the government made a commitment to govern with integrity. We intend to honour this practice.

We are aware of the situation that the member has brought to our attention. To this end, the Minister of Public Works and Government Services has directed his deputy minister to give instructions that guidelines should be respected.

It is not standard practice to hire family members. This particular group that the member mentioned is now the subject of an internal audit. If the allegations are substantiated as a result of this audit we will direct the department to bring in corrective measures.

Oral Questions

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I am encouraged at the government's show of concern for ethics in the public service, but is it not ironic that it will investigate the public service for unethical conduct while the unethical conduct of the heritage minister and the public works minister goes uninvestigated altogether.

It is no wonder that the auditor general says there is confusion in the public service about ethics. It is examples from the top that prove the old adage that the fish is rotting from the head down in this case.

My supplementary question is for the Acting Prime Minister. Since the federal code of conduct does not seem to apply to the cabinet, how does the government expect to enforce ethical standards in the public service?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, ethics are very important to the government. We show this in many ways every day when it comes to the cabinet and when it comes to the public service.

Dealing with the hon. member's rather tasteless metaphor about fish, obviously things have stretched quite a way down to the bottom of that party judging by his question.

* * *

[Translation]

BOVINE SOMATOTROPIN

Mr. Michel Daviault (Ahuntsic, BQ): Mr. Speaker, my question is for the Minister of Health.

Health Canada officials revealed today that the synthetic hormone somatotropin can legally be imported and used in Canada. Yet, the Minister of Health has tried to reassure the public by saying repeatedly in this House that the use of somatotropin is illegal in Canada and that cheaters would be punished.

How could the Minister of Health let us believe in the House that Health Canada had the situation under control when she knew that, through a loophole in the Food and Drugs Act, synthetic somatotropin could legally be used in Canada?

Hon. Diane Marleau (Minister of Health, Lib.): Mr. Speaker, in our opinion, the current regulatory framework adequately blocks the use of bovine somatotropin in Canada. The example mentioned by the hon. member is a minor exception.

I am aware of the hon. member's concerns, but, up to now, they have been unfounded. We will continue investigating and, if we detect any problems, we will take the appropriate action.

Mr. Michel Daviault (Ahuntsic, BQ): Mr. Speaker, I would like to point out to the minister that all of the members of the Standing Committee on Agriculture, which met this morning, share this concern about this minor exception. If she talks to the Parliamentary Secretary to the Minister of Agriculture, she will realize that he is of exactly the same opinion.

• (1435)

How can the minister explain why, in the past year, she has taken no steps to plug this important legal loophole, now that the voluntary moratorium imposed by her agriculture colleague has expired?

[English]

Hon. Diane Marleau (Minister of Health, Lib.): Mr. Speaker, for the vast majority of people in Canada other than pharmacists or veterinarians it is illegal to import, to sell, or to distribute rBST.

To date Health Canada has felt that the regulatory framework that was put in place was effective in preventing the use of rBST in the country. If that is not the case we will take appropriate action.

* * *

BOSNIA

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, every report from Bosnia suggests that our peacekeepers can no longer do their job. The Canadian commander says they are "frozen in place".

In response, the Minister of Foreign Affairs said this morning that if our peacekeepers "are no longer able to accomplish their *raison d'être* then they will have to be evacuated".

Given the minister's statement, is the government now preparing the evacuation of Canadian troops from Bosnia?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): No.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, we found out today that the government will be joining the Bosnia strike force. The presence of such a force is not in keeping with the peacekeeping mandate and has only two purposes: one, to join an escalating conflict as a combatant; or two, to facilitate the withdrawal of UN troops from the region.

Since the government is contributing troops to the strike force, does this mean it is abandoning its professed resolve for neutrality or is it preparing for withdrawal as we have proposed for the last six months?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member should know by reading reports from the NATO meeting a couple of weeks ago that the establishment of the rapid reaction force is a measure designed purely to assist UN personnel in danger. That is why it is being put together.

Oral Questions

Whether a country is part of that or not does not lessen the fact that the UN force is there not in a belligerent capacity but as one leading the search of peace. That is Canada's position. We intend to stay and finish the mandate unless it becomes absolutely impossible for us to continue. The Prime Minister has made that clear in the House many times.

While it is true that in the last few weeks there have been some considerable difficulties in helping to discharge the mandate we believe the situation can be resolved.

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[Translation]

BOVINE SOMATOTROPIN

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, my question is for the Minister of Agriculture. Seventy five per cent of all consumers are against the hormone somatotropin. The dairy industry is demanding that the moratorium on its use be extended, and, this morning, the Standing Committee on Health passed a resolution for the renewal of the moratorium for at least two years. With 15 days left to go before the end of the moratorium, the Minister of Agriculture is still undecided regarding the issue.

Will the minister admit that we are talking about something bigger than the minor exception that the Minister of Health would have us believe, something which more closely resembles a gaping legal loophole which permits somatotropin to be used in Canada, and will he admit that, in the short term, the only thing that will protect consumers who want to drink milk that was not produced using somatotropin will be an extension of the moratorium?

[English]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Minister of Health has referred to the provisions in the Food and Drugs Act and the regulations promulgated under that act which is legislation under her jurisdiction. She has indicated quite clearly what the provisions of the law and the regulations provide. She is quite correct to indicate that the possibilities of importation are exceedingly limited to certain specific individuals and certain specific cases. The answer given by the Minister of Health is completely accurate as to the facts.

She has also indicated that on further review if the legal framework appears in any way to be inadequate to properly deal with the situation, then that legal framework can be strengthened.

• (1440)

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, let us stop beating around the bush. My question was very clear.

Does the Minister of Agriculture acknowledge, yes or no, the right of citizens to drink natural milk that was not produced using hormones, and if so, what is he waiting for to announce that he will extend the moratorium for as long as is needed to guarantee consumers that they will be able to drink unadulterated milk, in accordance with their wishes?

[English]

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, over the course of the last year, on the recommendation of the agriculture committee, we undertook in co-operation with all of the interested stakeholders, including many in the private sector, a task force investigation of a variety of facts surrounding rBST. We did that following the advice of the agriculture committee to provide more information, to get all of the details on the table so that everyone could be fully informed on the issue.

The one important piece of data which remains to be concluded and provided is a critical piece, which is the scientific regulatory review of the health aspects with respect to rBST. That is presently being studied by the Department of Health. Until the Department of Health is satisfied with all the health and safety issues, then obviously no notice of compliance will be issued.

* * *

NATIONAL PAROLE BOARD

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, today the Correctional Service of Canada released its report on the September 5, 1993 murder of 25-year old Dennis Fichenberg.

Fichenberg was murdered by Paul Butler, a federal inmate who was on day parole at the time of the murder. At the time of sentencing Butler was considered to be a psychopath and at the time of his release he was described as a high risk offender with a high potential for violence. Butler, however, was able to stay on day parole despite committing numerous violations over the six-month period he was on parole.

Is the Solicitor General satisfied with the way the correctional service and the National Parole Board handled Butler's release?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, as the hon. member knows, the parole board is an independent

quasi-judicial tribunal, operating at arm's length from the minister, who has no right under the law to interfere in its decisions.

However, I want to say that the investigation report which was released had recommendations for change and a correction in the situation to help prevent it from taking place again. I want to ensure that these changes are put in place because, like the hon. member, I do not want to see this kind of thing happening again.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, there is some suggestion that Butler was able to maintain his day parole status because he had previously been an informant for the RCMP.

Was Butler's freedom due in part to the intervention of the RCMP and is the minister satisfied that the RCMP acted in an appropriate manner?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, the report of the investigation into this matter says that the parole board applied the criterion of the protection of the public as its main guideline.

I am not in a position to comment on the RCMP's involvement or non-involvement in the matter.

At the same time, this happened before the government took office. I want to ensure, in so far as I am able to do so, that the circumstances which led to this tragic occurrence do not happen again. I am glad to have the hon. member's concurrence in this concern of mine.

* * *

AGRICULTURE

Mr. Harold Culbert (Carleton—Charlotte, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

As the minister knows, for more than a year now the whole farm safety net program has been studied and reviewed. Can the minister tell the House, the hundreds of farmers across Carleton—Charlotte and the thousands of farmers across Canada what the status is of the study and when we can expect to see its results?

• (1445)

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, through most of 1994 we were discussing the future shape of agricultural safety nets with farm organizations and with provincial governments.

In December 1994 we achieved unanimous agreement among the federal government and all of the provinces with respect to the principles to underpin the future design of safety programming in Canada.

At the moment our officials are working on the drafting of an omnibus memorandum of understanding hopefully to be signed in

Oral Questions

due course between the federal government and all of the provinces outlining the basic components of the safety net structure for the future, indicating the necessity for trade compatibility and production and market neutrality.

We want to ensure interprovincial fairness and balance. We want to achieve a cost sharing ratio of about 60 per cent federal, 40 per cent provincial. We want to achieve national consistency across the country with sufficient provincial flexibility to meet local and regional objectives.

We think we will get there. The memorandum of understanding is very well advanced.

* * *

[Translation]

DEFENCE INDUSTRY CONVERSION

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the Minister of Industry has consistently refused to set up a genuine defence conversion program and has cut the few resources remaining in the budget for the defence industry productivity program, which has had serious consequences for Montreal. In fact, Pratt & Whitney, a leader in Canada's aerospace industry, is planning to move its research centre.

Does the Minister of Industry realize that by refusing to set up a genuine defence conversion program, he is denying the Quebec aerospace industry an opportunity to develop its technological capability and thus undermining its ability to compete?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, first of all, I want to commend the hon. member on the interest he has shown in the broader issues of technological development here in Canada. I am very much aware of the problem concerning Pratt & Whitney, which has been discussed in the media.

I want to say to the hon. member that in the budget, which of course reduced the funding available for this program, we promised to review it. Cabinet intends to discuss the broader issues of technological development, and I am looking forward to hearing what the hon. member has to say about these programs.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, despite the almost British phrasing of his reply, the minister did not answer my question.

My question is: Since Ottawa funded 18 per cent of Pratt & Whitney's R and D investments over the past ten years, mainly for military applications, why does the minister now refuse to support civilian applications of the company's research? Why does the minister refuse to help a Quebec company? That is the question.

Hon. John Manley (Minister of Industry, Lib.): First of all, Mr. Speaker, I may remind the hon. member that Pratt & Whitney is not exactly a Quebec company. It is a multinational that also has plants in Halifax and Lethbridge, Alberta. The issue is one that is important to all regions in Canada.

Oral Questions

I would also like to point out that during the past decade, Pratt & Whitney Canada received nearly \$525 million from the federal government, and we are committed to giving the company another \$91.2 million during the next four years. So we did not exactly forget Pratt & Whitney.

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[English]

INDIAN AFFAIRS

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, the road blockade beside Adams Lake still remains in place today.

Eighty-six days after it was started by the three native bands involved there have been at least two episodes of violence involving criminal charges. Last week a bridge into a provincial park was burned.

Does the minister of Indian affairs still insist he must be specifically invited by the parties involved before he will take action?

• (1450)

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, as has been indicated in the House on several occasions both by me and by the solicitor general, policing in the province of B.C. is in the jurisdiction of the RCMP under contract to the province of B.C.

On this specific road there are three scenarios. The best case scenario is that it is a public road to the reserve. The second case is that the owners on the other side have the right of way and then they can sue. The worst case scenario which my hon. friend seems to be moving toward is this land is owned totally by the First Nations. If that is the scenario they are entitled to close off the road on their land like any owner in Canada.

I am hoping we can work out an arrangement with them so people can get to their premises. We are prepared to work with the province of B.C. which fortunately we do in many situations. We will help out in the facilitation. Those are the facts and all the rhetoric in the House will not change those facts.

The problem was it was an archaeological dig. The person who did it was supposed to comply with the mandate from the province. That person did not. That person has been written to and still has not complied.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, the problem goes beyond that. The federal government was supposed to have been involved a long time ago on the signing of that road, as the minister knows.

He has also been contacted by the B.C. aboriginal affairs minister, Mr. Cashore. He was informed on April 13 this should be treated as a top priority by this minister. He has also had that request from aboriginals and from the property owners.

I know nothing comes easy to this minister. Unfortunately that is the only thing he is good at. When will he acknowledge his responsibility under the Indian act and get involved?

Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, all that happens is I get the same question and I give the same response. I will respond again.

The province is negotiating with the band. Hopefully a deal will be made but enforcement is a provincial responsibility. Does the hon. member want us to take the RCMP back and go into B.C. and enforce that?

* * *

PUBLIC SERVICE

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, my question is for the President of the Treasury Board.

This week has been designated as national public service week, a time to recognize and celebrate the contribution federal public service employees make to the country.

At the same time, however, the government is in the process of cutting 45,000 jobs in the federal public service. How can the government justify having a week to celebrate the accomplishment of its employees while at the same time taking away their jobs?

Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, these are challenging times for the public service as we carry out a downsizing brought about by the need to cut government spending in order to meet our deficit reduction promises.

Our employees are dedicated, committed people and I think they deserve recognition. They have carried out a great many innovations. There are many examples of excellence in the work they do and I do not think there is any better time to celebrate the fine work done by the public service.

The public service of Canada is among the best in the world.

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[Translation]

SINGER EMPLOYEES

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, my question is for the Minister of Labour.

Former employees of Singer in St. John say that the federal government failed to meet its contractual obligations toward them by paying the surplus that is part of their pension fund to the employer rather than the workers.

Further to the question by the Bloc on June 1, which has yet to be answered, will the Minister of Labour once and for all correct the federal government's error in connection with the Singer employees?

• (1455)

[English]

Mr. Maurizio Bevilacqua (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, I will look into the matter and report to the hon. member as soon as possible.

[Translation]

Mr. Jean H. Leroux (Shefford, BQ): Mr. Speaker, the question was asked over three weeks ago.

My supplementary is also for the Minister of Labour, who was elected to answer questions in this House. How can the Minister of Labour, by refusing to intervene quickly in the matter, allow herself to be an accomplice in this injustice to the former employees of Singer, whose average age is 80 and who are hoping to finally achieve justice after so many years of struggle?

[English]

Mr. Maurizio Bevilacqua (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, I think it is extremely irresponsible on the part of the hon. member to use occasions like this to play cheap politics.

If the hon. member would review the responsibilities of the Minister of Human Resources Development he would find it is the responsibility of that minister. To attack the Minister of Labour, and I know exactly where you are coming from on this issue—

The Speaker: I ask hon. members to please address the Chair.

* * *

FAMILY INCOME

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, Canadian families are right; Statistics Canada has made it official. Family incomes after taxes have fallen 6.5 per cent in real terms since 1989; 2.1 per cent in the last year surveyed. Canadians are fed up with the performance of the economy and rightly blame the federal government.

Will the minister accept the blame for the decline in family income and change the policies responsible?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I thank the hon. member for his question.

The statistics he refers to ended in 1993. There was an election that year and since that time there have been some half million new

jobs created in the country. The statistics for 1994, the first year of our mandate, will show a substantial rise in family incomes in Canada.

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, since 1981 tax freedom day, the day when people's annual incomes go into their pockets, has advanced 73 days. The Fraser Institute announced that this year it is on July 5. The tragedy is that the ever higher taxes we all pay do not get us more services, they pay interest on our staggering debt.

When will the government close the bottomless hole for our tax dollars by cutting the debt and getting Canadian families once more to enjoy increases in after tax incomes as they had for decades before the deficit became out of control?

Hon. Douglas Peters (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I really appreciate that question because that is exactly what the government is doing. It is reducing the deficit, bringing it to 3 per cent of GDP in the third year of our mandate, on the way to a balanced budget. That means a falling debtload and lower taxes will follow when the time comes.

* * *

CUBA

Hon. Audrey McLaughlin (Yukon, NDP): Mr. Speaker, my question is for the acting Prime Minister.

Canada has maintained broken diplomatic relations with Cuba for 50 years and has established very important trade and investment links. In contrast, the United States has maintained an inhumane embargo that has had disastrous implications for the people of Cuba.

Today American politicians are once again threatening Canadian companies with trade links to Cuba with blacklisting. I ask the acting Prime Minister if he can tell this House whether the Prime Minister will be raising this issue at the G-7 meeting this week and condemning the U.S. blockade of Cuba and condemning the bullying of Canadians and Canadian business by the United States.

• (1500)

Mr. Mac Harb (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, there are two parts to this question.

One part deals with the Helms bill. The minister and the government are on the record as being opposed to this bill. We are encouraged that the U.S. administration so far has clearly indicated that they also have some concerns about that piece of legislation.

On the second part of the hon. member's question, which deals with action that might be taken against Canadian companies doing business in Cuba, we have not received anything officially on this matter. As soon as we receive anything we will take appropriate action in the interest of Canadians and Canadian businesses.

*Business of the House***EMERGENCY PREPAREDNESS**

Mr. John Loney (Edmonton North, Lib.): Mr. Speaker, my question is for the Minister of National Defence, the minister responsible for the Emergency Preparedness Canada agency.

Southern Alberta has recently suffered the most devastating flood damage in decades. The cost of restoring this part of my home province to a pre-disaster condition will be considerable. Has the Province of Alberta asked the minister for assistance? If so, has the minister directed Emergency Preparedness Canada to offer its help as Alberta tries to recover from this disaster?

Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the federal government does provide assistance through a program called financial assistance arrangements. The province of Alberta this morning did apply for assistance with respect to the very serious problems it has had in that province in the last few days. That application will be considered in the normal way according to the normal formula. I do not anticipate any problems in complying with the government's request.

The financial assistance is usually directed toward the cost of replacing public infrastructure, but also does have application for individuals, farms, and businesses for the essential parts of their homes or businesses that have been destroyed by floods in this particular case.

The Speaker: My colleagues, that would bring to a conclusion the question period.

I have a question of privilege, which will be raised by the hon. member for Renfrew—Nipissing—Pembroke.

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PRIVILEGE

ALLEGED MEDIA MISREPORTING

Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, I rise on a point of personal privilege dealing with newspaper articles that affect my longtime good relations with and my respect for all colleagues in this House of Commons.

In my nearly 30 years in Parliament I have never met with anything as vicious and low as what I am about to quote to this House from the *Toronto Globe and Mail* and the *Toronto Star*. These statements undermine my good relations with all members of this Chamber.

In today's *Toronto Star* the following quote appeared: "When Hopkins sat down at lunch at the Liberal table in the parliamentary restaurant yesterday following the caucus meeting, the other MPs sitting there left within minutes".

Secondly, from the *Globe and Mail* is the following quote: "The bitterness among Liberals could be seen even at the parliamentary restaurant when Liberal MPs started moving away from a table after gun-control dissident Leonard Hopkins sat among them".

The truth is that I did not have lunch in the parliamentary restaurant at all yesterday. I did not sit in a single chair in the parliamentary restaurant yesterday morning, noon, or night. Obviously the *Toronto Star* and the *Globe and Mail* did not either.

These articles are completely inaccurate and are nothing but fabricated stories with no truth or foundation whatsoever. Not even *Frank* magazine has treated me like this. These kinds of fabricated stories originating from whatever cheap source are obviously designed for despicable undermining purposes.

I would respectfully request that you review these items, and if you find that I do have a prima facie point of privilege I would be prepared to move the appropriate motion.

• (1505)

I want to thank all members of the House for their attention during my remarks.

Some hon. members: Hear, hear.

The Speaker: My colleagues, our colleague for Renfrew—Nipissing—Pembroke has made his point. I do not know that it needs any elaboration. His reputation in this House has been impeccable for some 30 years. It has not been affected.

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[Translation]

BUSINESS OF THE HOUSE

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, it being Thursday I would ask the government leader to kindly give us an idea of the business of the House for the week to come.

[English]

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I am pleased to provide the weekly business statement.

The first bill we will deal with this afternoon is Bill C-41, the sentencing legislation. After six hours of debate, pursuant to an order of this House we will vote on the motion for third reading of this bill.

Our next priorities are completion of the consideration of the Senate amendments to Bill C-69, concerning redistribution; completion of report stage of Bill C-85, the pension legislation; and the report stage of Bill C-89, the CNR bill.

Government Orders

We are also eager to make progress on Bill C-87, regarding chemical weapons; Bill C-86, concerning the Canadian Dairy Commission; Bill C-82, regarding the mint; Bill C-91, concerning business development loans; Bill C-88, regarding internal trade; and a number of other bills that have been placed on the public record several times over the past week.

I hope this will help hon. members to plan their time between now and tomorrow. Actually I should say between now and June 23. We will be happy to continue our consultations with the opposition parties on the arrangement of House business and the making of progress on legislation in a way the public expects from us.

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I think that a motion for extended hours was approved by the House. Therefore, we intend to use the time as fully and as fruitfully as possible to achieve as much progress as possible on important legislation in the public interest.

If my hon. friend would like to discuss this further, I am sure I or the deputy House leader or the chief government whip would be happy to carry on consultations behind the curtains.

THE ROYAL ASSENT

[English]

The Speaker: My colleagues, I have the honour to inform the House that a communication has been received, which is as follows:

Government House
Ottawa

Mr. Speaker:

I have the honour to inform you that the Honourable John Sopinka, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy Governor General, will proceed to the Senate chamber today, the 15th day of June, 1995 at 5.15 p.m., for the purpose of giving royal assent to certain bills.

Yours sincerely,

Judith A. LaRocque
Secretary to the Governor General

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MESSAGE FROM THE SENATE

The Speaker: My colleagues, I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-81, an act to amend an act respecting the Buffalo and Fort Erie Public Bridge Company.

* * *

• (1510)

BUSINESS OF THE HOUSE

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, I apologize for being a little slow in getting to my feet after the question was asked of the government House leader.

I wonder if the House leader might expand on the government's intentions as to how many bills it plans to deal with tonight before the adjournment of the House.

GOVERNMENT ORDERS

[English]

CRIMINAL CODE

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-41, an act to amend the Criminal Code (sentencing) and other acts in consequence thereof, be read the third time and passed.

He said: Mr. Speaker, Bill C-41, which we debate today at third reading, represents a culmination of 14 years of effort to achieve comprehensive reform in the sentencing process as part of Canadian criminal law.

Since 1983 we have had recommendations for substantial reform in the area of sentencing from a royal commission, from the Law Reform Commission of Canada, from the Canadian Sentencing Commission, and from an all party committee of this House, which as long ago as 1988 unanimously recommended many of the measures that are reflected in the bill that is before Parliament today.

At long last, in Bill C-41 we have action to implement practical changes to reflect the recommendations of such long standing from broad areas of Canadian society, meaningful reform, meaningful improvement in the process of sentencing in the criminal law.

[Translation]

The bill states, for the first time, the purpose and principles of sentencing to be used by the courts in sentencing an offender.

Its statement includes the fundamental purposes of sentencing and the principles the courts are to apply in setting the sentence of adult offenders.

The bill provides for a number of changes to procedure and evidence at the time of sentencing. These changes will make it possible to include in the Criminal Code the practices sought by courts of appeal, proposals set out in previous legislation and the suggestions by the Law Reform Commission.

Government Orders

The bill includes provisions that allow the provinces to establish programs of alternative measures for individuals charged with an offence. Included in the bill at the express request of the provinces, these provisions are based on similar provisions in the Young Offenders Act and are intended to draw on the provinces' experience in developing and administering programs of this type.

[English]

Among the fundamental purposes of this bill is to codify and legislate for the first time in Canadian law a statement of the purposes and principles of sentencing.

• (1515)

Until now, as hon. members know, the sentencing process has been guided and determined by principles developed only by the courts. While the common law system has produced cogent statements of those principles by judges across the country, the commissions, the committees and the authorities to which I referred at the outset have all recommended for years that those purposes be legislated by Parliament for the purpose of uniformity.

In this bill Parliament is given the opportunity to declare the key purposes of sentencing, to put before judges a list of factors to be taken into account, to provide direction to encourage uniformity so that the purpose of the process can be properly understood and so that it might be rendered more predictable than it is at present.

What are those purposes and principles? They are spelled out clearly and in plain language in the statute. The sentence would reflect the seriousness of the offence. There would be similar sentences for comparable crimes. Those who contravene the criminal law must face punishment. They should be separated from society where appropriate. Rehabilitation should be one of the objectives to be achieved. Similarly in passing sentence the court should take into account factors that either aggravate or mitigate the sentence such that they are fairly considered in the process.

Let me touch briefly on some of the main elements of Bill C-41 as I believe it improves the sentencing process in place at present.

First of all, let me touch upon the perspective of the victims of crime. In relation to victims, I refer to the changes to section 745 of the code, a section which has achieved some fame in this Chamber as a result of challenges to its continued existence.

That section provides that where someone is serving a sentence with a period of parole ineligibility longer than 15 years, after that period they can ask a court to permit them to apply for parole notwithstanding the extended parole ineligibility. The change in that section contemplated by C-41 would obligate the court on

such an application to hear from the family of the victim so that they have an opportunity to have an impact on that process.

Bill C-41 also broadens considerably the rights to restitution in the criminal law so that victims and the rights of victims to compensation become a regular part of the sentencing process. Compensation for victims will now be dealt with as part of the normal process of sentencing rather than requiring special application.

The restitution provisions in Bill C-41 would allow the enforcement of a restitution order for the benefit of the victim in the regular civil courts. The making of a restitution order would in no way limit the right of the victim to sue for damages.

Bill C-41 also improves the present process with respect to the payment of fines when fines are imposed as a penalty in the criminal process. The fact is that today there are too many people taking up space in jails and prisons because of the non-payment of fines. It simply does not make sense to spend more to keep them there than the state would have gained upon the payment of the fine imposed.

This bill ensures that the court will determine in advance of imposing a fine the ability of the offender to pay. It provides that if the person cannot pay, alternatives such as requirements to perform community service will be considered and imposed. It also provides for the use by the provinces of their own mechanisms, since each of them have them in place, to collect fines that the court assesses. It provides that instead of jailing someone for not paying a fine. Provinces may exercise powers to withhold licences or privileges to encourage or require the person to pay what the court has ordered. As a result of all of the measures which I have just summarized, prison will be a last resort for the non-payment of a fine.

• (1520)

Another of the areas in which Bill C-41 achieves improvement has to do with probation as a sentence, a very common sentence in Canadian criminal law. Bill C-41 lays out a process to ensure that the courts have access to more and better information at the time when they are imposing that sentence, information by way of pre-sentence reports which will tell the judges and the courts more about the offender.

Bill C-41 provides for an increase in the penalties for breach of a probation order. It provides for greater clarity and cogency in the conditions which apply to probation.

Another innovation in the bill is the introduction for the first time in the context of adult sentencing of alternative measures. By providing for this instrument, the federal government is responding to requests made by the provinces themselves. Each province will have the right to set up and administer its own process of alternative measures.

For offenders who are before the court for the first time, never before having committed an offence and are facing charges of a

less serious, non-violent nature, the system will provide for taking that person out of the court stream. As long as they acknowledge their wrongdoing, alternative ways of ensuring that they learn the lesson will be established. These measures will free up scarce and valuable court time for the more serious offences where the need is greater.

A separate and different innovation which Bill C-41 introduces is the concept of the conditional sentence. It is a new form of sanction available where the court imposes a jail term of less than two years. It permits the jail term in effect to be served in the community rather than in a prison. This would be done under strict conditions which the court can impose and under close supervision if necessary. In a manner which is less costly to the state and more likely to result in a positive outcome, the court can impose strict conditions. Breach of these will require the offender to show cause and effect why the offender should not then be brought to prison to serve the balance of the sentence in custody.

Finally, Bill C-41 provides for a comprehensive and cogent statement of the rules of evidence and procedure for the sentencing hearing itself. It collects for the first time in one place in a readable and usable fashion, the rules of the sentencing hearing: the burden of proof; the powers of the court to obtain additional information pertinent to the sentencing process; a requirement that judges give reasons for their sentence. In every case society will know what logic or rationale lay behind the penalty imposed. There is also a provision so that we know plainly and clearly what the rules are governing the sentencing process to add greater fairness and greater consistency in the way courts go about doing their business.

Bill C-41 is a broad and comprehensive measure to introduce progressive, sensible and sound changes to the criminal law, to act upon longstanding recommendations made for many years by independent bodies and by a committee of the House, effecting real improvement to this vital part of the criminal justice system.

I commend the House committee for its careful work on the bill. The committee heard from many witnesses. It worked very hard clause by clause examining the bill and all of its measures. I believe the bill was improved considerably as a result of the effort and the care which was taken by the committee.

• (1525)

Just as was the case when I appeared before the committee and as was the case when I spoke in the House at second reading, there is one feature of the bill which dwarfs the others in terms of the attention it has received and the controversy it has created. It is section 718.2 of the bill which deals with aggravating circumstances that the court should take into account in determining the appropriate sentence.

Section 718.2 of the Criminal Code as contemplated by Bill C-41 would provide that one of the principles that govern the

Government Orders

sentencing process in the criminal courts should be that a court that imposes a sentence shall also take into consideration the principle that the sentence should be increased or reduced to account for relevant aggravating or mitigating circumstances. Those circumstances may relate to the offence or to the offender. For example, if someone was a first time offender or if someone was a repeat offender, those circumstances would respectively either mitigate or aggravate the sentence the court gives.

The section goes on from that general statement upon which I just elaborated to provide more specifically. It says, without limiting the generality of the statement to which I have just referred, that certain factors shall be deemed to be aggravating circumstances and the court therefore shall take them into consideration. The section provides that evidence that the offence was motivated by bias, prejudice or hate based upon the race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or any other similar factor shall be deemed to be an aggravating circumstance.

Of course this is the section that has attracted the attention of those who criticize the approach. It is important for us first of all to bear in mind just what the section does and how it operates. This has nothing to do with policing or punishing the way people think or the views they hold. It has nothing to do with the freedom of thought or the creation of thought police to govern the attitudes of individuals.

The section is part of a sentencing bill in the Criminal Code to assist the court in determining what the punishment should be when it has already been established in the court that a crime has been committed. All it says is that after it has been proven that a crime has been committed the court should consider aggravating and mitigating circumstances. Where it is proven that the person was motivated in committing the crime by hatred, bias or prejudice, then that shall be taken into account as an aggravating factor.

Among other things the inclusion of this provision in the bill complies with a commitment made by the Liberal Party during the 1993 election campaign. On page 84 of the red book, in a promise that was elaborated upon in specific statements made by the Prime Minister to equality seeking groups, the Liberal Party undertook to amend the criminal law to provide this kind of protection to vulnerable groups who are typically the victims of hate motivated crime.

Beyond that, if one needs further justification for the statement of what one would have thought was simply a sensible proposition, one need only look to the increased incidents of crimes of this type. Every major group among identifiable minorities reports in recent years a troubling and significant increase in hate motivated crime, among them B'nai Brith which has told the Department of Justice that there are now over 40 organized hate groups in Canada. Religious groups and minorities are clearly worried, as well they

Government Orders

might be, that the existence and the activities of these hate groups are undermining the social fabric of Canadian society.

• (1530)

There is further evidence of the rise in such crimes. Police departments across the country have established hate crime units devoted exclusively to investigating and acting on crimes of this nature.

In testimony before the Quebec Human Rights Commission one group referred to the American experience where one in five gay men and one in ten lesbians reported being the victim of aggression and one-third of all respondents said that they had received threats of violence.

Police forces in Toronto and in Ottawa have recently reported that hate crimes based on sexual orientation represent the third largest category of hate related offences.

I suggest to the House that the need for this legislative intervention is clear. We have drafted the section to provide for specific reference to characteristics that are commonly targeted in crimes of this type, specifically referring to race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, and sexual orientation.

Why do we include the list? It has been alleged by some that we have selected certain groups or certain characteristics in order to give special treatment or special protection, that we are conferring special status upon specific groups. It is not the government that has selected these groups for special status. It is not this Minister of Justice who has identified these groups for special treatment. It is the hoodlums and the thugs who have identified them for special treatment. It is the criminals and the punks who go out to find them to beat them up who have selected them for special treatment. It is this Parliament that has the opportunity today to respond to those hoodlums and those thugs by showing maturity and by showing a preparedness to be logical and to do what is required.

The rigour of logic leads us to this approach. The evidence in front of us compels us to act. Common decency requires that we furnish through the criminal law a means of dealing with this thuggery.

If we are speaking of special status perhaps we should remember that if gays and lesbians, for example, have a special status they have a special status to be targeted, to be beaten up. If there are members who care to share that special status I am sure it could be discussed. The only special status that is on that list is vulnerability. The only special rights we are talking about here are the rights to be targeted. The very purpose of this legalisation is to redress that unfairness.

As long ago as 1977 in the Ingram case in the Ontario Court of Appeal the senior appellate courts of the country recognized that targeting someone, attacking them, victimizing them in crime based on a characteristic such as sexual orientation was an aggravating factor to be taken into account in the determination of sentence. This provision merely codifies that altogether sensible rationale and introduces it into the Criminal Code that we might achieve uniformity across the country.

When criminals target another and commit a crime against a person or a person's property based upon race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, or sexual orientation, they have committed a crime not only against the individual. They have committed a crime that has an effect on the entire group.

• (1535)

American laws in states of the United States where such laws exist are commonly called laws against crimes of intimidation because the offender knows that the effect of the act is not only to harm, to frighten or to affect the person who is at the end of the punch or the kick. It is to intimidate every member of that group who is intended to feel more vulnerable the next time they walk down the street. That feature of such a crime distinguishes it and justifies the approach contained in Bill C-41.

We have referred to sexual orientation. We have not found it necessary to define the term because its meaning is clear. Since 1977 the term has been included in human rights legislation in eight provinces and territories in Canada. There has never been any difficulty in interpreting or defining or applying that term as it is found in those provincial and territorial statutes. No question has ever been raised about what it means.

In the gay bashing crimes about which we have heard too much in recent years, the offenders, the thugs and the hoodlums who target people because of their sexual orientation, have no difficulty knowing what they are looking for when they drive downtown on Saturday night hunting for someone to beat up because they think they are gay or they are lesbian.

It should be stressed that the responsibility of parliamentarians in dealing with legislation is to use logic and reason in assessing the legislation's merit. I earnestly hope that we will be spared the observations that Bill C-41 is a gay rights bill, that Bill C-41 has to do with traditional family values in Canada, and that Bill C-41 confers special status for purposes of benefits or any other purpose.

Bill C-41 is a criminal law bill which amends the Criminal Code. It deals not at all with human rights, access to benefits, the right to marry or adopt. It has to do with the sentencing of people who have been proven to have committed crimes. It has to do with determining the nature and extent of the sentence having regard to the societal value of discouraging hate motivated attacks. It

provides an opportunity for Parliament to make a statement that that kind of attack will not be tolerated and that we stand together in condemning hate motivated crime.

I commend the bill to my colleagues and ask them to support it. In the last several days we have received expressions of support for this exact provision from the United Church of Canada, B'nai Brith Canada, the Canadian Jewish Congress, the Federation of Canadian Municipalities, the chief of the Ottawa police force, the chair of the Ottawa–Carleton Regional Police Services Board, the Centre for Research Action on Race Relations, the Urban Alliance on Race Relations, the chief of the metropolitan Toronto police force, the Canadian Association of Chiefs of Police, the mayor of the city of Toronto, and on and on.

These responsible participants in Canadian society perceive the problem that the bill is intended to address and agree on the efficacy of the approach taken in section 718.2. I urge my colleagues to see past the smoke and the disguise of false characterizations, to look at what the bill does and at what the section achieves, and to support the government in these meaningful and important measures to deal with a rising social problem in the country.

As we approach third reading let reason prevail. I ask members of the House in all parties to join with the government in doing something to improve the criminal law in general and in particular to demonstrate a resolve no longer to tolerate hate motivated crime in the country.

• (1540)

[Translation]

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, talk about sentencing reform is nothing new. The consultation process that started 10 years ago has finally led to today's third reading debate on Bill C-41, which deals with sentencing. This outcome was preceded by acrimonious debate.

The statement of principle underlying the bill is a step in the right direction. The maintenance of a just, peaceful and safe society by imposing just sanctions, together with other crime prevention and law enforcement initiatives, fully deserves my support. In addition, innovative measures aimed at decriminalizing some minor infractions, alternatives to incarceration, and suspended conditional sentences will reduce prison overcrowding and focus sentencing on rehabilitation rather than incarceration.

That said, I think it is essential to stress that the bill will have a major impact not only on the accused before the court but also on the general public.

Sentencing is one of the most important steps in the criminal justice process. Contrary to what many people believe, most people charged with crimes do not go on trial. The vast majority of them plead guilty as charged. Their only experience of our criminal

Government Orders

system is often limited to a brief appearance before the court for sentencing. Most charges laid are settled out of court as a result of plea bargaining. Without this process, the judicial system would clog up to such an extent that, the way things currently stand, it would cease to function to all practical purposes.

As a result, the accused pleads guilty, hoping that his lawyer will negotiate a reasonable sentence with the Crown. Any agreement reached between both parties is submitted to the judge. The judge is then free to approve or reject the suggestion made jointly by the defence and the Crown. The defence may also ask for a presentence report that the judge will take into consideration before handing down his sentence.

The public pays attention to two things: the verdict and the sentence. The majority are not concerned about the technical side of what lawyers do. They want to know whether or not an individual is guilty, and what the sentence is. The sentence does not just involve the accused, but the public in general. The appearance of justice, the setting of an example, clemency and the dissuasive effect of the sentence are all important aspects in the determination of the sentence.

Despite the importance of sentencing, the Criminal Code has never given any exhaustive direction to judges. They exercise complete discretion and have full powers as to the nature and the severity of a sentence. The applicable law in sentencing is written by judges and not by the legislator. This is the classic example of the judge-made law that is part of our Anglo-Saxon heritage.

Through their interpretation of the law and the moral authority they wield, judges help to shape and develop the fundamental values underpinning society. Unfortunately, and I will go on condemning it, women are chronically under-represented in the judiciary. Lynn Smith, the dean of the University of British Columbia's faculty of law laid out the problem clearly in an article entitled "A system that is changing".

• (1545)

It contains the following eloquent passage, and I quote: "The roots of the legal system were put down by men. They were developed in an era when women were not allowed to vote, to stand for office, to be lawyers or to sit on juries. The law was there to protect interests that men held important, that were consistent with the realities of their lives as men. Although the law may be said to take the situation of women into account, nonetheless an entirely masculine perspective underlies our legislation".

The majority of the approximately 1,400 judges handing out sentences are men. The overwhelming majority of federally appointed judges, those sitting in the provincial higher courts or in the Federal Court, are men. Of a total of 950 federal judges, only 134 are women. All come from a privileged socio-economic background. The accused appearing before them are rarely as well connected: they are not always men.

Government Orders

The majority of women who find themselves before the bench are unemployed, on welfare, or possibly working part time. Most judges are unfamiliar with the conditions in which the women appearing before them live. Ninety per cent of women serving a prison sentence have been found guilty of minor property offences, such as shoplifting. They are also sent to jail for non-payment of fines.

It is clear that women in the prison system are a particular clientele. They are not usually there for violent crimes, which brings me to one of the great weaknesses in this bill. Clause 718 identifies one of the main purposes of sentencing as the maintenance of a just, peaceful and safe society. This is a very worthy goal but may be difficult to achieve. And in order to achieve it, we will have to get rid of the gender and class bias of some of our judges. Our magistrates will need some very clear guidelines.

It is surprising that those who drafted the bill did not bother to consider the characteristics of the accused at the time of sentencing. In fact, except in the case of aggravating circumstances associated with crimes motivated by hate or involving abuse of trust, nowhere does Bill C-41 oblige the judge to consider the degree of indigence or the gender of the accused.

Women who come before the courts tend to be different as a group from male offenders, one factor being the type of offences women commit. Their behaviour is not the same and their goals are different as well.

If, at the time of sentencing, the judge makes no allowance for these differences, his decision will inevitably be unfair. Equity does not mean equal treatment. Two identical sentences for the same offences do not carry the same stigma for men and women.

Many women who have been in trouble with the police have already experienced very serious problems as a result of poverty, spousal abuse, family breakup and the fact that in most cases, women end up with the responsibility for a family.

Judges must be made aware of these factors. This problem will be solved when we have as many women as men on the benches of our courts of justice. It is up to the Minister of Justice to administer the remedy.

• (1550)

One of the cornerstones of the bill is the alternative measures for adult offenders. If the province provides for a system of alternative measures, instead of being prosecuted, the adult offender would be ordered to participate in a training program or authorized community services. The conditions and restrictions that apply to the

alternative measures program proposed in the bill are almost identical to those in section 4 of the Young Offenders Act.

For instance, offenders will have to accept responsibility for the act or omission and fully and freely consent to participate in such a program. The Crown has full discretion to proceed with prosecution of the offence if it feels there is sufficient evidence and the interests of society so justify.

