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(HANSARD)

**Friday, May 12, 1995**

**Speaker: The Honourable Gilbert Parent**

# HOUSE OF COMMONS

Friday, May 12, 1995

The House met at 10 a.m.

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*Prayers*

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## GOVERNMENT ORDERS

[*English*]

### MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT

The House resumed from May 10 consideration of the motion that Bill C-85, an act to amend the Members of Parliament Retiring Allowances Act and to provide for the continuation of a certain provision, be read the second time and referred to a committee; and of the motion that the question be now put.

**The Deputy Speaker:** When we last discussed this matter, the member for Wild Rose had two minutes remaining in his intervention. I do not see the member for Wild Rose. Accordingly we will resume debate.

**Mrs. Jan Brown (Calgary Southeast, Ref.):** Mr. Speaker, it is with pleasure that I rise to speak today to a particularly compelling issue, which is the MP pension reform.

So many of my colleagues on this side of the House have spoken with thoughtfulness and compassion for Canadians who, like us, are struggling to make ends meet.

During the 1993 campaign this issue came up over and over again on the doorsteps of those hard working taxpayers in my constituency. They were very frustrated with the fact that MPs could come into such a wonderful job as this and were greatly compensated for their work here after only having spent a short six years in the job. At that time I realized the importance of the issue and I made a pledge to my constituents that I would never ever participate in any kind of an MP pension plan while I was a member of Parliament or afterward.

I would like to read to the House for the record the promise I made to my constituents. It was signed by me on June 15, 1993

and witnessed by members of the riding who were at the town hall. This is what I said:

[*Translation*]

I, the undersigned, Jan Brown, Reform Party candidate for Calgary Southeast, strongly oppose the current extravagant pension plan of members of Parliament. It is time our leaders demonstrated some leadership. I therefore totally oppose former members of Parliament receiving excessive pensions, when Canadians are being asked to tighten their belt. I will, moreover, vote against any bill maintaining or increasing members' pensions. I therefore state that I, personally, will not participate in the current extravagant pension plan of members of Parliament.

[*English*]

I went on to say:

I support the policy of the Reform Party to significantly reduce the pension plan for MPs to bring them into line with pensions offered in the private sector and I will work vigorously toward achieving that objective. However, I hereby declare that I will personally choose not to participate in any taxpayer funded MP pension plan. As your elected MP, I, like many of you, will plan for my future financial needs independently and free of taxpayer support.

As I said, I signed that on June 15, 1993. Now more than ever, my sense of that declaration has gathered importance in my life and certainly to those members of Calgary Southeast who I represent.

There seems to have been a great deception in the Liberal red book when it came to pension reform. I say that because the public was given a perception that the Liberals were most intent about pension reform. However, the red book did not say anything concrete about the reform of pensions.

(1005 )

The Liberals just said that the pension regime of members of Parliament had been the focus of considerable controversy and it remains so. The red book went on to state: "It is now the subject of an independent review, which Liberals support". This constant focus on reviews, consultations and discussions continues over and over as a mantra of the Liberals.

The red book further states: "Whatever the results of an independent review, a Liberal government will reform the pension plan of members of Parliament to end double dipping. MPs should not be able to leave office and receive a pension from the federal government if they accept a new full time

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paying job from the federal government". The Liberals went on and on with issues that have not been addressed at all in the bill.

In fact, this is what has happened with the new Liberal proposals. The lower benefit accrual rate has gone from 5 per cent to 4 per cent per year, twice the rate allowed in the private sector under the Income Tax Act. Once again, there was the perception in the red book that there was change whereas in actual fact there has been no real change, just a perception.

Benefits will increase with inflation, unlike 80 per cent of private plans. MPs are to collect 75 per cent of the annual salary after 19 years in office. The average Canadian has to work 35 years to collect 70 per cent of an annual salary.

The Liberals have also allowed a one time opportunity for MPs to opt out of the new plan, but MPs elected in the next election will be forced to take part in the plan. That sounds like some kind of arbitrary punishment for those of us who brought forward the whole issue of reform of our pensions.

Former MPs or senators appointed after retirement stop receiving their pensions while serving, but the benefits continue to grow.

It sounds like I have struck a chord over there. The babble starts once again when we strike a nerve over there that there is something which is not quite fair here.

**Mr. Cannis:** You will have your turn.

**Mrs. Brown (Calgary Southeast):** Going further, this actually goes to the core of leadership in government and demonstrates to Canadians that before politicians ask them to make any more financial sacrifices that we should lead by example. When I hear the empty rhetoric from the other side that we are reforming the MP pensions, indeed we are not. The Liberals have made only marginal improvements to the MP pension plan. They have merely paid lip service to Canadians' demands for a pension plan that is in line with those in the private sector.

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

**Mrs. Brown (Calgary Southeast)** As you can hear, Mr. Speaker, the babble is rising on the other side because they know this strikes a very uncomfortable chord with them.

**An hon. member:** Settle down.

**Mrs. Brown (Calgary Southeast):** I thank the hon. member on the other side who is asking his people to settle down. It would be very helpful.

Reformers are ordinary people who have families to support and mortgages to pay. They would like nothing better than to participate in a pension plan that is fair, but the Liberal plan is so extravagant that Reformers must opt out on principle. That is where it comes back to leadership.

It is ironic to suggest that reforming the MP pension plan is a sacrifice for members of Parliament. As I said, this is a wonderful job, a job to publicly serve a country where democracy is the cornerstone of our political system. We should not take advantage of that by having to be paid through these obscene pension plans after leaving here.

All we have ever suggested doing is to take our existing, outdated, lavish, unfair and expensive pension plan and correlate it with the private sector provisions for employees. This is no sacrifice. It is doing what every other Canadian out there is doing, which is trying to take care of themselves. It is an expectation from our electorate that we reform this outrageous pension plan.

(1010)

More than anything else, Canadians resent that they are being asked over and over and over again to tighten their belts, that they must pay higher taxes, that their hard earned paycheques are taxed back to the government. Let us not forget that about eight million Canadians have no pensions at all. Canadians are at a point where they no longer believe their politicians are worthy of their support.

I know I can speak to the constituents of the riding of Calgary Southeast on this issue and get that kind of response. In town hall after town hall on the issues of the day, this one keeps coming up: "When are you going to get rid of that terrible MP pension plan?"

I have mentioned in this House before about the reforms that were happening in my home province of Alberta. In the spring of 1993 Premier Klein announced there would be no pension plan for members of the legislative assembly after the next election. Indeed, Mr. Klein kept that commitment to Albertans. It is no wonder that Mr. Klein's leadership retains one of the very highest levels of support in the history of Alberta.

**Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Mr. Speaker, I will start by saying I was caught a little off guard. We hear a lot about the government's need for integrity and about trying to increase integrity in the House of Commons. I came here today fully prepared to talk about Bill C-67, the veterans affairs bill but was told: "Oh, we will do it later".

The government said Bill C-67 would be the first bill up today. I have concerns because I am here for a very specific purpose which was to deal with that and now we are thrust into this debate on pension plans for members of Parliament. I am more than willing to speak on this issue because it was an issue during the election campaign. The constituents of Okanagan—Similkameen—Merritt spoke very clearly about their feelings on it.

The MP pension plan this legislation deals with is excessive. It is over and above what the private sector has for their pension

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plans. That is what is so discouraging about this government in its facade to change and reform the MP pension plan.

The Canadian public, including Reformers, have nothing at all against pensions. We believe there should be a pension plan. Every member in this House should have a pension plan and all Canadians should have pension plans. Many Canadians fought long and hard to have pensions. Canadians get mad and upset when there is an excessive pension plan that is not available to all Canadians, such as this pension plan.

In the heat of debate, many people say things which may sometimes not be quite accurate. The hon. member for Calgary Centre stated in one of his speeches that the compensation should perhaps be increased to \$150,000. I do not necessarily agree with what my friend the hon. member for Calgary Centre said. However the intent of what he was saying was that the whole compensation package for members of Parliament should be reviewed independently and brought back to this House so that the Canadian public can buy into this whole compensation situation. The figure is not important. The fact is that it is out of whack. An assessment has to be made by the people of this country that it is something they can agree with.

(1015)

I do not need 10 minutes, 20 minutes or 40 minutes to say what the Canadian public is saying. It is clearly saying it wants the MP pension plan brought in line with the private sector. Why on earth can the government not see that is all it is asking?

What is the government afraid of in the House of Commons representing all the people of Canada? It is lining its own pockets. It is looking after its own self-interest. It is not representing the people of Canada. The government should be ashamed.

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

**Mr. Jim Silye (Calgary Centre, Ref.):** On a point of order, I seek unanimous consent to speak again to this bill. Standing Order 44(1) states:

No member, unless otherwise provided by standing order or special order, may speak twice to a question except in explanation of a material part of his or her speech which may have been misquoted or misunderstood, and the member is not to introduce any matter, but then no debate shall be allowed upon such explanation.

I stated something in debate. I have spoken to the bill. What I stated has been misunderstood. I seek unanimous consent to clarify this.

It is very important the Canadian public understand that what I said has been misunderstood. It is being distorted by the government. It is being distorted in the press and the media by

the government. I want to see the government restore integrity to the House and let me speak.

**The Deputy Speaker:** In the 16 years I have been here I have never seen this matter arise. The member is correct in citing Standing Order 44(1). It is a provision I was not aware of, and I doubt very many people on the government side were aware of it either. It says "except in explanation of a material part of his or her speech".

The question is a good one. I do not see any requirement for unanimous consent for a member to explain some matter of his speech. I will be happy to hear from all members who wish to speak to this.

**Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, Standing Order 61(1) reads:

The previous question, until it is decided, shall preclude all amendment to the main question and shall be in the following words—

Standing Order 61(2):

If the previous question be resolved in the affirmative, the original question is to be put forthwith without debate or amendment.

It is very clear from all the precedents that on the previous question a member may only speak once. There is no possibility of further speech once the previous question has been moved. That question is before the House. Since there is no person rising to speak who is entitled I ask Your Honour to put the question.

**Mr. Stephen Harper (Calgary West, Ref.):** Mr. Speaker, to assist your ruling, it is clear the hon. member for Calgary Centre wants to speak under this rule. He has no intention of moving any amendment and so in no way does he violate the standing order referred to by the member for Kingston and the Islands.

**Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.):** There are two points to be brought to the Speaker's attention. The first one was raised by the parliamentary secretary to the government House leader. He has indicated to the Speaker that because we are dealing with the previous question not only does this preclude amendments, it makes it such that we must dispose of the previous question before anything else is invoked.

(1020)

Quite clearly the rules are designed so that when the previous question is moved this matter is to be disposed of at the conclusion of members having spoken. Rules elsewhere in the standing orders are not applied when we are using the issue of the previous question.

Second, as it invokes Standing Order 44, no member speaking twice with the exception referred to by the hon. whip of the Reform Party, I submit to the Chair that the member in question

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has not spoken in the House this day and therefore a clarification of comments he made in the House is not in order at this time even if this rule were to apply, which I submit it does not.

Finally, it is obvious that invoking this rule by the hon. member in question is completely out of order because it does not satisfy the requirement of his giving an explanation to a speech in the House he gave several days ago when there were plenty of opportunities in questions, Standing Order 31 and questions to other hon. members in order to correct any misconception he thinks the House might have about remarks he made in the Chamber not today but several days ago.

On the comments the hon. member is invoking to clarify today, I submit that in the unlikely event the Chair allows these clarifications, the Chair will hear clarifications made with regard to the response the member gave in answering questions to another hon. member not on the motion we are discussing now but on the previous question.

**The Deputy Speaker:** When the hon. whip for the Reform Party is speaking to the point of order would he also indicate the date of the speech he made in the House and, without giving any details, the point of misunderstanding he wishes to clarify.

**Mr. Silye:** Mr. Speaker, I will include those two points and further add some points in order to help you make your decision in response to what the government whip just said.

Nothing under Standing Order 44 says I must avail myself of using Standing Order 31. I am speaking to the same question and nothing in Standing Order 44 says I have to have spoken earlier today.

Specifically, the issue is a comment I made during debate in my speech when I talked about MP pensions. I pointed out a salary figure. That was on Thursday of last week. Since that time I have been misquoted and misunderstood by the President of the Treasury Board, who is sponsoring the bill, and that is extremely important in the Chair's consideration. The President of the Treasury Board has been misquoting and misrepresenting what I said. Therefore the Canadian public misunderstands my point. I said this on Thursday. It is to the same question. I do not have to speak on the same day.

If there is any integrity in the House, if the government has any integrity, I should be allowed to make my point.

**Mr. Boudria:** Mr. Speaker, the whip for the Reform Party conceded he did make these remarks last week and has since spoken on the same bill. I remind the Chair that if he has spoken since that time even if this rule were to apply, which it does not, he had that opportunity and failed to exercise it.

**The Deputy Speaker:** Would the whip of the Reform Party indicate whether the point he wishes to clarify was his speech on the amendment, the subamendment or on the main motion.

**Mr. Silye:** Mr. Speaker, on Thursday when the government, in order to get the legislation into committee so that the Canadian public would not know everything about it, introduced extended hours on Thursday on our amendment to exhaust all our speakers. It knew some of our speakers had left to go home for the weekend, as many government members did. Therefore we had to introduce a subamendment.

I am trying to be as factual as I can and recollect whether in my speech when I referred to the \$150,000 it was on the subamendment or on the amendment. I quite clearly state we were not debating the main motion on Thursday. I will concede that. If that has a bearing on the Chair's decision, so be it.

This is a very serious matter and I do appreciate proper consideration on this because I have been misunderstood.

## SUSPENSION OF SITTING

**The Deputy Speaker:** Colleagues, this makes for an interesting Friday morning. I ask your indulgence to suspend for five minutes, after which I will return and give a ruling on the matter.

(The sitting of the House was suspended at 10.26 a.m.)

## SITTING RESUMED

The House resumed at 10.34 a.m.

## SPEAKER'S RULING

**The Deputy Speaker:** Order. This is certainly an enlivened Friday morning for all of us.

(1035)

The rule is designed to prevent people from starting further debate on the issue. I am satisfied, having looked into it, that the member was entitled to rise on a point of order, which he did, but he is not entitled under our practices at present to rise to make another speech on the matter.

I would have to rule, based on our present practices, that members may not have another go at the debate under this branch of the rule.

Accordingly, I would say the hon. member has made his point of order and the Chair has not accepted that he is entitled to rise to make another speech on the matter.

The hon. whip to the Reform Party is not entitled to rise to reargue the point, as he knows. If he rising on a different matter, he is entitled to do so.

**Mr. Silye:** Mr. Speaker, is it possible to request whether or not you have factored in that I was misunderstood?

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**The Deputy Speaker:** That is the same point.

## CONSIDERATION RESUMED OF MOTION FOR SECOND READING

**Mr. Charlie Penson (Peace River, Ref.):** Mr. Speaker, I am pleased for the opportunity to speak on this important bill that has consumed the House for quite some time. It has actually consumed debate in the country for several years prior to the lead up to the past election.

When I campaigned and even prior to my campaign in the election of 1993 this was a very important issue in my riding of Peace River. It caught people's attention because they think there is a double standard with politicians doing one thing and then asking the Canadian public to do another. Politicians were writing the rules for their own pension plan which is overly generous. It was up to six times more generous than any private or public sector plan. I heard it many times.

I did not hear any debate about MPs' salaries, but at every meeting I went to in the riding I heard about the issue of the MPs pension plan and how it was overly generous. It is a matter the Canadian people want us to clear up. It is not good enough to bring in a revised plan that is twice or three times more generous than the Canadian average. They want a plan that is on an equivalent basis.

Members opposite who are shaking their heads will find, if they ram the plan through, that they face the consequences when they go to the electorate the next time around.

Our alternative has been to say that we need a pension plan that is fair, honest and open with Canadians, but if we cannot achieve it at this point we will opt out. That is what Reform members have done.

I have received a lot of feedback in my riding about the matter. People have said: "At least you are honest with us and are saying that you will not jump into a plan that is two and one-half or three times more generous than any other pension plan in the country".

When we discuss the issue and as we talk back and forth across this place members on the other side consider the salary and the MPs pension plan to be one package. That is a big mistake. It has led to the idea that we can have career politicians in Canada. People have said they want a pension plan that does not encourage career politicians. That is another point people in the Peace River riding told me about. They want people to run for office who have done something with their lives before coming to the Chamber so that they can bring some real life experiences to the job. They do not want people elected at 22 years of age who plan to be here for their entire lives.

My understanding is the President of the Treasury Board brought forward a pretty good plan to his Liberal caucus in December. It was a lot more reflective of the current mood in the

country and the current average. What happened to it? Who led the charge against it? It was the rat pack of 1984 and 1988. The rat pack has become the fat cat pack. They are the ones who could not accept the revised pension plan. Some members sitting over there will know what I am talking about because they led the charge against it. The President of the Treasury Board had to withdraw. I understand he was almost dismembered in caucus by the Liberal Party. What did he do? He could do nothing except bring forward a plan that was somewhat lower than the pension plan they had previously but was still not good enough.

(1040)

We see members opposite arguing day in and day out that we have to accept the plan or our option in the Reform Party is to opt out. We will take that challenge and we have taken it. It is not that we can afford to do it any more than anyone else, but we have to identify with the Canadian people. We have to set an example. We have to lead by example in the Chamber and that is exactly what we are doing.

My understanding is that one Liberal member has also done it. I think we will see a few more once they get some feedback. If this issue were allowed to go until the summer recess some other Liberal members would come back to the House and say: "I am going to opt out of the plan as well".

I take this opportunity to deal with another issue. The gist of what is going on across the floor right now is what I want to talk about. The member for Calgary Centre rose in the House to talk about the issue. At least he was honest. He told the Canadian public that we had to put the matter into perspective, that if we factored in MPs salary, expense allowance which is tax free and housing allowance, in terms of actual dollars before taxes they would total about \$120,000. If we threw in a reasonable pension plan it would be up to \$150,000. That is what he was saying. He was trying to put the matter into perspective. He was trying to tell Canadians exactly what politicians are getting right now. I welcomed his addition to the debate.

What happened? The people on the other side of the House totally misrepresented that. All we expect from over there is honesty and openness with the Canadian public. That is exactly what the member for Calgary Centre said. He said: "If you were honest you would say this is the value of the pension plan and the salary at the moment". That is the kind of debate we need.

He threw out the challenge to put it to the Canadian public to decide what the MPs salary should be. I think they would find that it should be higher. If they do not, I am prepared to live with the results. When we set our own salary and our own pension we start to get into trouble. It does not show leadership by example. We had better throw it out to a panel that will cross the country, hold hearings and talk to ordinary Canadians before we talk

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about raising any MPs salary. The member for Calgary Centre is just giving the reality of today, what is actually in place.

As I was travelling in my riding I heard over and over again that MP's have put themselves in a class above the Canadian people. I believe there is a lot of cynicism out there about politics right now. I ran into that myself. One person said: "Charlie, I wish I would have met you before you went into politics because I think I would have liked you". It is a little slam against the profession. What he was saying was that the job as an MP is falling into disrepute.

Why is that happening? One of the reasons is that we have double standards. We have a standard for MPs and we have a standard for ordinary Canadians. That is not good enough. It is something that has to be changed.

Because of the misunderstanding and misrepresentation on the other side of the House of the member for Calgary Centre on the issue when he was honest and open with discussion in the Chamber, I move:

That the member for Calgary Centre be now heard.

(1045)

**The Deputy Speaker:** In order for such a motion to be made by the hon. member who just spoke, two members who are entitled to speak have to rise and then a motion such as he just made could be moved. Therefore, the motion is out of order.

The member for Peace River still has the floor if he wishes.

**Mr. Penson:** Mr. Speaker, it is a matter of whether the public will still like us on election day in 1997. That is the challenge I am throwing out to members opposite: bring in a realistic pension plan and I think the Canadian public will have some faith in the whole process, but if we continue to set our standards higher than those of ordinary Canadians they will have no faith.

We have heard the debate in the House that takes place on old age security and Canada pension. We know those two programs are under heavy pressure and it may not be possible to sustain them. There has even been talk about moving the age limit back to 67 for people to receive old age security. That suggestion was made because we are in such serious financial difficulty in the country that the interest on the debt is consuming more and more of these very, very important programs.

That is the kind of pressure the public is going to face: a Canada pension plan that may not be sustainable, old age security that may not be sustainable. At the same time, in what direction are MPs going? We are going with a gold plated pension plan—not as much as before, but significantly higher than the public and private sector.

**Mr. Hoepfner:** Something our grandchildren will pay for.

**Mr. Penson:** The member for Lisgar—Marquette just reminded me that we will not be paying for it, not our generation. It is easy to bring in a plan somebody else has to pay for. In fact, that is what will happen with deficit financing.

There is a \$550 billion federal debt in the country, rising at the rate of \$115 million a day. Who is going to pay for this in the future? It will not be the members who are sitting in the Chamber, not our generation. It will be our children and grandchildren. What kind of a deed are we perpetrating on our future generations in this country?

**Mr. Hoepfner:** Let them sign a petition that their grandchildren are willing to pay for it.

**Mr. Penson:** Let us examine the pension plan for a moment. It is certainly a step in the right direction. We know that. But there is still an age limit of 55 for qualification. Who else in the public and private sector can do that? Nobody I know. It is still two and a half times more generous than any other public or private sector pension plan. It is important for us to deal with the issue fairly.

In conclusion, because of the misunderstanding, I move that the member for Calgary Centre be now heard.

**The Deputy Speaker:** The motion is out of order.

I believe the member for Edmonton Southwest has already spoken to the matter.

**Mr. McClelland:** Mr. Speaker, I believe I spoke on the amendment. I have not yet spoken on the main motion.

**The Deputy Speaker:** This has been quite a morning. The member has already spoken, I am told, on the main motion. The member for Edmonton Southwest has spoken on the motion now before the House, that we move to the question.

Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the yeas have it.

The recorded division stands deferred until Monday, May 15, at the ordinary hour of daily adjournment.

*Government Orders*

(1050)

**VETERANS REVIEW AND APPEAL BOARD ACT**

**Hon. Fernand Robichaud (for Minister of National Defence and Minister of Veterans Affairs, Lib.)** moved that Bill C-67, an act to establish the Veterans Review and Appeal Board, to amend the Pension Act, to make consequential amendments to other acts and to repeal the Veterans Appeal Board Act, be read the third time and passed.

**Hon. William Rompkey (Labrador, Lib.):** Mr. Speaker, those of us who witnessed the recent celebrations of V-E Day cannot help but be reminded once again of the importance of the second world war and indeed the other wars in which Canada has participated. That war was a defining moment for this country.

It was a time when young Canadians from all across the country sacrificed themselves. Some went for various reasons. Some went because of valour. Some went because of patriotism. Some went out of a sense of duty. Some went for adventure. For whatever reason, they went. They went for their country and to defend and protect an important cause.

The second world war was a defining moment for us as a country. It helped to partially establish what we are as a country, what we stand for, what we believe in, what we are prepared to defend. It was also a defining moment for individuals, all of those young Canadians who went overseas. In the second world war it was not just young Canadians but young Newfoundlanders and Labradorians, because the province that I represent was not part of this country between 1939 and 1945. So there were young Canadians and young Newfoundlanders and young Labradorians who went over, serving in different forces but all for the same cause. Not only did it define our country, but it defined them as individuals. It gave them an experience that those of us who did not participate in that war can never appreciate.

I recall growing up in St. John's, which had an important role in the second world war because it was a jumping-off point for ships, planes, and personnel. I remember the blackouts and air raid sirens. I remember my father being in the home guard. I remember the soldiers, sailors, and airmen in the streets, in the clubs and in the USO. However, those of us who did not actually participate in the war cannot really appreciate what those young Canadians and Newfoundlanders went through as an experience. Not only was it a defining moment for our country, it was a defining moment for them as individuals. Some of them paid the supreme sacrifice by laying down their lives. We honoured them some time ago, and we honour them again today.

As the Legion continually says in its rituals, "At the going down of the sun and in the morning, we will remember them".

We must remember them, not only for their sake but for our sake and for the sake of our country as well. If we forget that defining moment for the country and that defining moment for them as individuals, then history is bound to repeat itself. I want to make that point today while those events are fresh in our minds.