However, and as usual in the case of federal legislation, it will be up to the provinces to implement these alternative measures. In fact, it will be up to the attorney general of the province to set up a system of alternative measures. Provincial legislation from coast to coast does not necessarily guarantee uniform implementation across the country.

There is no provision for implementation in this bill. Because the federal government conveniently chooses to ignore the need for mechanisms to implement its own legislation, the onus will be on the provinces to implement the system, and they will have to deal with all the start up problems.

This kind of implementation will create provincial and territorial disparities which may cause other provisions of the bill as well as the bill's philosophy to be ignored. In fact, how can we expect to have sentencing parity across the country, if some regions have no alternative sentencing system or are unable to put one in place? Someone who commits an offence in a region where there is no alternative sentencing will not be able to use it, and this part of the bill then becomes ineffective.

Offenders who happen to be in the wrong province will have different sentences. For similar offences committed in similar circumstances, some people will get different sentences, which goes against the principle set forth in clause 718.2.

The range of sentencing available to the judge includes the suspended sentence. Under this system, it is possible to grant individuals a stay of sentence and to allow them to do their time within the community, provided they respect the conditions imposed by the court. Such a stay will only be available to individuals declared guilty of a crime for which no minimum prison sentence is set and sentenced to less than two years.

Suspended sentences only confuse matters more. Judges already have the discretion to suspend the passing of a sentence and to put someone on probation for a specific period. A suspended sentence will have the same effect as suspending the passing of a sentence and putting someone on probation. Same difference. The Minister of Justice would have been better advised not to waste his time reinventing the wheel.

Bill C-41 does, however, innovate in the area of victims' rights. Under clause 722, the judge is obligated to take into account the victim impact statement at the sentencing hearing stage. Hearsay will be acceptable under oath, and, if the victim is deceased or is unable to make a declaration, his or her spouse, relative or anyone who has taken responsibility for the person, may make a statement for the victim.

This important development has made up for all the times that I denounced the minor role that the victim played in legal proceedings until I was blue in the face. But, this should only be the beginning.

• (1555)

Victims must take their rightful place in the courts and not just be regarded as crown witnesses. The Daviault case is a sad example of the foibles of our system. Henri Daviault was recently acquitted, for lack of evidence. The case made quite a stir and prompted the Minister of Justice to table his bill on drunk defence. But the victim died in 1993. Despite the order for a retrial, the crown no longer had a witness and the judge was obliged to acquit Daviault.

Was justice served? The victim cannot give testimony from the grave and the victim's statement cannot be used as evidence now. Daviault is now a free man and we will never know what really happened. The victims of criminal acts must be included in the criminal court proceedings. They should no longer simply be crown witnesses. They should be entitled to representation by counsel and be able to cross-examine the accused, if the individual decides to testify. Victims should be able to call their own witnesses.

The rules on hearsay evidence in a trial should be relaxed in favour of the victim. In short, the system should not further traumatize the victim, who has already been subjected to the violence. Twenty years after the first shelters were opened in Quebec, violence continues to be perpetrated against women. Our society's biggest challenge is to put an end to this scourge.

This violence is not only physical; it can be psychological, emotional, economic and social as well. Spousal abuse is another scourge that must absolutely be stopped. Although the reason is obvious, the problem remains. Most of the members of this House continue to turn a deaf ear, unfortunately. They simply reflect the attitude of a society that indulges spousal violence.

Obviously, most say they are sensitive to violence and do not approve of deviant behaviour. A number also say that spousal violence is reprehensible, but look for an excuse for the disturbing attitude of the aggressor. He was drunk, for example. This approach fosters social acceptance of spousal violence. There are always two sides to the coin in our mind. We try to understand the aggressor and we blame the victim. The implication is, generally, that a man has reasons for abusing his wife, and that the victim's reaction does not meet our expectations.

Government Orders

In criminal law, when the courts have to deal with spousal violence, the sentence is too often lenient when the aggressor is found guilty. And for good reason. The pre-sentence report, which significantly affects the judge's decision, contains a distorted analysis of the problem. The report is limited primarily to analyzing the personality or the history of the aggressor. With this sort of analysis, the system is playing the aggressor's game.

The individual is relieved of responsibility, and the sentences such behaviour deserves are avoided. I contend, therefore, that, in all cases of spousal violence, however serious, the fact that the victim is a spouse or a former spouse should be considered an aggravating circumstance thus requiring a stiffer sentence. Former spouses are all too often the victim of both physical and psychological aggression.

Mr. Speaker, I realize you must intervene at 4.00 p.m. I will therefore turn the floor over to you and perhaps continue afterward.

* * *

• (1600)

[*English*]

ELECTORAL BOUNDARIES READJUSTMENT ACT, 1995

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-69, an act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries; and of the amendment.

SPEAKER'S RULING

The Speaker: My colleagues, I asked a little earlier if the whips would confer on the deferral of this vote. The Chair would always prefer that these decisions be made in harmony after consultation. To my knowledge no decision has been made by the whips of any of the parties.

I saw the video tapes earlier today of exactly what took place. I have satisfied myself that the acting whip of the Bloc Quebecois proceeded in the normal and accepted fashion. I have reviewed what the government whip had to say with regard to this point and I have taken into consideration what the whip of the Reform Party said in the House.

I want to make one thing clear to all hon. members. It is the purview of the Speaker to make this decision. I will tell you how I am not making it. I am not making it on first past the post. It would be unseemly, in my view, to have the whips running up to the table and knocking each other down. This is, after all, the House of Commons and we should have some decorum. Because the decision has been placed on my plate, I have decided and I order that the vote on this particular amendment take place at 11.30 p.m., Monday, June 19.

Government Orders

[Translation]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-41, an act to amend the Criminal Code (sentencing) and other acts, be read the third time and passed.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, I was saying that the former spouse is too often the victim of both physical and psychological abuse. When couples break up, the built-up tension too often degenerates into violence. The former spouse is a special case, because the abuser often blames his victim for the failure of the relationship.

With respect to spousal homicide, which is an extreme form of violence, the probability that a woman will be killed by her husband is nine times higher than the probability that she will be killed by a stranger. Separated spouses, however, are much more at risk.

In the case of couples living together at the time of the murder, four times more women than men are killed. This 4:1 ratio goes up to more than 10:1 for separated couples. These statistics are inescapable and alarming: for every man killed by his ex-wife, 10 times as many women are killed by their ex-husbands.

The results of this Canada-wide survey on spousal abuse, in which over 12,300 women participated, were published in March 1994. This survey gives a picture of spousal violence that is troubling, to say the least. Because violence against current or former wives is disturbing, we prefer to ignore it instead of facing reality. It is high time that this House sent a clear message to violent spouses, the vast majority of whom are men. The message to the judges looking at the circumstances surrounding violent crimes against spouses must be just as clear.

I am talking not only about physical abuse but also about psychological abuse, which produces lasting, detrimental effects. Put-downs and insults are as devastating a weapon as slaps and punches. They inflict deep wounds that never completely heal.

• (1605)

The national survey published last year was aimed at testing theories on the links between physical and psychological abuse. About a third of the women who were or had been married at the time of the survey said that their spouses or former spouses had been psychologically abusive. Fifty-nine per cent of former partners were considered psychologically abusive, compared with 17 per cent of current partners.

Although physical abuse does not necessarily go hand in hand with psychological abuse, both types were used in most cases.

Three quarters of the women who described themselves as victims of physical or sexual abuse said that they were also victims of psychological abuse. Eighteen per cent of women not experiencing physical violence at the hands of their spouses said they were the victims of psychological violence.

The principle forms of violence described by the women surveyed were pushing, grabbing, shoving, followed by threats to hit, slapping, having objects thrown at them, being kicked, bitten and punched. A good number of women were also battered, sexually assaulted, strangled, hit with an object and threatened with a gun or a knife. Rarely was only one form of violence reported.

The Bloc Québécois proposed an amendment that covered all these forms of violence. In fact, by defining assault as it is defined in section 265 of the Criminal Code, we have included the application of force against a spouse, the attempt and the threat to apply force. The definition applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party, causing bodily harm and aggravated sexual assault. Unfortunately, our amendment was not accepted.

Almost half of women victims of violence have been injured. The most frequent injuries were bruises, in 90 per cent of cases, followed by cuts, scratches, burns, and various degrees of fracture. Almost 10 per cent of injured women said they had suffered internal injuries and miscarried.

I would like to quote Mr. Justice Jean-Guy Boilard of the Superior Court of Quebec. When sentencing the accused Fouad Ghazal last Thursday in the district of Hull, the judge, speaking to the accused who had murdered his wife, said the following, and I quote: "Spousal violence is a repugnant crime that has become one of the major concerns of our society. It would be utopian to think we can eradicate it. However, the sentence must reflect society's reprobation of this crime".

I hope all members of the bench agree with Mr. Justice Boilard.

To get back to the sentencing bill, the debate, as I pointed out the day before yesterday, was distorted from the outset. Most speakers zeroed in on the expression "sexual orientation" which appears in clause 718.2 of the bill. This clause deals only with the circumstances the judge should consider at the time of sentencing. As I said before, this is not a new charter of rights.

There is no justification for the concern expressed by some members that an individual will be punished more severely. All forms of violence must be punished. If the victim is attacked as a member of an easily identifiable group or as an apparent member of such a group, this is clearly an aggravating circumstance and the punishment should be severe.

Government Orders

• (1610)

At the insistence of the Bloc Québécois, clause 718.2 now contains two additional factors, so that national or ethnic origin as well as language are now part of the list.

We felt it was imperative to send a clear message to the courts to punish crimes motivated by prejudice based on language. A person has no right to abuse a francophone because he speaks French, and this applies to all language minorities in Canada. I hate violence in any form, and I particularly hate violence motivated by prejudice, the most damaging of all.

Violence against women is the most obvious example. I therefore support unreservedly a bill that identifies the gender-based bias of the aggressor as an extreme example of a morally reprehensible attitude. We have every right to disagree with some of the provisions of the bill, and we have the right to express our opinions. However, some opinions make me fear the worst.

Not so long ago, the debate centred on discrimination against Blacks and visible minorities in general. Bill C-41 is an indication that our society is moving in the right direction, towards civic responsibility and tolerance. Violence in any form must be condemned. The consequences of crimes motivated by hate are profound. There is not just one victim. There are many. Every member of these groups becomes a victim.

This is a situation that cannot be tolerated. We each have to choose the kind of society we want. And I have chosen to live in a society that condemns violence.

* * *

MESSAGE FROM THE SENATE

The Acting Speaker (Mr. Kilger): Before resuming debate, I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed Bill C-44, an Act to amend the Immigration Act and the Citizenship Act and to make a consequential amendment to the Customs Act.

* * *

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-41, an act to amend the Criminal Code (sentencing) and other acts, be read the third time and passed.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr Speaker, I am glad to speak for the last time on this bill in the House. No doubt I will be

speaking about it in many places across the country as people contact me by phone, letter and fax to express their concerns and ask questions about the form it has taken as it leaves the House on its way to the Senate for final approval or amendment.

I would like to touch on three areas in Bill C-41. I want to look at the alternative measures. I want to look at that part which deals with section 745. And of course I want to touch briefly on section 718.2. Perhaps I could start there.

The justice minister took considerable time to dwell on what has been known as the hate category. It is unfortunate that many parts of the bill have been overshadowed by concern for what is in this particular part. We have to examine the bill from the viewpoint of whether it is a good bill or whether it is a bad bill, whether it is good legislation or whether it is bad legislation.

I submit with respect that this is not a good bill and that it is bad legislation. I will attempt to justify my concerns in my address and intervention this afternoon.

• (1615)

The bill does not deal with the cause of hatred. It does not deal with the cause of prejudice or with the cause of bias. It does not deal with those issues which give rise to frustration, anger, stress and fear which I submit humbly is the mother of hatred.

We see the government passing legislation that creates anger, fear and frustration. All we have to do is read the letters we receive on Bill C-68, on Bill C-41 and on the MP pension bill. That is all we have to do to see what the government is doing to contribute to the degree of anger and frustration across the country.

The bill is not attacking the cause. It is not alleviating those fundamental feelings that result in bias, prejudice, hatred which eventually express themselves in human acts, one human against another.

When I was growing up and going to school in Saskatchewan in our community there were people from all ethnic groups. There were ethnic jokes, Ukrainian jokes and jokes against the English and the Scottish and the French. Almost every one of those jokes was a putdown. Although they were humorous they were still putdowns and yet they did not bother any of us because we all knew we stood equal before the law.

After all was said and done we all stood equal before the law and that is what is being destroyed. At least the sense of that is being destroyed; that the government is introducing legislation creating special rights for special status for some citizens. That is what will create a bias. If one grants special rights and special privileges to individuals, one will see other individuals resenting that. They will see the bias and the prejudice occur.

Government Orders

I go back to the example that comes out of the United States where a school teacher went into her classroom Monday morning and said to her students that all the brown eyed children in her class are special, they have a higher IQ and they are smarter. She saw the result. She saw the friendships drop off between the blue eyed children, the brown eyed children and the others. A week later she came in and said she made a mistake. It is not the brown eyed children who are the smart ones, it is the blue eyed children. She sat back and watched what happened.

She saw the prejudice. She saw feelings that produce bias, prejudice, anger and frustration develop within that classroom. I am saying this bill is not eliminating those feelings. It is aiding and abetting those feelings.

If it is creating the impression in the minds of people across the country that people are being granted a special category or a special right, we must all feel we stand equal before the law regardless of our race, our colour, our language and regardless of our chosen style. We must all feel we have the protection of the law and we stand equal before that law, that those who administer the law, and the political forces will recognize that and never deviate from that principle.

When we look at the alternative measures, what do we have? What do they mean? Alternative measures in the bill suggest we will segregate violent offenders and non-violent offenders from the court system and from the penal system. That gives me great concern. There are many cases which ought to be handled outside the criminal justice industry, as I refer to it, and the penal system. I was a peace officer for 14 years and most of the minor incidents which I came in contact with never reached the courtroom because I considered the court to be the last resort.

• (1620)

I am not unmindful of the principle contained here and the power and the strength of it which is expressed in what we call alternative measures. However, it should be directed. There should be a division between non-violent and violent offenders.

The bill does not create that division. One of our hon. colleagues from across the way discussed during report stage that this will allow violent offenders to receive the treatment provided for under the alternative measures. We will see the state, those who administer the law, given the right to allow violent offenders, those who have attacked others, not to be subjected to the court system or to the penal system.

When it comes to non-violent offences such as theft of property or wilful damage of private property or public property where there is no threat to the life or safety of individuals, I can understand

looking at the possibility of dealing with that individual, particularly a youth, in a manner as outlined under alternative measures.

When we entered an amendment at committee stage to segregate violent offenders from this alternative, of course there was no consideration given to our amendment and it was defeated by the Liberal side. That is wrong.

This is a bad bill, poorly drafted. I do not think it will achieve the results and provide for a safer society. To me, with respect, it is more of a political statement, a politically correct statement, than an effective piece of legislation.

When the Canadian Police Association appeared before the standing committee this is what it said about the bill:

Bill C-41, with few exceptions, is unwieldy, complicated, internally self-contradictory, duplicitous and, what is worse, in almost all of it completely unnecessary for anyone with any knowledge of it or use for the common law heritage of Canada.

While it would attempt to codify basic sentencing principles, eliminating this most basic judicial discretion, at the same time it would bestow huge new discretionary powers to a whole range of persons within the justice system. The common thread in those new powers is that all are to the benefit of the offender in the sense of non-custodial consequence for criminal actions.

While sentencing reform calls for protection, this bill offers platitudes. Where it calls for clarity it offers confusion and outright hypocrisy. It will almost certainly cause the already skyrocketing criminal justice budget to expand further still.

To continue with this theme, I received a letter from the executive director of the Canadian Police Association, Mr. Newark, dated June 13, 1995. In part, Mr. Newark wrote:

I have taken the liberty of writing to you in the last hope that practicality might intrude on what appears to be a predetermined decision to see this legislation passed. I should add, at the outset as some of you may know, that the perspective of this letter comes from rank and file police officers who work in our nation's courtrooms on a daily basis, and my own personal experience as a trial prosecutor for 12 years.

This bill attempts to codify some, and I emphasize only some, of the basic principles of sentencing which evolved in our courts over the last hundred years or so. It is a classic example of bureaucratic arrogance which assumes that using a particular phrase or sentence will somehow make everything constant and in accordance with "principles" determined as valid within the federal Department of Justice.

When I first saw this bill, which was in 1992 as Bill C-90 from the Tory regime, I was convinced that it must have been drafted by people who had never seen the inside of a court room other than as an academic observer. My subsequent investigation has proved that to be correct which is far from comforting. No matter what one's view of how sentencing should occur, this bill's approach of attempting to redefine principles will result in endless litigation which will add millions of wasted dollars of expense to a system that is now struggling to make more efficient use of existing resources.

Even the much publicized sexual orientation clause is an example of how unnecessary this bill is. Section 718.2 merely directs that an offence motivated by any of the listed factors, including sexual orientation, shall be viewed as an aggravating factor by the sentencing court. Has anyone, ever, cited a case where a court said it was not an aggravating factor? Any such judicial position would be an error of law and it is so obvious that in my time in court I never encountered or heard of such a suggestion

and indeed, to the contrary, all sentencing texts or digests dealing with current practice recognize such motivation as an aggravating factor.

In short this controversial section is completely unnecessary. It has always been my observation that while unnecessary legislation is generally unwise, it is especially so when dealing in criminal law—I would ask that you keep in mind that both our association and the chiefs of police (and, by the way, every crown attorney I've spoken with) opposed the passage of this bill.

Bill C-41 is a badly drafted, inconsistent, self-contradictory bill which is truly the creation of a bureaucracy which unlike elected representatives has no constituency or ultimate accountability.

• (1625)

This letter was written by the executive director of the Canadian Police Association and those are his comments and opinions about the bill.

Also within the letter he indicates this viewpoint is shared by the chiefs of police and the crown attorneys he knows and has talked to and also the peace officers. I find it very strange the justice minister embraces the opinion of the chiefs of police and the Canadian Police Association with regard to Bill C-68, the gun control bill.

The minister has regularly and repeatedly used them as support for pushing through the gun control legislation. However, when it comes to Bill C-41 their opinion is no good. Why is their opinion fine and sound and wise on support of Bill C-68 or portions of it and unwise and unacceptable on Bill C-41? There is an inconsistency here that escapes me. It simply escapes me that the justice minister would use these organizations, their opinions and their support to justify one bill but would completely ignore their scathing denunciation of Bill C-41. I would like to place that on the record.

• (1630)

This bill also relates to section 745 of the Criminal Code. Section 745 of the Criminal Code allows first degree murderers or those who have been sentenced to over 15 years imprisonment the opportunity for early parole or at least to apply for a reduction of their parole ineligibility after serving 15 years. Of course it applies mostly to first degree murderers.

I ask: What is a human life worth? What is a fair and just penalty for someone who has premeditated and deliberately taken the life of an innocent person? What is a fair and just penalty for that?

When the government removed the death penalty from the Criminal Code we received the assurance that society would be protected by a term of life imprisonment for those convicted of first degree murder and that they would have no eligibility for parole for 25 years. However, at the time I suggest 99 per cent of Canadians were unaware that section 745 was created and placed in the Criminal Code.

Yes, hon. members can say that it was debated here in the House but it was debated before the proceedings were televised. I suggest that very few people were aware that section 745 was placed in the

Government Orders

Criminal Code and what it meant. I suggest it was a betrayal if not a deception on the part of the government of the day against the people of this country. My office has received calls and letters from people indicating clearly they were not aware of what the government intended when it introduced section 745 into the Criminal Code.

We introduced an amendment to this bill that would strike section 745 from the Criminal Code entirely so that a life sentence would mean a life sentence. At least that would place a greater sense of worth on a human life and when someone deliberately with premeditation and intent took a human life there would be a penalty to pay. Regardless of whether there is rehabilitation, regardless of whether there is remorse of any sort, the penalty must be paid. We are saying it ought to be exactly what the government promised in the seventies when this change was being considered. We moved to strike that. I oppose Bill C-41 on that basis as well.

In summing up I would like to go back to the business of violence in society which has led to a categorizing of individuals. This bill would have the courts impose a greater penalty for certain crimes. If I am assaulted because someone hates me and if I fit within the categorization in this bill, my attacker will receive a greater penalty. If I do not fit within that category, then my attacker may not receive a greater penalty. That is the crux of this whole concern as far as I am concerned. It is creating status by categorizing groups of people. I think it is wrong.

• (1635)

As I said before, what will create bias and prejudice quicker than anything else is for example by my telling you, Mr. Speaker, that because you have brown eyes you are not as good as I am because I have blue eyes and I do have blue eyes. We must avoid that at all cost. This bill does not avoid that. We are moving to the edge of a slippery slope when we begin by statute to create special rights for groups of people.

If we want to reduce the degree of hate crimes within our country, this bill does not contain the power to do it. How do we eliminate those emotions that give rise to hate and to hate crimes? In all of my lifetime the only way I have found to do that is by understanding and love. Only one thing will replace hate in the mind and heart of an individual from my experience.

I grew up in my family of seven brothers, my mother and my father. I have raised a family of four with my wife. We have gone through the gamut of feelings and emotions, including frustration, anger, bitterness, all of those negative feelings every human being is subjected to. I know that if I do not sit by a warm heater when I am cold I am not going to get warm. If I do not open my mind and heart to the feelings of love from my family, my neighbours and my colleagues, the bitterness even of this place that comes to me from time to time will get the better of me. I see traces of this.

Government Orders

The hon. member from the Bloc spoke about psychological violence. I hope I am not out of place, but I have to ask what kind of psychological violence occurred in the Liberal caucus when their leader, the Prime Minister of this country, used words to say: "You must do as I say and if you do not this is what is going to happen to you". This was said to grown men and women who were freely elected in a democratic election by the people of this country. What happens?

There are two types of violence. There is the physical violence, which this bill attempts to address and I think fails miserably, and there is the mental violence. I often think the mental violence is far worse because it precedes the physical violence. Unless we look as a Parliament at the causative factors that lead to bias, prejudice and hatred, we as elected officials are not going to be successful in dealing with the problem. If we begin to create those things that will frustrate me and frustrate my children by saying that they are not equal in the law with all other Canadians, we are on a slippery slope.

I go back to my childhood days when yes, the ethnic jokes were there and the put downs were there, but we did not mind. Why? Because we knew we stood equal before the law. As soon as that changes—and we can look at countries that do not have laws which allow people to stand equal before the law, where there is special status and special rights and privileges—we will see the anger, the frustration and the hate.

With respect this bill does not address those factors. If the justice minister feels that by introducing a category of groups of people who will receive special treatment at the hands of the court over people who are not categorized within those groups, I think it is wrong. I am also absolutely amazed that the justice minister, who portrays a great degree of intelligence, could bring forward this kind of a document. I cannot support it.

• (1640)

Mr. Allmand: Mr. Speaker, I rise on a point of order. I am wondering, with unanimous consent, whether I could put a question to the hon. member with respect to his speech. I know that for his speech there is no provision for questions, but I am wondering if we could have unanimous agreement to put a question to him.

The Acting Speaker (Mr. Kilger): The House has heard the request from the hon. member for Notre-Dame-de-Grâce. Is there unanimous consent?

Some hon. members: Agreed.

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, I want to pay tribute to the hon. member who worked very hard in the committee. In his speech he suggested that there were provisions in the bill that would give priority to people with brown eyes and blue eyes. He said that the bill might favour people with

blue eyes as opposed to those with brown eyes or brown eyes as opposed to blue eyes, that one would be in a more favoured position than the other. That is not correct. I would ask the member to look at this once again.

The bill states, for example, hate based on race. It does not state that any one race would have precedence over another. They are all equal. In other words, if the violence was committed against whites it would be subject to the provisions of this bill, as would violence committed against blacks or against people with yellow skin. No group is given priority over the other.

With respect to nationalities, it states nationality. It does not state English over French or English over Polish. It states religion. It does not state Jewish before Catholics or Catholics before Presbyterians. In other words, there is no prioritizing of any of the groups. They are all equal.

All races, all nationalities, all colours, all religions, all sexes, all ages, all mental or physical disabilities are equal and all sexual orientations are equal. If people were to attack heterosexuals they would be protected by the provisions of this bill as would gays and lesbians.

The member was in the committee when the Canadian Bar Association and the Barreau du Québec, very eminent lawyers, made that very exact submission. How can he say that the bill favours one group over another when it obviously does not? It is in very general terms and no one group is favoured over another. That was the evidence presented to us by the eminent lawyers who appeared before the committee.

Mr. Ramsay: Mr. Speaker, the intervention from the hon. member is appreciated but he misses the point.

My point is that there are categories. He has mentioned the categories. Inasmuch as I fit into that category, then I am protected. What happens if I do not fit into that category and I am assaulted? The member for Wild Rose asked that if he is attacked by someone who hates fat people, what category does he fit into? That category is not there. If I am attacked and assaulted because I am a member of a particular political party, which I am, where in the bill am I protected? I am not because that is an excluded category.

I understand what the hon. member is saying but that was not the point I was making. The point I am making is that as soon as we start to make categories we had better not stop because there is an unlimited number of reasons that people are angry and hate other people. Whether they are fat, or ugly or just simply irritable for some reason or another—

An hon. member: Or rich.

Mr. Ramsay: Yes, rich or poor perhaps. That is the point I am making. I thought my point was clear, but if it was not then I hope that the intervention made by my hon. colleague will help clarify it.

Mr. Harris: Mr. Speaker, I rise on a point of order. On this important debate, I just wanted to ask the Speaker to check and determine whether quorum is present in the House.

• (1645)

The Acting Speaker (Mr. Kilger): I see a quorum. We will resume debate. We will go to the next stage of debate where members will have 20 minutes for their interventions subject to 10 minutes of questions or comments.

Ms. Hedy Fry (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I will be sharing my time. I am glad of the opportunity to speak to this bill. I am excited about what Bill C-41 means and seeks to accomplish for all Canadians.

This follows years of law reform commissions that have spoken clearly on the need to find a purpose and principle for sentencing. This justice minister and this government is finally doing something about it.

I do not understand why it is that third party members of the House oppose the bill with such vitriol and emotion. What do they disagree with? That is what I would like to know. Do they disagree that sentences should denounce unlawful conduct and deter others? Do they disagree that sentencing where appropriate should separate the offender and safeguard society? Do they disagree with rehabilitation and accepting responsibility for one's crime?

Surely they must agree that reparation to the victim as a first priority is important. What is there to disagree with? Is it that the punishment must be proportional to the severity of the crime and to the degree of responsibility of the offender? Would the third party have us give generic sentencing regardless of age of offender or gravity of crime?

Should a nine-year old be as culpable as a 25-year old? Should traffic violations be punished in the same way as second degree murder?

Excuse me if I wax sarcastic here but the purpose and principle of sentencing in the bill are so logical, so common sense, that I have a hard time understanding what the opposition is about.

There are three other provisions of the bill that I would like to address today: first, the section of the bill which provides for measures that are alternative to incarceration; second, those aspects that address victim's rights in the sentencing process; and third and most important, I will speak to section 718 of the bill that lists among other things aggravating factors that would lead to an increase in the severity of the sentence.

Alternative to incarceration is logical. It is sensible and it says in a nutshell in language that even I, who am not a lawyer, can understand that one ties sentencing to the severity of the crime.

It simply says that people who present no threat to society should not be incarcerated and should be offered an option for conditional

Government Orders

sentencing, that they should pay their dues within the community with due supervision, to do community and victim restitution.

If a fine is involved—one-third of people in provincial jails are there purely because they could not afford to pay their fines—and they cannot pay, the provinces can revoke licences or permits or they can set up a formula for repaying the fine in hours of restitution to the community.

If third party members do not believe in the common sense and fairness of this, surely they must agree with the economic logic. It saves the taxpayer the expense of incarceration.

The second part of the bill that I want to talk about, section 745, deals with the victim and sentencing. The impact of crime on the victim, the family and the caregiver is going to be important and it is going to be held and taken into consideration in sentencing.

It helps the offender to see the real effects that the impact of the crime had on real people. Surely that fulfils the principle of responsibility of the offender because it makes an offender directly responsible to the victim, to pay restitution to the victim or family. It places this as a priority above all else.

I do not understand what it is that a third party whose members sit in the House and tout themselves as the advocates of the victim over and over could disagree with this part of the bill.

Finally, I want to speak to section 718.2 of the bill. It is the most controversial part and the third party members really oppose it if we want to get down to brass tacks. It takes into account the aggravating factors in sentencing. These are simple and clear. They are: crimes of abuse, of position, of trust or authority. These would be seen as an aggravating factor. I will read this. "Evidence of the offence was motivated by bias, prejudice or hate based on race, national ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation or any other similar factor".

• (1650)

I want to pick up on two terms: evidence, and any other similar factor. I have heard it said in the House by third party members that we are on a witch hunt. We are paranoid. We are going to charge anyone who beats up on anyone because we are going to think it is done because of hate. However there has to be evidence after the person has been found guilty that it was done because of hate. That is clear.

We just heard the previous speaker mention the fact that he felt we were setting up separate lists of people and giving certain people special status over others. He mentioned fat people. There is a part of section 718.2 which says similar factor. Similar factor takes into consideration anything which is missing from the list. The hon. member should really wonder about the whole thing. I wonder if he has read the complete bill.

Government Orders

I want to talk about why the members of the third party are concerned about this. If we want to take away the red herring of whether we include everybody or whether we do not include everybody, the clear fact is that what hon. members opposite oppose is the inclusion of sexual orientation. That is what they oppose. I want them to know that I applaud the inclusion of that term.

When I was a physician I saw many young men come into the emergency room with injuries from beatings inflicted because they were gay. Gay bashing in my riding is a favourite Friday and Saturday night sport when brave, macho males drive into town and identify men who are gay, or even worse, who they think are gay, and in bullying, frightened, drunken bravado afflict brutal harm on these people.

My son, when he was 17 years old, was coming home one night with a friend. He was waiting at a bus stop. Because he was with a male colleague who was in his class they were beaten badly. They were called faggots. Were it not for the fact that six people came down the street and stopped it, my son and his friend would have probably been brought into the emergency room dead. That is what I talk about when I talk about crimes inflicted on people because of hate. When a person commits a crime on another because of who they think they are, they inflict it on all the people who fit into that group.

I am sorry if I am getting a little emotional. This stuff happens. It is real. We can talk in the House about what the law says, about the fine points, about dotting the *i*'s and crossing the *t*'s and fiddling around with every word. But in real life, in the real world, that is happening every single day.

It is not limited to men in my riding. Lesbians have been the target of these night time cruises purely because of their sexual orientation, purely for that reason and for no other.

Have we learned nothing from history? In the very beginning the crusades were religious wars. More recently in Nazi Germany people were targeted and beaten because they were Jews. Those acts of violence, which were sanctioned by governments, did not begin as a war; they began as individual acts of violence, which escalated to group violence, which finally reached genocide.

Have we learned absolutely nothing from the past? Do we sit here in these seats in the House of Commons confident that because we are living in a diverse and tolerant society, because we have people in the House who are of different colours and religions, that we have progressed?

I sat here and I listened to the member who spoke very piously about setting up special status for people and giving them special rights. The gays, the lesbians and the bisexuals in my riding and in Canada have special rights all right. They have the right to be

beaten up every Friday and Saturday night, to be denied the right to work, the right to live, the right to walk down a street, to go to a movie and to enjoy the things which members in the House take for granted.

• (1655)

What does the member who spoke so glibly know about hate and prejudice? The member is one person of a majority group in the House. He has status. He does not ever have to know what it is like to be vilified or discriminated against. I know what it is like. Just because my group is now accepted does not mean that I cannot speak for the groups that are not accepted.

Every day members of the third party get up in the House and bleat about how they are advocates for victims across Canada and how they speak for the rights of victims. Well shame on them for not supporting the bill. In doing so, they have abandoned the gays and lesbians of the country who are the daily victims of violence.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, I come from a city in central British Columbia where we have a tremendous problem right now. Some young people that hang around together think it is fun to walk down the street and beat people. They do not take time to discriminate and find out what colour the person is. They do not take time to determine if the person happens to be a homosexual or take the time to check out the religion of their victim. They just beat people up.

Members of the Reform Party have been trying to say that the assaults they are committing are of no less severity than if they take the time to find out what religion their victims are, whether it is a homosexual or some other little group the government wants to put people into.

The member is trying to tell us that indiscriminate beating on someone just for the sake of beating, because they happen to like beating someone up, is not as severe an action if it had been someone who fits conveniently into some Liberal category. This is absolute nonsense.

I am led to believe that the member is apparently an intelligent person. How on earth can the member stand and tell us because a victim fits into some category the Liberal government wants to dream up because special interest groups got to it, that an assault in that category can be any more severe than an assault on any other category?

The problem is, when the Liberals were on their so-called fact finding mission, they took the time to invite every special interest group they could possibly think of to come and talk to them about the criminal justice system. They forgot one thing. They forgot to talk about Canadians as a whole. I use the word Canadian proudly. Everyone who lives in this country is a Canadian and is entitled to equal justice under the law no matter what colour or religion, whether they are homosexual, a Protestant or a Catholic.

For the government to suggest that because of a person's preference or religion or whatever, that a crime committed against them should be more severe than a crime committed against someone who is an ordinary Canadian is absolutely ludicrous and serves only to garner favour with special interest groups that put the government in power. Average Canadians are going to throw the government out in the next election.

The Acting Speaker (Mr. Kilger): Colleagues, I would like to take a moment to make an observation at this point. We are very early in a debate that has a maximum six hour limit. Usually there is an indication to the Chair when members are going to split their time. I do not have any indication yet of what the other parties might be doing, only that a large number of members want to participate in the debate.

• (1700)

When members are splitting their time they only get five minutes for questions or comments. To facilitate the participation of as many members as possible the Chair will try to maintain those time slots. If a member takes four minutes, ultimately the answer will be very brief. It is certainly up to each and every member. If he or she wishes to use the entire five minutes for questions or comments, so be it.

In this instance regrettably I will set the tone. I will ask the parliamentary secretary to use no more than one minute in her response because ultimately I should go on to the next speaker.

Ms. Fry: Mr. Speaker, I wondered for a while whether it was a question or a speech. The member asked how would I know it was an indiscriminate beating. My son has gone with girlfriends down those same streets at that same time in the city of Vancouver and has never been touched. He was called a faggot. That was the word used. That is a term used by the people who cruise. Its called going into town to gay bash. That is hate directed at a group.

I do not know if the member knows what he means by special interest groups. The bill deals with women, children, elders and victims. Now we are being told by members of the third party that women are a special interest group. Actually they have said that already. Now children are special interests and victims are special interests. Everyone is a special interest as far as members of the third party are concerned. They do not speak for Canadians. I do not know who they speak for.

Mr. Bill Graham (Rosedale, Lib.): Mr. Speaker, it is a great privilege to speak on the important piece of legislation before the House today.

Government Orders

We have heard a lot about the legislation. I asked myself three questions when I looked at the nature of the legislation. First, what does the legislation do? Second, is it necessary? Third, are there any unintended or unfortunate consequences arising out of the legislation? We have heard a lot of talk about some unfortunate things that might arise out of the legislation.

What does the legislation do? It is a comprehensive revision of the nature of sentencing, something that has been advocated by law reform commissions, jurists and criminologists for the last 20 years. We have called out for a comprehensive, important revision of the standard under which sentencing will be conducted. This is an omnibus bill that addresses those issues. It is an extremely important bill that results from studies to grasp the nature of punishment that will prevent crime and at the same time rehabilitate. The bill is directed to that.

It is most unfortunate that discussion in the House has turned around section 718.2 which requires the court to take into consideration whether a crime was motivated by bias, prejudice or hate based on national origin, language, colour, race, religion, physical disabilities, sexual orientation or any other similar factor. Since third party members have spent their whole time talking about nothing but this and accenting it, let me turn to that question and deal with it.

Is there a need for this provision? Yes, there is. We have heard the parliamentary secretary speak. We live in the century of World War II and of the Holocaust. We can look at the former Yugoslavia about which we have debated in the House. What is taking place in Bosnia today is based on years of hatred brought on by sectarian strife, by people hating one another and holding one another in contempt. In the foreign affairs committee we heard from the B'nai Brith that knows something about this matter. You might listen to this, over there in the third party.

The Acting Speaker (Mr. Kilger): Order. I caution members that this debate has a great deal of sensitivity. It is a debate where there are some very strongly held views, and I know we want to conduct it in a respectful fashion. All interventions must be made through the Chair, through the Speaker, and not directly from one member across the floor to another.

• (1705)

Mr. Graham: Mr. Speaker, our committee received a report from the B'nai Brith called "The Extreme Right: International Peace and Security at Risk". The report of some 350 pages shows that there are still virulent strains of anti-Semitism and racism present in the world which need attention. The report also draws a link between racism, anti-Semitism and homophobia. They are in accordance with the report one and the same thing. The report makes clear that they are the same voices that call for the elimination of people who are different.

Government Orders

When speaking of extremism in respect of the United States, the report indicated:

A major focus of extremism is on homosexuality. Believers have every right to maintain that homosexuality is inconsistent with their theology, but when anti-homosexual campaigns move outside the church and in the public arena characterize gays as sick, disease ridden, perverted by choice, and unfit comrades for clean living soldier boys then this is clear extremism. Gay Americans have become the major new scapegoat in their country, perhaps to an extent unknown in other democratic nations, and just as surely as Julius Steicher's *Der Sturmer* was a direct contributor to Nazi anti-Semitism with all that it led to, so arguably the homophobic outpouring from religious extremists leads to gay bashing and murder.

When I hear comments from members of the House about relativism and about characterizing one group as being outside the bounds of protection afforded by civilized society and refer to natural law, I think of that quote and I shudder. My natural law is found in the Supreme Court of Canada in *Egan v. Nesbitt* which holds that discrimination is outlawed in the country.

When members on the other side of the House talk about extremism and the problem of violent incidents, I could cite dozens of violent incidents in urban ridings in the country. In my own riding of Rosedale, like the member for Vancouver Centre, I know of people walking down Church Street and having had cars pull up and people jump out who have beaten them up, crying that they were gay.

In August 1989 Alain Brosseau, a young man who was perceived to be gay, was thrown to his death from the Interprovincial Bridge between Ottawa and Hull, which we can see from this building. His attackers testified in court that they were just out to roll a queer. One of the attackers stated that he had put an imitation gun "to the gay's head and he freaked out—I started laughing". Another of the youths dangled him upside down from the bridge, said: "Oh, I like your shoes", and then let go.

In this same city two strangers approached a man returning to Ottawa from Hull and asked him where he had been. When he gave the name of a local gay bar they remarked: "Oh, you are a fag" and beat him so badly that he was in the hospital for two days.

I heard cries from across the House as the former speaker was saying: "Give me a break". Nobody gave those people a break. One of the reasons they did not get a break was the sense that they were fair game as put out in speeches such as we have heard here that allow people to be attacked for their compartment, their religion or their race because they fall outside a tolerated group by certain groups in our society.

This is no longer tolerable conduct in a civilized society. We must not allow it to continue. We must address it in the criminal law. We must frame a criminal law that has as its source a notion of what civilized behaviour is about, which tells our citizens that if they go down this road they will be going into the dark hole that led Nazi Germany into the wars of the past that have ruined Europe.

We live in a tolerant society. We live in a pluralistic society. Let us not be fooled by the suggestions put forward that the bill will somehow lead to unintended consequences like condoning pedophilia and other crimes.

The minister has agreed to an amendment which was legally not necessary but one which addressed the issue by saying that it would not make lawful any previously unlawful conduct. This was never a real suggestion. How could it conceivably be said when a judge is considering the appropriate sentence to hand down on a given case, the weight to be given to the surrounding circumstances to prevent further like crimes, that it is relevant? We must not forget that the bill deals with sentencing and how to prevent anti-social conduct. The judge takes these circumstances into account.

• (1710)

How could that conceivably ever lead to an increase in pedophilia, which is a criminal offence known to every judge? It is a total red herring. It has been raised by those who want to discredit the notion of a modern, compassionate, intelligent criminal law that seeks to root out or extirpate evils in society: hatred, racism, homophobia and other forms of intolerable civil behaviour.

We live in a land in which we have had the privilege of peaceful enjoyment as citizens of the country. We are fortunate. We can walk down every street generally free from fear. That is not to say, as members opposite have said, that if we walk around in the middle of the night we too might never be the subject of an attack. I do not deny that. It is a possibility.

However, I am asking members opposite and other members of the House to think of what the bill is doing for people who walk, every day of their lives, down the city streets and are targets of attacks that go to the nature of their humanity and the nature of their being. It is not because they happen to be a haphazard article of attack. The member for Wild Rose said he might be attacked because he was fat.