I do not want to be lengthy today, because the longer I speak the more we will hold up improvements to the veterans pension plan. What I want to say is that for those individuals who went overseas and lost their lives, we can only remember them, honour them and pay tribute to them, but for those who came back we can do something as a country. We have been doing something as a country but we must continue to do something as a country. These individuals gave up an important part of their lives and some of the best years of their lives. They gave up their younger years, when they could have been doing other things. We must remember them for that. Some of them also gave up abilities they had. Many of them were injured. Many of them were totally disabled. Some of them were partially disabled.

(1055)

This country has taken the responsibility that we owe them for that, for the sacrifice they made and the contribution they made to us as a country and to the world.

Canada has been paying a pension. This particular piece of legislation will speed up the Canadian pension administration. It will merge the Canadian Pension Commission and the veterans commission into one. It will make a two-stage process and it will free up the lawyers who are available to work on the appeals for the veterans as they apply. It gives Veterans Affairs Canada the authority to make first-level decisions and it merges the Canadian Pension Commission and the Veterans Appeal Board into one appeal body.

We heard on my committee from a great many witnesses. We heard from very few who oppose this legislation. Some had some modifications they wanted made, and that is what the House of Commons process is all about. But by and large, people and veterans support this legislation and believe it will be an improvement in the amount of time. We have been far too lengthy in granting appeals to veterans in the past. We heard that in some cases it takes years for a veteran to get through the initial process and the appeal process. This legislation will speed up the process and make it more efficient.

There is really very little more to say. This is a simple piece of legislation but it is important. I encourage the House to pass it speedily. I believe there is all-party support for this. I urge the House to get on with the job because of what we owe those people who went over to represent us.

S. O. 31

[Translation]

**The Deputy Speaker:** It being nearly eleven o'clock, the House shall now proceed to members' statements.

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## STATEMENTS BY MEMBERS

[English]

### INTERNATIONAL DEVELOPMENT RESEARCH CENTRE

**Mr. Jesse Flis (Parkdale—High Park, Lib.):** Mr. Speaker, I am pleased to congratulate the International Development Research Centre, better known as IDRC, on 25 years of service to Canada and the world since its inception on May 13, 1970.

The purpose of IDRC is to bring together research professionals from Canada and abroad to help solve the problems of developing economies. As a primary example, IDRC-sponsored scientific research has led to the development of disease-resistant and pest-resistant food crops. Consequently, the environmental impact caused by pesticides and fungicides is greatly reduced and developing economies are one step further toward food self-sufficiency.

In short, 25 years' worth of Canadian investment into the IDRC will pay dividends into the next millennium. I cannot think of a better gift to future generations.

Happy birthday, IDRC, and congratulations to past and present staffs serving at national headquarters and the seven regional offices in Asia, Africa, and Latin America.

\* \* \*

[Translation]

### QUEBEC FOREST INDUSTRY

**Mr. René Canuel (Matapédia—Matane, BQ):** Mr. Speaker, I would like to draw attention today to National Forest Week.

The forest industry in Quebec will be hit hard by the federal government's withdrawal from the Canada-Quebec forestry development agreement and the eastern Quebec development plan. These two programs come to an end in March 1996 and will not be renewed.

By withdrawing, the federal government will be depriving regions of Quebec of more than \$30 million and will create unemployment equivalent to 1,500 jobs in the Lower St. Lawrence region alone.

It is because of its spending power, that is, using the taxes paid by the people of Quebec, that the federal government came to be meddling in this area, which is exclusively the jurisdiction of the provinces. Now that it is broke, the federal government is backing out and leaving the thousands of workers who depended on its involvement high and dry.

It is time for the people of Quebec to give a clear mandate to their government to recover all of the tax money paid to the federal government. This way, Quebec will have the final say on its own policies.

\* \* \*

[English]

### CANADA HEALTH DAY

**Hon. Roger Simmons (Burin—St. George's, Lib.):** Mr. Speaker, Florence Nightingale, the great public health pioneer, was born 175 years ago today. How fitting then that this day has been designated as Canada Health Day, thanks to the Canadian Public Health Association and the Canadian Hospital Association.

This year's theme, "creating a new agenda for health", highlights a broader view of health, one that is consistent with this government's approach, the approach of Health Canada. The importance of a population health approach, a healthy society, is recognized by federal, provincial and territorial ministers of health.

(1100)

Florence Nightingale's courage and dedication serve as a benchmark today for Canadian health professionals as they embark on this renewed agenda for health.

Join me then in wishing the Canadian Public Health Association, the Canadian Hospital Association and all Canadians a very successful Canada Health Day.

\* \* \*

### SEXUAL ORIENTATION

**Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.):** Mr. Speaker, an Ottawa *Citizen* columnist recently stated that criticizing the use of the words sexual orientation in Bill C-41 is homophobia. This is yet another example of the forces of political correctness trying to stifle and suppress debate in the House.

The justice minister insisted on including sexual orientation in Bill C-41, but as many MPs have noted it is virtually indefinable. As one MP said: "Don't ask me to tell you what it is because [it's] difficult to interpret, to define". These words belong to our very own Prime Minister.

Perverse groups such as the North American Man-Boy Love Association argue that pedophilia is a legitimate sexual orientation and look for legal loopholes to press their case. Bill C-41 gives them one more chance to do just that, endangering our children in the process.

I urge the justice minister to listen to Canadians, listen to common sense and drop the words sexual orientation from Bill C-41.

S. O. 31

**CHRONIC FATIGUE SYNDROME**

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, I rise on ME Day to acknowledge the thousands of Canadians inflicted with chronic fatigue immune dysfunction syndrome.

Chronic fatigue syndrome sufferers have otherwise unexplained relapsing fatigue that is not the result of ongoing exertion. People with chronic fatigue see a decrease in their occupational, social, educational and personal activities. Anyone can be inflicted with this disease, men and women, seniors and children. I want to recognize their courage in trying to cope and carry on under very difficult conditions.

I also commend the many volunteers and support people who help their fellow Canadians. Colleagues' support is welcome. The ME Association of Canada has more than 3,000 members and more than 130 ME-CFS support groups across Canada.

Have courage, my fellow Canadians, we solve this debilitating riddle soon.

\* \* \*

[Translation]

**ALGONQUINS OF LAC BARRIÈRE**

**Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.):** Mr. Speaker, I am pleased today to offer my heartiest congratulations to the Algonquins of Lac Barrière. This is a fine day for them, as five of their sons will receive their diploma today for completing police studies at the First Nations Tribal Justice Institution in Mission, B.C.

[English]

Like other aboriginal nations in the land, Algonquins invest in their youth to give their communities a brighter future. Three other young Algonquins from Barrière Lake are presently studying at Carleton University, the University of Ottawa and the University of New Brunswick.

For these achievements I offer my warmest congratulations to the youth of Barrière Lake and their families.

\* \* \*

[Translation]

**INTERNATIONAL NURSES DAY**

**Mrs. Maud Debien (Laval East, BQ):** Mr. Speaker, as the current economic situation places society before difficult choices, health services are about to undergo deep changes. In this context, it is with admiration and gratitude that the official opposition wishes to draw members' attention to the fact that today is International Nurses Day and to the key role played by these professionals. Nurses have always put themselves on the

side of the patients and their families. Today more than yesterday, their competence and ability to listen guarantee quality care despite insufficient resources.

For their efforts, their creativity and the miracles they accomplish, we thank them from the bottom of our hearts. Thanks to these men and women, the values of compassion and respect for people will always hold an important place in Canada and Quebec.

\* \* \*

[English]

**ABORIGINAL NURSES DAY**

**Mrs. Jane Stewart (Brant, Lib.):** Mr. Speaker, it is a pleasure for me to remind the House that tomorrow is Aboriginal Nurses Day. I extend to aboriginal nurses my congratulations and more particularly to the Aboriginal Nurses Association which is celebrating its 20th anniversary.

From a group of 41 nurses that came together in Montreal 20 years ago, this association has grown to a membership of 300 and continues to have a strong voice on behalf of aboriginal health. It serves as a great role model for Canadian youth.

The association strives to improve the health of aboriginal peoples and to encourage them to take responsibility for their own health and social problems.

The government strongly supports this initiative and I know all hon. members would like to join with me to congratulate aboriginal nurses on this important day.

\* \* \*

(1105)

**MULTIPLE SCLEROSIS**

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, yesterday I knelt while a wonderful woman in a wheelchair pinned this flower on my jacket. When I got up, I had to fight back tears because I was so aware of the ease with which I could get up and walk to my destination.

People who suffer from multiple sclerosis and other debilitating diseases display the highest courage as they live from day to day. I have a profound respect and love for them.

I think of people struggling with MS; Mark, Joanne and others in my Elk Island constituency and hundreds throughout our country. They deserve every possible support and encouragement from the rest of us.

I urge everyone to give generously to its fundraising efforts. Let us do all we can to promote research to find a cure and to help make their lives more tolerable.

*S. O. 31*

### TREE PLAN CANADA

**Mr. John O'Reilly (Victoria—Haliburton, Lib.):** Mr. Speaker, this week has been designated National Forest Week. I rise today to recognize the significant contribution of a school from my riding that has participated in a tree planting program called Tree Plan Canada.

This group of grade 7 and 8 students from Scott Young Elementary School in Omeme have been active participants in planting over 100 trees, 1,200 seedlings and about 500 shrubs on their school property last year.

I congratulate these students for their hard work and dedication to the maintenance of forests in Canada and I am honoured to have some of these students join us in the public gallery today.

Congratulations and keep up the excellent work for the future preservation of our forests.

\* \* \*

### HEART INSTITUTE

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker I rise in the House today to congratulate the University of Ottawa Heart Institute, a health care organization dedicated to the promotion of cardiovascular health.

In Canada, the number one cause of death is cardiovascular disease. Forty-three per cent occur in patients less than 65 years of age.

Treatments for heart disease are continually being developed and the Heart Institute is a leader in this area. The team at the Heart Institute has developed a fully implantable artificial heart, the most advanced in the world.

To Dr. Keon, Dr. Mussivand and everyone at the Ottawa Heart Institute, on behalf of my colleagues, I congratulate and thank you for your commitment to the prevention and treatment of heart disease. Your research, your skills and your ability to innovate, give us reason to be proud Canadians.

\* \* \*

[*Translation*]

### ETHICS

**Mr. Gaston Leroux (Richmond—Wolfe, BQ):** Mr. Speaker, the auditor general has recommended that the government adopt a code of conduct that would apply to ministers and members of Parliament as well as federal public servants. On the very same day, we learned that Ottawa had appointed Michel Robert to the Quebec Court of Appeal.

Michel Robert was president of the Liberal Party of Canada from 1986 to 1990 and has since made annual contributions of \$1,000 to that party's election fund. Michel Robert is also the Liberals' representative on the Security Intelligence Review

Committee and the person who defended the report by the committee that whitewashed racist informant Grant Bristow. In addition, Michel Robert is being paid substantial fees as the federal negotiator in the Kanesatake matter.

Since negotiations were finally about to start, will it now be necessary to go back to square one after paying Mr. Robert close to \$300,000 in fees? We all know the tune: "Jobs, jobs, jobs for my friends".

\* \* \*

[*English*]

### "RED BOOK"

**Mrs. Georgette Sheridan (Saskatoon—Humboldt, Lib.):** Mr. Speaker, in the red book we promised to restore integrity to government. We have put this promise into action.

For example, Bill C-85 will bring about changes to the MP pension plan. The direct correlation between what we said, what we did, what we continue to do is starting to sink in, even among Reformers, that rag tag band of rhinestone cowboys.

Just yesterday, the much misunderstood member for Calgary Centre, himself more of a Diamond Jim than a rhinestone cowboy, predicted that in the next election, and I quote: "The Prime Minister will stand in front of voters and talk about how Liberal ideas and initiatives have restored integrity to the parliamentary system in Canada as a fait accompli". He is right.

The Prime Minister will present his record to the voters: his personal integrity, his dedication to public service and his respect to the parliamentary system.

As the member mused yesterday, people in the real world will think that is pretty impressive.

\* \* \*

### CANADIAN JEWISH CONGRESS

**Mrs. Jan Brown (Calgary Southeast, Ref.):** Mr. Speaker, the Canadian Jewish Congress is known at home and abroad as the national representative body of the Jewish population of Canada.

Since its inception 76 years ago, the congress has acted on behalf of the Canadian Jewish community on a myriad of issues. It was founded as a result of the great emergency of World War I and since then has provided supportive services in Canada.