The member is quite right. I have been accused of looking too English and might one day be attacked for that. However that is not a risk that the member for Wild Rose or I take every day of our waking lives, knowing that we could be the specific targets of people's abuse just because of our human nature, our race or our religion.

This comprehensive sentencing bill was the result of years of study. Sociologists, criminologists and the most learned jurists of the country are trying to come to grips with how we can have a modern Criminal Code that will ensure that all Canadians will be able to live in this blessed land and be able to move into the 21st century in a pluralistic and tolerant society, one in which all of us can be proud to live with as much ease and security as possible in the modern, civilized society of today.

Government Orders

That is the reason I am proud to speak on the bill and I am proud to be a member of the government that has introduced it.

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, I have two questions I should like to put to the hon. member who is known to be an eminent lawyer.

Members of the Reform Party have suggested that in section 718.2 certain groups are favoured over others. For example, if people are attacked or a crime is committed against them because of their race, national ethnic origin, language, et cetera, they are favoured in sentencing over people who do not belong to the groups listed. In committee we amended that section to add the words "or any other similar factor" so that there would now be no limitation on the groups to be considered under the hate crime provisions.

Now, with that amendment made in committee, if people were attacked because they were bald, fat, Liberals, or Reformers, they would be taken up in the new wording added in committee "or any other similar factor". I would ask the hon. member to comment on that.

Second, it has been suggested that even if we were to include all other groups, why should we have a harsher sentence for a hate crime against a group than for a hate crime against an individual. Is it not true that if in the Criminal Code the maximum penalty for a crime is 10 years, 15 years or life—and I give the example of the Reform Party member of people in his town going down the street and beating up people because they are hateful, not because they are hateful against the group—the judge can give the maximum sentence? If it is 10 years he can give 10 years.

This clause states that if he was to give five years rather than the maximum he might give two more years; he might give seven years. If it is a crime against an individual, could the judge not give the full maximum sentence even though no hate under this section was allowed?

I will put those two questions to the hon. member.

● (1715)

Mr. Graham: Mr. Speaker, I think those are two very good questions from the learned chairman of the justice committee.

We are struggling here trying to understand our role as parliamentarians with respect to giving instructions to courts and judges on how to review these cases. The hypothetical case the member has put illustrates clearly that what the judge is being called upon to do is weigh this in his or her mind to determine the social evil there and be able to add to the sentence that would otherwise be handed down. There is no question that if the assault is particularly vicious and if the assault calls for the maximum penalty, the judge is

perfectly at liberty to give that penalty to anyone who commits an assault.

We are seeking to give our judiciary the opportunity to send a signal to society. The purpose of sentencing is to send signals to society; it is not just retributive justice. The purpose of sentencing is to send signals to society as to what conduct is tolerable in a civilized society and to enable the court to give extra time for such behaviour to indicate to people that this type of behaviour will not be tolerated. That is precisely what the member's question illustrates, that we have here an opportunity that will enable our courts to speak to the issues and deal with them. In that sense, it is a very intelligent addition to the rest of the sentencing bill.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the connection I cannot get from the hon. member is when he says that when they do these things we are going to get tough and we are going to do this, and that will deter it. Well, for two years I have been saying that we have to get tough on people who murder or sexually assault people.

My friends from the Bloc say I want to throw everybody in jail, lock them up and throw away the key. My friends from the Liberal Party say no, that is not the answer. And now all of a sudden it is? What has changed? Why is it not applied to everybody when these laws are being made? Why say that this particular situation was motivated by that, therefore we are going to sock it to them, and this situation was motivated by nothing, so we are going to take it easy? One is just as dead as the other. The whole thing has to stop.

When are we going to address the whole picture and quit picking on little areas?

Mr. Graham: Mr. Speaker, I have some sympathy with the member's position. There is no question that we do not want to tolerate the type of anti-social behaviour he referred to. But the member is totally ignoring the incredible importance in this of being able to deal with other social causes.

Mr. Thompson: They do it now. They already do it.

Mr. Graham: We have provisions in our Criminal Code that make it illegal, for example, to preach hatred against others. These are issues that go to the root causes in society.

Earlier I referred the member to the problems in the former Yugoslavia. We are looking at problems in the world today that he and I lived through as we watched a world war evolve and watched the hatreds in sectarian areas around the globe evolve. This bill is seeking to deal in an intelligent and I would suggest a very well thought out way the root causes of those evils, which extend beyond the consideration of the mere issue of violence to which the member is referring.

Royal Assent

Criminal acts can be differentiated as one type of criminal act or another in terms of their anti-social consequences. This bill is telling our judges that is what they should look to. In that sense, I support it. It is intelligent and it is needed in the country at this time. The police in my riding are telling us that these types of crimes are on the rise and that this bill is needed.

Mr. Thompson: The police are telling you this bill is no good.

Mr. Graham: Believe me, the police in Toronto are telling us it is needed. The member is fooling himself if he does not understand that.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I understand that, because of what is yet to come, I will not be able to talk for 20 minutes consecutively and that you are going to interrupt me to allow those who so desire to go to the Senate for Royal Assent.

• (1720)

Allow me to begin by saying that no party line or differences in parties could prevent me from thanking the minister in all sincerity today for his show of courage, firstly for having persevered, because we all know that if any bill raised controversy or stirred up heated debate, the bill that is now before us did.

I am very aware that the minister showed great courage, great compassion. Allow me to thank him, despite the fact that we belong to different parties. I thank him on three levels. First, as a parliamentarian, second, as a citizen, and third, as a homosexual.

I believe, and I hope that all of the terms I will use are parliamentary, yes, I believe that one would really have to be obtuse, stubborn or live on another planet to not realize that some people in our society are the victims of violence. Some people in our society are the victims of violence because they are homosexuals.

Some people may turn a blind eye to this fact, but that does not take away from our duty as parliamentarians not to do as they do. Therefore, I simply reiterate my thanks to the Minister of Justice. My sincere thanks for his courage. Obviously, I will not make a habit of it, but this is a case where sincere thanks are due.

I would also like to say, for the benefit of our Reform friends, that—we all must admit that they are actually quite clumsy in their efforts to understand this reality—it would be interesting for them to come spend a day with the gay community. I would also be tempted to say, if it is parliamentary, that they have actually been rather abrasive in their attempts to remodel Quebec's and Canada's democratic institutions.

It would be quite informative for our Reform colleagues to come and spend a day in the company of a number of spokespersons of the gay community, to cross their white picket fences and come to the gay part of town. I am giving them an open invitation.

I am the hon. member for Hochelaga—Maisonneuve, but just beside it, there is the riding of our Bloc Québécois whip, a nice guy. His riding includes Montreal's gay neighbourhood. I invite them to drop in, if any of them wish to do the utterly logical thing, which is to try to really understand what it is all about.

The Acting Speaker (Mr. Kilger): We will continue this debate after our visit to the Senate.

THE ROYAL ASSENT

[*English*]

A message was delivered by the Gentleman Usher of the Black Rod as follows:

Mr. Speaker, the Honourable Deputy to the Governor General desires the immediate attendance of this honourable House in the chamber of the honourable the Senate.

Accordingly, the Speaker with the House went up to the Senate chamber.

And being returned:

The Acting Speaker (Mr. Kilger): I have the honour to inform the House that when the House did attend His Honour the Deputy to his Excellency the Governor General in the Senate chamber, His Honour was pleased to give, in Her Majesty's name, the royal assent to certain bills:

Bill C-43, an act to amend the Lobbyists Registration Act and to make related amendments to other acts—Chapter No. 12.

Bill C-44, an act to amend the Immigration Act and the Citizenship Act and to make a consequential amendment to the Customs Act—Chapter No. 15.

Bill C-53, an act to establish the Department of Canadian Heritage and to amend and repeal certain other acts—Chapter No. 11

Bill C-75, an act to amend the Farm Improvement and Marketing Co-Operatives Loans Act—Chapter No. 13.

Bill C-81, an act to amend an act respecting the Buffalo and Fort Erie Public Bridge Company—Chapter No. 14.

Bill C-97, an act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1996—Chapter No. 16.

[*Translation*]

The Acting Speaker (Mr. Kilger): It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed in today's Order Paper.

I would just like to add that, before going to the Senate, the hon. member for Hochelaga—Maisonneuve had the floor in the debate on Bill C-41 at third reading, and we will return to this debate following Private Members' Business.

PRIVATE MEMBERS' BUSINESS

[Translation]

CANADA LABOUR CODE

Mr. Bernard St-Laurent (Manicouagan, BQ) moved:

That Bill C-317, an act to amend the Canada Labour Code and the Public Service Staff Relations Act (scabs and essential services), be read a second time and referred to the Standing Committee on Human Resources Development.

He said: Mr. Speaker, I am pleased to be able to rise in this House today to speak on Bill C-317, anti-scab legislation. This bill, which will amend the Canada Labour Code and the Public Service Staff Relations Act is aimed at preventing the hiring of scabs to replace employees on strike against or locked out by an employer covered by the Canada Labour Code and employees on strike in the federal public service.

• (1740)

The bill is also aimed at maintaining essential services during a strike or lockout at a crown corporation or in the public service.

As you know, the workers' cause is very important to me. That is why I tabled this bill in this House on behalf of the Bloc Québécois. This bill would provide adequate protection to workers currently victimized by their employers' disloyal practices.

In Canada, more than 10 per cent of the labour force is subject to the provisions of the Canada Labour Code. This amounts to 217,600 workers in Quebec and over 1,083,000 in Canada.

The debate on the adoption by the federal Parliament of anti-scab legislation that would apply to organizations under its jurisdiction is nothing new. In 1980, the hon. Ed Broadbent, then leader of the NDP, tabled a private member's bill aimed at banning replacement workers. From 1981 to 1992, several unions called one after the other on the federal government to introduce an anti-scab bill.

Finally, in 1990, the Bloc Québécois tabled, through my colleague, the hon. member for Richelieu, a bill aimed at prohibiting the hiring of persons to replace Crown corporation employees who are on strike or locked out. Unfortunately, this bill was defeated at second reading by only 18 votes.

Private Members' Business

In 1977, Quebec legislators passed what is commonly referred to as the Quebec anti-scab bill, which went into effect on February 1, 1978.

To understand the reasons behind this bill, we must go back to the early 1960s. In that era of great reforms, relations between the federal government and unions made possible a review of labour laws that led to a sharp rise in union membership. Unions gradually hardened their positions. In the early 1970s, in reaction to the Liberals' election and the imposition of their War Measures Act—as you will recall—, unions openly dissociated themselves from government actions. A strike by the coalition of public sector workers gave rise to a new union solidarity. Within a very short time, this solidarity moved into the private sector.

Afterwards, around the mid-seventies, there were some extremely turbulent strikes. I would point out the Firestone strike, the Canadian Gypsum strike and, particularly, the infamous United Aircraft strike.

It is the Parti Québécois which introduced the concept of prohibiting the use of scabs.

A significant event happened a week before the bill was passed. During a strike at Robin Hood, a federally regulated company in Montreal, security guards opened fire on strikers and injured eight of them. The person who gave the order to fire was Robert Grynspan. I am giving his name because, later, he suddenly reappears in the news.

In Quebec, since the anti-scab provisions were adopted, studies have revealed that disputes have indeed been shorter.

It is obvious that the Quebec legislation was not well received by employers. The Conseil du patronat, which was vehemently opposed to this legislation, received in 1991 permission to challenge it before the Supreme Court. However, it later decided to drop proceedings, considering that the climate of labour relations had changed since the provisions of the legislation had been applied. And this last part should really dictate the conduct of the present federal government.

The aim of this bill is not to impose on the rest of Canada legislation that is essentially Quebec's.

• (1745)

In Canada, the tendency seems to be to integrate the principle of prohibition of strikebreakers in labour relations practices.

Recent laws in Ontario, British-Columbia and at the federal level confirm that tendency. These two provinces and Quebec total more de 75 per cent of the population of Canada. Therefore, the majority of workers and employers are regulated by laws which prohibit the use of strikebreakers. Of course, the level of prohibition can vary but the principle remains the same and seems to be accepted by management as well as by labour unions.

Private Members' Business

In Quebec, a number of unions and employers agree that anti-strikebreaker legislation has significantly reduced the number and length of labour disputes. They also recognize it has contributed to lowering the risks of violence on picket lines, which is good for both parties.

Conversely, the use of strikebreakers in recent years has only contributed to extending the duration of labour disputes. Statistics show that the more important labour disputes in terms of the number of workers involved are generally those where strikebreakers are used. It was also noticed that the longer a dispute lasts the higher the proportion of strikebreakers tends to get.

The strike of the Ogilvie flour mill in Montreal, which is still not resolved, is a good example. If I may, I would like to briefly remind my colleagues of a labour dispute that has dragged on and on for over a year now, and which could still last a rather long time if we do not act soon.

In January 1992, the collective agreement between the workers of Ogilvie Mills of Montreal and their employer, Labatt, came to an end.

In June of the same year, the Labatt's Brewery, then the owner of the mill, sold it to ADM Archers-Daniels-Midland Co., a U.S. multinational corporation.

From 1992 to 1993, negotiations to renew the collective agreement were unsuccessful, since the employer was presenting demands based on the working conditions that are common practice in the United States. Can you imagine?

From October 1993 to February 1994, the employer unilaterally imposed working conditions as established in its own proposal.

In February 1994, the union filed a complaint with the Canada Labour Relations Board on grounds that the employer was negotiating in bad faith. In fact, it was simply refusing to negotiate.

On June 6, 1994, a general strike broke out, involving 116 workers—I should add 116 families.

Only four days later, the employer hired scabs to replace these workers. Members should note that it did so through a federal employment centre. Can you imagine that?

I have here in my hands a copy of the ad that was posted in the Employment Centre of Verdun. I will take the time to briefly read some details that were given. It is really unusual.

Date: December 5, 1994, 2.18 p.m., Verdun employment centre. Job offer: forklift operator; \$10 an hour; temporary; 40 hours a week, possible overtime. Where? Ogilvie flour mill. They even have the gall to request three to five years experience. But it does not mention whether its is three to five years experience as a fork

lift operator or as a scab. There is a hidden anachronism. Further down, it reads: Attention, ongoing labour dispute. One cannot claim ignorance. Then comes the employer's address: Archer-Daniels-Midland Co. (Ogilvie Montreal), 950 Mills, Montreal, Quebec, H3C 1Y4. I will even give a phone number: 514-847-8522, and a contact: Francine Farmer. Attention, company on strike.

Mr. Speaker, this takes the cake. This is blatant proof that the government was in cahoots with a company which was hiring scabs during a labour dispute.

● (1750)

The Ogilvie flour mill is still operating, thanks to scabs, since this is not prohibited under the Canadian Labour Code. It continues to post profits and is using unusual security devices, including surveillance cameras, fences, security guards, to monitor strikers and bring scabs inside the plant.

What is at stake in the negotiations can be summed up as follows: the union's demands are quite simple—there are none. They are not trying to obtain additional jobs, to enhance job security in any way or to obtain any salary increases. The union's demand can be summed up in one sentence: to keep jobs the way they are and salaries at current levels, period.

We could not ask for a better employee attitude in today's climate. They have been very, very understanding. However, here are but a few of management's demands: first, the right to unilaterally modify hours. To put it in simple terms, this means: we will make you work when we want, how we want, how long we want, where we want.

Second, the abolition of seniority as a consideration in promotions and layoffs. In plain and simple language, the better you are at sucking up, the better your job advancement possibilities. I know no other term for it.

Loss of job security still means the same thing, so I will not repeat it. Elimination of notice prior to layoff. That means that when you leave for work in the morning, give your wife and children a big kiss, because when you come home that night, you may no longer be working for the same company and you will have nothing to say about it.

More contracting out: this means that you should not forget to tell your wife that it is possible that some guy from out of the blue will get hired to do the same job as you.

More term employees: this means that the possibility that some guy from out of the blue will come in to do your job is even more likely.

Fewer union rights: go back to my first scenario, which was the more you suck up, the better the chances of keeping your job.

Lastly, the meetings with a conciliator were fruitless. Just to make the discussion even more interesting, I would like to add that the famous name that I mentioned earlier, the current manager of the Ogilvie mill, is none other than Robert Grynspan, the one who gave the order to shoot in the 1977 conflict in which eight strikers were wounded in Montreal. In 1977, in a democratic country which was not in a state of war, one man gave the order to shoot. Today, that same man is the manager of one of Ogilvie's factories in Montreal. He is free to walk the streets, like you and me.

Because they work in an industry which is covered by the Canada Labour Code, the unionized workers of the mill have been made to pay for the failure to prohibit the use of strikebreakers during a labour conflict under that same code. The mill's employees have often demanded that an anti-strikebreaker law be brought in for companies falling under the federal government's jurisdiction. Despite the promise he made in October 1994, the Minister of Human Resources Development put off tabling such a law in the House of Commons, as you will recall, until spring 1995. Also, the Minister of Labour, when she first took office, stated she would make it a priority.

• (1755)

This must have been left out of the red book. In other words, it is high time the government took steps to stop the kind of labour dispute where workers on the picket lines watch strikebreakers get their wages because the federal government is doing nothing to stop this blatant injustice.

Everyone has a right to be respected, and this applies to workers as well. They are entitled to a decent standard of living and to be respected as individuals who have certain rights. When an employer uses pressure tactics like hiring scabs during a legal strike, this puts an undue stress on the employees, increases the likelihood of violence and undermines the bargaining process.

The use of scabs merely leads to dictatorial and disloyal practices, collective bargaining unworthy of the name and poor labour relations that will have the effect of reducing the quality of service, while probably also adding to the ranks of the unemployed.

The use of scabs during a labour dispute automatically gives the employer an advantage. No wonder that employers who resort to this practice are in no hurry to sit down and bargain in good faith.

The case for introducing anti-scab provisions very similar to those in the Quebec Labour Code is quite straightforward. In Quebec, these provisions, introduced in 1978, have stood the test of time. After 17 years, they still hold true. Legislation in Ontario and British Columbia is in fact based on the provisions in effect in Quebec.

Private Members' Business

The purpose of this bill is to introduce a number of democratic principles that are now accepted in many countries, including ours, principles that we apply every day and which have repeatedly proved beneficial to the settlement of labour disputes.

The statistics show that since anti-scab legislation was passed in Quebec, the duration of labour disputes has decreased by 35 per cent, on average. That is something to consider.

The Canada Labour Code is certainly not perfectly equipped to settle disputes under its jurisdiction. One only has to remember the 1986-87 Voyageur bus strike; the postal strike a few years ago; the strike at the Port of Montreal, which is still fresh in our minds; the three month strike at QNS&L in Sept-Îles last year; and, must I remind you, the infamous strike that has been going on for a year at Ogilvie Mills in Montreal.

Today, we are at the second reading stage. The members participating in the debate, who will have to vote later, must tell us whether or not they agree in principle with making social relations, labour relations in Canada more civilized. Then, if they want to make amendments, they can appear before the legislative committee and suggest all kinds of amendments they deem relevant or necessary. But, for the time being, we must look at the principle—I repeat, principle—of the bill.

We must wonder if Quebec, Ontario and British Columbia were justified in introducing a civilized labour relations system, which restored the real balance of power in negotiations resulting from labour disputes.

A strike broken by scabs is no strike but a right to strike hypocritically denied. Either we are for the right to strike, a basic right won by workers after many years of fighting, or we are against. If we are in favour, we will not undermine, either directly or indirectly, the workers' sacred right to strike, with which Canadian employers have learned to live.

Employers learned a long time ago about strikes, lockouts and the bargaining process. In Quebec, we have lived for 17 years with anti-scab provisions, and I submit to you that it would be a shame if this House refused to move with the times and bring its labour legislation into the 20th century, on the eve of the third millennium.

The Canada Labour Code must be updated and improved to meet today's needs and realities.

• (1800)

And the reality today is that there still are honest workers out there who, after having worked 15, 20 or more years for the same company, find themselves hitting the pavement on the strike lines simply to protect the benefits they have acquired over the years for themselves, it goes without saying, and for their families, or quite simply to protect their jobs. Every day, they see strikebreakers, scabs, take their place and take home their pay. This is unacceptable.

Private Members' Business

I would like to conclude by saying that this problem has already been resolved in three provinces which together represent 70 per cent of Canada's population. As this bill targets a small portion of this country's labour force, it is obvious, in my opinion, that the federal legislation must take into consideration provincial legislation and fill in the gaps between the existing laws. It is high time, in my opinion, that federal legislation take a step forward and restore pride in work and dignity to workers.

[English]

Mr. Maurizio Bevilacqua (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, I rise today to join the debate on Bill C-317, a bill to amend the Canada Labour Code and the Public Service Staff Relations Act which, if enacted, would prohibit the hiring of replacement workers by employers during a legal strike. The bill also contains provisions which are intended to ensure that essential services are maintained in the event of a strike or a lockout in a crown corporation and in the public service.

While this bill proposes changes to both the Canada Labour Code and the Public Service Staff Relations Act, my comments on this bill are confined to those changes which would affect the Canada Labour Code.

The two specific proposals advanced by the hon. member pertain to the institution of collective bargaining. If I may, I would like to spend a few moments outlining my views on this institution. In a nutshell, I believe in collective bargaining because it works and because it is an institution that promotes democratic decision making.

If one were to go through a copy of the Canada Labour Code, one would find at the beginning a preamble to part I, the section that deals with labour management relations. In my view, this preamble articulates in a very eloquent way why we need and why we have a system of free collective bargaining in this country.

The preamble refers to the promotion of the common well-being through the encouragement of free collective bargaining. It speaks of the freedom of association and of free collective bargaining as constituting the way to determine good working conditions and to promote sound labour management relations. It expresses the desire of the Parliament of Canada to extend its support to labour and management in their efforts to develop constructive collective bargaining practices. In other words, the preamble to part I of the Canada Labour Code conveys in no uncertain terms the federal government's commitment to the preservation and encouragement of collective bargaining.

Political parties of all stripes adhere to this belief in collective bargaining. Not surprisingly, labour unions also support free collective bargaining. Indeed, over the years they have resisted with all the resources at their command any effort to restrict worker access to free collective bargaining or to replace it with government regulations or other mechanisms.

Maintaining that integrity of the collective bargaining process is probably the most important concern of the majority of trade unionists. For many employers collective bargaining provides an efficient way of promoting stability in the workplace, for securing the consent of the workforce and for obtaining innovative solutions to a variety of workplace issues. Employers who value partnerships with labour realize that they can lead to a competitive advantage.

Paul Weiler, distinguished Canadian labour lawyer, author and Harvard professor, describes it best. He states that collective bargaining is a mode of employee representation which serves two vital social functions. First, it obtains for workers a measure of protection from the employer and the vicissitudes of the labour market, protection from substandard wages and benefits and from arbitrary and unfair treatment on the job. Second, it affords workers a degree of participation in an organization's decision making. It requires employees to take responsibility for defining, asserting and if necessary, compromising their concerns.

• (1805)

As Professor Weiler has written: "Collective bargaining is as intrinsically valuable as an experience in self-government. If one believes as I do that self-determination and self-discipline are inherently worthwhile, indeed, that they are the mark of a truly human community, then it is difficult to see how the law can be neutral about whether that type of economic democracy is to emerge in the workplace".

As I mentioned, I support our system of collective bargaining not only because of its democratic nature, but also because of its effectiveness. Something like 95 per cent of all collective bargaining disputes in federal jurisdiction governed by the Canada Labour Code are resolved without resort to a work stoppage.

When a third party is needed and the mediation and conciliation service provides assistance, about 90 per cent of disputes are settled without work stoppage. Time lost due to strikes and lockouts is but a fraction of a per cent, far less than the time lost due to workplace accidents.

The system works because it places the responsibility for the settlement of workplace conflict on the shoulders of those directly involved. It acknowledges that labour and management know best what their needs are and it calls upon them to take ownership of the terms and conditions that govern their employment setting.

By looking south of the border we can get some idea as to what would happen in this country if our system of collective bargaining were allowed to deteriorate. In the U.S. trade unions and collective bargaining are on the ropes and the consequences are starting to be noticed. According to the Commission on the Future of Worker-Management Relations, the decline of unions has contributed to the rise in inequality.

The commission reported among other things that the U.S. earnings distribution among workers is the most unequal among developed countries. Lower paid workers in the U.S. earn markedly less than comparable workers in western Europe. U.S. workers work about 200 hours more during the year than workers in Europe. While occupational accident rates in the U.S. showed little improvement over the past decade, they declined significantly in Canada over the same period. So distressed were the commissioners by what they found that they were moved to declare: "A healthy society cannot long continue along the path the U.S. is moving with rising bifurcation of the labour market".

Of course, our industrial relations system is not noiseless. Work stoppages do occur and people are inconvenienced. But in the vast majority of cases, both labour unions and employers recognize that a work stoppage is far more costly than a peaceful settlement. It is in the interests of both parties to resolve their differences through negotiation rather than through the display of raw power.

It should be emphasized that collective bargaining works for business as well as labour. The majority of respondents in a survey of large employers reported that they are successful in reaching their bargaining goals, that they are able to work together with the union during the life of a collective agreement and that they have the ability to adjust to changes in technology.

It seems to me that what employers and managers value above all else is stability. Generally speaking, stability is what they get through the collective bargaining process.

• (1810)

The private member's bill the hon. member has put forward for discussion would significantly change collective bargaining for enterprises regulated by the Canada Labour Code. It seems to me therefore that such reforms ought to be considered within the context of a comprehensive review of part I of the Canada Labour Code.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I am pleased to participate in the debate today on the bill sponsored by the hon. member for Manicouagan.

The summary of the bill found on page 1a states that the purpose of the bill is to prohibit hiring of persons to replace employees of

an employer under the Canada Labour Code or of the public service who are on strike or locked out.

In fact this bill goes much further than just prohibiting hiring of new workers. Modelled after labour legislation in Quebec, this bill proposes that government prohibit anyone from performing the work of a person who is on strike or locked out by companies falling under federal jurisdiction, crown corporations and the public service. It also includes provisions for the maintenance of essential services in the event of a strike or lockout in the public service or a crown corporation if public health and safety are at risk and it gives increased powers to the Governor in Council.

The Public Service Staff Relations Act contains a mechanism for providing essential services in strike situations. To replace the designated employee category of the act with these provisions cannot be viewed as a progressive step.

We know that one of the reasons the member is sponsoring this bill is that he is concerned over the effects of the year long labour dispute at the Ogilvie flour mills in Montreal. Members from all sides of this House have expressed concern over the Ogilvie situation and we are all anxious to see a speedy resolution. I was pleased to hear that progress was made at the mediation meetings held on May 25 and 26. There was an agreement to reconvene the talks on June 20 and 21.

If the hon. member for Manicouagan really wanted to help settle that dispute, he should have supported Bill C-262 authored by my colleague, the member for Lethbridge. If the government and the hon. member and his colleagues were really concerned about the workers at Ogilvie Mills and other workers under federal jurisdiction, they could have got on the ball and voted for Bill C-262 on March 20 and supported the hon. member for Lethbridge on his final offer arbitration bill.

If the hon. member and his colleagues wanted to protect both sides of labour disputes they would advocate final offer arbitration as a sure fire solution to settling labour strife.

When workers at the west coast ports were legislated back to work last year, the Minister of Human Resources Development endorsed the use of final offer arbitration as the settlement mechanism. The transport committee in its recently released national marine strategy recommended a final offer selection mechanism for settlement of all disputes between pilots and their customers.

As I stated in this House on previous occasions there seems to be a growing popularity for final offer arbitration. The transport committee also recommended that the new Marine Transportation Act would provide for final offer selection for the settlement of all disputes between the new not for profit seaway corporation and its employees.

Private Members' Business

I would like to confirm once again that the Reform Party believes in the bargaining process and we do not want to interfere in the course of two parties coming to an agreement. We see final offer arbitration as a tool that is useful to both sides, labour and management.

There are three provinces in Canada that ban the use of replacement workers in strike or lockout situations: Quebec, British Columbia and Ontario. Just last week voters elected a Progressive Conservative government whose leader promised to repeal Bill 40, the NDP's labour legislation and put an end to the ban on replacement workers in Ontario. Perhaps my hon. colleague would do well to find out if there is public support for anti-worker legislation.

• (1815)

We in the Reform Party are concerned about the impact that strikes and lockouts have on workers, employers, and Canadians, who most often have to bear the brunt of the cost and inconvenience of services withdrawn by monopolistic industries.

The recent strikes in the railway emphasize the weakness in the Canada Labour Code for preventing a shutdown of essential services. I commend the member for attempting to deal with the contentious issue of maintaining essential services. However, this bill does not contain any provision for the continuation of essential services in the private sector.

We would all agree the federal government has a responsibility to act in the best interest of Canadians, but I am surprised the hon. member would increase the powers of the governor in council.

In an interdependent world, economic security is threatened by major strikes involving services that provide linkage on an inter-provincial and an international basis. Transportation and communication services, for example, are essential to the daily movement of people, goods, and services. A shutdown for any duration always has significant economic impacts.

Canada's competitive advantage is determined by the efficiency and reliability of the transportation and communication network it relies upon. We simply cannot afford any major shutdowns in the networks that link the country together.

The Canadian economy was hard hit by the \$3 billion railway strike in March. The effects of this strike are now seen as contributing factors in the lower than predicted gross domestic product and the fall of the leading economic indicators. This was a hit the Canadian economy could not afford to take.

I believe that if final offer arbitration had been in place it could have defused the problems that faced the parties in this dispute. It is by far the most effective and impartial means of obtaining a solution to the concerns of labour and management where an impasse occurs that inflicts significant damage on Canadians.

There is nothing to prevent both sides from achieving a deal, providing they are being fair and open with each other. In fact, the presence of an arbitrator who is in a position to adopt either side's proposal in entirety exerts a tremendous pressure on both sides to reach an agreement. I believe this would preserve and strengthen the process by which the parties negotiate a contract.

In cases where fundamental issues are at stake, such as employment security, an agreement might never occur through collective bargaining, and a strike or lockout may only make matters worse. The best solution is for someone respected by both sides to make a decision on the fairness of one proposal and for the process to be viewed as legitimate by both sides. Section 57 of the Canada Labour Code which contains provisions for final offer settlement by an arbitrator for disputes that occur during the life of a collective agreement should be amended to include final offer selection in disputes where collective agreements have expired.

I want to assure the House that I believe in the collective agreement process, but in the area of essential services the Canadian people should be protected from costly and disruptive work stoppages. Part I of the Canada Labour Code is under review at the moment. I urge the Minister of Labour to bring the code into line with today's economic realities by expanding the definition of essential services and by providing for final offer arbitration in work stoppages in essential services when the agreements expire.

The end result of a strike or lockout is that the side that is able to withstand the damage longest is considered to be the winner. In reality, we know that neither side wins. Both parties sustain significant losses in relationships and dollars. In the long run, no one benefits from a strike, not the workers, not the employers, and not the Canadian people. I believe this legislation would inflame already strained relations and drive a deeper wedge between labour and management.

• (1820)

The Canada Labour Code is out of date. As legislators, we must find and implement solutions that will best serve the needs of all involved.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I rise in the House today to speak to Bill C-317 whose purpose is to add

anti-scab provisions to the Canada Labour Code and the Public Service Staff Relations Act.

I want to commend my Bloc Québécois colleague, the hon. member for Manicouagan, on his worthy initiative which I support with vigour and enthusiasm, and especially on the excellent speech he just made.

The purpose of this bill is to ensure there is no undue advantage to either party during negotiations, in order to reduce the duration of strikes and lockouts. Its objective is also to prevent violence during labour disputes.

The gist of this bill is as follows: To prohibit the hiring of persons to replace the employees of a federally-regulated employer who are on strike or locked out and employees of the Public Service who are on strike; and to ensure that essential services are maintained in the event of a strike or lockout in a Crown corporation and in the Public Service.

This bill takes its cue from similar provisions introduced in 1977 by the Parti Québécois government at the time to amend the Quebec Labour Code. Since then, Ontario and British Columbia have also passed anti-scab legislation. Today, 75 per cent of Canadian workers are covered by these provisions.

The legislation passed by the Quebec National Assembly on December 22, 1977, prohibiting the use of strike breakers during a labour dispute, was the first legislation of its kind in Canada. It was passed following some very violent strikes in the seventies, including the strike at Firestone and Canadian Gypsum and especially the long and difficult dispute at United Aircraft, now Pratt & Whitney. The strikers were members of my former union, the CAW, the Canadian Auto Workers.

Strikes are based on the principle that a work stoppage should be an incentive for the employer to agree to and offer better working conditions. If the employer can hire replacements for the strikers, the strike becomes useless, a costly burden to those who exercise this right recognized by the Canada Labour Code, the International Labour Organization and all democratic countries.

When workers involved in a labour dispute see they are replaced by other people who are often escorted by security guards, they become exasperated, frustrated and may even resort to violence. They are reacting to provocation, and the consequences are disastrous.

Quebec's adoption of anti-scab legislation was in response to strong pressure from the labour movement, and in particular from the FTQ. However, the unions criticized the weakness of the measures approved in 1977 and demanded the use of personnel to replace an employee locked out or on strike be absolutely prohibited.

In fact, the text of the legislation contained errors, which moved the Government of Quebec to propose new amendments to the

Private Members' Business

Labour Code in 1983 in order to correct the discrepancies that appeared through its use and legal interpretation by the labour court, the superior court and the court of appeal.

Approximately 114,000 Quebec bank, federal public service, federal ports, telecommunications and transportation workers come under the Canada Labour Code.

• (1825)

This number includes the 116 employees of the Ogilvie-ADM mills in Montreal, who are members of the CNTU and for whom June 6 marked the anniversary of their first year on strike. This dispute has gone on for over a year because of this American employer's use of scabs. These workers along with the entire labour movement in Quebec and Canada have long called for anti-scab legislation federally.

This afternoon, I met a group of strikers on Parliament Hill, who are currently in the gallery. I would like to salute them and all the workers of Ogilvie-ADM, show them my support and express the hope that a reasonable solution may be found quickly.

I understand their frustrations, because I worked for 19 years at the FTQ, where I witnessed and experienced similar disputes. This dispute is deteriorating because of a skewed balance of power. I also support the campaign waged by the CNTU and the FTQ for the inclusion of anti-scab provisions in the Canada Labour Code.

On September 18, 1992, an explosion at the Giant Gold mine in Yellowknife killed nine miners during a strike in which the employer had hired scabs. This tragedy could have been avoided with anti-scab legislation. This conflict lasted 18 months, ending only in December 1993. Last January, an individual was convicted of causing that explosion.

An anti-scab law would, of course, significantly reduce the risks of violence on picket lines. Under the previous, Tory government, the Liberals supported such legislation. Since they came to power in 1993, they have moved to the right and changed their position. The Minister of Human Resources Development had promised to table an anti-scab bill in December 1994. He did not keep his word.

The new Minister of Labour now uses the excuse that she intends to propose a more extensive reform of the Canada Labour Code, arguing that this legislation has not been amended in 20 years. The Minister of Labour, who is the hon. member for the wealthy riding of Westmount, is even more insensitive than her predecessor in this regard.

She is probably afraid of hurting the interests of her wealthy constituents. Yet, the Ogilvie workers, whose plant is located at the boundary of the minister's riding, are still waiting for her to help resolve this dispute as she promised.

Once again, I ask the government to be consistent with the positions defended by its members when they were in opposition and to table an anti-scab bill to prevent labour disputes from deteriorating and dragging on needlessly. We already know that the

Private Members' Business

bill tabled by my colleague from Manicouagan will probably not pass without government support, but we will not give up.

The government must share the three largest provinces' positive experiences and realize that anti-scab measures are needed to reduce the risks of sometimes violent confrontation during a strike or lockout.

In Quebec, as my colleague from Manicouagan said, studies point to a significant reduction in the duration of labour disputes since these provisions went into effect. The same phenomenon occurred in Ontario and British Columbia.

We must correct the inequities suffered by the 680,000 workers subject to Part I of the Canada Labour Code. Sometimes, a strike is the workers' only recourse. Adopting legislation in this area would eliminate the inequities suffered by unionized federal workers as opposed to their provincial colleagues, who are protected by an anti-scab law.

• (1830)

In conclusion, I call on the Minister of Labour not to hide behind the comprehensive review of the Canada Labour Code and to immediately table a bill to this effect. I am asking her to act as quickly as she did last March to trample the rights of workers by tabling a special back-to-work bill aimed at rail workers.

For all these reasons, I strongly support Bill C-317.

[*English*]

Mr. John English (Parliamentary Secretary to President of the Queen's Privy Council for Canada and Minister of Inter-governmental Affairs, Lib.): Mr. Speaker, I welcome the opportunity to address the House on an issue of concern to the government, essential services.

There has been much debate on this topic in other jurisdictions as it applies to their labour environment. I am sure that everyone here appreciates that the federal government is a unique employer, one which has a trusted mandate to ensure that Canadians can be confident in the delivery of government services.

The Public Service Staff Relations Act is a balanced piece of legislation, one which has assisted the parties involved in complex labour disputes for over one-quarter of a century. It should be remembered that it was due to the leadership of a Liberal government that federal workers gained the right to collective bargaining.

However, it was also recognized at that time, and still holds true today, that the right to collective bargaining in the federal public service cannot be to the detriment of the health, safety and security of the Canadian public.

Over the years most labour disputes have been resolved satisfactorily without the need for back to work legislation. It should be noted that the government, as a matter of practice, discourages the hiring of outside workers to do the work of striking employees. In fact, the current policy of the employer on this matter is to rely on managers and staff excluded from the bargaining unit.

It is also important to recognize that the government has never denied the right of individual employees to voluntarily come to work during a strike.

As I have already indicated, the federal government cannot be compared to employers in other sectors. The business of providing government services to Canadian citizens can never be considered in a similar context to the private sector company, one which provides shoes or soap or flour.

There are many services provided by the federal government for which there is no viable alternative. There is a wide range of services which many of us take for granted until that moment when they become delayed or are not forthcoming. For example, we depend on and have confidence in our meat inspectors and officers involved in numerous other federally inspected consumer goods. Moreover, we rely on the transportation systems, the patrolling of offshore and coastal fisheries and the vigilance of officers at border crossings. Individuals on fixed incomes, the unemployed and senior citizens depend on the uninterrupted delivery of social programs.

Without the careful analysis of the effects of new drugs and medications being produced for human and animal use, the health of Canadians could be at risk. I am sure that each of you here could add other areas that I have not mentioned.

As members can see, government services are vital to the health and security of the public. The present language of the Public Service Staff Relations Act ensures that areas essential to the health and safety of Canadians are safeguarded by designating positions which by law cannot strike before any legal strike activity begins.

What this means is that the employer must identify the positions that are essential to the health and safety of the public three months prior to the notice to bargain and three months prior to the expiration of the collective agreement. Therefore, there is at least a six month advance notice as to the positions that are to be designated.

The current process has worked since 1967. As recently as 1993, when reviewing proposed changes to the Public Service Staff Relations Act, the House in its wisdom saw fit to allow this process to continue.

All of this reinforces the fact that the federal government requires a unique legislated labour framework that is different from

other employers in order to ensure delivery of services regardless of labour difficulties that must eventually be overcome.

In addition, it should be realized by all concerned members of the House that the legislation must be reviewed in its totality. It is not advisable to tinker piecemeal with individual sections of an act. Many portions of the Public Service Staff Relations Act were drafted for a specific purpose and for special reasons and must be viewed in balance with each other.

• (1835)

The designation of essential services, for example, which is at issue here, was specifically developed to permit the notion of the right for federal government employees to strike. It also served to allow the government as the employer to cede the right to lock out employees.

In closing, I must caution my colleagues on the wisdom of proceeding with the bill as it relates to the Public Service Staff Relations Act without fully appreciating the history and the experience behind this important existing legislation.

[Translation]

The Acting Speaker (Mr. Kilger): The time provided for the consideration of Private Members' Business has now expired. Pursuant to Standing Order 93, the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[Translation]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-41, an act to amend the Criminal Code (sentencing) and other acts, be read the third time and passed.

Mr. Réal Ménard (Hochelaga—Maisonnette, BQ): Mr. Speaker, my apologies. I was in committee and I thank you for your patience. Before being interrupted to go up to the other Chamber, I was extending a friendly invitation to members of the Reform Party that would help them understand how terribly important this bill is for the gay community.

With courage and conviction, I am going to be daring and stand by the invitation. Therefore, I turn to the Reform Party, with your permission, and I say to them that if, as parliamentarians, they are interested in expanding on their knowledge of the reality of the gay experience and the potential ill treatment to which gays are exposed, I am available to introduce them to spokespersons and leaders of these groups, because if their positions and statements

Government Orders

are any indication, I venture to think that although the members of the Reform Party are very knowledgeable in certain areas, they are somewhat less so in this particular area.