(1110)

The CJC set up an Immigrant Aid Society and has helped to sustain German-Jewish relief funds. This fine group relies predominantly on funding from its members and is a wonderful example of a successful organization that thrives because of the strength of its membership.

This weekend in Montreal over 1,000 delegates will congregate for the 24th national plenary session of the Canadian Jewish Congress. This year's theme is "Beyond History: Building for a Stronger Future".

I urge all members of the House to join me in wishing the Canadian Jewish Congress a most successful congress.

\* \* \*

[Translation]

#### MANPOWER TRAINING

**Mr. Patrick Gagnon (Bonaventure—Îles-de-la-Madeleine, Lib.):** Mr. Speaker, I have the privilege of announcing, for the benefit of the Bloc Québécois in particular, the names of community organizations that were recently granted federal subsidies for research, job creation and occupational training.

The \$2.6 million in subsidies includes \$314,000 for the Club de recherche d'emploi; \$475,000 for CTI Société Inc.; \$391,000 for the Le Portage job training centre; \$296,000 for the Centre de formation en options and \$425,000 for the Bois-Francs job access service. Not to mention the millions of dollars awarded every year by the federal government to the community development assistance centre.

We can therefore conclude that our government is a welcome and essential partner for these Quebec community organizations.

\* \* \*

[English]

#### MRS. PRISCILLA DE VILLIERS

**Ms. Beth Phinney (Hamilton Mountain, Lib.):** Mr. Speaker, I would like to take this opportunity to congratulate Mrs. Priscilla de Villiers, the president of CAVEAT, who is receiving an honorary doctorate of law from McMaster University today.

This honour is well deserved in recognition of Mrs. de Villiers' valuable and tireless work on behalf of the victims of crime. She has served as director of the Canadian Resource Centre for victims of crime and is a member of the National Crime Prevention Council.

Mrs. de Villiers organized a petition that gathered over two million signatures of Canadians requesting changes to the legal system that would address the issue of violence in society. The success of the petition led to the founding of CAVEAT, Canadians Against Violence Everywhere Advocating its Termination.

Mrs. de Villiers and CAVEAT have done a great deal of valuable work that has resulted in many changes to the justice system to increase the protection for victims.

I am sure all members of the House will join me in extending congratulations to Priscilla de Villiers.

S. O. 31

#### CHILD POVERTY

**Ms. Bonnie Brown (Oakville—Milton, Lib.):** Mr. Speaker, Canadians who are concerned about the welfare of children will be interested in the initiative announced by Lyn McLeod in her Ontario Liberal election platform.

She has promised that if elected she will name a key cabinet minister to be responsible for children's services. This minister will be responsible for improving the co-ordination and delivery of children's services.

The number of children living in poverty and the number of those at risk or in crisis continues to rise in Ontario. More than 500,000 children in Ontario are dependent on the welfare system. One out of three children in metropolitan Toronto alone is on social assistance. This is unacceptable and Mrs. McLeod has recognized it. She knows that the current system is fragmented and confusing to deal with. She identified that involving local communities in the decisions about children's services is the key.

I applaud her foresight and proactive initiatives in the area of children's services. I must ask why the other parties in the Ontario election seem to be—

**The Deputy Speaker:** The hon. member for Surrey—White Rock—South Langley.

\* \* \*

#### JUSTICE

**Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.):** Mr. Speaker, in 1982 Theodore Speicher and two accomplices kidnapped Sharon Bollivar outside her Vancouver house where she lived with her husband and three children. They wanted Sharon's husband to provide them with all the money from the grocery store where he was the manager.

However, the kidnappers panicked and decided not to go through with the ransom plot. Instead Sharon Bollivar was driven to Burnaby Mountain where Speicher killed her with a single shot to the head. He was subsequently arrested after a shoot-out with police. Speicher received a life sentence with no parole for 25 years.

Today Speicher is suffering from terminal leukaemia and is asking for the mercy of the crown so he can die a free man, surrounded by his family. He wants society to show him a compassion that he refused to give Sharon Bollivar.

When Speicher was sentenced the judge stated that: "If there was ever a case in which parole should never be granted this is it". I fully concur with the judge's comments and I hope the minister sees to it that Theodore Speicher dies behind bars where he belongs.

*Oral Questions***ORAL QUESTION PERIOD**

(1115)

*[Translation]***NATIONAL DEFENCE**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the inquiry into the conduct of peacekeepers in Somalia is scheduled to start on May 24. We have just learned that one of the main witnesses in this case, Major Armstrong, who, we will recall, stated that incriminating evidence had been ordered destroyed, has just been sent on a three month tour of duty in the former Yugoslavia.

How can the Minister of National Defence explain that Major Armstrong was sent on a three month mission in the former Yugoslavia just five days before the beginning of the inquiry?

*[English]*

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the assignment of Canadian forces personnel is done within normal procedures.

In this case, Major Armstrong is a medical officer with certain skills that are required in ex-Yugoslavia. Any member of the Canadian Armed Forces who is required to give testimony to the commission on Somalia will be available to that commission. The fact that they are in Bosnia, Croatia, Rwanda, Washington, or London does not really matter. If the commission wants to interview any Canadian forces personnel, they will be available.

*[Translation]*

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I would have thought that it would be easier to find another medical officer to send to Yugoslavia than another witness to testify before the commission of inquiry.

Since Major Armstrong is one of the main witnesses in this case, will the minister undertake to postpone his departure so that his testimony can be heard as soon as the inquiry starts?

*[English]*

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, this is an independent commission with judicial powers under part II of the Inquiries Act. It is for the commission to decide whom to speak to and from whom it wants to hear. If the commission wishes to hear from Major Armstrong or any other member of the forces, all it has to do is make that known and those people will be there.

We cannot have the normal operations of the Canadian Armed Forces and the Department of National Defence affected simply

by the fact that this commission is under way. We have to carry out our duties on a day to day basis. I want to give my friend the assurances that any of the personnel will be available as required.

*[Translation]*

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in light of the fact that the Minister of National Defence refused to extend the scope of the inquiry to the events in Petawawa, that he decided to restrict access to the documents to be used in the inquiry, that he refused to undertake to release the commission's report and that, all of a sudden, one of the main witnesses in this case is being sent abroad five days before the beginning of the inquiry, are we to conclude from the government's attitude that this is a further attempt to cover up the truth rather than to shed light on the way members of the Airborne Regiment from Petawawa behaved both in Canada and in Somalia?

*[English]*

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the hon. member has made a number of assertions which are totally, absolutely and utterly false. I resent those kinds of insinuations being made on the floor of the House of Commons. There is hardly a grain of truth in any one of those assertions.

This is a public inquiry. Its results will be made public. I assume it will operate under the glare of the country's television lights and cameras. This matter is totally open. It is civilian led and is something this government has called. This government wants to make sure that all of the troubling accusations surrounding the Canadian forces deployment to Somalia are brought to light. This government has nothing to hide. This government wants the truth.

*[Translation]*

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

This week, the Minister of Public Works categorically refused to break off negotiations with Agusta regarding the settlement to be paid for the cancellation of the EH-101 contract. However, during the investigation in Europe regarding Belgium's EH-101 purchase contract, senior executives at Agusta revealed that the company is in the habit of giving kick-backs to obtain contracts.

(1120)

In light of these rather troubling developments, how can the minister refuse to investigate the circumstances surrounding the federal government's EH-101 contract with the company? What guarantees can the minister give to the House that the company did not use bribery to get its contract with Canada?

*Oral Questions**[English]*

**Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, answering on behalf of my colleague, I want to assure the member that the Government of Canada, certainly this government, has no knowledge of the kind of practices that have just been described.

With respect to the cancellation of the EH-101 contract, the Government of Canada is now negotiating a settlement with E.H. Industries Limited of London, England and the other EH-101 contractors. As the member knows, the company is owned equally by Agusta of Italy and Westland Helicopters of England. Our intention is to arrive at a fair and judicious settlement and to proceed as quickly and as reasonably as possible.

I would say this to the member with great respect for the importance of the question he asked: The onus is not on the government to assure the House that something improper has not happened; the onus is on the member, if he has some evidence, to produce it.

*[Translation]*

**Mr. Jean H. Leroux (Shefford, BQ):** Mr. Speaker, is it not the government's duty to shed light on this whole issue?

My question is for the Minister of National Defence. Given that the president of Agusta was arrested last week in Italy on charges of corruption, fraud and unethical practices in relation to several government contracts, how can the minister continue to refuse to investigate the circumstances surrounding the Canadian government's EH-101 contract with Agusta at a time when the government is about to pay millions of dollars for breaking its contract with the company?

*[English]*

**Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I do not know what the member is getting so excited about.

One of the very first actions of this government upon assuming office was to cancel the EH-101 helicopter contract. We are now performing the appropriate duty of concluding this whole arrangement in a responsible and appropriate way.

If the member is worried about people acting under undue influence, and he is raising the notion that someone is being cajoled into acting under undue influence, then he ought to be worried about a government that threatens people with a tax hike if they do not separate.

\* \* \*

**SOMALIA INQUIRY**

**Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Mr. Speaker, on April 24, Ruth Cardinal, the director general of public affairs for the Department of National Defence, addressed the Press Club of Canada.

She discussed the deployment of Canadian forces in Somalia and said: "In the airborne story Dr. Armstrong made some allegations. One of them was that two Somalis were shot in the back by Canadian soldiers. It seemed that his story did not have credence. This autopsy report done by an independent group proved Dr. Armstrong wrong".

My question for the Minister of National Defence is: How can the government tolerate such comments which not only contradict the minister's gag order of November 24 but also prejudice the inquiry?

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the hon. member is quite correct in saying that in the House late last year, I publicly asked all members of the armed forces and of our department who had any information concerning the matters likely to be investigated by a potential commission to bring those matters forward to the commission once it was established.

If the utterances the hon. member quoted from are indeed accurate, and I have no direct knowledge today that they are although I am not saying they are not, then that individual will be reappraised of what I said before in the House. The individual will certainly be warned that any kind of comments made by anyone along those lines, especially someone in authority within our department, could be prejudicial. Those persons should go forward to the commission.

**Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Mr. Speaker, national defence is not only going out of its way to discredit the testimony of Dr. Armstrong, but it is actively removing him from any involvement with the commission's inquiry even though his November 1994 allegations compelled the minister to call an inquiry. Dr. Armstrong has conveniently been posted into the former Yugoslavia theatre, just in time for the inquiry to begin.

(1125)

I heard the minister's answer the first time, but my question is: Why is DND attempting to remove Dr. Armstrong from the inquiry process in seeming contempt of the government's declared resolve to get to the bottom of the events in Somalia?

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, I answered that question in the following way.

Dr. Armstrong is a member of the Canadian Armed Forces and has certain skills. People have to be posted from time to time. Dr. Armstrong and anyone else who has relevant information will be made available to the inquiry. I will give my hon. friend that assurance.

I do resent the member and his colleagues continually asserting that members of the Canadian Armed Forces and the Department of National Defence and the government in general do not wish to get to the bottom of all the sorry events that unfolded in Somalia. That is false. That is why we have set up and called for the creation of a commission with the most wide

*Oral Questions*

sweeping investigative powers probably in Canadian history. He and all Canadians will get the answers to all their questions in due course.

**Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Mr. Speaker, the hon. minister can object all he likes but this is question period and these are the questions which are on the minds of Canadians.

The director general of public affairs was hand picked by Bob Fowler. It is amazing how often that name comes up. This inquiry has been tainted from the start. What role is Ruth Cardinal playing in the Somalia inquiry?

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, the hon. member has just made a very serious charge.

The government has appointed a commission of inquiry under part II of the Inquiries Act. The terms of reference for that inquiry have not been challenged by anyone in the House, by the media or anyone else in the country. Two of the three members of the inquiry are learned members of Canada's judiciary.

I want the hon. member to come forward with absolute proof. Bring the proof to the House of Commons as to why those honourable people on the inquiry are in some way unable to discharge their functions. This inquiry will get to the bottom of all the allegations regarding our deployment in Somalia. I would ask the hon. member that unless he has proof, please do not come to the House and cast aspersions against hon. members especially of Canada's judiciary.

\* \* \*

[Translation]

**NATIONAL DEFENCE**

**Mr. Philippe Paré (Louis-Hébert, BQ):** Mr. Speaker, my question is directed to the Minister of National Defence.

This morning in Belgium, NATO Secretary General Willy Claes was again questioned by Belgian authorities about bribes totalling US \$1,720,000 paid by Agusta, an Italian company, in order to obtain a contract for the purchase of 46 EH-101 helicopters by Belgium.

In the light of these new developments, could the Minister of National Defence indicate whether Canada intends to ask that NATO Secretary General Willy Claes be relieved of his duties, at least for the duration of the investigation?

[English]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, this is somewhat reminiscent of the earlier questions from the Reform Party.

As I understand it, certain accusations have been made and levelled against members of the party of Mr. Claes when he was a politician in Belgium. To my knowledge, none of those accusations have been proven. It is rather unfortunate that people in public positions have to wear guilt where no guilt has actually been proven.

In the case of Mr. Claes, he is discharging his duties well. He recently visited Canada and met with my colleague the Minister of Foreign Affairs and myself. Unless we have any other reason to believe that Mr. Claes would not be an appropriate person to head NATO, Mr. Claes will continue with the full confidence of all the member countries within NATO.

(1130)

[Translation]

**Mr. Philippe Paré (Louis-Hébert, BQ):** Mr. Speaker, considering that Canada contributes \$200 million every year towards the financing of NATO, how can the Minister of National Defence be so optimistic about Mr. Claes's integrity when he is being investigated by the police on a bribery charge?

[English]

**Hon. David M. Collette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, unlike hon. members in the opposition, we do not convict people simply on wild insinuations and accusations. If the hon. member or anyone else has proof of wrongdoing involving anyone, including a public servant in an international forum like NATO, then those people, including the hon. member, should make that proof public.

\* \* \*

**THE ENVIRONMENT**

**Mr. Ed Harper (Simcoe Centre, Ref.):** Mr. Speaker, for weeks the Deputy Prime Minister has been whining to the national media that the environment is not high enough on the public agenda and she has the gall to blame it on the Reform Party.

The auditor general's report clearly shows that environment is not high on the list because the Deputy Prime Minister has not done anything.

Over 1,000 federal PCB sites have needed cleaning up since 1993, at a cost of nearly \$2 billion. These sites may pose a real danger to Canadians. What is the government's timetable for cleaning up PCB sites?

*Oral Questions*

**Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.):** Mr. Speaker, I thank the Reform Party. It has finally asked a question on the environment. It is the first question in a year and a half.

In particular I want to thank the auditor general for focusing on areas which are of very serious public concern. I believe, Mr. Speaker, if you speak to the auditor general he will tell you that one of the reasons he undertook this very thorough environmental analysis was at my request in anticipation of the new role of his department as commissioner for sustainable development.

I will tell the hon. member that last month I gave the order to cancel the federal PCB site program because over the last six years under the green plan millions of dollars were spent to look for places to burn PCBs and they did not find a single site. I did not think it was a good use of taxpayers money. I ordered an end to the program.

I have further ordered that we work with the Department of Public Works to have all federal PCBs burned where there is a legally sanctioned facility in the province of Alberta.

**Mr. Ed Harper (Simcoe Centre, Ref.):** Mr. Speaker, I am still waiting for the answer.

The Reform Party has always said that cleaning up Canada's environment is a top priority and we are on record with that plan. It is this level of government that lacks leadership in the area.

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

**Mr. Harper (Simcoe Centre):** You may learn something if you listen. Pay attention.

The auditor general stated clearly in his report that the government has failed to create a national plan or to set money aside to clean up contaminated sites that pose a risk to human health and the environment. Why does the government not have such a plan? Where does it plan to get the money to meet its obligations?

**Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.):** Mr. Speaker, the member obviously did not listen to the answer to his first question.

He asked a question about PCBs. I told him that I cancelled the program because we had spent \$20 million travelling around the country and we had not destroyed a single PCB. I did not think it was a very good use of taxpayers money, given that there is a licensed facility in Alberta. I am working with the Department of Public Works. We will meet our agenda. We will meet the 1996 deadline. We will probably have all PCBs destroyed by the end of this year.

I also reiterated the position that we will take responsibility and we will clean up all federal contaminated sites. We will not endorse the concept of orphan sites because we believe in the unanimous resolution of ministers of the environment from every province, which was stated two years ago and restated last

year, that the concept of orphan sites leaves polluting companies off the hook.

The commissioner for sustainable development would be the first one to underscore that if company *x* makes a mess of the environment company *x* should pay the liability for the clean up. That is not a liability to be borne by the taxpayers and that is why the federal and provincial governments have banned the concept of orphan sites.

\* \* \*

(1135)

[*Translation*]

**NATIONAL DEFENCE**

**Mr. Maurice Godin (Châteauguay, BQ):** Mr. Speaker, my question is directed to the Minister of National Defence. Last week the Minister of Transport announced that he had asked the auditor general to review the \$380 million contract awarded to Hughes Aircraft Canada for automation of the air traffic control system. Work on this contract is already two years behind schedule, and the total cost may be two and a half times the initial cost.

What explanation does the Minister of National Defence have for the fact that his department approved a similar contract for \$70 million with Hughes Aircraft Canada, when more than 16 months ago, he was informed by federal auditors of the delays and cost overruns that occurred in the case of the contract with Transport Canada?

[*English*]

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, national defence has been working alongside people in Transport Canada and I along with my colleague, the Minister of Transport, on these matters.

Should any changes be required to the defence air traffic control side of these contracts those changes will be made.

[*Translation*]

**Mr. Maurice Godin (Châteauguay, BQ):** Mr. Speaker, considering the poor performance of the Minister of National Defence in controlling costs and considering that this contract shows cost overruns of 150 per cent, why did he not follow the example of his colleague at the Department of Transport and ask the auditor general to investigate this contract?

[*English*]

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, as I have said, the lead on the air traffic control system comes from my colleague, the Minister of Transport. He has taken certain steps with which I concur. Certainly the Department of National

*Oral Questions*

Defence will be co-operating with him and with any investigation done by the auditor general on these contracts.

\* \* \*

**AUDITOR GENERAL'S REPORT**

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, my question is for the Deputy Prime Minister.

Yesterday's auditor general report stated that even the best codes of conduct or conflict of interest guidelines could not protect Canadians from a government that was not fundamentally honest. The report made clear that we could not expect ethical behaviour from public servants if we do not have it from their leadership, the cabinet.

After appointing an ethics counsellor that is completely beholden to the office so that he will forever be able to hide all ethics scandals, how could the Prime Minister expect his public servants to behave ethically even when they know they cannot get caught?

**Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, in addition to all of what I enunciated yesterday in terms of the high level of ethical standards that the government espouses and that the public service carries out, my colleague, the House leader, put before the House a proposition for a special joint committee of the Senate and the House of Commons on a code of conduct.

I understand the difficulty is that the members opposite in the Reform Party are filibustering the attempt to set it up. If they would get behind this effort we could even go an extra step. We already have the ethics counsellor, the code of employment and conflict of interest. We have already changed the Lobbyists Registration Act. We have already changed the certification of lobbyists with respect to contracts. We have done a great deal. I think the auditor general recognized that in his report.

There is always room for more improvement and we will carry out more improvement. A lot has been done. Let them come on side in terms of getting through the proposition the House leader has put before us on a code of conduct.

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, there is a great difference between filibustering and promoting a logical solution to a problem. We want the ethics counsellor to be independent. That was my question; that is what I was talking about. That is why my question is again directed to the Deputy Prime Minister.

We noticed that in the last few days no one has questioned the authenticity of the report of the auditor general. No one questions his findings as being inaccurate. No one questions that he

is not thorough. We all find him trustworthy and believable. Why? It is because he is independent. That is the reason.

(1140)

I ask again, again and again until finally I hope the logic gets through: When will we have the assurance that the ethics counsellor will enjoy the same independence as the auditor general has? That is what we are asking and we want an answer to that.

**Hon. Arthur C. Eggleton (President of the Treasury Board and Minister responsible for Infrastructure, Lib.):** Mr. Speaker, I am glad to hear this praise for the auditor general because we accept his report. I think his report has given some very useful suggestions.

He has pointed out that when it comes to our public service, when it comes to our government, we take a back seat to nobody when it comes to the ethical standards that are practised by the government and its public service. It is comparable very favourably, as he pointed out, to other governments and to the private sector.

The amendments that they apparently want to the motion that my colleague, the House leader, has put before us are to exempt a whole body from any kind of code of conduct. The other House I believe is the proper phrase. I think it is time they showed some good faith in trying to get the matter through so that we can further deal with the matter of ethics.

[Translation]

**Mr. Michel Daviault (Ahuntsic, BQ):** Mr. Speaker, my question is for the Minister of the Environment, and I add that this is not our first question on the environment.

Yesterday, the Auditor General of Canada painted a very sorry picture of the federal government's management of dangerous waste. The government has reallocated over a third of the budget of \$150 million intended for pollution management. It has dumped 24 highly contaminated sites onto the provinces. The minister may well speak of orphan sites, but the provinces will be the ones ending up with them. Furthermore, the federal government has provided for no additional funds to clean up the contaminated federal sites that remain.

How does the Minister of the Environment explain that, for lack of new agreements, she in fact unilaterally dumped total responsibility for 24 highly contaminated sites onto the shoulders of the provinces, when human health and the environment are at risk, according to the auditor general.

**Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.):** Mr. Speaker, first, funding for the Green Plan was extended at the request of the provinces, which asked for more time to clean up.

*Oral Questions*

Second, two years ago we unanimously adopted the policy to put an end to orphan sites because of a request by the Province of Quebec, through its Minister of the Environment, Pierre Paradis, who, at the time, felt that creating a fund for orphan sites would enable companies to avoid their responsibilities—something environmental groups know very well.

We have paid and will continue to pay for the clean up of federal sites. This year, my colleague, the Minister of National Defence, has already paid out over \$100 million for clean up. My colleague, the Minister of Fisheries and Oceans, has just paid out a significant sum. We have invested more than a quarter of a billion dollars in a sewer infrastructure program for the Vancouver area. These are joint programs with the provinces.

But we adopted our policy on orphan sites at the request of the Province of Quebec.

**Mr. Michel Daviault (Ahuntsic, BQ):** Mr. Speaker, unfortunately, provincial Ministers of the Environment come and go and are not all the same. The current minister in Quebec is much more demanding. However, let us move on to PCBs.

The auditor general also informs us that the federal government will fail to honour its commitments in the Green Plan regarding its own PCBs. The minister is doubtless the only person who believes in the 1996 timetable.

How does the minister explain that the matter of federal PCBs will still be unresolved next year and that, moreover, she will be running the risk of new environmental accidents, again according to the auditor general.

**Hon. Sheila Copps (Deputy Prime Minister and Minister of the Environment, Lib.):** Mr. Speaker, the auditor general mentioned the Green Plan in connection with the sites. As I explained to my hon. colleague from the Reform Party, the federal government has spent more than \$20 million without finding a site, as the Government of Quebec did with the BAPE.

Last month, I decided to order federal Department of the Environment to have all federal PCBs destroyed at a site set up and licensed in Alberta. We will meet our deadline. We are working, and I have corresponded with the Minister of Public Works. PCBs will be destroyed starting this month, and we hope to have all of the work completed, not by the end, but by the beginning of 1996.

\* \* \*

(1145)

[English]

**ATLANTIC FISHERY**

**Mr. Francis G. LeBlanc (Cape Breton Highlands—Canso, Lib.):** Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Yesterday the leader of the third party was in Atlantic Canada spreading doom. I quote: "All you can do is say it's over, particularly in Newfoundland. It's best to take 15 seconds and say the fishery is finished."

Is this true? Are Atlantic fishermen holding onto false hopes, as the leader of the Reform Party has stated? Can the minister give this House a true assessment of the Atlantic fishery?

**Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, regrettably I have to inform my colleague it is true that the hon. leader of the third party, after 15 seconds of deep contemplation and thought about the future of the fishery, did say—here it is on the front page—"it's over".

After his spending this valuable 15 seconds reflecting upon the problem and coming to the conclusion that it is over, I want to inform the people of Canada that indeed the Atlantic fishery still represents a \$1.6 billion export industry employing tens of thousands of people in 1995.

\* \* \*

**JAMES BAY AND NORTHERN QUEBEC AGREEMENT**

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, it came to light earlier this week that the Minister of Justice did not consult with the James Bay Cree, as is prescribed in the James Bay and Northern Quebec Agreement. As the Minister of Indian Affairs knows, they must be consulted on any legislation that will affect traditional hunting rights.