I think that, here as elsewhere, a closer look at reality would undoubtedly help them to modify their behaviour and certainly to improve their understanding. I therefore cordially extend to each member of the Reform Party an invitation to come and spend a day with me in the gay village, so that they can meet with the spokespersons and be in—

The Acting Speaker (Mr. Kilger): Order. I remind my colleagues that they must always address the Chair, particularly when rather diverging views are being expressed. We are dealing with very emotional and sensitive issues. Consequently, we must show a great deal of respect in order to carry on the debate in the usual parliamentary fashion. Again, I remind hon. members that they must address the Chair, and not each other directly.

Mr. Ménard: Mr. Speaker, I always try to abide by that principle, but I thank you for this reminder. So, through the good offices of the Chair, I reiterate my invitation to Reform members.

It may be in order to remind the House of a number of facts. On several occasions during the debate, some members claimed that it might be detrimental to the public interest to recognize, in clause 718.2, the principle and the concept of sexual orientation. What is rather surprising with this position is that it implies that the concept of sexual orientation is something new and that it sets a precedent.

Yet, if you look at the Canadian case law, you will see that the administrative courts, as well as the ordinary courts of law, have had to deal with the concept of sexual orientation on a number of instances. In fact, the whole issue started exactly 18 years ago, with the Quebec charter of rights. Quebec, ever the leader in the social sector, was the first province to legislate and provide, in its human rights code, specific protection based on sexual orientation.

• (1845)

If you were to ask every opponent of the legislation to mention one case where an ordinary court of law, or an administrative tribunal, established a link between the concept of sexual orientation, which the legislator seeks to protect by including it as a ground for illicit discrimination, and any of the perversions to which some members of this House referred, you would not find any such example. This is why such an attitude is so deplorable.

Let it not be forgotten that what the Minister of Justice and his government wish to offer is very explicit protection, so that when the courts are faced with the situation where a person has been the victim of violence because of sexual orientation, whether homosexual or heterosexual, they shall, in determining the sentence for homicide, cruelty or assault, take into consideration any aggravating circumstances, based on legislative principles that are very, very clear.

Government Orders

In other words, a person found guilty of such offences will receive a stiffer sentence. That is the main focus of Bill C-41.

This has led to all sorts of comments which, out of respect for you, I will not dignify with a response. People said, yes, but there is a problem. There is a problem of a legal nature. Members of the Reform Party in particular kept saying that sexual orientation had not been defined. They said that there was a danger that the courts would not be able to properly enforce the law without a definition of sexual orientation.

And yet, none of the detractors of the bill has stopped to wonder why it also does not define freedom of worship or religious freedom. And what about national origin? Somehow we have managed. After all, we live in a society where, in the past, people have set themselves ablaze in the name of religious freedom, in the name of freedom of conscience. There are also people who have committed acts of cruelty, as well you know, in the name of religious freedom.

If I may say so, Mr. Speaker, there are even colleagues who have made remarks that, in my opinion, are certainly pushing the limits of politeness, as well as the limits of democracy, in this House, in the name of religious freedom. None of the bill's detractors rose and asked that religious freedom, or national origin be defined.

Why this unhealthy obsession with one of the explicit motives of discrimination, as if it could open the door to recognition of what is obviously in the realm of perversion? Some not so great minds even went so far as to make a connection with paedophilia. You really have to be pretty ignorant and pretty far removed from any understanding of the term sexual orientation to make that kind of connection.

Anyone who has some concept of psychology or psychiatry knows perfectly well that homosexuality has no connection with paedophilia. Homosexuality has no connection at all with paedophilia, and it is comparisons like these that tarnish reputations and they are also most unfortunate from a legislative point of view.

Let me quote a few facts that truly demonstrate that the decision of the Minister of Justice to introduce this legislation was, without a doubt, a most fortunate, responsible and democratic decision.

• (1850)

The National Gay and Lesbian Task Force in the United States says that according to a study they carried out three years ago, so this is a relatively recent study, one gay out of five—one gay out of five, Mr. Speaker, and perhaps I may glance briefly towards the other side, one gay out of five, and one lesbian out of ten were physically assaulted. We are not talking about empirical research. This is a study conducted by an authorized group in the United States, often used as a point of reference by our Reform Party

colleagues, and they have information that has helped us understand statements made by people belonging to the gay community.

We are told that one gay out of five, so this means we are talking about 20 per cent, one gay out of five, and one lesbian out of ten say they were physically assaulted.

We also have information on the situation in Canada. The study was made in New Brunswick, and if I am not mistaken, New Brunswick is not very far from Nova Scotia, and in Nova Scotia there are a number of parliamentarians who are very concerned about the gay community. I will not name names.

In any case, in this study, which was carried in New Brunswick, which is not very far from Nova Scotia, we read the following: 82 per cent of gays and lesbians who responded to this study were at some time in their lives victims of physical violence.

At 82 per cent, we should start to be alarmed. There is absolutely no way anyone could call that a fringe movement or an isolated incident. I do not know whether our Reform colleagues are aware of this study. I do know that it would behoove them to take a gander at it. Then maybe they would even understand why there is a need for this legislation. Once again I ask what is the basic principle? The basic principle is that we are still living in a society that does not accept these realities, in Quebec and in Canada, but I must say more so in English Canada. Permit me to demonstrate how we, in Quebec, have a real head start on the rest of Canada when it comes to this issue.

The crux of the matter—and I would have hoped that my Reform colleagues would have been more concerned with this issue—the crux of the matter is that the very fact of being gay or recognized as such by a certain number of people in society makes people the targets of violence. If one makes the effort to read the studies which have been done, it is obvious that this is not a mere coincidence; it is not a figment of imagination; it is not an oddball occurrence.

You all know as well as I do that there is no doubt that this law will be passed; the official opposition is going to help it along. I would even say that we are going to contribute to its passage—I am choosing my words carefully—I believe every last one of us will be behind it. However I do not want to go too far.

It still remains that a lawmaker is sending a very clear message to the Canadian public with such a law. What it is saying to the Canadian and Quebec public is that we will not tolerate that any people in our society are molested or attacked, because we are a democratic society, a society which believes in the equality of individuals. Our belief in the equality of individuals goes so far that we even accept that this equality encompasses the expression of different sexual orientations. We believe in this so strongly as a society that we will not tolerate that some people are attacked or molested because of this difference.

Government Orders

Whenever this happens, we will take deterrent measures. To deter people from doing this, the lawmakers must demand that the courts impose much more severe sanctions against those who do promote repression. Do you have to be a genius to understand that? Is this beyond comprehension? Does one need a Ph.D. to understand this kind of thing? I do not think so, but it takes two things some members of this House may lack. The first is an open mind, a simple and solid openness to difference. Unfortunately, this is too much to ask of some parliamentarians.

The second is tolerance, tolerance permitting the understanding that there are people, who—for all sorts of reasons, something innate or something in their personality—nevertheless differ in the way they experience their sexuality. We are asking parliamentarians, who are legislators and who must set the tone, to be open to this. Unfortunately, it is asking too much of certain colleagues, and, I imagine, that they would have to justify their position to their electors.

• (1855)

I said earlier that I thought there was an openmindedness in Quebec that is not always found elsewhere. If I had to explain it, I would say there are two reasons for it. The first is that, on the whole, as a society, we condemn violence. I think that, on the whole, as a society in Quebec, we recognize that there are gays and that they continue to be victims of violence. There is no attempt to beat about the bush or to hide behind this reality, which means acknowledging the facts.

Why then can Quebec claim, take pride in, a certain openmindedness not to be found throughout English Canada, although I know very well that parts of the country are very open to this. The reasons are twofold. The first is that members from Quebec, in dealing with this issue, do not ask their electors to take a moral stand. When Quebecers deal with these questions, they see that violence is committed against members of a certain group, known among other things as gays, they take a stand on rights. They take a civic stand.

They do not ask a majority or a minority to impose morals. As you know, the foul-ups that occurred during debate on this issue in this House came from members who, in my opinion, rose in this House to talk about moral values, as though there was only one set of universal moral values that must be instilled in everyone.

We as parliamentarians know, from travelling a little here and abroad, reading a little, watching television and taking the trouble of talking with people, that there is no single set of moral values, no single religion. There are numerous sets of moral and ethical values guiding individuals. This is a good thing, and not only in Quebec and Canada.

If we as parliamentarians want to successfully navigate this debate without questioning anyone's motives and with a minimum of good faith, we must stay away from moral judgments. We must restrict ourselves to legal matters, because our first duty is to make laws, to legislate. Mr. Speaker, since you are indicating to me that my time is up, I will conclude by asking all members to make a highly democratic and tolerant gesture by supporting this government and the Minister of Justice, whose courage I commend, and voting unanimously in favour of Bill C-41.

[English]

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I congratulate the member for very clearly stating that we are not debating morality in the House. We are debating criminal law and how we want our sentencing bills to be now and for the future.

He has clearly expressed the views that have been a consensus across the country. It is not just the gay, lesbian and bisexual groups that are in favour of this legislation. It is the United Church of Canada, B'nai Brith, the Federation of Canadian Municipalities, the Canadian Jewish Congress, the Centre for Research-Action on Race Relations and the Urban Alliance on Race Relations.

I know the member is from Quebec so I will rely on some of the material that has been forwarded by Quebec. I specifically rely on the Quebec human rights commission, November 1993, which convened the first public inquiry into discrimination on violence against gays and lesbians. The hearings received a fair profile in that province and across the country. They acquired that profile because 15 homosexual men in Montreal between 1989 and 1993 were murdered. That was the trigger which started the debate in that province.

Other debates went on in Vancouver, Toronto and across the country with the police forces.

• (1900)

We have the Ottawa police chief saying he is in favour of this legislation, we have the metropolitan police force. We need this legislation everywhere. What I want to know from this member is what other experiences does he know about that go on every day in the lives of gays and lesbians for the hate motivated section of this bill to be necessary for all of Canada?

[Translation]

Mr. Ménard: Mr. Speaker, I want to thank the hon. member for her question and, more importantly, for actively supporting this bill. I know that she sits on the committee which reviewed this legislation. The hon. member very appropriately mentioned that, two years ago, the Quebec government appointed, through the Quebec human rights commission, a travelling commission of inquiry which came to the following conclusions.

Government Orders

First, it found that some 20 people had been killed because of their sexual orientation. Moreover, about one hundred of those people who testified before the commission had been victims of physical abuse.

The hon. member is also right when she says that, ultimately, all this takes place in everyday life. As a member of Parliament, I often meet people who are homosexuals and who tell me that they were intimidated.

These cases do not all involved physical abuse or death, but the hon. member is quite right when she says that there is still this widespread idea that you can bash people who are gay, because they may look effeminate, or because they openly show their orientation.

The only reasonable way to change that attitude is to provide some deterrent, through bills such as this one.

Again, as parliamentarians, we should ask ourselves this question, which I direct in particular to our Reform Party friends, through the good offices of the Chair, of course: What is so upsetting about our Canadian society saying that it will not tolerate reprisals against homosexuals, against the expression of one difference, among others?

Mr. Speaker, I think you will agree with me that when a person is comfortable with his or her own identity, with his or her own sexuality, that person will accept the fact that there may be differences. With all due respect, I think that we must question the well-being—and I choose my words carefully—of some members of this House who show no tolerance toward the expression of that difference.

If I were in the shoes of some Reform members, I would ask myself some questions.

[*English*]

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, I would like to begin in my comments to the member by simply stating that as an individual person, as a member of Parliament, as a member of the population of Quebec, and as a Canadian, I have more than ample respect for him. I wish him no ill. I honestly do.

I am going to make a statement that is going to sound as though it is very ridiculous. I am going to say—and I am with my friend from Wild Rose on this—that I want to have fat people included in that list. I really do. I could tell members experiences of how when I was a youngster I was attacked and beat up because I was fat. I have been like this all my life. So I want to be on that list. I want to make sure that people cannot attack me because they have this prejudice against fat people.

Of course members are going to say no, that is not necessary. Then I am going to ask why they hate me so and why they are so fatophobic. Now I have just said something that everyone in this

House recognizes as being quite a ludicrous statement simply because it is not based on fact.

Number one, yes, I did get beat up. That does not mean that my being beat up was any more important than another kid who was beat up because he had an even funnier face than mine.

• (1905)

I remember another time being quite vilified because I was a farm kid and I attended a city school. We have differences, and sometimes kids can be cruel. That does not mean that we now have to start specifying this person, this group; that person, that group. What we need to do in order to reduce those differences is to start treating everyone the same.

When I say to my hon. colleague opposite that I have respect for him as an individual, I certainly have no intention of checking out what he does after he leaves this place. That is his choice. I neither fear him nor do I wish him any harm. However, I want to say that not one member of the Reform Party in the country will say that because of the choice he made he is now fair game for being beaten up. I am totally opposed to that. When I hear of individuals being beaten up because they are homosexuals I decry that as loudly and as vigorously as I would when anyone else is beaten up, for whatever reason.

It is time that we as Canadians started applying the rules of justice and the protection of law equally to everyone across the board. I want to assure the hon. member that I do not dislike him. I am not picking on him. I am simply saying that he stands together with all of us on an equal ground.

[*Translation*]

Mr. Ménard: Mr. Speaker, I would like to say to my colleague that among all of my Reform colleagues, he is by far my favourite. However, I do not know whether I should be jumping for joy or crying after what he just said because, with all due respect, my colleague rose in this House and said: “I do not dislike the hon. member”, all the better. However, he also said: “What we need to do is to start treating everyone the same”.

You will understand that at face value, such a statement betrays a lack of sensitivity, because, if we acknowledge that in Canadian and Quebec society people are being molested solely on the basis of their sexual orientation, there is no way we can agree with our colleague's conclusion that we have to treat everyone the same.

This is like the kind of reasoning that used to be widespread a few years back, and I am choosing my words carefully. You will nonetheless understand to what point this example, regardless of how absurd it was, is worth calling to mind. I remember very clearly the debate that was raging in our society a few years back in which some people used to say: “Whenever a person, in general a woman, is raped, we must take into consideration whether she provoked the attack”. And they said, some very sensible people included, even men of law, that the punishment for raping a woman

should vary, depending on how provocative she was, for example, if she was wearing a short skirt.

I never subscribed to this point of view. What our colleague is saying, is: "I am ready to accept homosexuality only if these people are treated the same as everybody else and only if we do not acknowledge, at this moment in time, that they are being systematically discriminated against and are being targeted for violence". This is contradictory, this is a paradox, this is illogical and cannot be. That is why we have a bill before us like the one that is before us today.

[*English*]

Ms. Jean Augustine (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I am sharing my time with the hon. member for St. Catharines.

• (1910)

I am very pleased to have the opportunity to participate in the debate at third reading of Bill C-41, an act to amend the Criminal Code, sentencing, and other acts in consequence thereof. It is a criminal law bill directed at hate motivated crime.

First, I want to commend the work of the Minister of Justice, who has responded to the call of Canadians for the need to reform our sentencing process by establishing a clear framework of provisions to guide the courts in our country.

We have before us a criminal law bill directed at hate motivated crime. We have before us comprehensive legislation that for the very first time gives Canadians a say in the purpose and principles of criminal sentencing.

In these very challenging times, it is now necessary to provide clear guidelines for the courts to protect society to assist in rehabilitating offenders, to promote their sense of responsibility, and to provide reparation for sometimes irreparable damage, both physical and emotional, done to victims and the community.

Rules of evidence and procedure have now been set out in this bill, along with alternative measures to prisons and conditional sentences to be served in the community under strict compliance with conditions ordered by the court.

This bill works in partnership with the community to rehabilitate offenders while at the same time protecting the public from those criminals who have committed serious and violent crimes.

The strength of this bill is clearly evident from the support it has garnered across the country, despite what we might hear in the House.

I represent an urban riding in the greater Toronto area where people want only to live in peace and safety. In Etobicoke—Lake-

Government Orders

shore we are firm believers in crime prevention measures as a method of improving safety in our community. As a community we are working very hard to eliminate crime. I give as an example the hard work of the Etobicoke Crime Prevention Association, which has succeeded in making our community more aware of crime prevention. I would like to read to the House the tip of the month published in its May 1995 newsletter. It reads: "A key element in preventing crime is public education through a variety of means. Let the public know that prevention is possible. They are capable and it is worth their while".

The sentencing reforms contained within Bill C-41 will indeed make the efforts of all Canadian communities worth their while. Our government is committed to restoring safety to our homes, our streets, and our communities. Bill C-41 is a clear indication of this commitment. We want to give Canadians back their sense of security by working hard to implement policies that will reduce and help to prevent crime in Canadian communities.

Canadians have asked for changes to the criminal justice system and we have responded with reforms that enhance the rights of victims and encourage respect for the law.

When we talk about public education we want to make sure that people have all the facts. What has been happening across the way today has not been all the facts.

I will now proceed to give what I perceive to be the clear facts in this legislation and emphasize the benefits these reforms will mean to the protection of all Canadians.

With the passage of this bill judges will henceforth be required to give clear reasons for sentencing in all cases. This clarity will benefit the public and will assist later in potential appeals trials.

The bill also gives consideration to offences committed in breach of trust, usually against children and increasingly in cases of violence against women. These vulnerable individuals who lost this essential and assumed protection in society will now find it in the courts.

This legislation will also benefit and consider the victims of crime, whose suffering and anxieties for so long have been pushed aside.

• (1915)

The statement of purpose and principles will allow for reparation to the victim or the community while at the same time forcing the offenders to take responsibility for their actions.

This means first of all that financial restitution can now be audited to compensate for loss of property or damage inflicted on an individual. I know that many seniors in my community who have been victimized by theft will be very pleased with the introduction of this provision.

Government Orders

Financial compensation by the offender in the case of less serious crimes often encourages rehabilitation of the offender. In the legislation, amendments to section 745 of the Criminal Code will give victims of violence the chance to voice the effects the offender's crime has had on their lives during their hearing for early parole.

It is about time the victim's experience is given greater emphasis. The statement will play a key role in the determination of the release of violent offenders back into society. Fines will now be officially recognized as part of the sentencing process. The fact is that many offenders are in prison for non-violent crimes simply because they are not able to pay the fine levelled on them.

Consideration will now be given to these individuals and fines will be imposed based on the offender's ability to pay. Inability to repay will result in other penalties such as probation or community service.

For those who have the ability to pay, fines will be strictly enforced. The system of fines will result in decreased costs of running our institutions. The community plays an important role in this bill, especially under the provision that allows for alternative incarceration.

Under strict supervision, a less serious non-violent offender who has been determined to pose no danger to society could serve the sentence within the community in some way. Counselling, probation, fines and community service will be part of a more effective rehabilitative approach to minor and first time offenders.

Limited funds could be spent protecting the public from more serious and violent offenders. Prison will be reserved for their rehabilitation. This legislation will prove beneficial to communities because it contains measures that will ensure the culture of hate is not permitted to flourish in this country.

Hate crimes are an unfortunate and insufferable reality in our society. The fact that people are specifically targeted because of their race, their religion, their ethnicity, their sexual orientation cannot be ignored or purposely be swept under the carpet.

Police bias crime units have reported that crimes motivated by hate are on the increase. We must also keep in mind that this probably does not include the many hate crimes that go unreported because of an individual's fear or historic mistrust of authorities.

Have you ever stopped to think, Mr. Speaker, about how traumatizing it is to victims, knowing that they have been specifically attacked because of who they are and what they look like? This is a very personal attack because you cannot change these aspects of yourself.

Canadians have expressed their alarm at the intolerable increase in this type of violence. The government has responded by introducing these amendments that will allow judges to impose stiffer sentences on those who have been convicted of a crime

motivated by hate based on race, nationality, colour, religion, sex, mental or physical disability or sexual orientation.

Working with the community to improve education in combination with stiffer sentencing measures will result in a better co-ordinating response to hate. Section 718 which got much discussion across the way specifically comes into play after a person is convicted of a crime motivated by hate toward a specific group.

The government recognizes the need to replace the vagueness that currently exists in the sentencing process to protect the groups that are being senselessly and violently targeted.

History has taught us that we will only suffer as a society if violence, intimidation and fearmongering toward any group is tolerated. Ours is a society of equality and Bill C-41 will offer a solid deterrence to all people who threaten human life.

Sentencing practices should be a reflection of Canadian values and this legislation mirrors the values of equality and democracy quite clearly.

● (1920)

There is great support for this bill because the people of Canada know that in combination with other elements of our crime prevention package, change will come and the risk toward safety will lessen.

Sentencing reform, amendments to the Young Offenders Act, parole and corrections reform, the creation of a crime prevention council, greater control of firearms will go a long way toward making our communities safer places to live.

In addition to all this we will continue our efforts to reform the social programs, implementing more effective measures to combat poverty, lack of education, unemployment, illiteracy. We are making progress toward a safer, less violent and more progressive society.

Bill C-41 will guide us in that direction. Let us show tolerance and support this bill.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, I was pleased that the hon. parliamentary secretary had a wide ranging look at this bill in her speech.

There are some comparisons that I might make to the comments she has made. I have in my hand a report from the Canadian Police Association, a group that was lauded by the justice minister for its support of Bill C-68.

In the introduction to the report, the association says this:

Bill C-41 with a few exceptions is unwieldy, complicated, internally self-contradictory, duplicitous and what is worse, almost all of it completely unnecessary for anyone with any knowledge of or use for the common law heritage of Canada. While it would attempt to codify basic sentencing principles, eliminating this most basic judicial discretion, at the same time it would bestow huge new discretionary powers to a whole range of persons within the justice system.

Government Orders

The common thread in these new powers is that all are to the benefit of the offender in the sense of non-custodial consequence for criminal actions.

Where sentencing reform calls for protection, this bill offers platitudes. Where it calls for clarity, it offers confusion and outright hypocrisy. Given its previous life as Bill C-90, [from the Tory administration] it is in no way a creature of this government yet if passed, it will certainly be identified as just that. It will almost certainly cause the already skyrocketing criminal justice budget to expand further still, in particular, the fastest growing component of that, namely legal aid.

When all is said and done and when one considers the truly great challenges the justice system faces in real crime prevention and protection of the public, it is tragic that this bill occupies debate while other legitimate issues are ignored. This, too, will be the legacy for the government should this bill be passed into law.

In concluding this report, the Canadian Police Association says that:

Bill C-41 is confused, contradictory and in large part wholly unnecessary. It is a blatant example of what a former Liberal member of the justice committee described as smoke and mirrors legislation. It is put forward as meaningful sentence reform but it is only that in the sense that it will generate endless litigation with huge attendant costs for little or no purpose. It is a blatant example of our worst tendencies in criminal law amendment in that it is impractical, badly drafted and will produce results wholly inconsistent with the overwhelming majority of Canadian sense of what needs to be done.

It is a bill that was not created or refined in any sense by the political response of elected members of the government who will be responsible to their constituents once its results are made clear as they will be.

In these days when so much needs to be done to prevent crime from occurring in the first place and to provide protection to society from those chronic violent offenders, Bill C-41 is and will be an embarrassment.

As I think about why the government is putting forward Bill C-41, I am compelled to ask the Parliamentary Secretary to the Prime Minister what is the justification for this bill. I can only assume that it is to assuage the interests and the demands of the politically correct movement that you so capably represent.

• (1925)

The Acting Speaker (Mr. Kilger): Order. Once again I remind the House not to refer to one another as you. Interventions should be made through the Chair.

I also remind the House that the hon. parliamentary secretary has only one minute left to respond.

Mr. Mayfield: I do apologize.

Ms. Augustine: First of all, Mr. Speaker, I accept his apology because that is the kind of person I am and this is the kind of debate that brings out the worst in members as we address those issues that face society.

We are talking about the kind of society where there is respect for diversity, where there is respect for the individual. We are talking about measures that have within them preventive, rehabilitative and other measures.

The bill before us would ensure the function of our communities, as I said in my remarks, and would ensure the safety of every individual within society regardless of race, colour, creed, nationality, age, sex or sexual orientation.

I think the member has difficulty with this. I can quote from other sources that speak in very positive terms to the bill.

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, I am pleased to speak on Bill C-41, first because I believe this bill is very important in protecting and promoting the rights of victims and second, because there are many misconceptions about this bill. Yes, the inclusion of the term sexual orientation in the bill has caused some people concern. Some of my constituents are concerned. They fear this may somehow promote a homosexual lifestyle or it may result in restrictions on religious speech or change the Criminal Code to make things such as pedophilia acceptable.

First I would like to address those questions. Bill C-41 is a sentencing bill. Its aim is to deal harshly with offenders who commit serious crimes and to provide educational or community service programs for non-violent offenders.

Section 718 of the bill proposes that aggravating circumstances should be taken into account in sentencing. The bill outlines that if the crime is committed because of hatred or where an offender abuses a position of trust, this hate or abuse of power shall be considered an aggravating circumstance and therefore will be dealt with more harshly.

The bill outlines that hate crimes can be committed based on hatred for someone's race, nationality, colour, religion, sex, age, mental or physical disability or sexual orientation.

I want to state clearly that I believe hate crime is intolerable in any form and we must take proactive measures to remove hate from our society. I strongly support measures which will send a clear message that crimes based on hatred will not be tolerated but will be punished harshly.

However I am a strong believer in the family and I am also concerned about the potential erosion of family values through the use of the term of sexual orientation. Based on these concerns and those of some of my constituents I wrote to the Minister of Justice and asked these questions very clearly: Does the bill have any effect on the issue of same sex benefits or adoptions? Could the courts interpret sexual orientation to include pedophilia or other deviant forms of sexuality? In regard to same sex benefits and adoption the minister has clearly stated the bill is not relevant to those items. Cases have recently been before the courts on these issues but Bill C-41 has no affect on same sex benefits.

Government Orders

There is also concern over setting a precedent by using the term sexual orientation in legislation and opening the door to future extension of many other items, those promoted by some of the members opposite.

I want to reassure my constituents that the use of the term of sexual orientation is not new in our justice system. In fact it has been around since 1977 and presently is included in the human rights legislation of eight provinces.

• (1930)

The second question I addressed to the minister was whether pedophilia and other sexual behaviour could be defined as sexual orientation. Again the minister replied in the negative. The Criminal Code clearly describes and provides for offenders.

The minister pointed out this is not new legislation; it is not ambiguous and does not include criminal acts such as pedophilia. I heard some of my church congregations in St. Catharines expressing some fear that freedom of speech might be removed. Again I was assured by the minister, quoting from his letter: "The provisions of the bill do not and cannot prohibit people from holding beliefs or from talking about them within their churches, congregations or communities. The bill deals with people who act on certain bias or hatred to commit crimes. It will not affect freedom of expression".

Recently one of the congregations wrote to the minister to express its concern and support concerning Bill C-41. I am reminded the church believes it is obligated to struggle against injustice. Its letter to the minister:

Our mandate is to support the church in God's mission of bringing about an inclusive and participatory church and society, striving to protect the rights and meet the needs of all, including those who are marginalized on grounds of race, culture, sex, family and economic status, age, belief, sexual orientation, and disability.

The focus of Bill C-41 is to improve our sentencing laws and define their purpose. The bill deals with victims, crimes motivated by hate, other rehabilitative provisions for some offenders like community service, and probation, fines and updating the rules of evidence and procedure.

Bill C-41 is particularly important to me because it deals with the rights of victims of violence. It is unfortunate but our justice system often seems to protect the offender while ignoring the victim. The bill takes important steps to outline the importance of respecting and protecting victims, one small step forward.

The bill deals with the protection and promotion of the rights of victims. The bill contains a statement of sentencing purposes. The

present Criminal Code does not contain a statement outlining the purpose and principles behind sentencing. The new bill would fill this void by including a statement providing direction to the courts on the fundamental purpose of sentencing.

The statement would include as part of the objectives of sentencing providing restitution to victims or the community. In addition, sentences should promote a sense of responsibility for offenders and include encouraging acknowledgement by offenders of the harm done to victims or to the community. The statement would outline the importance of maintaining a peaceful, safe society.

The second way the bill provides for the victims of violence is through victim impact statements. The bill allows victims the opportunity to speak of the harm done to them or the loss they have suffered because of the offender. These statements will impact the sentencing of offenders and in deciding whether an offender should be discharged in a section 745 parole hearing.

In the past the parole board has refused to allow victims to put forward information. This is important to me because as I am sure all will agree the information on harm done to a victim by the offender is relevant to the offender's parole. The victim's experience will be taken into account and they will have a chance to speak, which will have an important impact.

The third way the bill deals with the protection and promotion of the rights of victims is in the area of restitution. The bill helps to provide compensation in cases where there is family abuse. Costs for moving, temporary housing or child support may be awarded when the victim is a wife or family which must move from their place, for example when the father is the offender.

• (1935)

I would be remiss if I did not speak on this bill today. I understand and have experience with hate and discrimination and what it can do to an individual. It is a devastating, destructive force that must be dealt with very harshly. I have seen and lived through periods when a name like mine was something excluded, something different and dealt with differently. I understand what can happen in society as a result of having a name like mine.

We must start making the rights of victims a priority. I hope in the future the justice minister brings additional bills to the House to improve the consequences of what victims have to suffer in society as a result of violence taken.

I have noted that the chief of police in Ottawa-Carleton, this area, strongly supports it. The Federation of Canadian Municipalities have written in support of the bill.

Government Orders

A vote for this bill is a vote against discrimination and hate toward individuals and groups. Expressions of hate should have no place in Canadian society and the bill sets out a commitment to fighting hate motivated crimes.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, my question is very simple. If a woman is sexually assaulted that is a terrible crime. If she is violated because she is a lesbian why should that crime be treated more seriously? That is the key question here which we have not had answered by any of the debate from that side of the House. That has to be answered. If that is not answered this legislation should not be put in place.

Mr. Lastewka: Mr. Speaker, the bill talks about sex and the various areas the judges can rule on. Too often I have seen in court cases in which the law is not defined. There is a wide discrepancy from one coast to the other in Canada.

The bill puts more into the system so judges can make the decisions. When there is a sentence they will be guided as to whether it was hate motivated, yes or no. That is what is important. We are trying to get the message out to people that the government will put in stiffer laws whenever there is hate motivated crime. That should be pretty clear.

Mr. Breitkreuz (Yorkton—Melville): Mr. Speaker, with all due respect, he has not answered my question. Why is the one crime more serious than the other?

What I can see happening in our court cases is that this will simply be another make work program for lawyers. It will add a dimension to trials. They will be able to argue a crime was motivated by bias, prejudice or hate. Rather than focusing on the facts of the case, that a crime was committed and that the behaviour was not acceptable, they will have another dimension added to all of these court cases. What drives this legislation? Was it possibly designed by lawyers? Was it designed by people like that who may benefit?

• (1940)

Our court trials are already expensive enough. We do not need another dimension added which this legislation will add.

The question that needs to be answered is if a woman is sexually assaulted is that not as serious as if she is violated because she belongs to some category?

Mr. Lastewka: Mr. Speaker, anywhere there is discrimination or motivated or planned hatred it does not underscore what the member opposite has put in as an example. If it is a motivated hate crime, sentencing should be dealt accordingly.

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, once again I find myself debating a bill restricted by time allocation brought in by the government and its cohorts in the Bloc Quebecois.

When time allocation was introduced for Bill C-41, Bill C-68 and Bill C-85, the Secretary of State for Parliamentary Affairs said the government was forced to do so because the Reform Party had introduced hundreds of amendments aimed solely at stalling the passage of the bill.

When we look at the amendments introduced at report stage on Bill C-41, we see there are a total of 25. Of those 25 amendments only five were Reform Party amendments. How can the secretary of state possibly claim that by submitting five of the 25 amendments the Reform Party was trying to stall Bill C-41?

How can the government possibly claim time allocation was necessary to get the bill passed when it was tabled at report stage on March 22? The government has had almost three months to get the legislation passed.

It is not the Reform Party causing problems for the government on the bill, it is a few Liberal backbenchers causing the government so much anxiety it had to invoke time allocation to get the bill passed with as little debate as possible.

On the quality of debate, I raise some comments made by the member for Vancouver Centre. I am glad to see she has rejoined us so she can hear me. I am bothered that the member for Vancouver Centre had the audacity to question the member for Crowfoot whether he had read the entire bill. I do not recall seeing the member for Vancouver Centre sitting in the justice committee for months and months listening to witnesses or going through the bill clause by clause, trying to make it into something better.

The member for Etobicoke—Lakeshore said this bill is a law of hate motivated crime and that was the sole intent and purpose of it. Maybe these individuals should take a few minutes off and actually read the bill and find out it is about a lot more than hate motivated crime. The member from the Bloc who spoke should do so as well. This bill is about sentencing. It is about alternative measures. It is about breach of trust by public officials and section 745, so much more than hate motivated crime. Having sat through months of testimony on Bill C-41 in the justice committee, it is a shame that many of the aspects of the bill about which I have spoken have been overlooked because of the words sexual orientation being brought into section 718.2 of the Criminal Code and of having an enumerated list of qualifiers.

• (1945)

The hon. member for Rosedale and the hon. member for Vancouver Centre raised the fact that the police were fully behind the bill. As other members have said, the police association is not behind the bill. When the justice minister was promoting his infamous Bill C-68, the gun control legislation, he held up the chiefs of police and the Canadian Police Association as institutions that supported the gun legislation and asked how Canadians could not support it. I will tell government members that the chiefs of police and the Canadian Police Association do not support Bill C-41. I quote the Canadian Police Association which stated:

Government Orders

Our criminal justice system is based on both a defining statute (the Criminal Code) and the case law which has been built up over years in its interpretation and application. Both aspects are cornerstones of our system.

This bill attempts to codify some, and I emphasize only some, of the basic principles of sentencing which evolved in our courts over the last hundred years or so—This bill's approach of attempting to redefine principles will result in endless litigation which will add millions of wasted dollars of expense to a system that is now struggling to make more efficient use of existing resources.

The Canadian Police Association represents police across the country, not just in Ottawa. It went on to say that it was compelled to articulate just how ill advised the bill was and to say:

The sentencing is far too important to be saddled with as poor an effort as this and it should be sent back to the drafting table with instructions to start again. At this late date we urge you to do the same thing and do whatever is necessary to not proceed any further on this bill.

Those are pretty strong statements from the police community that was so important to the government's support of Bill C-68 but is being totally ignored on Bill C-41. Why is its support so important on one bill and totally ignored on the other?

When Parliament passes amendments to current legislation it is usually done because it wishes to change the direction of the legislation or to make up for some deficiency in law. As was pointed out by the Canadian Police Association, the bill falls far short of that.

The amendment about which everyone has been talking this evening with respect to section 718.2 does not do it either. The amendment calls for crimes motivated by bias, prejudice or hate to be deemed aggravating circumstances. Therefore a greater sentence would be applied. We have heard impassioned speeches from the government benches about the personal injustices and experiences they have had with respect to discrimination. I do not doubt that. I do not doubt there are many Canadians who have been faced with that.

The justice committee heard extensive evidence about what the courts have been doing for years. Before passing sentence the courts take into consideration all the aggravating and mitigating circumstances. The courts are already giving stronger sentences when they are based on hate or prejudice.

The motivation of the offender has always been an issue. Courts today frequently hand out more severe penalties for crimes committed on the basis of hate, prejudice or bias. If that is already the case, why do we need this section in Bill C-41? Are we in effect telling the courts that we are passing new legislation because we want them to maintain the status quo? There is one difference, which is that section 718.2 lists nine issues to be considered.

The justice committee attempted to determine if the list was exclusionary, that is if the basis for hate crime is not listed in the section can the court consider it to be an aggravating factor?

• (1950)

The hon. member across the way brought forward the fact that an amendment was made to it. Yes, there was an amendment made to it that added the similar factor. As is usual, in cases where lawyers appeared as witnesses some said that the list would not be exclusionary and others said that the list would be considered exclusionary. If it was not meant to be exclusive why would the government include a list?

It is obvious that people charged under this section will be arguing as to whether or not the list is exclusive. It is equally likely that in leaving the section as it is we as parliamentarians are leaving it up to the courts to decide whether something belongs to the similar factor. That is why the section should be deleted in its entirety. I have not heard one individual state that the courts as a whole have not been effective in taking aggravating factors into consideration for crimes based on hate, prejudice or bias.

As I said earlier, section 718.2 received the most attention but other areas deserve further scrutiny. One such issue is alternative measures. The concept of alternative measures is valid. I do not think there is anyone in the Reform Party who does not support the concept of alternative measures.

However the bill has left far too many unanswered questions. What is an alternative measure? We cannot answer that question because there is no definition. There are not even guidelines on what the provinces can decide is an alternative measure. Who qualifies for alternative measures? That is another question that we cannot answer. The bill just states that the person who makes the decision must consider it appropriate. Who is this person who is to decide if the penalty is appropriate or not? Again we do not have an answer. The bill does not stipulate who should be making these decisions. In fact the bill does not even state what type of crimes are appropriate for alternative measures.

One would think that the alternative measures would not be available to people who have previously been dealt with by alternative measures. The bill does not say that. It may be extremely difficult to determine if an offender was previously dealt with by way of alternative measures because there is no need for mandatory reporting of alternative measures. Nor is there a central repository to determine if alternative measures have been previously used. The sections dealing with alternative measures are just too vague to support.

Government Orders

Another serious issue that Bill C-41 fails to address is that of individuals in public positions losing their positions if convicted and sentenced to a term of incarceration. Previously a member of Parliament who was convicted of a criminal offence could only lose his or her position if sentenced to a term in excess of five years.

The justice committee accepted a Liberal amendment to this clause that reduces the necessary term of incarceration from five years to two years. However the committee rejected a Reform amendment that elected officials should be removed from their positions if they are sentenced to any period of incarceration. Perhaps it was a little too severe for the Liberals' liking but the zero tolerance was based on reality. Members of the RCMP who are convicted of a criminal offence lose their jobs if they spend even one day in jail. How could Parliament permit such a double standard?

We expect members of the national police force to have such a high standard of conduct that any incarceration would automatically result in the loss of their jobs. Yet when it comes to the standard of conduct of our own, the lawmakers of the country, we say that only incarceration in a federal institution for two years or more will disqualify an elected official. How can the government justify this contradiction?

However the biggest problem with Bill C-41 is not necessarily what is there but rather what is not there. Bill C-41 is tinkering when what is really needed is a major overhaul.

• (1955)

I go back to the CPA letter which says that it should be sent back to the drafting table with instructions to start again. It is not just Reformers who feel that it needs to be scrapped; that is also supported by the CPA.

We need a sentencing bill that will lock up violent high risk offenders and keep them incarcerated until they are no longer a threat to the public. We need a sentencing bill that will provide offenders with a sentence that is a specific deterrent to them and a general deterrent to others. We need a sentencing bill that provides sentences that are commensurate with the severity of the crime, sentences that are applied consistently and with a high degree of certainty.

The justice system is suffering from a major lack of public support. If we are ever to regain the public's faith in the justice system, we must provide Canadians with laws that will really keep our streets and communities safe.

Bill C-41 is not the answer. I ask my colleagues on the opposition side and on the government side how they could possibly support such a poorly written document that will infringe on justice in Canada.

Ms. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, since the hon. member personally addressed me in her speech I think I should not only respond but ask her a question.

The hon. member said that I was not present at all the hours and hours of committee meetings and I did not listen to the witnesses. One does not have to be there to comprehend, to be able to read the bill from cover to cover. That is very simple to do. It is also quite easy to get transcripts of the committees and understand them.

I did not only deal with them to get my knowledge. As a family practitioner for 23 years I have knowledge of what hate crimes do to people. I worked in emergency rooms and know about people who had come in beaten up because of their sexual orientation or because of their race in the city of Vancouver. I have a very valid reason for speaking the way I did.

If you discuss the abstracts of the bill, look at the fine points of clause by clause consideration and dot the *i*'s and cross the *t*'s but fail to understand the principles behind the bill or the very real part of the bill that will affect Canadians where they live, that will affect their lives in a very real and meaningful way, you have missed the whole issue completely.

Does the member understand the principles?

The Acting Speaker (Mr. Kilger): Before I go to the next member, by and large debate has been conducted in a very parliamentary way, but I remind members that because it is an issue about which there are some very strong feelings it is important for the interventions to be made through the Chair.

Ms. Fry: Mr. Speaker, I have a question for the hon. member. Does she fully understand why hate crimes should have aggravating factors? Hate crimes do not only hurt physically. Nor do they only hurt psychologically. Hate crimes leave a lasting effect on the individual. Hate crimes cause the continuing erosion of the self-esteem of a group that feels rejected by society. Members of that group have no sense of self-worth. It haunts them throughout the rest of their lives.

Does the hon. member fully understand that aspect of hate crime?

Ms. Meredith: Mr. Speaker, I can honestly say that I fully understand the intent of the bill and the impact that hate crime can have on an individual. That is why I am pleased that the courts already take that into consideration.

• (2000)

I appreciate the fact that the hon. member is a medical doctor and not a lawyer, but perhaps if she looked through transcripts of trials and sentencing she would find that the courts now take that into consideration in sentencing. They already take into consideration that a beating might have been because a person was homosexual or because they were of another race. They already give more severe sentences based on that aggravating factor.

Government Orders

I appreciate that, but I recognize that this is already happening now and we do not need to codify it so there is more debate as to whether or not another group should belong to that list, that enumeration. And that will happen.

We had a case in Vancouver, which she is very much aware of, where it was the profession of an individual that caused him to be the victim of a shooting. He may or may not fall into this list. We will have lawyers debating back and forth and wasting court time when right now the courts would take that into consideration because there is not an exclusionary list.

I would suggest to the hon. member that already the courts take it into consideration, the judges take it into consideration. There is absolutely no need to put a law together to specify a list. I repeat that it is only one part of this legislation.

In case the hon. members in this House missed the point, this is also about alternative measures that are not defined, that are not specified as to who makes decisions, that are not specified on what crimes or what offenders qualify or whether they get alternative measures one, two, three, ten, or fifteen times. I think those things have to be addressed. We cannot pass a law for one clause; we have to look at the entirety. If the entirety of it is bad, we as legislators have a moral obligation to see it does not become law.

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I have a brief comment.

The hon. member for Surrey—White Rock—South Langley complained in her opening remarks about time allocation, saying that it is not her party that is stalling and delaying.

I believe the hon. member was here yesterday when Canadians saw the Reform Party members wasting time deliberately with the way they were voting in slow motion and making a mockery of this Parliament. I call that a contempt of this Parliament. This is why we have to bring in time allocation. We have not brought in closure. They can complain about closure.

When we are dealing with members like this, I call time allocation good time management.

Ms. Meredith: Mr. Speaker, in response to the allegations from across the floor, it is interesting that an individual on the government side could comment about needing time allocation when this particular legislation has been at report stage since March 22. If the government moves so slowly that it takes it over three months to get something from report stage to dealing with it, from introduction to dealing with it, I do not take any responsibility for that.

What we went through last night was giving every single individual in this House the opportunity to make their recorded

vote, which is the parliamentary right of every member in this House. I will not apologize to the House or to anybody else for forcing the situation last night so that every member had the ability to be registered as voting for or against the amendments on this important legislation.

Mr. Gordon Kirkby (Prince Albert—Churchill River, Lib.): Mr. Speaker, I wanted to point out that in the statement of the hon. member she did point out that right now the criminal law is composed of the Criminal Code and the common law. All that is sought to be done by this amendment is to simply codify the existing common law—it is not changing the law—so the judges and lawyers will all be aware of exactly what the law is in a very succinct form so that—

The Deputy Speaker: The member has the same amount of time to reply.

• (2005)

Ms. Meredith: Mr. Speaker, I will be very quick.

They already have the flexibility, not looking just at a list but looking at all factors, whether they fall under a list of enumeration or not. The list of six or seven items is not just bias, hate, and prejudice. There are far more areas. This is an exclusionary list that is being put into law that will give lawyers more and more opportunities to suck money out of the economy.

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is my pleasure to rise today to speak to Bill C-41. In particular, I would like to address the proposed change to section 718.2 of the revised Criminal Code, which deals with crimes that are motivated by hate, hate being deemed an aggravating factor for the purpose of sentencing.

More specifically, this section of the Criminal Code looks to criminalize those who commit an offence that was motivated by bias, prejudice, or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, or sexual orientation.

This section takes into consideration that there are crimes against individuals and then there are crimes against a group. The latter crimes have the potential to hurt and hurt deeply and injure a collective group of people. Hate crimes put a group at psychological unease, deteriorating their psychological quality of life and inducing mental injury. As we all know, mental injuries and traumas can lead to physical illnesses, commonly referred to as psychosomatic illnesses. However, everyone within the designated group will be affected to some degree, some more than others. Above all, practically every single one will feel a deterioration of self-concept and eventually feel themselves second class citizens.

Government Orders

It is important to take note of the fact that all of the groups specified in the proposed legislation are afforded equal protection. I reiterate: equal protection. For example, hate crimes against males are treated in the same manner as hate crimes against females. Caucasians are afforded the same protection as Orientals; Christians the same as Muslims; anglophones the same as francophones; heterosexuals the same as homosexuals; and Ukrainian Canadians the same as Iranian Canadians and native Canadians.

Each of these mentioned groups at some time or other can be potential victims of hate crimes. All of them have been singled out for excessive negative treatment by someone for some reason. Why? It is ignorance, pure and simple. Ignorance is the foundation of this negative form of behaviour. It is nurtured by someone for someone's advantage, whether it is for control of a group, greed, or to keep people in a state of ignorance so that they will never know there is something better around the corner.

Fear is another controlling factor. This points out to me and to everyone else that there is a desperate need for education, education that will enhance the image of every single Canadian to the point where they will feel secure in the decision making and the choices they make and someone else who is trying to manipulate them for some unknown reason will not degrade them, debase them, and humiliate them to the point where their self-concept is practically destroyed.

Remember that most people who attack other people and hate other people have very poor self-concepts. Because of the poor self-concept they have, they are trying their very best to knock someone else down to a much lower level of esteem.

• (2010)

Given the above realities, one is astounded as to how opponents of the bill can possibly come to the conclusion that any particular group is being granted special protection. The above clearly indicates that in fact everyone is treated equally. Yes, every hate crime as well is treated equally.

Bill C-41 does not give special rights to anyone. It protects all Canadians. Every Canadian has a nationality, a race, an age, a gender, a sexual orientation, and a religious belief. If there is a member in the House who believes he or she is an exception to this rule, please let them stand and be counted.

Since no one has risen, I will assume I was correct in my assumption.

Another misguided criticism regards that claim that inclusion of the term sexual orientation would somehow serve to promote homosexuality. This allegation hardly deserves a response. I cannot for one moment think of a way in which this bill would serve to

promote a certain sexual orientation, or any other group protected by Bill C-41 for that matter.

Some opponents of this bill have been misled into believing that Bill C-41 involves changes that would include the recognition of same sex marriages and even same sex benefits. This is absolutely ludicrous. This bill deals with crimes in the Criminal Code, not with same sex issues.

The civil and political rights of gays and lesbians will be debated in a completely different context, that being within the context of national and international human rights. Those civil and political rights are completely unrelated to the bill that is being discussed today. Some members in the House have been able to make the distinction. In fact, judging from the debate I heard today and yesterday in the House, some members have been having a terribly difficult time in doing so.

Furthermore, I fear that some have utilized this debate as an opportunity to voice their dislike for certain lifestyles. Although I do agree that they are privy to their own opinions in this respect, I most certainly believe that today's debate is not the forum for them to voice these opinions. We must deal with this area of concern in a rational manner and not emotionally.

Today's debate is concerned with the pressing need to prevent offences of hate motivated violence in Canada. This distinction we must keep in mind.

It is quite apparent that the allegations and criticisms aimed at Bill C-41 are entirely unfounded and misleading. These criticisms are based upon half-truths and misconceptions as well as misperceptions.

For those who are opposed to the listing of the various characteristics of the individual in this clause, please remember that the hate crime section is meaningless without the list. In several rulings the Supreme Court of Canada has warned that any hate related legislation must be very, very precise and identify target groups it intends to protect.

I urge all members in the House to objectively analyse the debate surrounding this bill and make a decision based upon the principles of justice, equity, and fairness.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, I would like to thank the hon. member for Thunder Bay—Atikokan for lowering the tensions in the room and debating on a somewhat lighter level than we have been getting. Of course I think that is only just, because we are dealing with a very frivolous bill.

All the members opposite who have spoken seemed to zero in on one section of the bill. No one remembers that the bill is thick and includes a great number of clauses many of which are as equally bad as the one all of them seem to want to debate.

Government Orders

• (2015)

However, the gauntlet has been thrown down on that one issue which lists and categorizes people and says that only they and no others are entitled to protection against hate. It was a bit frivolous when he started saying everybody has a race, a religion and so on. The hon. member knows it goes much deeper than that. In any event I will play on his turf and by his rules.

This is not a very hypothetical question, but if a man who happens to be Jewish goes into the bad section of town and is beaten half to death by somebody who wants to take his wallet, does that man suffer any less than he would have suffered had his assailant known he was Jewish when he was beating him? I would like a straight answer to that question.

Mr. Dromisky: Mr. Speaker, the victim in this case has been robbed and in the process has received a physical form of abuse that could be very devastating. In both cases we have laws to cover them. I do not think the attack was perpetrated by the attacker knowing the gentleman was a Jew. Therefore I think the law covers it and states very clearly exactly what type of treatment the criminal must receive in this case.

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, the police commission has written a letter. It opposes this bill very strongly. If the hon. member has not seen the letter, I suggest he get a copy. It is stated loud and clear in the letter that in the courts today there are numerous texts, illustrations and periodicals and case law. All of that has been put together and they have been using it for a number of years to address hate crimes. They have been doing it very effectively I might add.

If the Liberal government thinks this is not being done, then someone should talk to one of the Liberal members on the justice committee who stated statistics from court trials where it was shown that the homosexual community is third on the list behind racial and possibly religious hate crimes. There are records of all these things that are happening. It is presently being done. That is why the police commission opposes this section. It is simple duplication and is unnecessary. They know what they are doing and they are doing a good job.

What is the real reason for section 718.2 if it is already being done?

Mr. Dromisky: Mr. Speaker, the arguments and challenge being presented right now are the very kind of questions that were probably asked in the 1930s in this Chamber. In the 1930s the very same principles were being advocated by opponents to changes in our laws.

We have identified various groups in our society in the history of this country who have been victimized by hate. Various individuals have been attacking specific groups. The need arose. The need was

identified and a responsible Parliament of the day made a change in the Criminal Code to make sure that we could protect that segment of Canadian society from various ignorant people, as I would like to call them.

We have reached a point in the history of this country where for some reason or other a group of individuals is being attacked, hatred being the main motivating factor. As a result we are taking into consideration the need to protect this segment of our society. That is why a change has taken place in that section.

• (2020)

Mr. Ken Epp (Elk Island, Ref.): Mr. Speaker, the member seems so convinced that logically the bill is defensible. Why then is it necessary to tell all of the members on the government side how to vote on it? Why can they not figure it out for themselves if it is so convincingly logical?

Mr. Dromisky: Mr. Speaker, I do not think I have to convince anybody on the government side as to how they should vote on this bill. I know that members of the government are extremely rational individuals who are very very concerned about the safety of their compatriots, their constituents and the citizens of this country.

The Deputy Speaker: Resuming debate. The hon. member for York—Simcoe. Perhaps it could be put on the record that by an understanding the hon. member for York—Simcoe is sharing the slot with the hon. member who just spoke on debate.

Mrs. Karen Kraft Sloan (York—Simcoe, Lib.): Mr. Speaker, it is a privilege to rise in the House to debate an issue that is of importance to all Canadians. I would like to take this opportunity to express my strong support for Bill C-41.

In particular, I would like to address the sentencing provisions of crimes motivated by hate. There has been an incredible amount of misinformation surrounding these amendments. I appreciate this opportunity to relay the facts and clarify any misconceptions that may have arisen over the course of this debate.

Bill C-41 is a general bill that proposes amendments to the sentencing provisions of the Criminal Code. One of these amendments proposes harsher sentences for those already convicted of crimes motivated by hate on a number of grounds, including race, nationality, colour, religion, sex, age, mental or physical disability, or sexual orientation of the victim.

Currently there are certain hate crimes that are not covered by Canada's anti-hate laws. These include Criminal Code offences motivated by hatred against a targeted group which do not involve hate propaganda such as physical attacks or murder. In the past the law has viewed synagogue desecration as simple mischief without acknowledging the intense pain and fear suffered by members of the entire targeted community. Therefore, it is imperative that hate motivated crimes be included in this bill.

Unfortunately hate crimes have become alarmingly prevalent in our society. Expressions of hate are numerous and range from attacks by skinheads on gays to the desecration of synagogues to the killing of a native Cree. These attacks target virtually all minority groups and most of the time are violent and malicious. This can no longer be tolerated.

Statistics have made it apparent that hate motivated crimes are drastically increasing in our country. B'nai Brith has identified over 40 hate groups in Canada. Crimes targeting specific populations are on the rise. Hate crimes make many Canadians feel vulnerable and afraid. We must not tolerate this any longer in Canadian society. It is time that Canada recognized hate crimes as a particularly serious category of crime which attacks our diverse society. Bill C-41 sends a clear message that these hate motivated offences will not be acceptable.

This rise in hate motivated crimes has also been recognized across the country by police. As a result hate crime units have been established to address the changing nature of crime. The Ottawa-Carleton Regional Police bias crime unit has already had an effect on hate motivated crimes in the national capital region. It has been credited with contributing to a significant decrease in all hate motivated crimes in Ottawa. As a first of its kind it will act as a model for other cities seeking to address this problem.

Canadian authorities have had their hands full trying to monitor and contain the hate movement. Bill C-41 is an important measure to help them protect innocent Canadians from persecution and harm. Section 718, 718.1 and 718.2 of Bill C-41 reform the sentencing provisions for hate crimes. These amendments are welcomed and endorsed by police units across the country.

In the past, court rulings have recognized the underlying principle that hate motivation should be taken into consideration in sentencing. These sections will ensure through legislative means this principle is applied uniformly across the country.

I firmly believe that specific legislation is required to address hate motivated crimes in Canada. These crimes are more serious than those committed against individuals and therefore should be treated more harshly under the Criminal Code.

• (2025)

For example, it is horrible that a young man walking home would be attacked because he was targeted as a member and therefore a representative of a specific group. This indicates that the crime is premeditated and committed with the specific intention of bringing deliberate harm and persecution to a targeted group.

Government Orders

Not only do hate motivated crimes make all members of a targeted group feel vulnerable or afraid, but unfortunately by their very nature they are often repeated crimes. Therefore, it is imperative that we punish these crimes more harshly.

Those committing the crimes must realize that their prejudice and hatred must not be tolerated by Canadian society and their sentence must reflect Canadians' collective condemnation of the crime. Only by recognizing the seriousness of these acts of aggression and punishing them accordingly under the Criminal Code can Canada combat this wave of hate propaganda.

Many of us assume that Canada is an open, tolerant and inclusive society. We must not take that for granted any longer. Canada has been changing over the past few decades. Unfortunately, some people do not like the changes and stubbornly resist them. That in turn creates more problems. People begin to scapegoat certain groups as instigating the problem. This is not right.

We must not blame groups for our problems in society. It is much easier to blame others than to seek solutions for our complex problems. We must not fall prey to this. We must work together to build consensus and effectively manage changes occurring in our society. However, we must also feel that it is crucial to protect individuals and groups from hate motivated crimes.

Hate crimes are almost invariably based upon these characteristics: race, nationality, colour, religion, sex, age, mental or physical disability or sexual orientation. Therefore, it is necessary to spell out these characteristics in order to ensure sentencing provisions in the legislation are upheld in court.

I have received letters from constituents regarding Bill C-41. In particular, they are concerned with the inclusion of the term sexual orientation. First, the bill does not confer any special rights, but rather protects all Canadians. Every Canadian has a nationality, a race, an age, a gender and a sexual orientation.

The bill will not grant special rights to homosexuals, nor will it in any way affect the traditional family. I have assured my constituents of these facts, but I will also take advantage of the chance to reiterate that this is a sentencing and crime bill which will protect all victims of hate crimes. It has absolutely nothing to do with the recognition of same sex marriages, nor will it destroy the traditional family.

I firmly believe that all Canadians should be protected from vicious, targeted acts of aggression. I certainly support the inclusion of sexual orientation as a ground for hate motivation in the legislation. The inclusion of sexual orientation as a ground for hate motivation recognizes the fact that criminal acts which are intended to terrorize the gay and lesbian community are on the rise and unfortunately have become a problem in Canadian society.

Government Orders

The term sexual orientation has been adequately defined. In fact, it has been used in a number of statutes in Canada, including the human rights legislation of eight Canadian provinces. This term has been consistently interpreted by the courts to include heterosexual, homosexual or bisexual. It does not include pedophilia. As a matter of fact, pedophilia is an offence under the Criminal Code of Canada.

I have also heard concerns from constituents that Bill C-41 will endanger freedom of speech. This legislation is applicable to offences indictable only under the Criminal Code. Bill C-41 is a sentencing bill and will be applicable once a person is found guilty of a crime. Church sermons are not crimes, nor is moral opposition to homosexuality. However, gay bashing is a crime. No one, regardless of their beliefs, will be affected by the legislation unless they commit and are convicted of an offence which is indictable under the Criminal Code. In addition, freedom of religious expression is guaranteed in the charter of rights.

We cannot ignore the fact that hate crimes are on the rise. We must not tolerate hate crimes in our society any longer. The Liberal commitment has been very clear from the beginning. Bill C-41 merely fulfils yet another of our promises outlined in the red book. I have always been opposed to hate crimes of any kind. I campaigned on this election promise and I fully support the bill at final reading.

I firmly believe that Bill C-41 is a crucial measure to send the strong message that hate crimes will not be tolerated in Canadian society. I strongly urge all parliamentarians to support the bill so that we may work together to protect all Canadians.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I certainly noticed the strong emotion of the previous speaker. She is committed to ensuring that hate crimes, as she talked about them, are vigorously punished by the courts.

• (2030)

You and I, Mr. Speaker, both represent ridings in Edmonton. There is a problem in Edmonton and other cities with the Vietnamese gangs who have assaulted other people, white people, because they are of a different origin. If white people were to set upon the Vietnamese section 718.2 would certainly suggest because of their national ethnic origin the court should look on that quite seriously.

However, when the shoe is on the other foot and the Vietnamese gangs are pillaging and terrorizing the neighbourhoods I wonder if the member can explain how the bill will show the same respect and have the courts apply the same type of punishment.

Mrs. Kraft Sloan: Mr. Speaker, as parliamentarians we come into the House and operate under certain parliamentary rules and procedures. One of the rules of the House is that we leave bigotry and narrow mindedness at the door before we come in.

I suggest to you that your—

The Deputy Speaker: Hon. members should address their remarks to the Chair.

Mrs. Kraft Sloan: To Canadians watching tonight, this is another example of bogus, reverse discrimination consistently used by members of the third party.

This legislation refers to sentencing based on race and ethnicity. It does not specify the race of the ethnicity of the individual. If an individual is convicted of a crime motivated by hate based on race or ethnicity it has nothing to do with whether they are black, white, red, yellow, green or purple.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, the hon. member who just spoke pointed out one of the problems with this legislation.

When my colleague asked about different treatments that might be in place when Vietnamese committed crimes against whites because of race and when whites committed crimes against Vietnamese, she did not consider both to be discrimination. She considered one to be reverse discrimination.

I ask the member why that is. If one is discrimination, why is the other one not pure and simple discrimination?

Mrs. Kraft Sloan: Mr. Speaker, what I said was this is a typical example members on the other side use to illustrate what they refer to as reverse discrimination. I do not refer to reverse discrimination. I refer only to discrimination. I am referring to the things members opposite have used particularly in debates on employment equity when they are constantly screaming about reverse discrimination.

What I said, if the member opposite had been listening, was if a person is convicted of a hate crime based on race or ethnicity it does not matter about skin colour.

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, the hon. member for York—Simcoe seems to suffer from the same misapprehension as her colleagues in that she believes Bill C-41 is a bill with only one clause. We hear nothing except the so-called hate clause over and over again.

• (2035)

The member from Thunder Bay—Atikokan wants to play on that field. I will join her there.

My mythical Jewish gentleman wanders into a bad section of town and is beaten half to death by someone who does not know he is Jewish in order to steal his wallet. On another occasion he suffers the same type of treatment from someone who knows he is Jewish and decides that for his daily kicks he will beat up on Jews. As an afterthought he steals the wallet. The gentleman in both circumstances is equally damaged and ends up in the hospital. Why in the name of justice and common sense should one thug get a stiffer sentence than the other one?

Mrs. Kraft Sloan: Mr. Speaker, one of my colleagues on this side spoke about different aspects, about victim impact and other aspects of the legislation. Other members on this side have spoken about many different aspects of the legislation. However, some of us have been choosing to speak to the hate crime aspect of it simply because members opposite are not getting the point. We thought we would like to do it again and again until perhaps—

The Acting Speaker (Mr. Kilger): Resuming debate with the hon. member for Prince George—Bulkley Valley.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Mr. Speaker, one of the things that becomes abundantly clear in this whole debate is the Liberal Party appears to be very uncomfortable with section 718.2.

We on this side know the bill is some 75 pages long. Some of the Liberal members have pointed out the bill is some 75 pages long. However, invariably every one of the Liberal speakers tonight has zeroed in on 718.2. Why is that? The reason is they are uncomfortable with it. They are finding themselves being put into a position of having to defend it over and over again and their case is getting weaker and weaker.

Now we find in this debate, which has been happening since the bill was first introduced, the speakers becoming proactive in jumping into 718.2 in order to fend off some questions from the other side. If I were not comfortable with 718.2 had I presented it as part of the government I would probably be doing the same thing.

Tens of thousands of letters, cards and names on petitions have come into Parliament, to members, by people who have taken the time to read Bill C-41. They have taken the time to get an understanding of what section 718.2 really means, what kind of precedent it can set and what it may lead to in the future when we come to defining some of the categories mentioned in it.

Let us not forget if this legislation passes, the term sexual orientation will appear for the first time in any Canadian legislation ever passed in the House. People are very concerned about that.

I understand the Liberals' current proactiveness in zeroing in on 718.2 because they want to deflect some of the questions over here.

• (2040)

They are uncomfortable with it. They know it is flawed. They know there has been a huge uprising of concern from the Canadian people, not from the special interest groups they have been talking to, but from rank and file Canadians across the country concerned about this clause in the bill as well.

They all have the letters. They have the cards. They have seen the petitions. Our Criminal Code tries to demonstrate the things we hold dear and what penalties should be dealt should these things be violated.

Government Orders

The government of the day and parliamentarians have an obligation to listen to the Canadian people, to a broad range of Canadian people to get the feel of the average person so when amendments are made to the Criminal Code they will best represent society's perception or views on what direction we should be going in when we deal with changes to the Criminal Code.

Bill C-41 does not reflect the views of the average Canadian because the Liberals did not pursue a broad sampling of the views of average Canadians. That is not their style. Instead they selected people to attend the committees, to submit briefs from groups and organizations, not individual views, so they could mould them into the real Liberal agenda in the bill, something politically expedient for that party.

This is one of the many bills the Liberals have introduced this session that do not address the real views of the Canadian people. I want to talk about criminal justice for a moment and tell members about a survey so there is no mistake on some of the things I may say tonight as to whether I am representing the views of my constituents. Above all, unlike the views of the leader of the Liberal Party, I am here to represent the constituents who voted and sent me here to represent them.

I did a survey on criminal justice and I wanted to get a broad range of views from right across my constituency. I asked 30,000 households about their views on the death penalty. Eighty-eight per cent of the people who returned the questionnaire said they wanted to have the death penalty returned for first degree murder. Of those 88 per cent affirming the return of the death penalty, 58 per cent suggested it should be extended to child molesters. Fifty-four per cent said it should be extended to rapists. Forty-five per cent said it should be extended to drug dealers. I think members are getting an idea of the views of the people I represent. They are my views as well.

The point is we have a Criminal Code which our courts are obligated to operate under. In the sentencing provisions judges are given sentencing latitudes. The penalties, quite frankly, with the exception of capital punishment which is not in there, thanks to the member for Notre-Dame-de-Grâce a few years ago, are in the criminal justice system already. It is not the problem of the penalties. It is a problem with the administration of the penalties by the judges. It is the sentencing that is the problem. The judges have latitude and they are not giving out the penalties.

• (2045)

An assault is an assault is an assault, whether it is against one person or another person, regardless of what people's differences may be. A physical assault is a vicious crime. A sexual assault is a more vicious crime. An assault that causes a lifetime injury, a disability, is a very vicious crime. There are penalties on the books to deal with these crimes. But a government like this one does not have the guts to encourage the judges to deal with them in a manner that rationalizes the sentences they should be giving. That is the

Government Orders

problem. We do not need changes to sentencing provisions. They are already there but they are not being used. This is frustrating Canadians all across the country.

A section in the bill deals with the treatment of offenders of aboriginal descent. About two weeks ago a native Indian was convicted of sexual assault. At the same time he issued a death threat against his victim. The fellow went to court and was found guilty. That is a very serious crime in my book and would be considered so by most Canadians.

Even some of the bleeding heart Liberals across the way would agree with me that sexual assault is a very serious crime. Saying: "If you do not co-operate, I am going to kill you", is a very serious offence as well.

The person was found guilty. The evidence in court showed that the person had prior arrest and convictions for armed robbery. However, the judge with his creative thinking or because of political pressure or the influencing forces to make politically correct decisions, decided that instead of dealing with the crime as one that has a specified punishment in the Criminal Code, to have a sentencing circle. That is something new that is coming into the country when dealing with aboriginals.

The sentencing circle of elders determined that this man who was convicted of sexual assault and while assaulting his victim said: "If you do not co-operate with me, I will kill you", who had previous sentences for armed robberies which is a serious crime, whether your gun is registered or not, was given a sentence of one year banishment.

Mr. Thompson: Shame. Shame.

Mr. Harris: He was given one year banishment. He was to go out into a remote area for a year and be counselled by some elders.

I saw an article on that in a Halifax newspaper while going home. By the time I reached Prince George, B.C. it had hit the Prince George *Citizen* the next day. My phone started ringing off the hook and people were asking me: "Is everyone crazy out there?" I said to them: "No, just the Liberals".

• (2050)

This is the type of justice that Liberals seem to embrace. An individual is responsible for a crime which he or she commits. But Liberals do not believe in placing the responsibility on the individual who commits the crime. No. The Liberal philosophy says that it is society which is to blame. Let us penalize society. Society turned this person that way. They are not to blame.

The fact is there are provisions in the Criminal Code to deal with serious crimes, even the hate crimes which are pointed out in section 718.2. We have penalties on the books now.

I want to get back to sentencing. Section 718.2(c) states:

where consecutive sentences are imposed, the combined sentence should not be unduly long or harsh;

When I read that I see Pierre Elliott Trudeau and I see his former justice minister, the one responsible for section 745. It is the rallying cry of bleeding heart liberalism personified in the bill. Far be it for the courts to suggest that criminals should be punished for a crime.

Many Canadians are wondering about the existence of concurrent sentences. Why should a criminal convicted of several crimes serve his sentences concurrently so that he ends up serving a sentence for only one of the crimes?

This fashion of sentencing, consecutive and concurrent, is the number one contributor to plea bargaining, to deal making outside the courts. The lawyers get together, have a cup of coffee and say: "If you want to play golf this afternoon let's cop a plea and we will get this thing over with".

People read in the paper about someone who has been convicted of a serious crime and got a slap on the wrist. Most times the judge takes a bad rap for that because the lawyers had made the deal outside the courtroom before it even got to the judge. I have a decent enough regard for lawyers. They have to make a living too. We took the bounty off them in our party, Mr. Speaker.

The Liberals have it all wrong in Bill C-41. They are simply reacting to pressure from the interest groups which supported them during the election. The Liberals are famous for that. Mr. Trudeau probably did the best job at gathering together people from different categories and from different groups so that when the election came along they did not have to start talking to people individually, they just talked to the leaders and the rest of the people followed behind.

Our country is on a dangerous path. We would be negligent as parliamentarians if we dared to forget that the people of Canada have a right to decide what kind of society they want to live in. As long as the government refuses to listen to a broad spectrum of the Canadian people to hear their ideas and concerns, then anything it attempts to do with the criminal justice system is going to serve only the people who support it.

• (2055)

This is the underlying purpose of the bill. It is not to try to address crime in a meaningful way, but rather to placate the special interest groups that are giving the government a lot of problems right now.

Government Orders

I cannot in any way support a bill like this. I have had probably in excess of 15,000 pieces of mail from my riding all saying: "You are our member of Parliament for Prince George—Bulkley Valley. We implore you to vote against Bill C-41 particularly against section 718.2" which attempts to categorize certain types of crime based on the categories that the Liberal Party wants there.

In response to the people who sent me here to represent them I will most assuredly vote against Bill C-41 and comply with the wishes of my constituents, something that the party opposite is not able to do.

Let me rephrase that. In all fairness there are members of the party opposite, and I apologize to them publicly now, who have had the guts to stand up and say, I am going to represent my constituency. That is what I was sent here to do. That is what I am going to do. I congratulate them and I condemn the whip. I condemn the Prime Minister for the things he has said about the people who have had the guts to stand up and vote in a democratic fashion representing their constituents.

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, I am a lawyer. They may have taken the bounty off lawyers in the Reform Party but I have to rise to debate the comments that my hon. friend has made. I want to make three or four comments. I ask my friend to have a pen and paper handy to copy down some sections. Then perhaps he would make a comment or two.

I have a great interest in this bill, having studied it in the justice committee. I have been watching the debate. I note that the debate is going back and forth. Where is Her Majesty's loyal opposition in this debate?

The last person I saw speak was from the Reform Party, then back to my own party, then back over to the Reform Party and back to my own party. I do not see the Bloc Quebecois members standing up and talking about what they think is right, whether they are supporting this bill or whether they are not.

The justice critic stood up and said a few words. One Bloc member addressed one of the many sections of this bill. I say shame on a party that does not take its responsibility seriously as Her Majesty's loyal opposition.

I want to say something about the witnesses that appeared before the justice committee. I was a member of the justice committee that studied this bill. It is very true that what we would call the ordinary citizen, in other words, the person who might live on Grenoble Street in my riding did not have an opportunity to come.

The groups that appeared before the justice committee and gave evidence were in my view representative of all of the interests that were concerned with this bill and in my judgment at least put forward the arguments for and against various sections of the bill.

I do not think the Canadian people were deprived because each and every one of the members on that committee of all the parties took a certain approach at the justice committee and were able to ask the questions they felt were required based on how they want to represent their constituents.

• (2100)

I know a lot of the debate has centred on section 718.2. However, this bill has a lot of interesting principles in it and it deals with a number of things. We have had history lessons about Prime Minister Trudeau and who was the justice minister here and there. Let us find out a little bit about the Reform Party.

Section 730 deals with absolute and conditional discharges, which may be granted by the courts in certain circumstances. Does the Reform Party support absolute and conditional discharges, yes or no?

An hon. member: Yes.

Mr. Wappel: Section 731 deals with probation. Does the Reform Party support section 731 and the concept of probation?

An hon. member: Yes.

Mr. Wappel: Section 734 deals with fines. Does the Reform Party support the concept of fines as outlined in section 734?

What about section 738, dealing with restitution to victims of crime and in particular a proposal made that people who abuse their spouses should be ordered to make restitution?

I would like to know what the Reform Party's policies are in response to the very things that are in this bill on these points.

Mr. Harris: Mr. Speaker, I would like to answer the hon. member. The answer to his last questions are yes, yes, yes, and yes.

However, here we have a bill that has a lot of similarities to Bill C-68 where it has some perfectly good legislation in it. At the same time, because of the way the Liberals operate, it has some terribly bad legislation in it.

This is just like Bill C-68, when we said: "Listen, why do you not split the bill. We will be glad to support you on the part dealing with stiffer penalties, but we cannot support you on the registration". We made amendments to this bill to try to delete some of the bad legislation that we thought was going to cause a lot of problems. It is interesting that so did some of the members over here. The government whip and the justice minister said no, it has to go through.

What is happening is that we are permitted to try to take out bad legislation here, which we have done. The member for Crowfoot made a ton of amendments to try to get this thing so it was acceptable by leaving the good parts and getting rid of the bad parts. I know the hon. member made a lot of amendments himself trying to do exactly the same thing.

Government Orders

However, the fact is that the justice minister, cheered on by the Prime Minister, had an agenda and just tried to ram this thing through and God help anyone in this party who votes against it, because they are going to answer to the whip over the summer.

[*Translation*]

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, when I hear Reform members call the bill frivolous and say we are giving people with a different sexual orientation unnecessary powers when there is already flexibility, I say yes, judges have some flexibility, but they are under no obligation to consider the sexual orientation, race or gender of the victim. This flexibility applies to all human beings. There is no obligation.

In Quebec, we have a Charter of Rights and Freedoms and we have been using it for 17 years. We never had a problem. People never said we were giving more power to some people on the basis of their sexual orientation, race or gender. On the contrary. I believe this is a very democratic exercise.

Reform members today are trying to appear holier than thou. Today they are calling for the death sentence, and maybe tomorrow they will call for corporal punishment for children to make them more obedient. I think this bill is nothing out of the ordinary. It is a good bill. I think it should be supported, and we will do that. In Quebec, we have operated this way for a long time.

• (2105)

I would ask Reform members to stop playing holier than thou in this House. I would ask them to be logical and look at the bill as it is, and especially to read it, because they did not read it. I have a feeling they do not understand it very well. Maybe we should translate it for them. I would also ask them to try to understand and further the cause of democracy.

[*English*]

Mr. Harris: Mr. Speaker, there was a lot of talk there.

I want to address the first thing the member said. She said that the judges do not have an obligation. Judges are put in a position to preside over criminal cases. They are in fact entrusted with the responsibility and with the obligation to deal in the sentencing of people who are found guilty of committing crimes in this country. They do have the obligation. They clearly have an obligation. The problem is when we get politicians who do not allow them to do their job and want to try to influence them for politically correct reasons or for politically expedient reasons. They interfere with the justice system.

If judges were left alone to do their job without the outside influence from politicians and political parties who believe that

people who commit crimes should not be convicted, we would have a safer society.

Mr. Ron MacDonald (Dartmouth, Lib.): Mr. Speaker, I will be very brief.

I have to say that I do not think this debate is good for the Canadian public. This is the highest court in the land. Quite frankly, I am fed up with members of the Reform Party getting up and either intentionally or unintentionally in their debates on their points—they have every right to debate points here, but it seems that each and every time they use an example about what is wrong they use the example of a native Canadian, an Indian, as he just said, to show that the whole sentencing structure in Canada is wrong.

Did he use the example of an adult white male from Alberta? No. He used the example of a native. It is the same thing when there is a crisis in the fisheries on the west coast: they get up and talk about native poaching.

Every single thing I have heard from this bunch opposite since they got elected smacks of racism. It smacks of the very type of thing I fought most of my adult life to stamp out. To hear it repeated over and over again in the highest court in the land I think is condemnable.

Mr. Harris: Mr. Speaker, I do not know, was that a question?

I would like to make a point of order, Mr. Speaker. This hon. member appears to be under the understanding that I created this story. I did not. It happened. I read it in the newspaper. I read the report. I did not create the idea that—

The Deputy Speaker: Order. The hon. member for Dartmouth very clearly called the other member stupid. I do not think it contributes to the demeanour of this House one bit to have one member calling another in a loud voice stupid.

There are very few of us who were in the last Parliament here, and I can assure colleagues that the Canadian people thought we behaved abominably in the last Parliament.

I would ask the hon. member for Dartmouth whether he wishes to reconsider that comment.

Mr. MacDonald: Mr. Speaker, I was a member in the last Parliament, and I do not often use language that strong. I am sorry, but the member's comments incited me to strong language. If it is the wish of the Chair, I will withdraw it.

I will speak later in this debate and I will clarify my comments so that anybody who is listening will fully understand the intent of what I just said to the hon. member.

The Deputy Speaker: I would thank the hon. member for Dartmouth very much for that. Resuming debate, the hon. member for Wild Rose.

Government Orders

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, pursuant to Standing Order 43(2), our members are to be dividing their time from this time on.

When I go to a store and buy a box of apples, if they are half rotten I am not going to buy the whole box. That is why I cannot buy this bill. There are some good points in it, but it is too bad that the merits are plumb spoiled by a number of items that are absolutely wrong.

• (2110)

I want to quickly mention alternative measures. Maybe it will help my lawyer friend across the way to know that I agree with the lawyers in their issue of the *Law Times* when they ask a question I asked. An editorial in the *Law Times* asks the question: Is the minister dispensing justice, or are his attempts at change another failed attempt at social engineering? I could not agree more with that law book. The minister has spent two years here trying to be a social engineer, not a Minister of Justice. I think he needs to straighten up his act.

I object to the alternative measures for the reasons I have mentioned. I object to the idea that we have come up with C-37, the tough legislation that is supposed to deal with young offenders, and then turn around and come out with a sentencing bill that puts in a clause that says 16 and 17 year olds who go to adult court are still going to be treated at sentencing as if they were juveniles. If they are going into adult court, they should be prepared to take adult sentencing. Even children in schools have told me that is the way it ought to be.

I want to make another quick comment with regard to something I read in *Hansard*. The hon. government whip dared to say that I am painting all teenagers with the same brush because I mentioned 16 and 17 year old hooligans. I did mention that, but I resent that comment. Thirty years of working in a school certainly ought to command a little respect for what I have done and how I treated students.

I can assure the government that 95 per cent of the time I spent with about 5 per cent of the youth, about 4 per cent of them were disciplined and about 1 per cent were serious problems. I do not paint them with the same brush. I reject that kind of thing.

I swear to goodness that if I were walking down the street and there were two people beating up on another person, had him down and were really working him over, I for one guarantee that I would make an effort to stop it. I would not stop to ask if the victim was gay or see if he was black or what. It would not make any difference. I would stop it, because that is the way it ought to be. You do not allow it to go on.

To hear these people talk, you would think I would lift him up and say: "Oh, you are gay, well then carry on". How stupid can you get? I resent those kinds of remarks and the implications.

I would like to say that I have a brother-in-law who is black. I love that man just as much as I do any brother-in-law. His children are also very black. I love every one of them, my nieces and nephews. I do. I happen to know a little bit about what it is to be involved with prejudice, because I have seen it happen to them. I know it can happen, and it should not happen. If we think for one moment that this kind of legislation is going to deal with it, we have to think again. It is not.

I want to talk about one other thing that really amazes me. I would like to find out how many employers throughout the country hire their staff and tell them: "You work for me, and if you go out and break the law make sure you do not go to jail for more than two years and I will keep you on the payroll". That sounds pretty stupid to me. Good grief, we are telling the taxpayers of the country that it is okay if we go out and break the law as long as it does not cost more than two years incarceration and they have to keep paying us and keep us on the payroll, so we had better make sure that if we get sentenced it is for only 18 months. Good heavens. We are pretty good, though; we got it changed from five years to two years.

The last thing I want to talk about is section 718.2. I did not even really want to address it. I firmly believe the courts are doing an excellent job of handling hate crimes now. I have seen numerous reports coming from the courts that verify that they are dealing with it effectively. They are doing a great job in that respect.

I only wish they would do that much for every crime, so we would not have to have caveat and other groups joining up all over the nation crying for justice and not getting it.

• (2115)

In the nearly two years I have been in the House I have not seen one piece of legislation that will make one person in the country any safer, not one.

Ms. Augustine: Bill C-68.

Mr. Thompson: That one most of all. Let me consider section 718.2. If they are doing their job then why are we including sexual orientation? That is a good question.

My, my. I heard my colleague say a minute ago that if we included it in this legislation it would be the first time it has ever been included. I have heard comments from the commissioner of human rights who says that if this is put into legislation it will get into the human rights act; it will get into the charter; and it will get into many more things.

Some hon. members: Hear, hear.

Mr. Thompson: That is what they want and they are making it very clear. That is why they are cheering. That is what they want.

I am speaking for myself; I am not speaking Reform policy. I want the whole world to know that I do not condone homosexuals. I do not condone their activity. I do not condemn homosexuals. I do not like what they do. I think it is wrong. I think it is unnatural and I

Government Orders

think it is totally immoral. I think that is the opinion of 85 per cent to 90 per cent of Canadians.

Members of the House should take the time to find out how their people feel, wherever they are. They should read the petitions with the table with the names of people who are against that kind of legislation. They should read the letters they get in their offices about the legislation. Then they would have no choice but to stand up for the people of Canada and say: "No, it is not going to be part of any legislation in the country as it condones immorality". That is what it does.

I will object to it forever whenever they attack the good, traditional Canadian family unit that built the country. I do not want any changes to that family unit, including this kind of legislation.

I am very certain the reason that section 718.2 has been included is so that they can do it in the future. I know for a fact, having talked to a number of Liberal backbenchers, that they feel the same way. I know they do. I have talked to them personally.

An hon. member: They do?

Mr. Thompson: Yes, they do. I encourage them to stand for morality and not stand for immorality when the vote comes tonight. Listen to what the people have told you, read your mail and look at those petitions, one to ten or better. You must vote against this kind of legislation. Do not allow it to happen in this country. I beg of you, do not let it happen. Stand up for your convictions. Stand up for Canadians. I ask you to do that.