I ask the Minister of Indian Affairs, did his colleague violate the constitutional rights of the James Bay Cree, yes or no?

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, the answer is no.

I am pleased the hon. member raised the issue of the James Bay and Northern Quebec Agreement, because we were rather proud of that. It was the former Prime Minister Trudeau and the present Prime Minister, who had this job at the time, who actually implemented the James Bay and Hudson Bay and northern Quebec agreement. It is part of our culture, part of our policy, part of our tradition.

I am really pleased that the hon. member has now taken up the issue of treaty rights. I hope I see that in the future when we bring forth these things, and not what I hear outside of the House with the Reform saying let's get rid of treaty rights, let's not have any more treaty process.

The James Bay and Northern Quebec Agreement talks about fishing and hunting rights. The bill of the Minister of Justice talks about guns and regulation. They are two distinct things. There are rights under treaty to hunt and fish. To take the logic of the Reform, he is saying that the Cree can go out and hunt with a Sherman tank and the Government of Canada would have no

*Oral Questions*

recourse. We are talking about gun registration, not rights of hunting and fishing.

Maybe I should not be so pleased. Perhaps it is just a sign of desperation of how far the Reform Party has gone in trying to save what is now a losing position.

**Mr. Jay Hill (Prince George—Peace River, Ref.):** Mr. Speaker, a sign of desperation is when a minister cannot answer yes or no. Did he violate the constitutional rights, yes or no?

According to Peter Hogg, a leading constitutional lawyer, “Any law that had the effect of impairing an existing aboriginal right would be subject to judicial review to determine whether it was justified impairment”.

My supplementary question is for the minister of Indian affairs, who hopefully understands the crown’s fiduciary obligation: Is Bill C-68 a justified impairment of aboriginal rights, yes or no?

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, the Minister of Justice has said on numerous occasions about the right to gather food as a broad right—not necessarily an aboriginal right but an aboriginal and non-aboriginal right—that these rights will be facilitated.

Let us take the logic of the hon. member to the extreme. He is saying that it is okay for Cree to go there and hunt seal or caribou with an AK-47, with an assault weapon, with a Sherman tank. This defies logic; it is incorrect.

(1150)

What the Minister of Justice is doing does not break the spirit or intent of the James Bay and Northern Quebec Agreement.

\* \* \*

[*Translation*]

#### ROYAL MILITARY COLLEGE IN KINGSTON

**Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ):** Mr. Speaker, my question is for the Minister of National Defence.

Since the Collège militaire royal in Saint-Jean was closed, the Minister of National Defence and the Prime Minister have repeatedly stressed their intention of making the Royal Military College in Kingston the showcase of Canadian bilingualism.

How does the defence minister explain that the information about the Kingston college on Internet is available in English only?

[*English*]

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, it seems that during my week’s absence when I was in Europe the hon. members of the Bloc Québécois missed me. I certainly did not miss them.

[*Translation*]

I said several times in the House of Commons that the Royal Military College of Canada we established in Kingston is fully bilingual. We put in place all the procedures required to make the college fully bilingual. Most courses are given in both official languages, French and English.

In the future, most of the teachers will speak both official languages, and I think that if the hon. member paid a visit to the city of Kingston, he would see for himself that the Royal Military College of Canada is a truly bilingual institution.

**Mr. Roger Pomerleau (Anjou—Rivière-des-Prairies, BQ):** Mr. Speaker, my question was on Internet and not on the college itself.

Can the Minister of National Defence promise in this House—although it seems difficult to extract a commitment from him—that corrective measures will be taken and that, from now on, the information about the Kingston college on Internet will be available in both official languages?

[*English*]

**Hon. David M. Collenette (Minister of National Defence and Minister of Veterans Affairs, Lib.):** Mr. Speaker, all the promotions for the Royal Military College of Canada in Kingston are in both official languages. If for some reason what the hon. member has said is true, I will certainly look into it.

I have to underscore the fact that all the promotional material and all the required documentation in training is in both languages. In fact, I think I will invite the member to watch a film we have prepared to attract French language students. I think it is something he will want to watch for his own edification.

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#### INDIAN AFFAIRS

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, just to clarify, the Reform Party does recognize treaty rights as solemn and binding obligations on the part of government.

The minister of Indian affairs has negotiated a draft co-management agreement for three million acres with the Montreal Lake Band near Prince Albert, Saskatchewan, without the participation of the province and without consulting rural municipalities. These are vigorously opposing the draft because it tramples on their responsibilities.

*Oral Questions*

The minister stated on Monday on the CBC that he would not back up “one G— inch” on this issue. Why is the minister being so pig-headed on this issue?

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, this assertion on the position of the federal government is so patently incorrect that I am almost encouraged to call it false. But I would not do that because it might get me thrown out of the House.

A year ago January the province of Saskatchewan, the Government of Canada and the FSIN sat down to try co-management in Saskatchewan. At the invitation of the province of Saskatchewan we funded nine areas where we could possibly do co-management, co-jurisdiction in Saskatchewan. We put a draft proposal on the table, the FSIN put a draft proposal on the table, and we are still waiting for the province of Saskatchewan to put a draft proposal on the table.

(1155)

I have met at least twice with the minister from Saskatchewan in the last two or three weeks, and on Thursday I met with the premier of Saskatchewan. We may be of different parties, but we share the same feeling on the aspirations of aboriginal people.

**Mr. Hill (Prince George—Peace River):** We know that.

**Mr. Irwin:** You know that, good. I am glad you know it because you may learn something from that.

We share the same aspirations for the aboriginal people of the country. There has to be adequate sharing of resources if we are truly to get self-government and self-determination, on paper, in the House, something the Reform Party says at the press scrums it supports.

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, the member for Prince Albert was adopted by binding aboriginal ceremony into the Bird family of the Montreal Lake Band in a powwow about two years ago. Roy Bird, the chief of the band, is an important player in this family. The member for Prince Albert has been co-opted by the minister and is defending these negotiations with his adopted family.

Will the minister not agree that he has placed this member, knowingly or unknowingly, in a conflict of interest situation?

**The Deputy Speaker:** The hon. minister may reply.

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, if this is an allegation against Chief Roy Bird, it smacks of the usual allegations made by the Reform Party.

I have been working with Chief Roy Bird—

**An hon. member:** No, the member of Parliament.

**Mr. Hill (Prince George—Peace River):** You never pay attention.

**Mr. Irwin:** Then perhaps if the member would clarify—

**The Deputy Speaker:** We will pass on. The hon. member for Verchères.

\* \* \*

*[Translation]***AUDITOR GENERAL'S REPORT**

**Mr. Stéphane Bergeron (Verchères, BQ):** Mr. Speaker, my question is for the Deputy Prime Minister.

In the report he tabled yesterday, the auditor general confirms that 274 Canadian diplomats cashed in their plane tickets for an average gain of more than \$2,000. What is even worse is that 14 diplomats submitted claims for trips that never took place.

Can the Deputy Prime Minister tell us what disciplinary actions have been taken against these 14 Canadian diplomats, who defrauded Canadian taxpayers of tens of thousands of dollars?

*[English]*

**Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, the auditor general has complimented our department for taking such quick action in looking at all of these cases. Many of them were committed under the previous administration, but financial restitution has been made. The people involved have been punished, either by demotion or by other means.

I think the hon. member should compliment the government for taking the auditor general's recommendations and implementing them so quickly.

*[Translation]*

**Mr. Stéphane Bergeron (Verchères, BQ):** Mr. Speaker, can the Deputy Prime Minister or the parliamentary secretary explain to us why the Department of Justice decided not to take legal action against the 14 diplomats, despite the RCMP's recommendation that criminal charges be laid against those guilty of fraud in the Canadian diplomatic corps?

*[English]*

**Mr. Jesse Flis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, disciplinary actions have been taken against the people who committed these offences. Not all consequences necessarily have to go through the court system. Sometimes a demotion on the job is much more hurtful than proceeding through other channels.

Again, I must emphasize that all cases were looked into and financial restitution has been made and consequences followed in each case.

*Privilege***CITIZENSHIP**

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, my question is for the Parliamentary Secretary to the Minister of Citizenship and Immigration.

We all know the government has in place an award that recognizes the commitment and contributions of adults who promote good citizenship in the communities across this wonderful country of ours. What is this government doing to recognize the citizenship contribution of Canada's young people?

**Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I thank the hon. member for his question.

I am absolutely delighted to have the opportunity to advise the House that on April 21 the Minister of Citizenship and Immigration announced the Northern Star Citation to recognize public service and responsible citizenship among Canada's youth.

The new citizenship citation will pay tribute to youth who have contributed in their schools, neighbourhoods, and communities. I can tell the House that the Northern Star is an initiative that is very close to the minister's heart. It recognizes the exemplary citizenship contributions of Canada's young people, anglophone, francophone and allophone, the people who will build the multicultural Canada of tomorrow.

\* \* \*

(1200)

**FISHERIES**

**Mr. Chuck Strahl (Fraser Valley East, Ref.):** Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Less than a month ago the government extended Canada's jurisdiction beyond the 200-mile limit in order to catch Spanish poachers who were abusing turbot stocks off the east coast. However in British Columbia six conspirators who pleaded guilty to poaching herring roe were let off with absolute discharges, the last one given the absolute discharge on May 5.

Will the minister show the same concern for the tiny herring and the tiny salmon clinging by their fingernails on the west coast as he did for the turbot stocks on the east coast and launch an appeal of those absolute discharges immediately?

**Hon. Brian Tobin (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, when it comes to making his case, having ensured that he used a good source for the information he has just given to the House, the member has lost his fingernails. He is skidding on his chin.

I know the member has a genuine interest in the health of the salmon stocks. The individuals in the case in question, because I checked yesterday, pleaded guilty. They entered a guilty plea and it was accepted by the court. The amount of product in question, contrary to reports in British Columbia, which were erroneous, was not \$1 million. It was \$70 and it was confiscated by the court and returned to the crown.

On the question of whether or not there was confusion and whether these individuals had been advised, I am told by a lawyer that they had a right to engage in this fishery. The judge came to the conclusion that there was sufficient doubt and that no further penalty would be imposed.

With respect to future activity of this sort DFO will prosecute. There can be no doubt that charges would be laid and substantial fines for those who engage in this kind of activity.

**The Deputy Speaker:** Question period is over, colleagues. Four members were not able to ask questions today, perhaps because of long questions or long answers. I apologize to those four members.

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**PRIVILEGE**

## ALLEGED CONFLICT OF INTEREST

**Hon. Ron Irwin (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, I rise on a question of privilege.

The Reform Party today made an allegation that the hon. member for Prince Alberta—Churchill River has a conflict of interest because he was honoured by his constituents. That is a fairly serious allegation.

We tend to let most things go in the House because there has to be a give and take in democracy. However, it is fundamental to the rights of any member that he or she can stand up with impunity and charge a member who is not in the House, who happens to be chair of the aboriginal committee, with a conflict of interest, which is illegal and immoral.

I respectfully submit, Mr. Speaker, that you either rule on it or that the hon. member should withdraw the remark.

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, I did not hear all of the minister's comments, but what I am saying is that there is a conflict of interest or the appearance of a conflict of interest. I said that it was done knowingly or unknowingly. I am asking for the minister's clarification. I would like to pursue this matter. If the minister would like to clarify it for me that would be a good follow up. I will follow up through the regular mechanism of question period.

*Point of Order*

**Mr. Stephen Harper (Calgary West, Ref.):** Mr. Speaker, I would like to comment on the minister's point of privilege. I did not hear how the minister related this matter to a violation of his privileges.

I would also point out that in his point of privilege he made reference to the non-presence of a member of Parliament, which is out of order.

**Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Mr. Speaker, as you know, privilege is defined as anything which affects the functioning of the House of Commons.

It is stated in Beauchesne's citation 24 that parliamentary privilege is "the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament and by Members of each House individually".

(1205)

Therefore, it is both. It is not just as it affects a member who was referred to but all members of the House.

The minister was quite correct and quite able to do so. He does have a legitimate case in raising a question of privilege even if it does not necessarily apply to himself. The question was asked of the minister. That is the second reason why it is, I would suggest, quite appropriate and the duty of the minister to bring the matter up.

I want to remind the Chair very briefly of what was said. One member of the House was accused of being in conflict of interest by being co-opted by a constituent in exchange for getting some sort of a reward. Finally, a minister of the crown was said by another member of this House to be pig-headed. All of that was said in the space of two questions by the same member.

The Speaker has ruled on a number of occasions in the past that similar language was out of order. I will give a number of examples. Someone who has apparently reneged on a promise has been ruled out of order by the Speaker. Language far less offensive than that heard today has been ruled out of order. Members making statements that are untrue have been ruled out of order. It goes on and on. Even such words as *ignoramus* have been ruled out of order.

To make such accusations as have been made, not against one but against two hon. members, one being a minister of the crown, is a point of privilege. I suggest that the Speaker would probably want to take this matter under advisement and rule on it at some point in the future. It is a serious matter that affects all of us in the House.

**The Deputy Speaker:** The whip to the government has raised a new point of order on the question of the use of the word

"pig-headed", if I may quote. Does the member from Powell River wish to speak to that second point of order aside from the question of privilege?

**Mr. Duncan:** Yes, Mr. Speaker. I have no problem withdrawing that word and using the word stubborn if that would resolve the issue.

**The Deputy Speaker:** The hon. member then, in the interest of better cordiality in the House, is withdrawing that word unconditionally.

**Mr. Duncan:** Yes, Mr. Speaker, I am prepared to do that.

To further clarify the situation for the member for Glengarry—Prescott—Russell, I did not accuse the minister of conflict of interest. If he reads the question he will see that I did not do that. I did not say that anyone was co-opted by a constituent. I did not say that anyone had obtained a reward.

**The Deputy Speaker:** The blues will be reviewed carefully with respect to the question of privilege and if it is necessary the Chair will report back to the House on that question.

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**POINTS OF ORDER**

STATEMENTS PURSUANT TO S. O. 31

**Mr. Jim Silye (Calgary Centre, Ref.):** Mr. Speaker, during members' statements this morning, the member for Saskatoon—Humboldt misrepresented my comments made during yesterday's opposition motion by using two quotes together out of context. The quotes—

**The Deputy Speaker:** With respect to the hon. whip, I believe he is questioning a matter of debate. We cannot each be correcting everything that is said with a point of order after statements are made. We would be doing very little else in the House. I would rule that as not a point of order.

ALLEGED CONFLICT OF INTEREST

**Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I rise on a point of order with respect to the previous point of privilege. In the event that the Chair decides it is necessary to make a ruling on this matter, I trust the Chair will provide an opportunity for the member for Prince Albert—Churchill River to make whatever contribution to the debate that he might want to make.

**The Deputy Speaker:** I thank the minister. The Chair has thought of that matter. The member is not here today and if it is necessary he will certainly be given a chance to speak to the matter.

*Routine Proceedings***ROUTINE PROCEEDINGS**

[English]

[English]

**GOVERNMENT RESPONSE TO PETITIONS**

**Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 20 petitions.

\* \* \*

(1210)

**AGRICULTURE**

**Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, pursuant to Standing Order 109, I am pleased to table, in both official languages, the government's response to the fifth report of the Standing Committee on Agriculture and Agri-food, entitled: "New realities and tough choices from Agriculture to Agri-food", tabled in the House of Commons on December 13, 1994.

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**COMMITTEES OF THE HOUSE**

## AGRICULTURE AND AGRICULTURE

**Mr. Mark Assad (Gatineau—La Lièvre, Lib.):** Mr. Speaker, I have the honour to present the sixth report of the Standing Committee on Agriculture and Agri-food which deals with Bill C-75, an act to amend the Farm Improvement and Marketing Co-operatives Loans Act.

It is reported with no amendments.

[Translation]

## FINANCE

**Mr. David Walker (Parliamentary Secretary to Minister of Finance, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the 14th report of the Standing Committee on Finance relating to Bill C-70, an act to amend the Income tax Act, the Income Tax Application Rules and related acts.

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**EXCISE TAX ACT**

**Hon. Marcel Massé (on behalf of the Minister of Finance and Minister responsible for the Federal Office of Regional Development—Quebec)** moved for leave to introduce Bill C-90, an act to amend the Excise Tax Act and the Excise Act.

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

**PETITIONS**

## INCOME TAX ACT

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition which has been circulating across Canada. The petition has been signed by a number of petitioners from the Calgary, Alberta area.

The petitioners draw to the attention of the House that managing the family home and caring for pre-school children is an honourable profession that has not been recognized for its value to our society.

They also state that the Income Tax Act discriminates against families that make the choice to provide care in the home for pre-school children, the disabled, the chronically ill and the aged.

The petitioners therefore pray and call on Parliament to pursue initiatives to eliminate tax discrimination against families that decide to provide care in the home for pre-school children, the disabled, the chronically ill and the aged.

## HUMAN RIGHTS

**Mr. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, in accordance with Standing Order 36, I rise to present a petition signed by 144 petitioners, calling on the government to act quickly to amend the Canadian Human Rights Act to prohibit discrimination on the basis of sexual orientation.

## BILL C-41

**Mr. Andrew Telegdi (Waterloo, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I have a number of petitions to present on the issue of sexual orientation and Bill C-41.

One petition is signed by 69 people proposing the inclusion of sexual orientation. Two other petitions with 88 signatures and 379 signatures respectively request the deletion of section 718(2) from Bill C-41.

## ASSISTED SUICIDE

**Mr. Andrew Telegdi (Waterloo, Lib.):** Mr. Speaker, I have a petition bearing 38 signatures against assisted suicide.

## HUMAN RIGHTS

**Mr. Andrew Telegdi (Waterloo, Lib.):** Mr. Speaker, I have a petition bearing 54 signatures from the campaign for equal families and religious faiths. It calls for an end to discrimination of gay and lesbian people with the inclusion of protection in the Canadian Human Rights Act.

*Routine Proceedings*

[Translation]

## POST-SECONDARY EDUCATION

**Mr. Michel Daviault (Ahuntsic, BQ):** Mr. Speaker, pursuant to Standing Order 36, I have the pleasure to table a petition signed by 1,700 petitioners and young students from the Montreal area concerning funding for post-secondary education.

These petitioners pray and call upon Parliament to ask the government to review the whole reform proposal so that education can be regarded as an investment in the future rather than a financial burden to the government.

(1215)

[English]

## DANGEROUS OFFENDERS

**Mrs. Jan Brown (Calgary Southeast, Ref.):** Mr. Speaker, I rise again to present a petition to the House in this effort to keep Robert Paul Thompson behind bars.

These petitioners are attempting to bring attention to the government to make our streets safer for law-abiding citizens. They are encouraging the government to enact legislation in order to do the following: One, allow reclassification of offenders as dangerous after sentencing; two, allow the indefinite detention of dangerous offenders after warrant expiry; and three, allow violent offenders to be ineligible for parole until the full sentence has been served.

**Mr. Elijah Harper (Churchill, Lib.):** Mr. Speaker, last year Sarah Kelly, a constituent of mine, was brutally murdered by Robert Bliss Arthurson, a known sex offender in The Pas, Manitoba.

Arthurson had been previously convicted for sexual offences involving children. He was known to police and social service agencies as a potential threat to children, but they felt under the current laws of Canada and Manitoba that they could not legally warn the community of the threat he posed.

Today I present to the House a petition with signatures from over 2,000 residents of The Pas and other communities. They pray that this Parliament enact legislation to enable courts to notify residents when sex offenders and murderers are released into the community.

I call on the hon. Minister of Justice and my fellow members to join me in finding ways to achieve this.

## HUMAN RIGHTS

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, I have three petitions today pursuant to Standing Order 36.

The first one bears 39 signatures. It indicates that since Canadians believe that all Canadians should enjoy the same protection in law by virtue of being Canadians, the petitioners pray that Parliament not amend the Criminal Code in such a way

that sentencing be less severe for crimes against persons who are not in an especially protected category.

Mr. Speaker, the second petition bears 280 signatures. It is similar to the other but is more specific.

The petitioners pray 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 indicate societal approval of same sex relationships or of homosexuality, including amending the human rights code to include the phrase of sexual orientation and including amending the Criminal Code in such a way that sentencing would be less severe for crimes against persons who are not homosexuals.

## GUN CONTROL

**Mr. Ken Epp (Elk Island, Ref.):** Mr. Speaker, the third and last petition I would like to present today bears 373 signatures, mostly of Elk Island constituents.

It is one in which the petitioners say they are already overburdened by taxes. They do not believe the expensive procedure of registering firearms will have any substantial effect on the reduction of the criminal use of firearms. They ask that Parliament not enact any laws which would require the registration of all firearms.

## LIGHTSTATIONS

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, I rise today to present petitions on a number of issues.

My first petition is signed by over 10,200 people from the west coast. They call upon Parliament to revoke the directive issued by the government to destaff lightstations. The petitioners call for a full public inquiry into the need for staffed lightstations and an acknowledgement of the safety they provide.

## TAXATION

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, the second petition is signed by 200 of my constituents who pray and request that Parliament reduce government spending instead of increasing taxes.

## GUN CONTROL

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, I also have five separate petitions, one signed by 130 constituents, another by 61, the third by 54, the fourth by 91 and the last by 283 requesting that government not enact any further firearms control for responsible gun owners, shooting clubs and firearms collectors and that legislation be changed to penalize those who use firearms in any crime.

## YOUNG OFFENDERS ACT

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, the eighth petition is signed by 163 of my constituents requesting Parliament to review the Young Offenders Act in an open and accountable process which addresses the following

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principles: deterrents to the offender; accountability of the offender; and rights of the victim.

## DANGEROUS OFFENDERS

**Mr. John Duncan (North Island—Powell River, Ref.):** Mr. Speaker, the ninth petition is signed by over 130 people, most of whom live in my constituency. They request that Parliament amend the Corrections and Conditional Release Act and the Criminal Code to allow dangerous offender applications to be made just prior to the expiration of the offender's sentence.

(1220)

The 10th petition is signed by 50 of my constituents. They request radical changes in the present laws to take direct action to impose upon such offenders more severe penalties, especially repeat offenders.

## HUMAN RIGHTS

**Mr. John Duncan (North Island—Powell River, Ref.):** The 11th petition is signed by 150 of my constituents. They request that Parliament not pass Bill C-41 with section 718.2 as presently written and in any event not to include the undefined phrase of sexual orientation, as the behaviour that people engage in does not warrant special consideration in Canadian law.

## ASSISTED SUICIDE

**Mr. John Duncan (North Island—Powell River, Ref.):** The last petition is signed by 27 of my constituents. They pray that Parliament ensure that the present provisions of the Criminal Code of Canada prohibiting assisted suicide be vigorously enforced and that Parliament make no changes in the law which would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

## CANADIAN ARMED FORCES

**Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.):** Mr. Speaker, I have a petition signed by many people from all parts of Canada. It deals with one of the greatest assets that this country has namely, the Canadian Armed Forces.

In recent months the Canadian forces have come under intense media and public scrutiny, some of it very unfairly. Therefore the petitioners request that Parliament at the earliest possible time initiate a wide ranging public inquiry, replacing many which are being convened piecemeal, into the Canadian Armed Forces, including reserves, which will investigate, report and make recommendations on all matters affecting its operations, tasking, resources, effectiveness, morale and welfare.

I want to say that the Canadian Armed Forces is one of the proudest elements we have in this country today. We should all be supporting our forces very strongly.

## OFFICIAL OPPOSITION

**Mr. Lee Morrison (Swift Current—Maple Creek—Assiniboia, Ref.):** Mr. Speaker, pursuant to Standing Order 36, it is my honour and pleasure to table three petitions identical in form and content. The total number of signatures on these petitions is 719 Canadians. They are mostly residents of the Coronach, Swift Current and Bengough districts in my riding.

The petitioners state that the Bloc Quebecois party is composed solely of members from one province. They also state that the Reform Party of Canada has only one less member in the House and represents constituencies in five provinces and is organized throughout Canada. They state that the rights of people residing in nine provinces and two territories cannot be adequately protected by the disloyal, one province Bloc Quebecois as Her Majesty's Loyal Opposition and that this is a travesty on the institution of Parliament.

The petitioners therefore call upon Parliament, in the interests of Canadian unity and parliamentary tradition and to protect the rights of all the people of Canada, to prevail upon the Speaker of the House of Commons to recognize the Reform Party of Canada as the Official Opposition during the remainder of the 35th Parliament.