An hon. member: I have never seen a bigger bigot in my life.

Mr. Thompson: I rise on a point of order, Mr. Speaker. I would like the gentleman who just called me a bigot to come back in here and withdraw. Hamilton West, the member for Hamilton West.

The Deputy Speaker: Did the hon. member for Hamilton West call the hon. member a bigot?

Some hon. members: Yes.

The Deputy Speaker: I would like to hear the hon. member for Hamilton West if he will have the decency to come back in the House.

The member for Hamilton West heard the point of order. Perhaps the member for Hamilton West would wish to reply.

Mr. Keyes: Mr. Speaker, I will have something to say if the hon. Speaker withdraws the remark that I do not have any decency.

• (2120)

The Deputy Speaker: Colleagues, I realize this is a very, very controversial matter but there are rules, there are words that are unparliamentary. When one member calls another member a bigot and the member gets up and expresses offence at it, I would think that the member who has done it would be kind enough to withdraw the term. I would ask the hon. member for Hamilton West to withdraw the term.

Mr. Keyes: Mr. Speaker, I will repeat. If Mr. Speaker rises and says will the member for Hamilton West have the decency to come back and apologize, then I have to question the Speaker.

The Deputy Speaker: Does the hon. Secretary of State for Parliamentary Affairs wish to speak to the point of order?

Mr. Gagliano: Yes, Mr. Speaker. I think as the Chair you have the right to keep order here, but the way you addressed the issue was as if you agreed and made your judgment but did not give a chance to the member to express himself on whether or not he made that statement. I think as a Speaker of this House you have to hear both sides before you make any judgments.

The Deputy Speaker: Does any other member wish to speak to the point of order? The hon. House leader of the Reform Party on the point of order.

Mr. Hermanson: Mr. Speaker, I recognize that the hon. member who made the comments has returned. Mr. Speaker, you did say, if I understood correctly, that you thought it would be the decent thing for the member to come back and state his case.

I agree with the Secretary of State for Parliamentary Affairs that the hon. member for Hamilton West should be allowed to state whether or not he in fact used the word. He has been decent and has come back to the House. I would ask that he state whether he would withdraw the remarks he made to my hon. colleague from Wild Rose.

Mr. Milliken: Mr. Speaker, I refer you to Beauchesne's *Parliamentary Rules and Forms*, citations 488, 489, 490 and 492. In none of them is the word bigot listed as a word that is unparliamentary.

Mr. Adams: Mr. Speaker, I would like to say that I do not know about the member for Hamilton West, but I did call the member opposite a big bigot and I withdraw it as being unparliamentary.

The Deputy Speaker: I would thank the hon. member for Peterborough for the courtesy to other members in the House. Does anyone else wish to speak to the point of order? I will call on the member for Hamilton West one further time.

Mr. Keyes: I am sorry, Mr. Speaker, one further time for what? I am not too clear on what you are asking.

The Deputy Speaker: Whether the member would be kind enough to withdraw the word bigot that was used earlier, I understand.

Mr. Keyes: Mr. Speaker, in the interests I have of having a respect for this House—is Mr. Speaker paying attention?

Some hon. members: Oh, oh.

Mr. Keyes: In the interests I have for the respect of this House and the respect I have for a colleague of this House, I will withdraw the term bigot on the member because I too was in a heated state with the member in debate.

But, Mr. Speaker, to ask for me to have the decency to come into the House, I had a lot of difficulty with your remark, Sir.

The Deputy Speaker: I thank the member for doing that.

Mr. Keyes: Thank you very much for your courtesy.

The Deputy Speaker: The hon. Parliamentary Secretary to the Minister of Foreign Affairs on questions or comments.

Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I rise so that I can compliment the hon. member for Wild Rose who is a former educator like myself. He told the House what he would do if he saw a fight on the street regardless of the colour of the people, the religion, et cetera. I compliment him for it.

He like other speakers from the Reform Party complained that the only section the Liberals were addressing was section 718.2. The reason this side is addressing it is that—

Mr. Hermanson: Mr. Speaker, I rise on a point of order. I would like to clarify whether the hon. member is on debate or on questions or comments.

The Deputy Speaker: The hon. member is on questions or comments.

• (2125)

Mr. Flis: Mr. Speaker, the reason we were hung up on section 718.2 is that it was all the Reform Party was addressing and we were trying to educate the Reform Party to the fact that it was not the only issue in the bill.

I draw the hon. member's attention to section 718. I had trouble with some sections but I welcomed section 718 when I looked at the purpose and the principles of the bill because I also have a constituency where a lot of crime has crept in. Section 718 states:

Government Orders

The fundamental purpose of sentencing is to contribute, along with crime prevention initiatives, to respect for the law and the maintenance of a just, peaceful and safe society by imposing just sanctions that have one or more of the following objectives:

(a) to denounce unlawful conduct;

Unfortunately there are some Canadians who stoop to unlawful conduct. It continues:

(b) to deter the offender and other persons from committing offences;

(c) to separate offenders from society, where necessary;

In question period the Reform Party has been pressing this point. Sections 718(e) and (f) are specifically important. They state:

(e) to provide reparations for harm done to victims or to the community;

The judges in the past have had no direction and now the bill is giving them direction. If there is damage done to a community, hopefully in the sentencing the judge will take that into consideration. The criminal might be able to help the community more by restoring the damage rather than by sitting for two or five years behind bars.

They continue:

(f) to promote a sense of responsibility in offenders, and acknowledgement of the harm done to victims and to the community.

There is an organization called Parkdale Focus Community Watch in my constituency. That is exactly what it is focusing on. It wants to protect the safety of the streets and the homes of the community.

Would the hon. member agree with what is stated in the purpose and principles in section 718?

Mr. Thompson: Mr. Speaker, I too sat on the justice committee for a number of hours going through the bill. Like I said, there are a number of things which I really liked about it. There are some things in section 718 that I appreciate about the bill. I think there was some good intent.

What I cannot understand is why we had to have an all-inclusive list. When we start making a list regarding hate we are going to leave somebody off of it. I do not see how we can help that. At the same time we did research on this and my hon. colleague provided statistics which said that homosexuals were third on the list of groups being targeted. The first was racism and I forget what the second one was. There are statistics showing that the courts today are dealing very effectively with those issues.

The Minister of Justice has received a letter from the police commissions indicating that is the case. They objected to the entire section 718.2 based on the fact that they have been doing this for years, have built case law and have plenty of literature. They were very effectively doing the job.

Government Orders

If they are doing it effectively, why does the minister not listen to the police commissions as he did on the gun bill and take that section out? I have to assume it is because of the inclusion of sexual orientation. I cannot figure any reason why they would include that if it is not to extend it much more. It bothers me when we get into legalizing adoption and spousal benefits. That is what bothers Canadians.

Mr. Jack Iyerak Anawak (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.):

[Editor's Note: Member spoke in Inuktitut]

[English]

Mr. Speaker, I have one very simple question for the hon. member for Wild Rose. If a crime such as murder is committed against a person who is a homosexual, or a person is discriminated against because of their homosexuality, does the member condone that?

• (2130)

Mr. Thompson: No, Mr. Speaker, I do not condone that. I thought I had made that perfectly clear. I do not believe that any human being in Canada should be treated in that fashion regardless of anything. I object when people say that a particular crime affected more people than another one.

We have a number of crimes before the court right now. I am thinking of the Mahaffy family and the Fisher family which affected the entire nation, affected every province. Every human being in this country who knows has been affected.

Whether people over there like to believe it or not, any time that happens to any human being, regardless of anything, it affects me. I do not want it to happen in Canada. I do not want my grandchildren to live with that threat. I am here because I want laws that will address those problems. It is not going to be done with Bill C-41 regardless of what the clown from Kingston tries to tell us.

Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.): Mr. Speaker, it is a pleasure for me to speak to Bill C-41, an act to amend the Criminal Code with regard to sentencing and other acts in consequence thereof.

There are a number of positive aspects of this bill that I personally find encouraging. For example, it is good to see that victim impact statements will be allowed as testimony, though Reform members have voiced concerns over the decision that only written testimonies will be accepted.

One of the principle concerns I hold though lies in this bill's further entrenching of the divisions between Canadians as outlined in section 718.2. This entrenching does nothing to pull Canadians together and reinforce the principles of fundamental justice. If

anything, it stigmatizes Canadians, classifies Canadians, divides Canadians and raises suspicions between Canadians.

In the last century, one of the most controversial thinkers ever proposed a radical view of history and society. Whether or not one agrees with these views and opinions, most people will agree that Karl Marx was one of the great philosophers of his age. The theories he put forward on society's changes and conflicts rested on one basic foundation, that our society is divided into identifiable groups. Changes came in Marx's model when groups polarized and fought against each other, landowners versus peasants, the proletariat versus the bourgeoisie, or the capitalists versus the communists. These groups would clash and fight and in the end, society would undergo dramatic changes, he proposed.

Most Canadians today rightly refuse to have anything to do with Marx's principles of division and conflict. The people of this country want Canada to be a land of opportunity where anyone, rich or poor, man or woman, can reach for their dreams and strive for whatever goals their hearts desire. We strive for a country free of racism and discrimination so that when we look at each other we see nothing but fellow Canadians. Ironically, it is our governments, not the Canadian people, which are striving to retrench and reinforce these very divisions that Canadians are trying to erase.

It was in 1982 that the government of Pierre Trudeau brought forward its controversial charter of rights and freedoms. This charter did not simply declare all individuals as equal under and before the law, it outlined the specific grounds under which people could not be discriminated. In other words, it spelled out the specific grounds under which Canadians could be considered equal or unequal.

In section 15(2), much to the surprise of many Canadians, the charter gives our governments the power and the authority to discriminate. This charter by its language and intentions purposely divided Canadians into identifiable groups both before the courts and before their fellow Canadians.

Since the passage of the charter, Canadians from coast to coast have fought against the entrenchment of these divisions in the quest to simply become Canadians above all else, not hyphenated Canadians, not divided Canadians. For example, Statistics Canada became extremely frustrated during the last census because many Canadians refused to identify their ethnic origin. They saw themselves only as Canadians and told StatsCan this by writing "Canadian" on the form.

• (2135)

The message they were sending is: "We are Canadians, not members of some identifiable group". Despite this opposition StatsCan is continuing to compile these figures. Without a doubt even more questions on ethnic origins will be asked in future censuses.

It is odd that my colleague from Calgary Centre presented a petition just last Monday calling on Statistics Canada to consider adding Canadian to its list of backgrounds and ethnicities. There is a message here. Canadians are tired of the divisions, tired of the classifications. They are seeking parity. They want equality.

This brings me to Bill C-41 and the amendments to the Criminal Code under debate today. A great deal of debate has surrounded section 718.2 of the bill. No doubt each member of the House has received numerous letters asking that we, as members of Parliament, vote against this entire bill because of the section and particularly because of the inclusion of the words sexual orientation.

Last week my counterpart from Port Moody—Coquitlam tried to give the justice minister over 10,000 letters from Canadians who oppose this inclusion. As well, over 70,000 Canadians have signed their names to over 600 petitions against this aspect of the bill. Reports have placed the number of letters to the minister opposing section 718.2 at over 70,000.

The reasons for opposing this section are wide ranging. For some the reasons are based on their religious beliefs or ethical convictions. For others the opposition stems from legal concerns. For me the key concern is that this section once again enhances the notion that there are no real Canadians in this country, just identifiable groups that happen to share a plot of land on the northern part of the continent.

I agree with the basic principle of this section, that those committing a violent act based on hatred or bias should be more severely punished. In Canada, after all, we oppose all forms of violence. We look south of the border and we are shocked at the rampant crime and brutality in many United States cities. Is it not ironic that the capital of the United States of America, Washington, D.C., also has the highest homicide rate in North America? It is a tragedy none of us want to see repeated north of the 49th parallel.

More important though we are a people who from day one of our existence have opposed discrimination. Even before Confederation we willingly became the final stop along the underground railroad. We provided new homes and new opportunities to hundreds of American slaves who wanted nothing more than a taste of freedom. Since then we have welcomed people from every corner of the globe to taste and savour that same freedom enjoyed so many years ago. Many have come not only for our freedom but also to contribute to our society.

My constituents oppose and I oppose how the government is setting aside these principles and using the bill to further entrench these legislated divisions. The bill outlines to Canadians what discrimination is from the federal government's point of view. Included in the list are a person's race, national origin or ethnic

origin, someone's language, an individual's colour, sex or age, a person's mental or physical disability, someone's sexual orientation or finally some other similar factor.

As I noted earlier a great deal of debate has surrounded the inclusion of the term sexual orientation. As the Canadian Bar Association, the Canadian Psychiatric Association and the Quebec Bar Association have noted, the lack of a definition of this term could open the door to the legal acceptance of such practices as pedophilia. These groups, I would like to add, are seeking a clear definition limiting the term sexual orientation to heterosexuality, homosexuality or bisexuality. It is a concern that has not been directly addressed by the government.

I find it ironic that the government refuses to define the term sexual orientation yet insists on defining and limiting the term discrimination. Some characteristics it would appear are more worthy of protection than others. Those singled out for attack based on some characteristic outside of these grounds have no assurance that they will be protected by the full force of the law.

• (2140)

For example, would this section apply to the Canadian counterpart to the so-called unibomber, an individual well known throughout the United States for attacking academics with letter bombs? Would it apply in the case of people singled out for attack because of their size or lack of strength, their accent or any number of characteristics in this legal and legislative grey area? The fact is we do not know.

I am encouraged that a number of members in this Chamber have seen this shortfall. Proposals have been brought forward to simplify this section and make additional measures apply to any instance where bias, prejudice or hate are involved. Sadly though, it appears that the justice minister is fully committed to appeasing the special interests and keeping his list of characteristics in place.

To conclude, Canadians for many years have been trying to move beyond government defined categories in the hope of becoming one people. This bill defies this vision and tries to further entrench these categories to appease special interests.

Canadians have clearly spoken out against these categories and want equal protection under the law. It is my intention therefore to oppose this bill when it comes up for final vote and I encourage other hon. members to do the same.

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, I want to comment about what has been said in this debate tonight. I want to compare that with a debate and question and answer session I had which I found extremely informative in two ways. It occurred in my riding and it concerned this bill. It occurred on a Sunday afternoon from four o'clock until around six o'clock at the London Salvation Army Citadel. It was about section 718.2.

Government Orders

What was so interesting was all the misinformation that came into that room that day with those people who came to have a fellowship and information session. They were very concerned about the moral fibre and changing laws in Canada.

The minister of that congregation came to see me in my constituency office. He was very concerned. He said: "I think I cannot go to my pulpit any more and preach what I want to preach in my church and this disturbs me". I asked whether his sermon was a criminal offence to which he replied: "Of course not". I told him not to be concerned because there is no offence created in this bill.

When I asked him what else concerned him, he said: "There is a slippery slope. If you do this we are going to end up over here and all of my beliefs I feel very strongly about will be gone". I said: "If that concerns you and if it concerns other constituents why don't I come to you in your forum?"

That is what I did. We walked through this section step by step telling them what the bill said, outlining the abuses of positions of trust in this section that we are concerned about and the crimes that are going on in our communities across this country. It was a long discussion. I went through the section as it stood before the amendments which in my opinion have actually added to it and have made it even a better section. At the end of the day they were very satisfied that their concerns were addressed.

I have offered that to other churches in my community. They have not accepted my invitation to go to them and explain this section. That concerns me. I think a lot of people think this section does something that it does not do.

I want to comment on one other thing. When I practised law, part of my job was with the psychiatric Criminal Code review board in Ontario. In that part time position on many occasions I had to deal with situations where pedophiles were involved. I want to say very clearly it is my honest belief that pedophilia is not covered in this bill at all. I have had to deal with pedophiles. I have been there.

• (2145)

This is not a bill that sanctions pedophilia. Pedophilia is a crime in Canada, as I explained to the Salvation Army people that day in the church. Pedophilia is actually a mental disorder under DMS-IV. It was III when I was doing that type of work. Heterosexuals often commit the crime of pedophilia. It is more prevalent with heterosexuals.

Mr. Benoit: How do you know that?

Mrs. Barnes: Because the psychiatric evidence tells us that. Because it is common psychiatric evidence.

Mr. Speaker, I will speak through you because it is difficult to educate some members on the other side. It is not so difficult to go to people when they are concerned about the real issue of this bill and explain to them in a calm manner when the decibel levels are not so high and say: "This is what is really happening. We have a Criminal Code statute. We are not addressing morality in this bill".

It is easy to joke. I came here as a lawyer to become a politician. I guess in some people's books I have two strikes against me. I do not know what the third one is. Maybe it is becoming a Reformer.

I think my comments have probably used up five minutes. There is no question to the member of the third party.

Mr. Mayfield: Mr. Speaker, I have mentioned the Canadian Bar Association, the Canadian Psychiatric Association, the Quebec Bar Association. They speak of their concern for opening the door to legal acceptance of such practices as pedophilia.

While it may not be explicitly included in the legislation it certainly gives an indication, a hint, a clue, a direction to the courts that are already pushing well beyond the legislators. This has been indicated in Ontario where the legislators voted it down and the courts brought it back in. It has opened the door to question in Alberta.

I believe we are setting precedents here that really take away the significance of Parliament being the high court of the land.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am listening with distress as I see this debate drift farther and farther away from what is really relevant. The members opposite are talking about creating divisions, conferring special rights, saying that government is singling people out for special status.

It is not the government or the minister that is singling people out for special status. As I said this afternoon in the House, it is the hoods, it is the thugs, it is the criminals that are out there on the streets singling out gays and lesbians for special status. They are providing them with special status by hunting them down and beating them up. This legislation is an attempt to get the Parliament of Canada to do something about it.

My hon. friends opposite tend to forget this is a bill which has to do with sentencing in the criminal law. The hon. member for Wild Rose would tell us that we are condoning immorality, we are breaking up the family unit. He does not approve of homosexuality. We are not inviting him to approve of homosexuality.

Religion is on the list too. We are not inviting him to approve all the religions held by Canadians from coast to coast. This has nothing to do with social engineering, it is about the criminal law. This is about punishing criminals which is what I thought the Reform liked to do.

Government Orders

The Deputy Speaker: I am reminded by the table the time has expired but I will give the member a chance to very briefly reply.

Mr. Mayfield: Mr. Speaker, I would like to reply because the hon. minister raises a valid point that what we are debating here is the legislation. As was said before, a thug is a thug and should be treated the same in every instance.

I want to remind the minister of what the Canadian Police Association has said. It is an organization he lauded in the Bill C-68 debate:

Bill C-41 is confused, contradictory and in large part wholly unnecessary. It is a blatant example of what a former Liberal member of the justice committee described as smoke and mirrors legislation. It is put forward as meaningful sentencing reform but it is only that in the sense that it will generate endless litigation with huge attendant costs for little or no purpose.

• (2150)

That is the statement of the Canadian Police Association about the legislation without regard to the categories that have been defined in this legislation.

Mr. Boudria: Mr. Speaker, a point of order. There have been consultations among members of the House to the effect that a word in the French text of the bill could be improved.

This word has to do with the restitution provisions of the bill under clause 738. Therefore given that consultation, I would like to move:

[*Translation*]

That Clause 138 of Bill C-41 be amended, in the French version, by replacing lines 40 and 41, on page 33, with the following:

“garde d'enfants, qu'une telle personne a réellement engagé pour demeurer ailleurs—”

I ask the unanimous consent of the House to make this change in the French text, and I want to thank my colleagues from the Bloc, who mentioned the need to improve the text, for proposing this amendment. I welcome this opportunity to present it to the House.

The Deputy Speaker: The House has heard the request of the government whip. Is there unanimous consent?

Some hon. members: Agreed.

(Motion agreed to.)

[*English*]

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, I am happy to address the House on Bill C-41. I would like to extend my thanks to the Minister of Justice for bringing it to the House.

I should also congratulate all members of the justice committee who reviewed the bill with a great deal of public attention focused on them. I would also like to extend congratulations to my colleague from Brant who has made a significant contribution to the bill through an amendment providing restitution to the victims

of domestic violence. This amendment will make a good bill a better bill.

My office has received many letters about this bill both for and against. Unfortunately the majority of letters are centred around two words found within one clause. Very few correspondents talk of the need for sentencing reform or the need to include a statement of the purpose and principles of sentencing.

We have heard very few voices acknowledging the broad acceptance the bill has received from the legal community. It is very easy to get caught up in the emotion of an argument. We have seen that several times tonight. To argue fact and common sense takes more skill than courage. I support this bill for many reasons but the best of all is that our justice system and Canada as a whole will be better for it.

Bill C-41 is very similar to Bill C-90 which was introduced during the last Parliament. Bill C-90 died on the Order Paper when then Prime Minister Campbell called the last federal election.

In fact, the entire issue of sentencing reform has been the topic of study for both Liberal and Conservative governments for many years. The bill before us can trace its beginnings to a white paper on sentencing that was published in 1984.

Perhaps what we should do is extend our apologies to our colleagues of the past, our proponents of sentencing reform for allowing it to wait this long.

The Liberal version of sentencing reform contains an important difference from the previous version. This difference which I will discuss in detail later was in the Liberal Party red book during the last federal election and Liberal candidates across the country, myself included, were prepared to defend this policy throughout the election.

I wonder why opposition members who are so vehemently opposed to this now did not lobby their party to make an issue of it during the election campaign.

There are three specific areas of this bill that I would like to address. The first area deals with adding a statement of purpose and principles within the sentencing portion of the Criminal Code. Our role in regard to sentencing has been largely based on setting maximum penalties for offences rather than in dealing with the policy objectives of the sentencing process.

It would seem that we have been putting the cart before the horse. When we create the sentencing procedure, it is right and just for us to put forward principles that represent Parliament's rationale behind sentencing. The statement of purpose and principles put forward in this bill describes the objectives of sentencing as: helping in the rehabilitation of offenders as law-abiding persons; separating offenders from society where necessary; providing restitution to individual victims or the community; promoting a sense of responsibility by offenders, including encouraging acknowledgement by offenders of the harm done to victims or to the

Government Orders

community; denouncing unlawful conduct; and deterring the offender and other people from committing offences.

• (2155)

In the future when the government or a private member for that matter proposes a bill that involves a criminal sentence we will be able to compare it to the guiding principles that have been set out in Bill C-41. As well, criminal courts across Canada will have the same principles to follow rather than a patchwork of sentencing practices and principles that differ from province to province as is prevalent now.

The second section of the bill I want to discuss deals with changes to early parole or section 745 hearings. Currently the Criminal Code allows victim impact statements to be read only at sentencing hearings. The bill would allow the victim's impact statement to be read at section 745 hearings, ensuring that a victim has the opportunity to outline the harm done by the offender.

I should preface my remarks by saying that I was proud to support Bill C-226 proposed by the member for York South—Weston when it came to the House at second reading. It will be interesting to see the recommendations made by the justice committee when the bill comes back to the House in the near future.

I would prefer to see section 745 repealed. If this cannot be accomplished, the amendments within the bill are the next best alternative. Victims should have a say in how the crime has affected and changed their lives. Early parole, if it remains within our criminal justice system, should be a rarity given only to prisoners who show little likelihood of offending again and who have served adequate retribution for their crimes.

I do not want to see a Clifford Olsen walking the streets because of a 745 hearing. I think he would be even more unlikely to be released if the families of those killed were able to give evidence at the hearing. We often speak eloquently about the need to recognize victim's rights. This bill addresses that concern. All members should applaud the government for taking this necessary step.

The third issue I want to address relates to sentencing in crimes motivated by hate. I worry when hatred causes people to commit a crime. Far too often people commit crimes motivated by prejudice and hate. In our country we have seen hatemongers spreading their untruths at our schools, on our streets and in our workplaces. Less than two years ago, white supremacists marched on Parliament Hill to tell the world about the hate they felt for those who were different from them based on race, religion, physical handicap or sexual orientation.

After passage of this bill, a sentencing judge can use the aggravating circumstance of hate to decide what sentence should be handed down. This will only apply after a conviction has already been delivered. It will allow the sentencing judge to provide for a punishment that will make it very clear to groups that propagate hatred and to people who follow a philosophy of hate that their actions will not be tolerated in Canadian society. I applaud the government for including this section. If we can keep those who commit crimes motivated by hate in prison longer then we are all better for it.

Unfortunately discrimination has been a constant throughout Canadian history. We only need to reflect on the inhuman way our native people have been treated or the citizens of Japanese ancestry or origin during the second world war. Only 80 years ago, women in Canada did not have the democratic right to vote because they were not considered persons.

I took the time to look at the suffrage debate that took place in 1918. Members argued that it was against natural law for women to have the right to vote. In this very institution members of Parliament declared that women did not want the vote. Now we know that view was wrong. We all realize the important role women play in our society and the invaluable role they play within this House. For someone to say it was against natural law to allow them to vote seems ludicrous to us today.

• (2200)

There are people who believe it is against natural law to give a segment of our society protection in this bill. It is quite possible that there are members within the House who feel this group should be denied protection. Respectfully, I have to disagree. When it can be proven that a group in our society is facing discrimination the law should move to protect that group. Can any of us say there are no incidents of gay bashing in Canada?

I have heard the argument that one cannot identify someone's sexual orientation just by looking at them. I agree. Are we then to ask people to deny who they are? We could also say you cannot identify a person's religion just by looking at them. We have consistently seen religious groups persecuted throughout history. It would be humiliating and wrong to advise citizens to deny their differences in order to escape persecution. Instead the government should move to assure that all such groups—

The Deputy Speaker: I am sorry to interrupt the hon. member, but I believe he is sharing his time with the hon. member for Burlington. If that is correct, it is questions and comments at this point.

Government Orders

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, justice delayed is justice denied. This legislation will result in longer, more complex and more costly trials.

Friends of mine in the RCMP are frustrated because they work very hard yet the courts do not mete out justice, often for some procedural technicality. Why not bring forth legislation that would close some of those loopholes rather than open up more of them, as this legislation does?

The same Liberals that brought us the Young Offenders Act are now bringing us justice in another form. I wonder if we will have rallies about Bill C-41 in a few years.

Does dividing people into groups enhance prejudice or decrease it? If I do not belong to an identifiable group, what if somebody hates my guts for some reason other than the physical, mental or behavioural characteristic that makes me part of a group? Why does hate have to fall into a certain category as defined by a Liberal in order for it to be more serious than some other kind of hate?

Mr. Finlay: Mr. Speaker, I think people divide themselves into groups in a very natural way. They have been doing it for several thousand years. I do not think we will stop it.

The society I want to live in and the society I want my grandchildren to live in is one based on love and understanding and acceptance of people for who and what they are. I want people who extend their hate to crime to be punished severely.

I think all members of the House need to vote in favour of the bill. It is long overdue.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, in the House it has been said Liberals want this law so there is an obligation on the courts or the judges to sentence in a certain way. We on this side of the House have said judges now have flexibility to apply and sentence. This tells me there is a lack of trust and confidence in judges. Why?

Mr. Finlay: Mr. Speaker, in light of everything I have heard in the House today, the member's question is obviously backward. We do trust the judges but we have heard nothing but how they do not do this or that, or they let people out too soon or do not give sufficient sentences for this, that and the other thing.

• (2205)

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, it is my pleasure to speak on Bill C-41. This bill is important. It takes the necessary leadership role to set standards of fairness and equality for all Canadians in our criminal justice system.

Perhaps because of the campaign or the crusade by the member for Central Nova we have missed some of the other principles of the bill. We have forgotten that it codifies the principles of sentencing, that it formalizes victim impact statements and that it

brings about changes which help to restore the balance in domestic disputes.

Last summer I met with lawyers from my community and over the past year I have met with many people in Burlington about the bill. Their conclusion is that with the increased attention to the law by lay people we need to spell out clearly the goals in sentencing. The bill clearly codifies those principles.

Sentencing should denounce unlawful conduct. It should deter offenders from committing crimes. It should work for rehabilitation. It should promote a sense of responsibility in offenders and it should make reparation to individual victims and families and acknowledge the harm done.

This bill will work to make sure fewer Canadians will be imprisoned for non-payment of fines, fines which in many cases were assessed at a level prohibited to the individual.

Section 718 formalizes the victim impact statement process. Victims groups such as CAVEAT have long supported this section.

An exciting initiative out of the backbench of the government and from a member of the Liberal women's caucus is the change to section 738, the restitution section. I am pleased the amendment moved by the member of Parliament for Brant, which was accepted by the government, will allow for much broader consideration of the impact of domestic disputes when making restitution orders. In tabling her amendment my colleague stated that victims of domestic violence should not have to deal with economic hardship in addition to the obvious physical and emotional trauma that is the result of a violent situation.

The amended section 738 of Bill C-41 will empower judges to order compensation to battered spouses forced to move out of their homes. This would cover costs such as temporary housing, food, child care and transportation as a result of the crime.

On section 718.2, the hatred section, the debate on this has exposed some of the depths of hatred in Canada and I find that unfortunate. I think the support the bill has received from many church organizations and from many individual Canadians says something about the real value of Canadians. Although we like to believe we are a tolerant and moderate society, it is harrowing to find out that in Canada we have active groups whose philosophies are based on hatred of others.

Names of groups which are recognizable to all of us, Aryan Nation, the Heritage Front, Church of the Creator and the Aryan Resistance Movement are actively recruiting today in Canada and they are particularly targeting young Canadians. There are over 40 organized hate groups in Canada. They are using techniques they perfected in the United States and they are accessing Internet in the most evil way.

Government Orders

In 1993 youths were charged in Montreal for beating up a man. They admitted they were engaging in an activity called the game, seeking out homosexuals with the intent of beating them up.

Police across the country are setting up crime units to deal specifically with hate crimes, responding to a concrete reality and need to end this violence. They adopt these units not because they approve of the gay lifestyle or they want to promote homosexuality but because in the exercise of their police functions they recognize there is violence and it is their job to protect and provide security for all in our community, particularly those who are members of groups most vulnerable to hatred.

From B'nai Brith we learned that in 1993, 256 reported incidents of anti-Semitic harassment and vandalism occurred. That represents a 31 per cent increase since 1992, the most incidents ever reported by the league in the 12 years since it has kept statistics.

In Ottawa-Carleton in the last two years there were 387 cases of hate based crime. There were 105 charges laid; 215 of the cases were based on race, 110 on religion and 45 on sexual orientation. We must use education, community action, intercultural coalitions. We must use all of these techniques, where hate crimes need to be addressed and where we can make a difference as well is in our legislation.

• (2210)

This bill has two goals: first, to send a strong message to persecuted communities that violence against any person or group is unacceptable and that our laws will take action in that regard; second, it encourages victims to come forward, allowing the police to get a true handle on the extent of the problem, work on educating people and work against this hatred.

Committee members who were listening learned from B'nai Brith that at its base a hate crime is not like a robbery for the purpose of obtaining goods. Hate crimes target not only the physical victim but the entire group of persons who share the same skin colour, the same language or the same religion. These acts are intended to violate, intimidate or isolate. They are intended not against just the victims but against the entire group.

When a rock comes crashing through someone's house in the middle of the night with a bomb threat simply because that person is a Muslim, other Muslims in the neighbourhood are terrorized. That is the goal of the hate monger, to terrorize whole communities. When survivors of the Holocaust see a swastika painted on a synagogue, and they thought they were safe in their Canadian community, suddenly those community members are fearful.

Reform members need to remember that when hate groups target what they perceive to be minorities their intention is to divide those minorities and separate them from the rest of the community. They

isolate them in order to make them easier targets for attack. Once they have targeted one group they never stop with that group. They keep adding to them, to their targets. They never stop with Jews. They never stop with gays. They enlarge their sphere of activity.

To allow hate motivated violence and hate propaganda to go unpunished or uncontrolled through personal or collective indifference on the part of community leaders or public officials is simply to allow hate discrimination and violence to become acceptable norms of behaviour and standards of contact. On page 86 of the red book the Liberals campaigned on equality for all Canadians, including freedom from hatred and harassment.

The list of characteristics in section 718.2 identifies those groups, those people most frequently targeted for hatred as per the information from the justice department. It does not confer special rights to any one group because every person in Canada is covered in this list.

We all have a sex, we all have a race, we all have a nationality, we all have a religion and yes, we all have a sexual orientation. To say including sexual orientation in Bill C-41, particularly in this section, is encouraging a lifestyle is like saying that because we have included religion we are encouraging people to become Catholic or that including gender is to encourage members in the House to become women instead of men.

Remember, Bill C-41 takes effect when a crime has been committed. The proposed section comes into full force only after a criminal conviction has been registered. The bill does not create new crimes. It only requires judges to consider it as an aggravating factor if the crime was motivated by hatred.

I quote from Martin Niemöller, the German theologian: "When Hitler attacked the Jews I was not a Jew and therefore I was not concerned. When Hitler attacked the Catholics, I was not a Catholic and therefore I was not concerned. When Hitler attacked the unions and the industrialists, I was not a member of the unions and I was not concerned. Then Hitler attacked me and the Protestant church, and there was nobody left to be concerned".

For the sake of all Canadians, for the sake of all children in Canada, based on the values of fairness, equity and justice taught to me and my family and in my church I encourage colleagues to enact Bill C-41 as soon as possible.

• (2215)

Mr. Herb Grubel (Capilano—Howe Sound, Ref.): Mr. Speaker, I find this a very disturbing discussion. It is implied by the hon. members who were speaking—I heard the last three speakers—that somehow by opposing this bill one is in favour of crime, hate crimes, crimes of passion, whatever. We are not. Reform is not.

Government Orders

The problem we face is that so much of what is being asked of us involves a curtailment of one of the most fundamental rights in a democracy. Some countries have established in their constitutions limits on government to pass legislation that restricts the freedom of speech. It is about the freedom of speech for people to say whatever they want to say. It is not possible to suppress this without going down a very slippery slope in the destruction of democracy.

The problem is that when anyone takes words and transfers them into violent action, that is when we should come down on them with a ton of bricks, not when they are saying what they believe. Where does one draw the line?

There have been Parliaments, there have been legislatures around the world, people with even greater indignity and self-righteousness than the speakers we have heard tonight, who say they have the solution to all the problems of mankind: all we have to do is shut down the ability of that person to speak.

The founding fathers of the United States have said that this is one of the greatest dangers to democracy. Nobody is in favour of those crimes. But what we are talking about and what I have heard being said here is that we must go to thought control, to speech control, and that means the end of our freedom. That is why I will vote against this bill.

Ms. Torsney: Mr. Speaker, it is troubling when we have sat in the House and debated a bill for many hours to find out that my colleagues do not even know what bill we are debating.

Bill C-41 is a sentencing bill. The actions that are in here only come into effect when someone has committed a crime. First you have to assault somebody, and then the judge has to consider a sentence. This is what this bill uses.

This bill specifically targets anti-hate. It is one of many tools we as leaders in our community can use. I call on the member not to be indifferent on hate crimes, to use every tool in his power and to vote for this bill. It is important to all Canadians, who do want freedom of speech. It is not about freedom of speech. It is about when people take action based on their hatred. When they assault somebody, then we look at this.

I am sickened to hear that we have had this much debate and he has just figured out that it is a sentencing bill. Perhaps all of us need to go back to the books and do some reading.

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I would like to applaud my hon. colleague who just spoke on her commitment to fairness, equity, and justice.

In a recent issue of the student newspaper in Ottawa's Carleton University there was a cartoon depicting a smiling female carrying a large hunting knife and asking women whether their lives would

be helped by the total elimination of penises. Another cartoon showed her holding a dripping axe over the heading "No guilt".

I would like to ask my colleague why she can support a bill that would consider hatred against some groups more serious than hatred against others. The group that was the object of these cartoons is not listed in Bill C-41.

Ms. Torsney: Mr. Speaker, perhaps this is the most important reason why there are not definitions on gender, on sexual orientation, on race and on religion, because men have a gender. They are male.

● (2220)

If one of those women attacked a man on the basis that he was a man, they could use this bill in considering that an aggravating factor.

If a group of homosexuals attacked somebody on the basis they were heterosexual, that person could use this section of the bill to get a tougher sentence against those people.

If you are attacked on the basis you are a Jehovah's Witness—and unfortunately that has happened in Canada on many occasions—if it is perceived you are a Jehovah's Witness because you happen to be wearing a suit and carrying a briefcase, as many of us were during the campaign, the person could use that and the prosecutor could seek a tougher sentence and ask the judge for a tougher sentence because all people with those characteristics are at risk when people commit hate crimes in Canada.

Ms. Margaret Bridgman (Surrey North, Ref.): Mr. Speaker, I am pleased to participate in this debate as well.

Most of the debate has focused on the sexual orientation aspect of section 718.2. I too have received a strong response from my riding and from various Canadians across the country on this. Their main concern seems to be that the term is not defined and that the consequences of it being in the bill remain unknown.

Arguments against including the phrase have been presented at great length. I would like to focus more on the effect of having greater sentences for some crimes versus others. In this bill it is based on hate, which is an emotional or human response.

Another concern I have is the categorizing of conditions. I do not really think I have to be anything as far as religion or whatever is concerned. If someone assaults me I should have the right under law to extract a sentence on that.

Government Orders

I would also like to look at the reason we are having such difficulty with crime in this country. We all agree that we have a crime problem and that we have various groups that are making life very difficult for us. I would like to try to figure out what has happened. What happened to our justice system that has turned things around?

This brings me to a philosophical concept. Over the past 30-odd years we have seen a gradual erosion of the concept of law. In moral philosophy there are two opposing ways of looking at a situation. One school of thought is represented by the German philosopher Immanuel Kant in his *Grounding for the Metaphysics of Morals*. Kant argued that actions should be based on the intent of a person doing the action and not the consequences of the action. Kant himself said: "An action done from duty has as its moral worth of that action not in the purpose that is to be attained by it but in the maxim according to which the action is determined". Again that is an implication of intent. He is basically saying that it does not really matter what the result is of what you do; what matters is why you wanted to do it in the first place.

The opposing view is presented by the British philosopher John Stuart Mill in his work *Utilitarianism*, where he argued that actions of individuals should be based on the consequences of the action. He was more concerned with the consequences of an individual's action than he was with the intent behind the action.

• (2225)

An easy way to get a better understanding of that concept would be the example of one person striking another one. Kant would want to know why that person struck another, what motivated him to take that action, whereas Mill would come up with the fact that the person was indeed struck and that in itself is the offence.

One might ask what all this has to do with the bill today. I firmly believe that the intent of the Canadian justice system has changed from addressing the action involved and the result of the action to now trying to address intent and be psychologists and psychiatrists in the court system.

We also have come into other problems that could very well relate to this switch in the philosophical approach to how we view our justice system. We talk about criminals getting more rights than victims, for example. Well that follows my argument that if we are looking at why somebody does something we are not looking at the person who is dead, the victim.

There are a number of things that have happened in our system that bring me to think there has been a definite switch in philosophical views or actions in our society and we have switched from the Mill concept to the Kant concept and are stressing more and more the intent aspect.

This first started to erode when we looked at the state of mind component from the point of view of mental illness and people who were involved in some sort of crime who were mentally ill. We tended to forgive their crime to a certain degree because they knew not what they did. From there it gradually evolved to where we even got into debates involving drug abuse, for example: I take

drugs or I drink and because I am in that state from the inducement of drugs I am not responsible for what I do.

I see this intent business getting totally out of hand. The point is that it does not really matter what your emotional state of mind is, when you kill somebody they are dead and that is the end of it.

We have to try to create situations where people who need help and who can be harmful to others or themselves can be treated before they end up in our courts so we do not have those kinds of situations.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: Call in the members.

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

(Division No. 299)

YEAS

Members

Adams	Alcock
Allmand	Anawak
Anderson	Assad
Assadourian	Augustine
Bakopanos	Barnes
Beaumier	Bellehumeur
Bellemare	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Bertrand	Bevilacqua
Bhaduria	Bodnar
Bonin	Bouchard
Boudria	Brown (Oakville—Milton)
Brushett	Bryden
Bélair	Bélanger
Bélisle	Caccia
Campbell	Cannis
Caron	Catterall
Chamberlain	Chan
Chrétien (Frontenac)	Clancy
Cohen	Collenette
Comuzzi	Cowling
Crête	Culbert
Daviault	Dhaliwal
Discepola	Dromisky

Government Orders

Dubé	Duceppe	Harris	Hart
Duhamel	Dumas	Hermanson	Hill (Macleod)
Easter	Eggleton	Hill (Prince George—Peace River)	Hoepfner
English	Fillion	Jennings	Johnston
Finestone	Finlay	Kerpan	Martin (Esquimalt—Juan de Fuca)
Flis	Fontana	Mayfield	McClelland (Edmonton Southwest)
Fry	Gaffney	McTeague	Meredith
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)	Mills (Red Deer)	Morrison
Galloway	Gauthier (Roberval)	Ramsay	Ringma
Gerrard	Godfrey	Schmidt	Scott (Skeena)
Godin	Goodale	Silye	Skoke
Graham	Gray (Windsor West)	Solberg	Speaker
Grose	Guarnieri	Steckle	Stinson
Guay	Harb	Strahl	Thompson
Hopkins	Hubbard	Wappel	Wayne
Ianno	Jackson	Williams—51	
Jacob	Keyes		
Kilger (Stormont—Dundas)	Kirkby		
Kraft Sloan	Landry		
Langlois	Lastewka		
Lavigne (Beauharnois—Salaberry)	LeBlanc (Cape/Cap-Breton Highlands—Canso)		
Leblanc (Longueuil)	Leroux (Richmond—Wolfe)		
Leroux (Shefford)	Lincoln		
Loney	Loubier		
MacAulay	MacDonald		
MacLellan (Cape/Cap-Breton—The Sydneys)	Maheu		
Maloney	Manley		
Marchand	Marchi		
Marleau	Massé		
McCormick	McGuire		
McKinnon	McLaughlin		
McLellan (Edmonton Northwest)	McWhinney		
Mercier	Mifflin		
Milliken	Minna		
Mitchell	Murphy		
Murray	Ménard		
Nault	Nunez		
O'Brien	Pagtakhan		
Paradis	Parrish		
Paré	Patry		
Payne	Peters		
Peterson	Phinney		
Picard (Drummond)	Pillitteri		
Pomerleau	Reed		
Regan	Rideout		
Ringuette—Maltais	Robichaud		
Rock	Rompkey		
Sauvageau	Scott (Fredericton—York—Sunbury)		
Serré	Sheridan		
Simmons	Speller		
St-Laurent	St. Denis		
Stewart (Brant)	Stewart (Northumberland)		
Szabo	Telegdi		
Terrana	Thalheimer		
Torsney	Tremblay (Rimouski—Témiscouata)		
Tremblay (Rosemont)	Ur		
Valeri	Vanclief		
Verran	Walker		
Whelan	Wood		
Young	Zed—168		

PAIRED—MEMBERS

Asselin	Axworthy (Winnipeg South Centre)
Bachand	Bethel
Brien	Calder
Canuel	Chrétien (Saint-Maurice)
Copps	Crawford
Debien	Deshaies
Dupuy	Easter
Gagnon (Québec)	Guimond
Harper (Churchill)	Hickey
Knutson	Lalonde
Laurin	Martin (LaSalle—Émard)
Mercier	O'Reilly
Ouellet	Plamondon
Rocheleau	Venne

• (2250)

The Speaker: I declare the motion carried.

(Bill read the third time and passed.)

* * *

CN COMMERCIALIZATION ACT

The House proceeded to the consideration of Bill C-89, an act to provide for the continuance of the Canadian National Railway Company under the Canada Business Corporations Act and for the issuance and sale of shares of the company to the public, as reported (with amendments) from the committee.

SPEAKER'S RULING

The Speaker: Order. I want to make a ruling for the groupings on report stage of Bill C-89.

There are 16 motions in amendment standing on the Notice Paper for the report stage of Bill C-89, an act to provide for the continuance of the Canadian National Railway Company under the Canada Business Corporations Act and for the issuance and sale of shares of the company to the public.

NAYS

Members

Abbott	Ablonczy
Benoit	Breitkreuz (Yellowhead)
Breitkreuz (Yorkton—Melville)	Bridgman
Brown (Calgary Southeast)	Cummins
Duncan	Epp
Forseth	Frazier
Gilmour	Gouk
Grey (Beaver River)	Grubel
Hanger	Hanrahan
Harper (Calgary West)	Harper (Simcoe Centre)

*Government Orders**[Translation]*

Motion No. 16 is identical to a motion we considered and rejected in committee. Accordingly, pursuant to Standing Order 76(5), it will not be selected.

[English]

The other motions will be grouped for debate as follows: Group No. 1, Motions Nos. 1 to 4.

Group No. 2, Motion No. 5.

[Translation]

Group No. 3, Motions Nos. 6 to 11.

[English]

Group No. 4, Motions Nos. 12 and 13.

[Translation]

Group No. 5, Motion No. 14.

Group No. 6, Motion No. 15.

[English]

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

I shall now propose Motions Nos. 1 to 4 to the House.

MOTIONS IN AMENDMENT

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.) moved:

Motion No. 1

That Bill C-89 be amended by deleting Clause 8.

Motion No. 2

That Bill C-89, in Clause 8, be amended by adding after line 23, on page 6, the following:

“(8) This section ceases to be in effect five years after the coming into force of this Act.”

Motion No. 3

That Bill C-89, in Clause 8, be amended by adding after line 23, on page 6, the following:

“(8) Paragraph (1)(c) ceases to be in effect five years after the coming into force of this Act.”

[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ) moved:

Motion No. 4

That Bill C-89, in Clause 9, be amended:

(a) by replacing line 27, on page 6, with the following: “jurisdiction”; and

(b) by replacing line 31, on page 6, with the following: “section 8(1); or (c) sell any subsidiary or part of the operations of CN unless CN and the purchaser have given the Minister written undertakings, in terms satisfactory to the Minister, that all reasonable steps have been taken to ensure that it will continue for a

reasonable period as a viable operation and that the interests of the employees affected by the sale will, so far as is practicable, be maintained after the sale.

9.1 The Minister shall, in respect of every sale mentioned in paragraph 9(c), cause to be laid before both Houses of Parliament the undertakings given pursuant to that paragraph.”

[English]

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, I will say a few words with regard to the amendments I have submitted and then I will defer to my colleagues for debate.

The first two motions deal with the restrictions the government has placed on the sale of CN shares dealing with the requirement for the head office to remain in a particular location. I would like to point out to my colleagues from the Bloc that this is not a Quebec issue. I do not care if it is Montreal, Toronto, Winnipeg, Vancouver or some obscure place no one has ever heard of, a company should not be tied down to any location. It should be free to choose.

With regard to the 15 per cent shares, I feel that places restrictions. We heard in committee that it did not solve any problems but it could create some in the long term. Consequently, we have to view this as an unwarranted restriction.

The third motion deals with if the government does not see fit to remove these then perhaps it would at least see fit to put a time limit on how long it requires the company to comply with this. It is an attempt to put in a five year sunset clause.

The only comment I would make with regard to Motion No. 4 by the Bloc is that I understand why the Bloc is doing it but it is a bit overrestrictive in terms of creating more obstructions in the way of the sale. We believe this can be dealt with in other more appropriate ways. Beyond this, I defer to my colleagues for debate on this grouping.

• (2300)

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, I rise to speak to Motions Nos. 1 to 4 in Group No. 1 on Bill C-89.

Motion No. 1 calls for the deletion of the head office clause which stipulates that CN's headquarters must reside permanently in Montreal and calls for the deletion of the 15 per cent ownership restriction.

In today's marketplace the stipulation of the permanent location of a head office is absurd and makes a mockery of a bill of serious intent. This whole question of permanence reminds me of a story of a fellow who applied for a job with a previous employer. When he was offered the job he asked whether it would be temporary or permanent. The response was in that company there were no permanent jobs. This stipulation would not occur in a free market and no private sector companies face these same restrictions. This is purely for political reasons and should be expunged from the bill.

As well, restricting the percentage of shares any one individual, corporation or association may own is not sound. Where is the incentive for new investors to bring in a new management style to revitalize this dinosaur? To which latest investor advice fad is the government listening?

This clause also restricts the best price CN could fetch in the marketplace. As one investor put it, the 15 per cent restriction circumscribes the deal. This restriction dampens investor confidence and freezes out the type of investor who looks for troubled, debt ridden companies that can be restructured and made profitable, generating dividends and capital gains. I support Motion No. 1.

Under Motions Nos. 2 and 3 of Group No. 1, I support the introduction of a sunset clause of a five year time limit on the headquarters and ownership restrictions should Motion No. 1 not carry.

Motion No. 4 calls for parliamentary approval on each offer made by the private sector for CN assets. This is redundant. If Bill C-89 passes Parliament has already given its approval for the sale of CN. I will not support Motion No. 4.

If the government cannot attract a good offer it will have to answer for that later.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I am pleased to rise, despite the late hour, on our fourth amendment, which reads as follows:

That Bill C-89, in Clause 9, be amended;

(b) by replacing line 31, on page 6, with the following: "section 8(1); or (c) sell any subsidiary or part of the operations of CN unless CN and the purchaser have given the Minister written undertakings, in terms satisfactory to the Minister, that all reasonable steps have been taken to ensure that it will continue for a reasonable period as a viable operation and that the interests of the employees affected by the sale will, so far as is practicable, be maintained after the sale.

9.1 The Minister shall, in respect of every sale mentioned in paragraph 9(c), cause to be laid before both Houses of Parliament the undertakings given pursuant to that paragraph.

• (2305)

You will have noted with the reading of the amendment that our party's principal aim was, despite the Liberal government's decision to privatize CN, to maintain and keep jobs, because behind privatization or the end of business, although economic aspects are certainly sometimes given consideration, the human element, the experiences of the people affected by changes in their working conditions or even the cutting of their position, must be considered.

Government Orders

You will note that the aim of this amendment is to give this House a certain right over the selling of CN assets, not directly related to rail transportation.

Our decision, in the Bloc Québécois, to table this amendment was based on the statement made several times by the Minister of Transport that he intended to sell off individually the assets of CN not directly related to rail transportation. Being familiar with CN operations, we know that one of the largest CN subsidiaries to be sold is AMF Techno Transport, located in Pointe-St-Charles, in Montreal. We are talking here about 1,300 jobs, 1,300 workers who, unfortunately, saw their company lose some \$35 million last year.

When the minister appeared before the Standing Committee on Transport, he told us that, in his opinion, AMF had a very precarious future and he refused, despite our questions, to guarantee its survival. As you can understand, the loss of this company would have disastrous consequences for the greater Montreal area.

One European company, however, showed interest. Alstom is a French company that can brag about its major contribution to the high speed train in France, in partnership with none other than the pride of the Quebec business community, Bombardier.

Alstom has no North American subsidiary that makes railway equipment. AMF Techno Transport, which is located in Pointe-St-Charles, could thus easily become its bridgehead in North America, which would have a very positive impact on AMF and the greater Montreal area.

Before closing, I wish to add that perhaps if we gave Alstom the possibility or the incentive to take over AMF—this is the purpose of our amendment—I am confident that Quebec would be in a very good position when the decision is finally made to build a high speed railway corridor between Quebec City and Windsor.

Let us not forget that Alstom Bombardier holds an exclusive licence for building a high speed train or HST in North America.

• (2310)

Let us not forget that about seven or eight HST projects are planned for the next 12 years, which would put the new Alstom AMF consortium in an excellent position to bid on contracts to make railway equipment for future HST projects in the U.S. Or that economic benefits in the order of \$200 billion are being mentioned. Again, a Quebec manufacturer could very well succeed on the international market.

In closing, I will say to you that the purpose of the amendment is to ensure that, whoever the buyer is, precautions will be taken to keep AMF viable and to protect the jobs of the Montreal men and women who work there as well as those of the people in the greater Montreal area.

*Government Orders**[English]*

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, the issue we are discussing today is the privatization of Canadian National rail.

Although Reform supports the government in this endeavour there are still some problems with this legislation that must be addressed. The bill requires the headquarters of CN to be located in Montreal permanently. It includes the restriction that limits the percentage of shares any one individual can own to 15 per cent.

CN Rail currently owes about \$2.5 billion. Industry representatives say the debt must be reduced to \$1.5 billion to achieve a BBB bond rating and sell. The minister has the power to reduce CN's debt to any amount he chooses, which could mean an amount well below the amount for which taxpayers would see a return.

Let us take a look at crown corporations. In the auditor general's report of 1982 this is what was written: "Crown corporations are like an enormous iceberg floating lazily in the foggy Atlantic, silent, majestic, awesome. The public tends to see only the upper portions consisting of giants like Petro-Canada, the CBC, the Canada Mortgage and Housing Corporation. The great bulk of the iceberg below the surface is less spectacular, less likely to attract public interest, less likely to receive the attention of Parliament, yet costly to taxpayers".

That was 12 years ago and nothing has changed. In his 1994 annual report to Parliament the president of the Treasury Board gave us a view of this iceberg below the water line when he listed the Government of Canada's holdings: 48 parent crown corporations, 64 wholly owned subsidiaries, 5 mixed enterprises, 3 joint enterprises, 51 other entities, 8 corporations under the terms of the Bankruptcy Act.

Reform Party policy on privatization and corporations indicates we support placing the ownership and control of corporations in the sector that can perform their function most cost effectively with the greatest accountability to owners and the least likelihood of incurring public debt. We believe this would be in most cases the private sector but not necessarily in all cases.

The Liberal position which I had to try hard to read in the red book says that for the past decade the small and medium size business sector has been the engine of the Canadian economy. It says the Liberal government will focus on its growth. While debating Bill C-89 on May 2 the Minister of Transport stated: "This legislation is part of our government's intention to have the private sector operate in areas where it can do the job best".

The Minister of Finance said in the budget last February: "Our view is straightforward. If government does not need to run something it should not and in the future will not".

Let us get to an analysis of what the government's role should be when it comes to privatization and/or crown corporations, some general points. The role of government should be to do what only the government can do, which is to keep peace, order and good government. It should regulate, administer, pass laws and defend borders but it should not enter the marketplace to create jobs. With regional development funds, grants, subsidies and crown corporations, governments distort the private sector, create temporary jobs and promote unfair competition within industry sectors. Governments are, in fact, part of the problem and not the solution.

● (2315)

There is a big difference between the spending of debt capital that is borrowed money and equity capital that does not have to be repaid. The private sector understands the difference and it is time politicians did too. At risk money motivates; government money wastes.

In some concluding comments I would like to state that the government's role in today's world should be to develop an economic atmosphere, an environment and infrastructure that facilitates investment, not make the investment itself directly. The private sector will do that. The Reform Party believes in the principle of Bill C-89 and the privatization of CN Rail.

We would like to see some of the roadblocks removed from the legislation and we hope the government will accept our suggestions.

[Translation]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I rise to support motion No. 4 amending Bill C-89. That motion, tabled by the hon. member for Beauport—Montmorency—Orléans, seeks to give the House a say in the sale of CN's assets which are not directly related to railway transport.

The minister said on several occasions that he intends to sell off one by one those assets which are not directly related to railway transport. One of CN's major subsidiaries, AMF Technotransport, located in Montreal's Pointe-Saint-Charles, will be sold in that fashion. Last year, that company, which employs over 1,300 workers, suffered losses of some \$35 million.

When he appeared before the committee, the minister said that AMF's future was precarious, but he refused to pledge to ensure the company's survival. Yet, should AMF close its doors, the consequences would be disastrous for the Montreal region. CN workers fear that privatization may deprive them of their job security and pensions. In fact, the process has already started.

Today, the media announced that the arbitrator just imposed a new collective agreement which, among other setbacks, provides less job security. The CAW union, which represents some 12,500 CN workers, made representations concerning the privatization

process. The workers have already had bad experiences with the privatization of two sections of CN: Route Canada and AMF.

In the case of Route Canada, the new owners bought the company and then shut it down, thus putting over 2,000 workers on the street. AMF, which is now a CN subsidiary, did not recognize the collective agreement. It took the courts over a year to restore the workers' rights. Several unions represent CN workers, particularly, as I just mentioned, the CAW. Overall, the unions are in favour of maintaining CN's Crown corporation status, but they want to be represented on the board of directors.

It should be pointed out that these workers are very productive. Following very tough negotiations and sometimes long strikes, they managed to get acceptable and reasonable salaries and working conditions. However, CN's management obtained, and continues to demand, concessions from the unions, including on the issue of job security. However, job security, which is only one element, was gained in exchange for other concessions.

• (2320)

Therefore, unions are concerned about the future since there have been massive layoffs over the past few years. Moreover, management positions have not been affected to the same degree.

I believe it to be urgent to improve labour relations at CN, a task which should be mainly the responsibility of the company's management. Unions, and the workers they represent, are worried about their jobs. This amendment seeks to maintain some degree of job protection for workers.

The bill contains no provision protecting the CN workers' vested rights or maintaining the present level of employment. This is a very important issue for workers. They do not want to find themselves without a job in the new company. As I said, the problem is the same for the employees of the sister companies such as AMF Technotransport, in Montreal. The vast majority of CN employees have more than 20 years seniority.

I will monitor the new company to make sure it abides scrupulously by the collective agreements in effect in this Crown corporation. I intend to monitor closely the transfer to the new employer of the rights and obligations under these agreements.

[*English*]

The Speaker: Is the House ready for the question?

Mr. Joe Fontana (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I wish to address the first grouping. I must apologize, I was told by the opposition that they had more than one speaker on the motion. If I could, I would like to deal with Motions Nos. 1 through 4, specifically on clause 8.

Government Orders

Motions Nos. 1 to 3 propose either the removal or sunseting after five years of the 15 per cent individual ownership restriction and the stipulation that CN's headquarters remain in Montreal.

The government chose to include a 15 per cent individual ownership restriction in the bill for a very specific purpose. Since the public share issue of CN will be the largest in Canadian history and likely could not be absorbed wholly by Canadian investors, access to foreign markets will be essential for the success of this deal. Any form of foreign ownership restriction would be viewed negatively by foreign investors and could result in a significantly reduced demand for CN shares, even jeopardizing the government's ability to sell 100 per cent of the crown corporation.

However, in order to ensure that no individual, Canadian or otherwise, would be able to attain control of CN, the government decided to include a 15 per cent individual ownership restriction. This is a balanced approach which would allow investors to buy a substantial piece of the company and have some influence over its future direction without enabling them to take it over. Since this is not expected to impact on the value of the CN shares, there is no call for either removing or sunseting the stipulation.

With respect to CN's headquarters, it has always been located in Montreal and there is no reason to expect that to change. Indicating that it will remain there sends a message of stability and consistency with past practice to the workforce and investors. It has absolutely nothing to do with politics but everything to do with good business.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

Some hon. members: On division.

(Motion No. 1 negated.)

• (2325)

The Speaker: The next question is on Motion No. 4. Is the House ready for the question?

Some hon. members: Question.

Government Orders

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 76(8), a recorded division on the proposed motion stands deferred.

Because Motion No. 1 was defeated, we now have to put the question on Motion No. 2.

Mr. Gouk: Mr. Speaker, we have just voted on Motion No. 1 which is appropriate. Motions Nos. 2 and 3 could be voted on together. That would work.

The Speaker: Is that agreed?

Some hon. members: Agreed.

The Speaker: Then I will put the question on Motions Nos. 2 and 3. Is the House ready for the question?

Some hon. members: Question.

The Speaker: I take it that the House wants to vote on both motions together. Is that correct?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

Some hon. members: On division.

(Motions Nos. 2 and 3 negatived.)

The Speaker: My colleagues, we will now proceed to Group No. 2 which is Motion No. 5.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.):

Motion No. 5

That Bill C-89 be amended by adding after line 13, on page 7, the following:

“11.1 (1) On continuation day and during the initial period following continuation day, neither the Minister nor CN shall sell or otherwise dispose of shares to persons who are not Canadian persons.

(2) In subsection (1)

“initial period” means ninety days or such longer period as is set by order of the Governor in Council;

“Canadian person” means

(a) an individual who is a Canadian citizen or who has the right of permanent residence in Canada, or

(b) a corporation registered in Canada the majority of the voting shares of which are held by

(i) individuals mentioned in paragraph (a), or

(ii) corporations, the majority of the voting shares of which are held by individuals mentioned in paragraph (a).”

He said: Mr. Speaker, I would like to explain why I have put forward this motion. It addresses the very point that the parliamentary secretary addressed when giving his explanation of the 15 per cent under the former grouping.

This will protect and give an opportunity to Canadians to buy shares and address the concerns that could only be dealt with by putting in another restriction. I would defer to my hon. colleague from Lethbridge for debate on this motion.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, I would like to make a few remarks. First of all, I would like to express my support for the privatization of CN. This is the proper move at this time.

To put it in economic terms, for example, the Government of Canada at the present time has a \$550 billion debt. That is of major concern to Canadians. Canadian National has an accumulated debt of \$2.5 billion which is an encumbrance on the people of Canada. It is time to privatize and bring an operation like this one into the private sector so that it works under the rules of the private sector in terms of its financing and its efficiencies.

● (2330)

The amendment we are speaking on tonight, which puts the shares out to Canadians in the first 90 days, is a good one. If the capital is in Canada for individuals or corporations in order to buy Canadian National and to operate it as a Canadian entity, that would be a good thing. It would be divided among Canadians in a variety of ways.

Let us give Canadians the first opportunity. After the 90 days we could open it up so those international people who wish to invest can do so and in a very proper and positive way participate in the economy of Canada.

Mr. Joe Fontana (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, Motion No. 5 proposes that the shares of CN be sold only to Canadian individuals and corporations for the first 90 days that the shares are sold on the stock market. It would negatively affect both the value the government would receive for its shares in CN and its ability to sell 100 per cent of its shares.

Given the size of the CN initial public offering it is unlikely that the Canadian equity markets could absorb the issue alone. Therefore, in order to sell 100 per cent of CN for a value which maximizes the return to Canadian taxpayers, foreign investors will need to participate in the share offering.

Changing this clause, as suggested by the Reform Party in Motion No. 5, would be viewed as foreign ownership restriction. Any restriction on the ability of foreigners to participate in the sale of CN would affect value and the shares would have to be sold at a significant discount in order to sell them all exclusively to Canadians.

Given the likely size of the share issue, all Canadians who so desire will have an opportunity to purchase CN shares, resulting in broad Canadian ownership of CN stock. An amendment such as suggested in Motion No. 5 is therefore unnecessary.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

An hon. member: On division.

(Motion No. 5 negatived.)

The Speaker: We will now deal with Group No. 3 which contains a number of motions.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.) moved:

Motion No. 6

That Bill C-89 be amended by deleting Clause 12.

Motion No. 7

That Bill C-89, in Clause 12, be amended:

Government Orders

(a) by replacing line 14, on page 7, with the following:

“12. (1) Subject to subsection (2), the Minister, with the approval of the”; and

(b) adding after line 30, on page 7, the following:

“(2) The aggregate amount of all debts of CN owed to Her Majesty in right of Canada may be reduced only by application of the proceeds of sales referred to in paragraph (1)(c), unless the amount to which it is so reduced exceeds a level that an accredited bond rating agency has certified to the Minister in writing as a level that would ensure for CN a bond rating no lower than BBB, in which case the Minister may make such further payment referred to in paragraph (1)(c) only to the extent necessary to reduce the aggregate amount to the level so certified.”

[*Translation*]

Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ) moved:

Motion No. 8

That Bill C-89, in Clause 12, be amended:

(a) by replacing line 14, on page 7, with the following:

“12. (1) Subject to subsection (2), the Minister, with the approval of the”; and

(b) by adding after line 30, on page 7, the following:

“(2) No agreement or arrangement under paragraph (1)(a) or (b) or payment under paragraph (c), may be entered into or made until

(a) the Minister has laid before the House of Commons a proposal that the agreement or arrangement be entered into or the payment be made,

(b) the proposal has been referred to such committee as the House may determine,

(c) the committee has reported that it approves of the proposal, and

(d) the House has concurred in the report.”

Motion No. 9

That Bill C-89 be amended by adding after line 36, on page 7, the following new Clause:

“13.1 No transaction that is made by the Minister or CN at any time before the first day that more than fifty percent of the shares in CN are owned by parties other than Her Majesty in right of Canada

(a) that would transfer to Her Majesty in right of Canada any part, subsidiary, operation or property of CN with a value exceeding one million dollars, or

(b) that would transfer to a party other than Her Majesty in right of Canada any part, subsidiary, operation or property of CN with a value exceeding ten million dollars,

shall be entered into until

(c) the Minister has laid before the House of Commons a proposal that the transaction be entered into,

(d) the proposal has been referred to such committee as the House may determine,

(e) the committee has reported that it approves of the proposal, and

(f) the House has concurred in the report of the committee.”

Motion No. 10

That Bill C-89 be amended by adding after line 36, on page 7, the following new Clause:

Government Orders

“13.1 (1) No transaction that is made by the Minister or CN at any time before the first day that more than fifty percent of the shares in CN are owned by parties other than Her Majesty in right of Canada

(a) that would transfer to Her Majesty in right of Canada any part, subsidiary, operation or property of CN with a value exceeding one million dollars, or

(b) that would transfer to a party other than Her Majesty in right of Canada any part, subsidiary, operation or property of CN with a value exceeding ten million dollars, shall be entered into unless

(c) the Minister has referred the matter to the Auditor General of Canada, and

(d) the Auditor General has reviewed the transaction and prepared and caused to be laid before the House of Commons, a report stating that, in the opinion of the Auditor General, the transaction is in the interest of CN and of Canada.

(2) The Auditor General shall cause the report to be laid before the House of Commons within fifteen days after the date of referral by the Minister.”

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ) moved:

Motion No. 11

That Bill C-89 be amended by adding after line 36, on page 7, the following new Clause:

“13.1 (1) The pension plan for employees of CN known as the CN Pension Plan shall continue to exist and be funded and be administered by the CN Pension Board in accordance with the rules in existence immediately prior to the coming into force of this Act.

(2) The CN Pension Plan shall not be amended without the agreement of the CN Pension Board.”

• (2335)

[*English*]

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, again I would like to say a few words in explanation of my amendments.

During the course of committee investigation the minister came before the committee and stated that it was his intention only to pay off enough debt after taking off the assets and resources of the company to allow the company to reach a BBB credit rating.

I have accepted this but wish to restrict the minister to ensure that he will do no more than what he said. Given that he has made this statement, it is very reasonable to ask him to make that commitment by way of amendment to the legislation. However, if he is not prepared to do this, then I would suggest that we should take away the power for him to arbitrarily pay off any amount of debt he chooses.

With regard to Motions Nos. 8, 9 and 10 I have looked at them but I have not been able to find my way clear to recommend that we support them. However I think Motion No. 11 by the Bloc Québécois is a good motion. It deals with a sensitive subject. A lot of people will be reassured without causing any problems, and I recommend we support that motion.

Beyond this I would defer to my colleague from North Island—Powell River on debate.

Mr. John Duncan (North Island—Powell River, Ref.): Mr. Speaker, I will not speak to Motions Nos. 8, 9 and 10. I am going to listen to the Bloc.

However I rise to support Motions Nos. 6, 7 and 11. Motion No. 6 deletes the possibility of government bailout of any CN debt. Current CN debt stands at \$2.5 billion. Financial and industry experts agree that it will never reasonably sell with that debt level and must be reduced to an amount that would achieve an investment grade bond rating of BBB. A \$1.5 billion debt would achieve this bond rating. The House should not give the minister the power to reduce CN's debt to any amount he chooses. This is risky and is not prudent.

First, it allows the minister to reduce the debtload well below the amount for which taxpayers can get a return upon sale. This could cause higher share prices which would appear to be a better deal but return a lower yield for taxpayers. I am quite certain this is not the intent of the minister, but this is no excuse for putting it into the legislation or allowing that kind of free board.

Second, excessive reduction of CN's debt would put CP Rail at a disadvantage similar to the disadvantage when Air Canada was privatized. It is not a simple matter of balancing the debt of two companies. CN has purchased many deluxe assets without normal private sector concerns for debt financing. The most recent example is the expensive buyout package for employees to help reduce CN's workforce. If CN is allowed this strategic advantage without any economic costs, it would have a tremendous and unfair market advantage.

Motion No. 7 would limit the government's ability to reduce CN debt to only the amount necessary to achieve BBB bond rating status after first reducing it by utilizing company funds available and from the disposal of real estate assets; in other words utilize cash and start selling off some of the assets. If members agree to this reasonable motion we will not need Motion No. 6 which deletes all authority for government bailout.

I also support Motion No. 11 which would provide for the continued existence of the CN pension plan to be administered by the CN pension board under current government rules. This is prudent and fair.

All too often employees with little control over the situation end up on the short end of the stick just because of a change in ownership. In many respects this is the most important and considered motion of all to pass through the House. If we all dig deeply in our collective memories we can think of living examples of people who have been treated unfairly by the system.

Government Orders

● (2340)

At this time I should like to move an amendment to Motion No. 7. The amendment is to one small section of Motion No. 7 which I believe was in error. We want the motion to read that it should apply to all CN debt, not just the debt owed to the Government of Canada. Therefore I move:

That Motion No. 7 be amended by deleting the words "owed to Her Majesty in right of Canada".

The Speaker: An amendment to Motion No. 7 has been moved. Now I will recognize the hon. member for Blainville—Deux-Montagnes on debate.

[*Translation*]

Mr. Paul Mercier (Blainville—Deux-Montagnes, BQ): Mr. Speaker, my comments will deal with Motions Nos. 8, 9 and 10. The Bloc Québécois agrees with the principle underlying Bill C-89 which provides for the transfer of the CN railway system to private interests, and the purchase of the company's remaining assets to dispose of them at a later date.

However, we vigorously oppose the outrageous powers the Minister of Transport wants to assume, under this bill, to carry out these operations. The amendments I am defending here are aimed instead at giving these powers to the House of Commons or the auditor general.

First, under clause 12, the Minister of Transport is assuming nothing less than the power to pay off the CN debts, not only from the proceeds of the sale of shares, but also out of the Consolidated Revenue Fund. This operation aimed at making the product more attractive to buyers actually amounts to giving taxpayers' money to buyers, potentially foreigners.

This is untenable. It is strange, to use parliamentary language, that a government could be cynical enough to suggest to the people's representatives giving a minister the power to carry out such an operation.

My amendment is aimed at seeking the approval of the House for any agreement with CN by having the minister lay the proposed agreement before the House which will then refer it to a committee of its choice. It seems to me that it would be totally irresponsible for the government to reject this amendment and accept clause 12 as it is.

Secondly, the transport minister's obsession with power is not limited to asking the House to pay CN's debts with the taxpayers' money. Under clause 6, he goes ahead and gives himself the power to have any CN asset which he would like transferred to him or to a third party in exchange for a consideration in an amount he will determine himself.

● (2345)

In opposition to this outrageous requirement, we offer motions 9 or 10, at the discretion of the House. In Motion No. 9, we propose that no transaction be made by the Minister which would transfer to him a CN asset worth one million dollars or more, or transfer to a third party a CN asset worth ten million or more, before fifty percent of the CN shares are sold and unless the minister tables the plan for such an operation in the House and the House approves of such a plan, upon favourable recommendation from the committee designated by the House.

In Motion No. 10, since I said the House could pick No. 9 or No. 10 at its discretion, we propose instead that the House approval be replaced by the obligation, for the minister, to refer the project to the auditor general, who must report within 15 days. His opinion must be favourable in order for the transaction to be made. Again, it seems unthinkable that members would not accept one or the other of these guarantees.

Finally, the amendments I propose are aimed at preventing the Minister of Transport from acting as if CN were his own personal property and disposing of it the way he wants, buying the company's assets or paying its debts with our money. CN is a public asset, an asset that belongs to the people. We cannot, as the people's representatives, abdicate our responsibilities by conferring to a minister the power to dispose of it as he pleases.

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, I will speak for a few minutes on Motion No. 11 which deals with the pension plan. If we recall the history of Canada, railroads were supposed to be the catalyst for economic development throughout Canada. However, the problem over the years is that we had a company which was a crown corporation, to be privatized shortly.

The problem is that if CN is privatized, as it will be, it will serve the interests of shareholders rather than those of Canadian communities. Canada is currently going through a difficult period, while some regions are fighting to recover from the recession and to adjust to free trade. We are somewhat concerned that this privatization could add to instability at the very moment where Canada needs a reliable transportation network.

If CN were to be sold for an amount less than its book value, it has been estimated that the loss could be one billion dollars or more. We should ask ourselves if the liberal government across the way will forgive CN's debts or not. On the one hand, a privatized CN will need to be profitable to guarantee its long term growth. On the other hand, considering current fiscal restraints and the fact that this government constantly repeats that Canadians must accept cuts in social programs, one can hardly justify the decision to increase at public expense the value of shares which will be held by private interests.

The privatization of CN will also be costly for another reason. It is almost certain that some workers will lose their jobs in the process. Besides the cost of severance pay, we will also have to take into account the cost of unemployment insurance benefits and various retraining programs. After having made this preamble, I

Government Orders

would like to say that this is the reason why I moved Motion No. 11, which reads as follows:

13.1 (1) The pension plan for employees of CN known as the CN Pension Plan shall continue to exist and be funded and be administered by the CN Pension Board in accordance with the rules in existence immediately prior to the coming into force of this Act.

(2) The CN Pension Plan shall not be amended without the agreement of the CN Pension Board.

• (2350)

You will understand, and I think it is clear, that the aim of this amendment is to protect the pension plan of CN employees.

I would like to digress a little. I have never questioned the Translation and interpretation services of the House, I believe that we have excellent professionals, but I would like the service to look at the French version of my amendment. It seems to me that, instead of saying “régime de pension”—I have already been in contact with linguists from the Office de la langue française, and apparently, “régime de pension” is a literal translation of “pension plan”—we should say “régime de retraite”. Not being one of those who know everything, I would like our interpretation services to tell me if my amendment is correctly written in French, as it refers repeatedly to “régime de pension”.

I have said it before, but the purpose of this amendment is to protect the CN employees’ pension plan. Bill C-89 does not include any measure ensuring that no change will be made to the CN pension plan, after privatization.

Finally, as has become clear to all Canadian workers, not only in railway companies, but all workers in Canada and Quebec, in spite of the NDP’s traditional policy of fighting for Canadian workers’ rights, the Bloc Québécois has been the only party in this House speaking for Canadian workers’ interests. For someone like me who has always worked on the side of employers, I am particularly proud to propose this amendment.

Mr. André Caron (Jonquière, BQ): Mr. Speaker, like my colleague for Beauport—Montmorency—Orléans, I want to support Motion No. 11.

This motion seeks to preserve the CN employees’ pension plan. You will have noticed that Bill C-89 says nothing about the pension plan. I think it is important that provisions be made in the act itself so that the CN employees’ pension plan can be preserved.

Why? Because of the recent and also not quite so recent history of Canadian National. We have noticed, over these past few years, that CN has had a certain propensity for shifting the costs for the transformation and modernization of the system to its employees. It has streamlined its operations under the pretext of improving

productivity, but it has nevertheless changed the working conditions of its employees.

Especially during the last strike, which was a combination of strike and lockout, we saw that CN developed a strategy to completely change the working conditions of its employees and to urge the Canadian Parliament to pass a special bill under which these conditions would be legislated.

Yesterday, in the report released by the mediation–arbitration board, we saw that the worst concerns we, in the Bloc Québécois, expressed during the debate on the legislation ordering CN and CP employees back to work, came true and the working conditions were unilaterally changed in favour of the employer.

I think it is vitally important that the Canadian Parliament protect the interests of the CN employees in terms of their pension plan. The motion put forward by my colleague from Beauport—Montmorency—Orléans should be agreed on, because it would be very reasonable to ensure that, after the sale of CN, it would be impossible to change the CN pension plan without the consent of the CN Pension Board.

• (2355)

You know that the rules of the CN Pension Board are such that the employees can have some influence and some input on the way the funds are administered.

I think that if such a motion is adopted—and I noted that my Reform colleague said something similar—, it would be entirely appropriate for the Parliament of Canada to ensure that justice is done for the workers who have given so much of themselves to this company and who, at the age of retirement, are entitled to enjoy the benefits they worked so long for, because people who worked for CN made a career there and were, in a way, employed by the government of Canada, by a crown corporation. I think that the House of Commons should not use privatization as an excuse for shirking its responsibilities.

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I, too, rise in support of Motion No. 11, which is a very important motion.

The workers and the union are very concerned about the future of their pension fund to which they have been contributing for many years. Unfortunately, Bill C-89 does not contain any provision to protect the pension fund after the company is privatized. It is a serious omission.

This amendment is in response to a request by the unions, who do not trust either the employer or the government in this regard. There have been bad experiences there also. The employer has not always contributed to the fund in the way that was provided for in the agreements. This fund should not be used to buy shares. The risk is too great in a market that is too volatile.

Government Orders

The pension plan is the only source of income for most pensioners. I think workers should have more control over their pension fund since it belongs to them.

No change should be made to the pension plan without the consent of the CN Pension Board and the consent of both the workers and their unions. Workers have contributed a lot to the CN pension plan. For example, in 1989, employees traded a 1 per cent salary increase for a partial indexation of their pension plan. That goes to show the importance of this amendment, which I fully support.

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, in view of the late hour, I will be brief.

Given the fact that, in my riding, there are 500 CN workers affected by this, I would like to support the proponent of the motion, our critic for transport, the member for Beauport—Montmorency—Orléans. I know, for having spoken with these workers, that people who have worked for CN have worked hard for that company. We are reminded of those who work there now, but that is a long story; for them, this is an historic moment. I think the least I can do is to support this motion.

[*English*]

The Speaker: We are on group No. 3.

Mr. Joe Fontana (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, in the spirit of co-operation, with regard to the amendment proposed by the Reform Party to its Motion No. 7, I do not believe we have any objection to that technical amendment but we are opposed to its Motion No. 7 and I will deal with that now.

Motions Nos. 6, 7 and 8 each propose amendments to clause 12 which provides the minister with the ability to deal with CN's capital structure. In order for CN's share issue to be attractive to investors and for CN to affordably finance its operations into the future, CN's debt needs to achieve an investment grade bond rating prior to the sale. In order to achieve such a rating CN's debt will need to be reduced. The exact magnitude of the debt reduction will not be known until the bond rating agencies begin to familiarize themselves with CN and discourse between the agencies, the government, and CN addresses the issue.

• (2400)

Any debt reduction will have three parts. First, in order to reduce its debt CN has already undertaken to sell several of its non-rail assets, such as CN Exploration. The proceeds from such divestitures will go to debt reduction. Second, in the spirit of selling CN as a core rail operation the government has proposed that CN transfer its non-core real estate assets to the government for fairconsideration prior to the share offering. This will also help to reduce CN's debt.

Any further debt reduction will be carefully considered by the government, taking into account the need to put CN on a level playing field with its competitors and ensure that it will remain viable in the future. However, the minister needs to retain maximum flexibility in making these decisions in consultation with the Minister of Finance. Any requirements to have such actions reviewed and approved by the House of Commons, a committee of the House, or the auditor general would limit the minister's flexibility and could therefore impede the transaction from proceeding in a timely and efficient manner, consequently affecting the value.

Therefore, these motions cannot be supported.

Motions Nos. 9 and 10 and the new clause 13.1 the opposition is proposing would remove from the Minister of Transport the flexibility he requires in dealing with the transfer of assets in the context of CN commercialization.

The commercial nature of the transaction dictates that any transfer be efficient and timely. The requirement to report to the House or have the auditor general review any such transaction before the transfer can proceed would seriously impair the minister's ability to direct that such transfers be undertaken in a timely manner. By impairing the efficiency of the transfer process the value of the transaction may be affected.

Moreover, to the extent that such assets are transferred to another crown corporation, they would be recorded in the crown corporation's corporate plan, a summary of which would be tabled in Parliament on an annual basis. This would allow all members to review the value of the assets in that crown corporation on a regular basis. In addition, the auditor general would have the opportunity to review such transfers in the normal course of events.

In addition, the commercial nature of these assets in some cases calls for confidentiality, which could be jeopardized should the minister be required to report any such transaction to the House.

Therefore, because of the need of timeliness, efficiency, and confidentiality, these amendments cannot be accepted.

I want to take a little more time with respect to Motion No. 11, which deals with the CN employees and pensioners. We also agree that these men and women who have worked and continue to work for a great corporation need to understand and know how they are going to be treated with regard to their CN pension.

The pensions of all CN employees and pensioners are protected in a number of ways, but first under the Pension Benefits Standards Act, 1985. They will continue to be protected following the commercialization of CN. The Pension Benefits Standards Act, 1985, sets out the rules for pensions of all federally regulated companies. It therefore is a means by which to treat all those who are members of such pensions equally, including employees and pensioners of CN.

Government Orders

Following the sale of Canadian National to private investors all the pension promises made under the CN pension plan will continue to be honoured. The CN pension plan will not participate in the share offering. The CN pension plan is a defined benefit, which means that regardless of the vagaries of the marketplace an employee is promised a pension. That pension is calculated according to a fixed formula and the only variables in the formula are average earnings and years of service. The plan is federally registered under the Pension Benefits Standards Act, as I mentioned before, which is administered by the Office of the Superintendent of Financial Institutions, and under the Income Tax Act, which is overseen by Revenue Canada.

Pension promises are documented in the text of the CN pension plan, which describes the entitlements of the 50,000 pensioners and surviving spouses as well as the approximately 25,000 active members. These pension promises are supported by the assets of the CN pension trust fund, which do not form part of the assets and revenues of CN. Legal title to the assets of the fund is held by the trustee of the fund, the Montreal Trust Company of Canada.

• (2405)

The CN pension plan and fund, in addition to being regulated by the Office of the Superintendent of Financial Institutions and Revenue Canada, are audited by the company's internal auditors as well as by external auditors. The financial, actuarial, and administrative aspects of the CN pension plan are also reviewed by the CN pension board, which is composed of five company representatives, five union representatives, five pensioners, and one representative of CN non-scheduled employees. As well, the CN pension plan and fund are subject to periodic actuarial evaluations by the external actuary, whose reports are presented to the CN pension board, submitted to the board of directors, and filed with the regulatory authorities.

The foregoing processes exist to safeguard the accrued pension entitlements of all members of the CN pension plan, pensioners, surviving spouses, and active members. A condensed version of this information was printed out on the April pension statement of all pensioners in answer to their most commonly asked question about the security of CN pensions. The April 1995 issue of "Keeping Track", a monthly newsletter sent out to all active employees and pensioners, featured the chart.

The government is committed to protecting the pensions of CN employees and the new corporation. This is our commitment. The amendments as proposed by the opposition would open it to employees of federally incorporated companies coming forward and seeking their own additional protection. This could potentially lead to a mixed bag of statutes protecting different players with different benefits for each group, rather than the consistent and

clear protection currently found in the single piece of legislation. This inconsistency would not serve Canadians as efficiently as keeping all provisions under a single act.

Therefore, since CN employees and pensioners already have protection under the law, which would not be affected by commercialization of CN, the government does not support this amendment.

[Translation]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I will be very brief. I want to talk about the pension plans.

I believe it must be pointed out that the CN workers and rail workers everywhere in the country know perfectly well whom they can trust the most in this House.

[English]

The Speaker: The question is on the amendment to Motion No. 7. Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

Mr. Fontana: Mr. Speaker, I want to apologize to the members on the other side of the House. I think we had made the commitment that the amendment to Motion No. 7 was acceptable to us. If you could return to that particular vote, I am sure we would want to correct that in the spirit of cooperation.

The Speaker: My colleagues, it is a little bit late. Is it agreed that we return?

Some hon. members: Agreed.

• (2410)

The Speaker: We are going to deal again with the amendment to Motion No. 7. Is the House ready for the question?

Some hon. members: Question.

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

Government Orders

Some hon. members: Agreed.

(Amendment agreed to.)

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

An hon. member: On division.

(Motion No. 7, as amended, negated.)

The Speaker: The next question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

An hon. member: On division.

(Motion No. 6 negated.)

The Speaker: The next question is on Motion No. 8.

[*Translation*]

Mr. Duceppe: Mr. Speaker, could we consider a vote on Motions Nos. 8, 9, 10, and 11?

[*English*]

Mr. Gouk: Mr. Speaker, we would agree to voting on Motions Nos. 8, 9, and 10 together but would like Motion No. 11 voted on separately.

The Speaker: Is it agreed?

Some hon. members: Agreed.

The Speaker: We are going to vote on Motions Nos. 8, 9 and 10. Is it the pleasure of the House to adopt the motions?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 76(8), the recorded division on the motions stands deferred.

• (2415)

The Speaker: The question is on Motion No. 11. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 76(8), the recorded division on the motion stands deferred.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.) moved:

Motion No. 12

That Bill C-89 be amended by deleting Clause 15.

Motion No. 13

That Bill C-89, in Clause 15, be amended by replacing lines 1 to 3, on page 8, with the following:

“15.(1) The Official Languages Act continues to apply to CN as if it continued to be a federal institution within the meaning of that Act.

(2) Subsection (1) ceases to be in effect five years after the coming into force of this Act.”

Mr. Boudria: Mr. Speaker, I wonder if there would be consent for the purpose of debate to putting Groups Nos. 4, 5 and 6 together.

[*Translation*]

Mr. Duceppe: I agree, Mr. Speaker, provided that we will be able to vote on each of the four motions individually.

[*English*]

The Speaker: Is it agreed that we are going to put Groups Nos. 4, 5, and 6 together for debate and we will vote on the motions separately?

Some hon. members: Agreed.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ) moved:

Motion No. 14

That Bill C-89 be amended by adding after line 3, on page 8, the following new Clause:

“15.1 The Minister shall, no later than January 1, 1996 conclude an agreement with CN providing for CN to repair, renovate and maintain the Pont de Québec in Québec City and to commence work under the agreement no later than May 1, 1996.”

Government Orders

Motion No. 15

That Bill C-89, in Clause 16, be amended by adding after line 15, on page 8, the following:

“(3) Subsection (1) does not apply to

(a) any activity of CN within a province that operates under an agreement that subjects the activity to the jurisdiction of that province, or

(b) any work, subsidiary or corporation owned by CN that is situated or operates only within one province.”

[*English*]

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, I will touch on my own motions by way of introduction. My colleague will deal further with those.

I would just like to point out two things. First of all the Official Languages Act is not the subject of the motion. The subject is a restriction to a private company contrary to what the parliamentary secretary, the hon. member for London East said earlier with regard to the headquarters. He suggested that because it is in Montreal and it has always been in Montreal it probably always will be. That may be. If the company follows the official languages policy of the federal government and it works for it, I am sure it will continue to but if it does not work for the company, then it should not have a gun held to its head.

I guess I should not use that expression. That would offend the Minister of Justice who is taking all those away. Instead I would say that we should not twist the company's arm and require it to remain there subject to this policy. Of course even twisting its arm now is a little dangerous because the thought police will first have to determine whether we are twisting its arm because we want it to use a particular language or because of race, religion or sexual orientation. I guess I will have to start to be more careful in the House.

I would like to speak just briefly to Groups Nos. 5 and 6. Group No. 5 deals with the Bloc motion with the Pont de Québec. I listened to the group which came to committee on this matter. They were a very passionate and dedicated group. They obviously feel very strongly about their project to preserve the bridge and have a lot of commitment to this. I am sympathetic to their case. It was their explanation that there is a legal obligation on the part of CN. If that is true, and I have no reason to believe that they would be incorrect given how conscientious they seem to be about this, then it will not matter whether CN is still held by the government or privatized.

• (2420)

That legal obligation, if it exists, will go with the company and should be dealt with and enforced. I have suggested to them that I, among others I am sure, because I know the Bloc is very concerned

about this, would be prepared to take this up if they are prepared to bring forward the evidence that this is a legal obligation.

With regard to Group No. 6, in principle I have some support for what the Bloc is talking of. However, this is the wrong forum in which to do this. The government has already put me on notice that it will be introducing legislation next week dealing with regulatory reform for the entire rail industry. It would be inappropriate to take a small segment of that and try to deal with it under privatization when we have the regulatory legislation coming forward that will deal with all of it.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, first of all, since I am not familiar with the procedure, I would like to ask a question. I would like to know whether I will have more than ten minutes to speak to each group. Since the motions have been grouped, I know I will need more than ten minutes. How does this work?

Mr. Boudria: You ask for unanimous consent.

Mr. Guimond: I should ask for unanimous consent? Thank you, Mr. Speaker.

[*English*]

The Speaker: There is a request to speak for a little bit longer than the usual amount because we are putting three groups together. Is there unanimous consent to give each other a little bit more time?

Some hon. members: Agreed.

[*Translation*]

Mr. Guimond: Thank you, Mr. Speaker, and I apologize. I hope you will not take the fact that I thanked the Government Chief Whip for agreeing to extend my speaking time as a lack of respect on my part for the Chair.

I would like to start by speaking to Motion No. 12 standing in the name of the hon. member for Kootenay West—Revelstoke, which proposes to delete clause 15 which reads as follows: “The Official Languages Act continues to apply to CN as if it continued to be a federal institution within the meaning of that Act”.

I think it is too bad that my Reform Party colleague, who is an ardent Canadian and wants to maintain Canadian unity, does not behave like one and is indulging what is referred to in English Canada as Quebec bashing. That is really too bad, and the Reform Party will suffer the consequences when one day it decides to field candidates in a federal election in Quebec. Mr. Speaker, in Quebec our motto is: “Je me souviens”, I remember. And we certainly will remember, provided Quebec is still part of Canada, which is unlikely once we have won the referendum.

We will take every opportunity to remind Quebecers that the Reform Party proposed amendments to remove the privatized company from the application of the Official Languages Act. And this is not the first time, as the hon. member for Bourassa pointed out. This party makes a habit of presenting petitions in the House of Commons to complain about the Official Languages Act. I would like to point out that the government acted responsibly by including Clause 15 in Bill C-89, under which the Official Languages Act will continue to apply to CN when it is privatized.

The government's actions reflect those of the previous government in 1988 when it proceeded to privatize Air Canada. I could also mention another amendment by the hon. member which proposed to reverse the present government's commitment to keep the company's headquarters in the Montreal Urban Community.

• (2425)

I would now like to touch briefly on amendment no. 14, which would provide for the federal government, therefore the Minister of Transport, to remain responsible for the maintenance of the Pont de Québec, despite the privatization of CN.

The Pont de Québec is a jewel in our world heritage. This is no bridge over some backwater creek at the end of some concession. This is the structure that Sir Wilfrid Laurier called an architectural masterpiece when it was inaugurated, a source of pride not only for the Province of Quebec and Quebec City, but for all of Canada.

I publicly denounce here in the House the attitude of my colleagues on the Standing Committee on Transport. Both the chairman, the hon. member for Hamilton West and the Parliamentary Secretary to the Minister of Transport, the member for London East were impolite to the people from the Coalition pour la sauvegarde du Pont de Québec when they presented their brief to the committee last week. And that is putting it mildly.

The chairman of our committee and the parliamentary secretary are both unilingual anglophones. With their earphones off, our committee's chairman and the Parliamentary Secretary to the Minister of Transport chatted away throughout the unilingual French presentation by the representatives of the coalition, taking in absolutely nothing at all.

After it was over, they went so far as to ask me why the coalition had not applied under the infrastructure program. That is utterly unacceptable. Canadian National, and not the City of Quebec, is the owner of the bridge. And why should the City of Quebec have applied under the infrastructure program to renovate the bridge? This shows how ignorant they are of the whole issue and, to top it off, how impolite they were to the unilingual francophones who came before the Standing Committee on Transport to present their brief.

Government Orders

I would like to remind you that the coalition to save the Pont de Québec is not a partisan organization, on the contrary, it is non-partisan. And I can assure you that I have never personally met any of the members of this coalition and they have never been associated with me or affiliated with my party. Their work falls squarely outside of the political arena. The people of the region of Quebec were very disappointed by the reception this coalition received in Ottawa.

The bridge is in a pitiful state. According to the coalition, the required work is estimated at between \$41 million and \$45 million. What will happen if the new privatized CN refuses to honour its commitments with regard to the bridge? What will happen? Will it be left to deteriorate? It is a world heritage jewel.

Here again, I deplore, I forgot to mention it earlier, I deplore the fact that the chairman of the Standing Committee on Transport downplayed the Pont de Québec, saying that the new privatized CN would never save any old bridge crossing a stream at the end of a concession or any bit of rail line in some village in Canada or some old station in Canada.

This was how the bridge was described, and it is crazy. Perhaps it was to convince himself that those watching us would think the Bloc member was fantasizing and making it up. I suggest they read the minutes of the Standing Committee on Transport; they will see where the truth lies.

In closing, I would like to talk briefly about Motion No. 15. The aim of this amendment is to avoid short line railways CN might have an interest in being put under federal jurisdiction.

• (2430)

At the moment, all intraprovincial transport comes under provincial jurisdiction. We are concerned about the wording of clause 16 of the bill and so we have proposed an amendment to ensure that SLRs remain within provincial jurisdiction and do not become federal.

Obviously, by stating that interprovincial transportation structures—check the wording in the bill—are “for the general advantage of Canada”, we avoid having SLRs in which CN has an interest being automatically placed under federal jurisdiction, and this is the aim of our amendment.

CN could thus become a partner and share in the creation of SLRs. I think that our party has shown great openness towards SLRs; it may be the way of the future, an instrument that will give us more flexibility to satisfy the clients' needs, etc. But what is important is that, to prevent abandonment, it is important that many lines be taken over by SLRs. Some of them may even belong to CN. I think that instead of eliminating regional services, it is important, and I will conclude with this, to consider rail transport in the same way as air or water transport. A mode of transport is above all an instrument for regional economic development.

Government Orders

It is obvious that when a rail line is abandoned, it can make regional economic development much more difficult.

To conclude, I will give you an example. A cement factory is planned in Port-Daniel, in the Gaspé. Unfortunately, the member for Bonaventure—Îles-de-la-Madeleine has not intervened and never made any inquiry regarding this planned cement factory, although it is in his riding, probably because he is not interested. Anyway, there is a plan for a cement factory in Port-Daniel, in the Gaspé, a beautiful village with a 25 per cent unemployment rate. The developers have two requirements. First, they require a sea port; Port-Daniel is located in Chaleur Bay; I believe that having a deep water sea port will not be a problem. Second, to move cement to Canadian and American markets, they require a railway since, as we know, Gaspé roads cannot take heavy trucking.

Therefore, if they close the railway in Gaspé, how will it be possible to attract companies and develop Quebec? This is what I wanted to say to conclude my remarks.

[English]

Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.): Mr. Speaker, I am not going to ask you for any extra time or for anything over 10 minutes. As a matter of fact I may not even speak for five minutes.

I have noticed a certain ambivalence on the benches opposite toward this privatization bill. Clearly privatization is not something you do just to do it. It is done for a reason. The reason is to try to put a crown corporation in a position where it becomes an efficient money making organization.

The hon. member for London East has spoken on several occasions about the fact we must not apply constraints to the company after it is privatized. If we do that we defeat our purpose. One of the constraints the government is proposing to apply is to maintain the Official Languages Act for this private corporation. The Official Languages Act is intended for government organizations.

If CN has to maintain the extra cost and the extra inefficiencies of having the hand of the official languages commissioner on the throttle of every locomotive, it is not going to be as competitive as it needs to be. It is unnecessary. Most of CN's operations are west of the lakehead. There is very little French spoken by either the employees or by the customers.

There will certainly be circumstances in any company working in Canada where it will want to maintain the use of two languages voluntarily.

• (2435)

[Translation]

I worked from time to time in mines or other work sites where workers spoke two or even three different languages. We had to use these languages correctly for the sake of efficiency or safety, but never for political reasons. That is sensible bilingualism. It is not always necessary to impose rules for everything.

[English]

I would like to speak even more briefly on Motion No. 14. Again, we have an example of an attempt by government to maintain control over the corporation after it is privatized. No one but the management of a company should be in a position to decide what bridges it is going to maintain, what tracks it is going to maintain.

This is something that is not done if the government really means what it says about making the thing run properly. It does not allow bureaucrats or politicians to stick their cotton pickin' hands into the operations of a private company. If it does that, it may as well forget about privatizing the company, just keep on dictating to it. Government cannot have it both ways.

Either the company is going to be private or it is going to continue to be a semi-crown. I strongly agree with the proposal to privatize it.

On the last motion, the question proposed by the hon. members of the Bloc to simplify the regulatory regime, to give the provinces more regulatory powers and the federal government less, in principle I agree with that but this is neither the time nor the place to debate that question.

It certainly should not be written into the bill. With that, I have had my five minutes.

[Translation]

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, I will be brief. I will confirm what my colleague from Beauport—Montmorency—Orléans has said.

The Pont de Québec is indeed a heritage jewel. However, it is in very poor condition due to the irresponsible behaviour of Transport Canada as well as of CN. The reason why it is necessary to propose this amendment is that both entities, Transport Canada and CN, never fulfilled their responsibilities. Therefore, by adding this element to the bill we might have a chance to see the Pont de Québec become once again what it used to be, a source of pride for the Quebec region.

Just as the Eiffel Tower is the symbol of Paris or the Statue of Liberty the symbol of New York, the Pont de Québec is something which symbolizes the Quebec region.

Government Orders

The amendment is necessary because, in 1993, CN and Transport Canada signed an agreement that they never fulfilled. Why should we believe that a privatized CN, in the hands of private shareholders, would all of a sudden tell its shareholders: We must now ensure that the Pont de Québec be kept in good repair. We do not believe it would.

The agreement signed in 1993 was very clear, it said in section 4: "Canada transfers the Pont de Québec to CN. CN undertakes to finance a major maintenance program on this bridge, including installation and maintenance of architectural lighting, to restore this structure to a condition which guarantees its long-term viability and maintain it in this condition. Without limiting the specified obligations of CN, the company will try to conclude an agreement with the Province of Quebec." I should say that Transport Quebec was never against such an agreement.

• (2440)

Section 13 of the same agreement reads: "This agreement comes under Canadian legislation, is interpreted in accordance with that legislation and binds parties and their successors and assignees". Therefore if an agreement signed by the Transport minister and the CN has remained totally inoperative, how can we believe that private shareholders would fare better? This is why we believe it is essential to pass amendment no. 14 in order to make sure that the Pont de Québec will be maintained by those who have the responsibility to do so.

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, my colleagues are inviting me to justify my presence in this debate. If the hon. member for Louis-Hébert can justify his presence because one of the bridge pillars is located in his riding, I must add that there is another one in my riding.

This bridge was built in 1917 and, in the beginning, it was used to allow trains to cross the St. Lawrence River. It is a river, I say to the whip of the Liberal Party. It is not a brook, as my colleague for Beauport was saying. If ever this bridge were to collapse through lack of maintenance—I do not want to make people feel uneasy about this—if ever it were to collapse and CN trains could not go over it, imagine the detour we would have to make in order to ship our goods. We would have to go from Quebec City to Montreal, and then to the Maritimes.

This does not make sense. This is unacceptable. Of course, the bridge may not collapse in the next 20 years, but its physical appearance is deteriorating to such an extent that people in the Quebec City region tell us that this bridge belongs to the federal government and has become a symbol of the decrepit state of federalism in Quebec.

This is getting a reaction from some of the people here. If members of the current Liberal federal government wanted to enhance their visibility before the referendum, they should do as the coalition suggests because every day, every person who comes to see me—not only people from the Quebec City region but also foreign visitors—note the state of disrepair of this symbol. I think it would be to the Liberal Party's advantage—I am giving them some valuable advice—to ensure that the bridge is being maintained, to give it a new image.

Coalition members should also remind them that this would create 200 jobs over six years. Is this not right, my dear colleague? Over six years. This would allow the bridge to be renovated and create jobs, in addition to the purchase of materials. There would be an economic impact. We are looking for ways to put people back to work, for useful projects, and the Pont de Québec would fit the bill.

This would cost \$40 million but we must spend it. Strangely enough, an engineer told me this week that CN asked a U.S. firm to study the whole matter. The Americans recognize the value of this bridge. They took an interest in it and even gave it an architecture and engineering award. It has been described as one of the eight wonders of the world. That is quite something.

But the wonder does not impress anyone any more. On the contrary, it has become an object of shame. Something must be done, but it does not make sense to leave this in the hands of a company that will be privatized.

• (2445)

No privatized company will want to invest \$40 million to repair this bridge, unless it is forced into it. Nobody will do it. So, we are asking the federal government to act as the owner, not as a tenant, because it really is the owner, and it is responsible for these repairs.

Finally, the amendment proposed by our colleague, the hon. member for Beauport—Montmorency—Orléans, is valid, as the federal government saw fit to remove the CN Tower from CN's assets. If it is good for Toronto, it should be good for Quebec City. I will end here, as it is quite late.

Mr. François Langlois (Bellechasse, BQ): Mr. Speaker, I will be brief. No one will wonder why I rise on the issue of the Pont de Québec.

An hon. member: We want to know.

Mr. Langlois: It is first for historical reasons. When the bridge collapsed for the second time, my grandfather was there. Consequently, that event was the topic of many stories when I was young. I often cross that bridge. The hon. member for Lévis referred to the CN Tower, in Toronto. It would be more appropriate to compare the Pont de Québec to the Tower of Pisa, considering that both structures are more or less in the same condition.

Government Orders

There is also a more personal and even religious reason. Indeed, every time I cross the bridge on a train, I cannot help but feel a need to say my prayers, because I always wonder if we will make it to the other side.

If you have been in Quebec City on more than one occasion, you should go at least once to have a look at the bridge from the lovely city of Saint-Romuald. You will realize what an eye-sore it is, not to say anything about the risk it represents for those who have to use it.

If it remains a federal crown asset, we will see what will happen later on. We will at least get an assurance that that bridge will be repaired. Everything that needs to be done has already been identified. In the notes my colleague from Beauport—Montmorency—Orléans was kind enough to give to me, I notice that as late as 1994, that is last year, an American company called Mojeski and Masters was paid \$700,000 U.S. for a visual inspection of the substructure and superstructure of the bridge. Surely, we must have qualified people in Canada to do that kind of work, but the contract was awarded to an American company anyway.

When the railway service was dismantled, in Bellechasse, the entire Monk line, from Charny to Edmunston, New Brunswick, was dismantled. Even the rails were torn up. The right of way has not been given back to the original owners yet, but the rails have disappeared.

The dismantling of the railroad is a real disaster, since the railway has always been a symbol and a reality for Canada ever since 1867, which is why I will be pleased to support the amendment put forward by the hon. member for Beauport—Montmorency—Orléans and to vote in favour of the Pont de Québec remaining a public asset.

[*English*]

Mr. Joe Fontana (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, let me assure everyone in attendance I will not be quite as long as the Bloc was with all its members. I will be about the same time as it took the hon. member for Kootenay West—Revelstoke.

With regard to Motions Nos. 12 and 13 which affect clause 15 in the bill, CN currently operates under the Official Languages Act in both official languages. In its continuing capacity as a national railway CN will continue to serve both anglophone and franco-phone clients across the country.

Continued application of the Official Languages Act will not require any change to its operations. In addition, CN management has indicated it makes good business sense to operate a bilingual railway.

• (2450)

Moreover, CN's intention to continue operating as a bilingual railway will also have no effect on the value of the company's shares when they are sold.

With regard to Motion No. 14 and the Quebec bridge, Motion No. 14 deals with the renovation and maintenance of the Pont de Québec in Quebec City. Although the government understands the desire to ensure the Pont de Québec is maintained in good condition, Bill C-89 is not the proper venue for such assurances.

Putting such a clause in the bill would draw negative attention from investors as an operating cost imposed on CN. CN has stated its willingness to increase its contribution for maintenance to \$1.5 million but needs matching funds from the province of Quebec, keeping in mind the province has an interest in the bridge because it is a highway structure, an area of provincial jurisdiction.

I hope members of the Bloc would impose upon their friends in Quebec City that they have an equal responsibility to maintain that bridge, as 70 per cent of the traffic on it is vehicular, which is under provincial jurisdiction.

Let me assure everyone this bridge is in safe condition. It is in need of repair. CN is obligated to maintain it and it has promised to do so. I encourage everyone to have the province put in its fair share as well as those people who want to keep it for historical purposes.

Therefore we cannot support Motion No. 14.

On Motion No. 15, which impacts on clause 16, Bill C-89 will have no effect on the jurisdiction under which either an interprovincial or an intraprovincial railway operates. Currently interprovincial railways come under federal jurisdiction and must comply with federal safety regulations. Intraprovincial railways may choose to incorporate either under the provincial jurisdiction of the province in which they operate or under federal jurisdiction.

Currently most intraprovincial shortlines choose provincial jurisdiction. Internal shortlines, whether they be intraprovincial or interprovincial remain part of the class one railway and therefore operate under federal jurisdiction.

An example of this is the internal shortline in northern Quebec recently established by CN and its employees. Again, none of the foregoing would be affected by Bill C-89, and the proposal to amend clause 16 is therefore unnecessary.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on Motion No. 12. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Government Orders

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

An hon. member: On division.

(Motion No. 12 negatived.)

The Speaker: The next question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

An hon. member: On division.

(Motion No. 13 negatived.)

The Speaker: The next question is on Motion No. 14.

• (2455)

Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 76(8), a recorded division on the motion stands deferred.

We are now proceeding to Group No. 6, Motion No. 15. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 76(8), a recorded division on the motion stands deferred.

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, although I will not use quite the same wording in French as the chief government whip, I think you will find unanimous consent to put forward an additional motion. Do I have to read it?

Some hon. members: We would like to understand it.

Mr. Guimond: You would like to understand it? Okay. At this hour, I tend to be solitary.

I move, seconded by the hon. member for Kamouraska—Rivière-du-Loup:

That Clause 8 be amended by adding after line 19, on page 5, the following:

“(5.1) Paragraphs 5(a), (b) and (c) shall apply only:

(a) to persons who are Canadian citizens or are permanent residents of Canada;

(b) to corporations established in Canada that are not controlled by individuals who are neither Canadian citizens nor permanent residents of Canada or by corporate bodies established abroad”.

[*English*]

The Speaker: Is there unanimous consent for the member to propose the motion?

Some hon. members: Agreed.

[*Translation*]

Mr. Guimond: Mr. Speaker, I will try to proceed as quickly as possible.

You will know that the firms Scotia McLeod, Nesbitt Burns and Goldman Sachs have been hired to co-ordinate the sale of CN shares at the international level. The purpose of this amendment is to ensure that CN remains under Canadian control, since it is Canadian taxpayers' money that was used to build it. That is what our amendment is all about.

I can tell you that, in the transport committee, I was very disappointed that the syndicate of the three companies responsible for launching the issue of shares refused to answer my questions, and in particular a very legitimate question asking what their fee for this operation would be. I think the taxpayers of Quebec and Canada have the right to know how much Scotia McLeod, Nesbitt Burns and the U.S. firm Goldman Sachs will be paid to launch the new issue of CN's shares.

The question was perfectly legitimate, but I was told this was confidential information that could not be divulged. I want to say that the answer is unsatisfactory.

Government Orders

I had other very pertinent questions for which I did not get any answers either. I will read a few to the House. I had 21 of them. For instance, I asked:

[*English*]

What are the prospective financial statistics for CN upon which the sale price will have to be based? I am interested in the following for the years 1990–95 through 2000. I wanted to know the operating cash flow, the free cash flow after capital spending but before dividends, operating income and the net income.

• (2500)

[*Translation*]

I had all kinds of questions to which I received no answer. I asked them, for example:

[*English*]

What is your estimation of the value of land and other real estate property?

[*Translation*]

I received no answer. That is why I am very concerned about the fact that the new privatized CN could fall under foreign management when taxpayers in Quebec and Canada have made such a major contribution to the development of this company.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I will also be very brief. I just want to explain to hon. members what the consequences are of adopting or defeating this amendment.

I would like to provide some historical background. Certain choices were made in the course of Canada's history and one was that the railroad would go from New Brunswick through Eastern Quebec and then to Ontario. These decisions also led to the introduction of transportation subsidies to compensate for the fact that the distance was greater than it would be through the United States.

If we do not adopt the amendment before the House today, we might easily land in a situation where American interests would be able to buy or get a controlling interest in CN and thus be able to close down certain parts of the line for the benefit of American lines, in other words, the routes through the United States.

This is true in Eastern Canada and also in Western Canada. I think that if we do not watch out, 25, 30 or 35 years from now we will realize we made a strategic mistake that will cost Quebec and Canada dearly. In the past, we saw that Quebec was adversely affected as a result of certain choices made with respect to railway routes. The amendment before the House today would prevent this kind of situation.

Incidentally, a Canadian group would not be prohibited from owning more than 15 per cent of CN shares. This might give Quebec interests a chance to ensure that in the future, the entire railway network in Quebec is harmonized with the road network. That is why this amendment should be passed.

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, even though it is late, I would like to say just a few words, because I think this is a very important subject.

I support this motion and it is important, because when the Liberals were in the opposition, they were more nationalist and Canadian in their outlook than they are today. I think they defended the interests of Canadians better than they are doing now. Today, that is history. I think some people in this country are apprehensive about the foreign interests that might control CN.

The very fact of selecting Goldman Sachs in New York does not augur well, as far as I am concerned, and that is why I want to support this motion which I think is very important.

[*English*]

Mr. Joe Fontana (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, I want to take a couple of minutes to address the amendment and a very fundamental question here.

First, let me indicate there is no evidence in other countries where privatization has taken place of foreign takeovers. In fact, to protect against any individual gaining control of CN, as has been indicated, a 15 per cent individual ownership restriction has been imposed.

Moreover section 8 of the enabling legislation protects against investors colluding to control the company by combining the voting power of their shares. To insert such an amendment into the bill would negatively impact on both the value of the shares as well as what the government would receive and hence the Canadian taxpayer.

I do not believe we need to take any lessons from the Bloc Québécois in protecting Canadian interests. The government wants to maximize the return for Canadians in this national railroad and does not need any lessons from them on how to build good national railways.

Let me also take this opportunity to assure my friend in regard to the question he asked about fees. Obviously they will be made in due course. I believe he also heard of this global team that will offer these shares across North America and beyond, that is why this team was put together.

• (2505)

He also heard that our Minister of Transport has negotiated the best deal with regard to fees and they have complimented the hard bargain he drove. I assure members we will be getting good value for the fees from our global underwriters.

The Speaker: We are now dealing with Group No. 7, Motion No. 17. Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

Government Orders

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Pursuant to Standing Order 76(8), the recorded division on the motion stands deferred.

The House will now proceed to the taking of the deferred divisions at the report stage of the bill now before the House.

Call in the members.

And the bells having rung:

The Speaker: Pursuant to Standing Order 45, the divisions are further deferred to Monday, June 19 at 11.30 p.m.

Hon. Alfonso Gagliano (Secretary of State (Parliamentary Affairs) and Deputy Leader of the Government in the House of Commons, Lib.) moved:

That the House do now adjourn.

(Motion agreed to.)

(The House adjourned at 1.09 a.m.)

CONTENTS

Thursday, June 15, 1995

ROUTINE PROCEEDINGS

Government Response to Petitions

Mr. Gagliano 13879

Nigeria

Mrs. Stewart (Northumberland) 13879

Mrs. Debien 13880

Mr. Mills (Red Deer) 13880

Committees of the House

Public accounts

Mr. Bélisle 13881

Industry

Mr. Bélisle 13881

Point of Order

Mr. Boudria 13881

Business of the House

Mr. Gagliano 13881

Motion 13881

(Motion agreed to) 13881

Petitions

Health Care

Mr. Mayfield 13882

Human Rights

Mr. Mayfield 13882

Official Languages

Mr. Harper (Simcoe Centre) 13882

Justice

Mr. Harper (Simcoe Centre) 13882

Criminal Code

Mr. Harper (Simcoe Centre) 13882

Human Rights

Mr. Harper (Simcoe Centre) 13882

Rights of the Unborn

Mr. Williams 13882

Human Rights

Mr. Gilmour 13882

Questions on the Order Paper

Mr. Gagliano 13882

GOVERNMENT ORDERS

Electoral Boundaries Readjustment Act, 1995

Bill C-69. Consideration resumed of motion for concurrence 13883

Mr. White (North Vancouver) 13883

Mrs. Ringuette-Maltais 13884

Mr. Adams 13885

Mr. Gouk 13885

Mrs. Ablonczy 13886

Mr. Adams 13887

Mrs. Terrana 13887

Mrs. Ringuette-Maltais 13888

Mr. Silye 13888

Mrs. Terrana 13891

Mr. Harper (Simcoe Centre) 13892

Mrs. Parrish 13895

Mr. Shepherd 13896

Mr. Godin 13896

Mr. Schmidt 13897

Mr. Telegdi 13899

Mrs. Ablonczy 13900

Amendment to amendment 13903

Mr. Morrison 13903

Mr. Speaker (Lethbridge) 13903

Division on motion deferred 13905

The Acting Speaker (Mrs. Maheu) 13905

Mr. Boudria 13905

Mr. Gauthier (Roberval) 13905

Mr. Silye 13906

Income Tax Act

Bill C-70. Report stage 13906

Mr. Marchi 13906

Motion for Concurrence 13906

Motion agreed to on division: Yeas, 127; Nays, 76 13906

Motion for third reading 13907

Mr. Gray 13907

Mr. Walker 13907

Electoral Boundaries Readjustment Act, 1995

Bill C-69. Consideration resumed of motion for concurrence 13908

Mr. Gauthier (Roberval) 13908

Mr. Silye 13908

STATEMENTS BY MEMBERS

Co-Operative Education

Mr. Scott (Fredericton—York—Sunbury) 13908

Patented Drugs

Mr. Rocheleau 13909

Free Votes

Mrs. Jennings 13909

Professional Hockey

Mr. Blaikie 13909

Federal Business Development Bank

Mr. O'Brien 13909

Forging the Link

Mr. Murphy 13910

Elders and Traditional Peoples Gathering

Mr. Adams 13910

Canadian Broadcasting Corporation

Mr. Dumas 13910

Democracy in Canada

Mr. Thompson 13910

Youth Service Canada

Mr. Pagtakhan 13910

2002 Winter Olympics

Mr. Patry 13911

Job Creation

Mr. Lavigne (Verdun—Saint-Paul) 13911

Family Income	
Mrs. Picard	13911
Free Votes	
Mr. Silye	13911
Iliquisivut	
Mr. Anawak	13912

ORAL QUESTION PERIOD

Bosnia	
Mr. Gauthier (Roberval)	13912
Mr. Collenette	13912
Mr. Gauthier (Roberval)	13912
Mr. Collenette	13912
Mr. Gauthier (Roberval)	13912
Mr. Collenette	13912
Mr. Jacob	13913
Mr. Collenette	13913
Mr. Jacob	13913
Mr. Collenette	13913
Minister of Canadian Heritage	
Miss Grey	13913
Mr. Gray	13913
Miss Grey	13913
Mr. Gray	13913
Miss Grey	13914
Mr. Gray	13914
G-7 Summit	
Mr. Tremblay (Rimouski—Témiscouata)	13914
Mr. Gray	13914
Mr. Tremblay (Rimouski—Témiscouata)	13914
Mr. Gray	13914
Ehtics	
Mr. Strahl	13914
Mr. Bélair	13914
Mr. Strahl	13915
Mr. Bélair	13915
Bovine Somatotropin	
Mr. Daviault	13915
Ms. Marleau	13915
Mr. Daviault	13915
Ms. Marleau	13915
Bosnia	
Mr. Mills (Red Deer)	13915
Mr. Collenette	13915
Mr. Mills (Red Deer)	13915
Mr. Collenette	13915
Bovine Somatotropin	
Mr. Bellehumeur	13916
Mr. Goodale	13916
Mr. Bellehumeur	13916
Mr. Goodale	13916
National Parole Board	
Ms. Meredith	13916
Mr. Gray	13916
Ms. Meredith	13917
Mr. Gray	13917
Agriculture	
Mr. Culbert	13917

Mr. Goodale	13917
Defence Industry Conversion	
Mr. Ménard	13917
Mr. Manley	13917
Mr. Ménard	13917
Mr. Manley	13917
Indian Affairs	
Mr. Stinson	13918
Mr. Irwin	13918
Mr. Stinson	13918
Mr. Irwin	13918
Public Service	
Mrs. Chamberlain	13918
Mr. Eggleton	13918
Singer Employees	
Mr. Leroux (Shefford)	13918
Mr. Bevilacqua	13919
Mr. Leroux (Shefford)	13919
Mr. Bevilacqua	13919
Family Income	
Mr. Grubel	13919
Mr. Peters	13919
Mr. Grubel	13919
Mr. Peters	13919
Cuba	
Ms. McLaughlin	13919
Mr. Harb	13919
Emergency Preparedness	
Mr. Loney	13920
Mr. Collenette	13920
Privilege	
Alleged media misreporting	
Mr. Hopkins	13920
The Speaker	13920
Business of the House	
Mr. Bellehumeur	13920
Mr. Gray	13920
THE ROYAL ASSENT	
The Speaker	13921
Message from the Senate	
The Speaker	13921
Business of the House	
Mr. Hermanson	13921
Mr. Gray	13921
GOVERNMENT ORDERS	
Criminal Code	
Bill C-41. Motion for third reading.	13921
Mr. Rock	13921
Mrs. Venne	13925
Electoral Boundaries Readjustment Act, 1995	
Bill C-69. Consideration resumed of motion for concurrency	13927
Speaker's Ruling	
The Speaker	13927
Criminal Code	
Bill C-41. Consideration resumed of motion	13928

Mrs. Venne	13928
Message from the Senate	
The Acting Speaker (Mr. Kilger)	13929
Criminal Code	
Bill C-41. Consideration resumed of motion for third reading	13929
Mr. Ramsay	13929
Mr. Allmand	13932
Ms. Fry	13933
Mr. Harris	13934
Mr. Graham	13935
Mr. Allmand	13937
Mr. Thompson	13937
Mr. Ménard	13938

THE ROYAL ASSENT

The Acting Speaker (Mr. Kilger)	13938
---------------------------------------	-------

PRIVATE MEMBERS' BUSINESS

Canada Labour Code

Bill C-317. Motion for second reading	13939
Mr. St-Laurent	13939
Mr. Bevilacqua	13942
Mr. Johnston	13943
Mr. Nunez	13944
Mr. English	13946

GOVERNMENT ORDERS

Criminal Code

Bill C-41. Consideration of motion resumed	13947
Mr. Ménard	13947
Mrs. Barnes	13949
Mr. Epp	13950
Ms. Augustine	13951
Mr. Mayfield	13952
Mr. Lastewka	13953
Mr. Breitreuz (Yorkton—Melville)	13955
Ms. Meredith	13955
Ms. Fry	13957
Mr. Flis	13958
Mr. Kirkby	13958
Mr. Dromisky	13958
Mr. Morrison	13959
Mr. Thompson	13960
Mr. Epp	13960
Mrs. Kraft Sloan	13960
Mr. Williams	13962
Mr. Benoit	13962
Mr. Harris	13963
Mr. Wappel	13965
Mrs. Guay	13966
Mr. MacDonald	13966
Mr. Thompson	13967
Mr. Flis	13969
Mr. Anawak	13970
Mr. Mayfield	13970
Mrs. Barnes	13971
Mr. Rock	13972
Motion	13973
(Motion agreed to)	13973
Mr. Finlay	13973

Mr. Breitreuz (Yorkton—Melville)	13975
Mr. Speaker (Lethbridge)	13975
Ms. Torsney	13975
Mr. Grubel	13976
Ms. Torsney	13977
Mrs. Ablonczy	13977
Ms. Bridgman	13977
Motion agreed to on division: Yeas, 168; Nays, 51	13978
(Bill read the third time and passed)	13979

CN Commercialization Act

Bill C-89. Report stage and second reading	13979
--	-------

Speaker's Ruling

The Speaker	13979
-------------------	-------

Motions in amendment

Mr. Gouk	13980
Motions Nos. 1 to 3	13980
Motion No. 4	13980
Mr. Guimond	13980
Mr. Gouk	13980
Mr. Duncan	13980
Mr. Guimond	13981
Mr. Silye	13982
Mr. Nunez	13982
Mr. Fontana	13983
(Motion No. 1 negated)	13983
Division on motion deferred	13984
(Motion Nos. 2 and 3 negated)	13984
Mr. Gouk	13984
Motion No. 5	13984
Mr. Speaker (Lethbridge)	13984
Mr. Fontana	13984
(Motion No. 5 negated)	13985
Mr. Gouk	13985
Motion Nos. 6 and 7	13985
Motion Nos. 8, 9 and 10	13985
Mr. Mercier	13985
Motion No. 11	13986
Mr. Guimond	13986
Mr. Gouk	13986
Mr. Duncan	13986
Amendment	13987
Mr. Mercier	13987
Mr. Guimond	13987
Mr. Caron	13988
Mr. Nunez	13988
Mr. Dubé	13989
Mr. Fontana	13989
Mr. Crête	13990
(Amendment agreed to)	13991
(Motion No. 7, as amended, negated)	13991
(Motion No. 6 negated)	13991
Division on motions 9, 10 and 11 deferred	13991
Division on motion No. 11 deferred	13991
Motion Nos. 12 and 13	13991
Mr. Gouk	13991
Motion Nos. 14 and 15	13991
Mr. Guimond	13991
Mr. Gouk	13992
Mr. Guimond	13992
Mr. Morrison	13994
Mr. Paré	13994
Mr. Dubé	13995
Mr. Langlois	13995
Mr. Fontana	13996

(Motion No. 12 negatived)	13997
(Motion No. 13 negatived)	13997
Division on motion No. 14 deferred	13997
Division on motion No. 15 deferred	13997
Mr. Guimond	13997
Mr. Crête	13998
Mr. Nunez	13998

Mr. Fontana	13998
Motion No. 17	13998
Division on motion No. 17 deferred	13999
Mr. Gagliano	13999
Motion	13999
(Motion agreed to	13999