\* \* \*

[Translation]

## QUESTION PASSED AS ORDER FOR RETURN

**Mr. Peter Milliken (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if Question No. 177 could be made an order for return, that return would be tabled immediately.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

[Text]

Question No. 177—**Mr. White (North Vancouver):**

What was the total number of full time employees at each job classification in the respective federal departments for fiscal 1994?

Return tabled.

[Translation]

**Mr. Milliken:** Mr. Speaker, I would ask that all remaining questions be allowed to stand.

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

*Government Orders***GOVERNMENT ORDERS***[Translation]***VETERANS REVIEW AND APPEAL BOARD ACT**

The House resumed consideration of the motion that Bill C-67, an act to establish the Veterans Review and Appeal Board, to amend the Pension Act, to make consequential amendments to other acts and to repeal the Veterans Appeal Board Act, be read the third time and passed.

**Mr. Maurice Godin (Châteauguay, BQ):** Mr. Speaker, we are now at the third reading stage of Bill C-67, an act to establish the Veterans Review and Appeal Board, to amend the Pension Act, to make consequential amendments to other acts and to repeal the Veterans Appeal Board Act.

(1225)

The purpose of this bill is to revamp the process for awarding disability pensions to veterans. The bill also repeals the Canadian Pension Commission. It transfers responsibility for all first level decisions to the Minister of Veterans Affairs. It establishes a Board that from now on will be responsible for reviewing decisions and hearing appeals. Finally, the Bureau of Pensions Advocates, now an independent agency, will become part of the department.

Since this bill was tabled in the House of Commons, I have spoken in debate on behalf of the Bloc Québécois as the veterans affairs critic. Since first reading of the bill on December 15, we have always said we supported any measures that would speed up the process that helps veterans obtain a decent pension.

Everyone agrees there are substantial delays and backlogs in the current process. Consider that the average age of veterans is 73. A study carried out in 1992 mentioned a turnaround time of up to 18 months in the case of first level decisions and delays of up to 36 months when objections are raised and a decision must be reviewed or appealed. In some particularly sad cases, the delay is unbelievable. Something had to be done to improve the process.

Before the House today is the government's response to this need. A response that has generated both criticism and concern. The federal government has opted for the tried and true to deal with this problem, in other words, for concentrating power in the hands of fewer people. That is why, although we welcomed the intent of the bill, which is to shorten the delay in awarding pensions, we still felt there was considerable cause for apprehension and concern.

We are in fact afraid this bill will not achieve what we all want it to achieve. We are also afraid of the disastrous impact it may have on the vested rights of veterans.

Throughout the various stages at which the bill was examined, we heard many comments, all marked by the same feelings of concern and apprehension.

Considering the merits of the bill's objectives, no veterans organizations took a stand against this legislation. However, these organizations found much to criticize, both regarding the substance and the form of this legislation.

As we approach the final passage of this bill, it may be useful to recall these criticisms. In fact, they led us to formulate certain conditions we feel are necessary to guarantee some transparency in this new process for awarding pensions to veterans.

The first criticism that drew our attention was about the consultation process prior to the bill. A veterans' association complained about the consultation process and wondered why the department had not been evenhanded in the way it selected its partners. It is, of course, easier to consult someone who thinks as you do than someone who objects to your proposals or questions your motives.

Another objection came from the Royal Canadian Legion. Its president said that the proposed changes would not, as intended, reduce by half the time required to make the actual pension payment. That is, not unless most of the first level decisions are affirmative.

However, from now on these decisions will be made by the department, which is said to have a very negative attitude towards veterans. And that is where most of the delay occurs in the current process. This is not very encouraging for the Legion.

We also heard from representatives of Canadian army, navy and air force veterans. They said they were very concerned about losing the services of the Bureau of Pensions Advocates at the first level. They could not understand why the government was proceeding with such sweeping changes when the review of pension assessments had been instrumental in implementing many measures that were all aimed at reducing the turnaround time.

(1230)

They also fear that the minister will use this power to bring in restrictive policies regarding the processing of claims. The same refrain comes from the Canadian Merchant Service Guild. The guild says that Bill C-67 contains very little to convince them that the turn around time for claims will be reduced.

The guild also fails to see how the new board will be able to eliminate the backlog or how putting power into the hands of one person will achieve the desired result, which is reducing processing time. Therefore, instead of being a reassurance, this bill is a worry. Although its objective is to reduce processing time, there is no reason to believe that it actually will. The government and the officials who drafted this bill are asking us to take a leap of faith. The only thing that we can be sure this bill will do is reduce veterans' services, mainly the legal services at the first level. We can also be sure that it concentrates power within

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branches and the department, and that ultimate power will lie in the hands of the minister.

Despite all of these criticisms, these worries, there is one glaring reality which will not change, that is the time required to process claims.

I would like to point out to the House how long these lags are. We all know that, from the time we are born, we are all relentlessly getting closer to our deaths, and that, once we reach a respectable age, we all realize how little time we have left. How can we tolerate that the applications submitted by veterans, whose average age is 73, get bogged down in the bureaucracy, that veterans have to wait ages and ages while their health deteriorates and their standard of living suffers?

I would like to give you two examples. In its February 23 issue, *Le Journal de Québec* ran a story on Yvon Bureau, a former member of the Royal 22nd Regiment based in Valcartier. On April 17, 1964, while on a peacekeeping mission in Cyprus, he was injured. After waiting 30 years, the government finally decided that he was entitled to a pension. It took them 30 years. They maintained that his condition was not related to his service, to the accident he had in the line of duty. They even had him consult a psychiatrist. And it was only recently, after the government obtained opinions from many different experts, that his right to a pension was acknowledged. But he is not finished waiting yet, because he was not granted benefits for those 30 years he was waiting. He will have to take his case to all of the avenues of appeal, if not to the Federal Court, in order to obtain full and true justice.

There are many other similar cases. For example, Frances Crummer, a very worthy person who was willing to submit a paper to the standing committee reviewing this bill. Mrs. Crummer, the widow of a veteran, has stopped counting the years she and her late husband had to put up with the pension system and all of the paperwork they have done. She went through three applications, one after the other: the initial application, the application for review and the application for appeal. She went to the hearings of the review board and of the assessment board. After going through nine decisions, two amended decisions, one decision in the form of a letter, eleven appeals and six hearings, Mrs. Crummer still has not given up, but that does not deter her from harshly criticizing this bill.

After seeing such examples, how can we claim that the current bill will prevent similar situations? In one case, the file was studied for 30 years and, in the other, it took 12 decisions for the applicant to gain some ground. In my opinion, the problem is simple: there is either a lack of will to resolve problems or, simply put, people are making sure that they continue to have work by taking their sweet time closing files. If this is the problem, it is not only scandalous, but absurd.

(1235)

The review of pensions by two consulting firms and the department in 1992 at a cost of \$670,565 concluded that it could take 18 months for a first level decision and up to 36 months, if there were complications. Given this information, you will understand our desire from the outset to be involved as much as we could in a bill that would identify the system's shortcomings and propose corrective action to remedy them.

This is not to be, however. We note that the shortcomings are not clearly identified, that the proposed merging of agencies in favour of the department and the new board will serve much more to consolidate the minister's authority, that these measures limit services to veterans and, finally, that it is not clear that all these changes will accelerate the process.

Is this not, perhaps, a backhanded manoeuvre by the Minister of Finance and his budget to save a few bucks on the backs of the veterans? Is it not, perhaps, instead a less than subtle way to find positions for the party faithful? I can assure you that these questions are foremost in the minds of anyone who examines the bill for what it is and not for what it claims to be. Naturally, we have received no answer to this sort of question. There is, however, one thing we know for sure and that is that the bill will do nothing to reduce the time required to settle veterans' applications, because it fails to deal with the basic problems.

These problems, as the review clearly indicated, are: duplication and cumbersome operation, the slowness in implementing computerized communications and, most of all, the acknowledgement, in practice, of the veterans' right to priority treatment at the medical specialist's office. Nothing in the bill deals with these problems. Our approach in reviewing Bill C-67 was guided by our desire to help reduce delays and to ease as much as possible the concerns expressed by both veterans' associations and experts.

That is what we tried to do during clause by clause consideration and at the report stage before the House. Our proposals in this regard were rejected, and that is unfortunate. We, however, still feel that special measures should apply to the physicians and medical experts who become involved in the award application assessment process.

For example, whenever the minister exercises his power to order an applicant or pensioner to undergo a medical examination, he should require that the designated medical expert give priority to his request by conducting the examination and reporting results as expeditiously as possible, as is done for any review or appeal application to the veterans board.

When the board seeks the advice of an independent medical expert, it should instruct this medical expert to give the applicant or appellant the required examinations without delay and

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report examination results as soon as possible. Similar measures would save a lot of time, since many witnesses have testified that medical visits and examinations account for a large proportion of undue delays, something about which the government has not yet summoned the courage to intervene.

I can understand that the medical profession is subject to quotas, that it is free to decide how to run its business, and that it is a very delicate matter to ask a professional to fit more patients into his or her appointment book. At least, those are the excuses we heard from the Liberal members on the committee. However, the question we must ask ourselves is this: When we decided to send our young people to the front, on the eve of a promising future, to put their lives on the line to defend their country, did we ask them if they had appointments? No. We did not ask their permission. These young people decided to serve in the military because of a sense of duty, a sense of honour, a sense of urgency. They were there when their country needed them; they did not make anyone wait. It is not the physicians we should be concerned about in this case. We should only be concerned with the person who is aging and cannot afford to go through the regular channels. Our society must recognize that, on the basis of the sacrifices they made, we owe our veterans the privilege of coming first in our health care system. I hope that physicians will hear this reasoned and heartfelt appeal.

(1240)

We also rose in this House at report stage to try and obtain guarantees for veterans, in this respect. We suggested ways of accommodating concerns expressed regarding concentration of powers in the hands of the minister. We suggested a more transparent approach to selecting the members of the new board, one which would require that the provinces and the standing committee be consulted before any member is selected. But this solution was rejected by the Liberal majority, who did not want this greater degree of openness and democracy.

The Parliamentary Secretary to the Minister of National Defence and Veterans Affairs mixed everything up, claiming that our initiative would weigh down the processing of applications. It would not. We know very well that appointments are for ten year terms. Moreover, the bill includes transitional provisions that should ensure a smooth transition to the new Veterans Review and Appeal Board.

This refusal by the federal government to consult the provinces and the standing committee on appointments to the board shows how little it cares about the provinces and about openness. Under the circumstances, the government can well be accused of wanting to centralize more than ever and of ignoring the provinces. It can well be accused of wanting to put its own

benefit and that of its friends before the public interest by taking advantage of public issues in this way.

Bill C-67 fits in perfectly with such bills as Bill C-65, Bill C-76 or Bill C-43 on lobbyists. This bill reflects the federal government's will to centralize. No wonder it is concerned. Out of concern for efficiency, having failed to remedy the inadequacies of the Canadian Pension Commission, it is now concentrating the whole first level decision making process in the hands of the minister, rebuilding a two tiered board, the membership of which will come from political appointments made without any consultations, and concentrating legal assistance at the level of reviews or appeals before the new Veterans Review and Appeal Board. These services are being transferred to the department so they will be easier to control. Now that is typical of this government.

There is a great deal to criticize in this bill. However, the need for change tends to override any criticism, at least that is the message we get from veterans associations that did not openly oppose the bill. In their representations we read a desire to reduce delays, even if this meant making some concessions in terms of services or opening the door to arbitrary decisions.

That is the main reason why we will support Bill C-67 on third reading. However, as is the case with the veterans associations, our support is mingled with a great deal of concern and dissatisfaction. I feel we could have done far better. I think we could have considered, first and foremost, the interests of those who risked their lives and defended our freedom at the cost of physical and mental suffering. At a time when we are given this opportunity to commemorate our veterans, that we have failed to do so is unfortunate, disturbing and indeed distressing.

Keeping our commitments to them is even more important than expressing our gratitude. We must not forget that the 50th anniversary of the end of the Second World War will probably be the last time those who experienced these historical events come together to participate in these ceremonies.

There are still about 3,000 World War I veterans, 505,000 veterans of World War II, now averaging 73 years of age, and we also have 20,000 veterans of the Korean War.

(1245)

I realize that military personnel who participated in UN peacekeeping operations will apply for disability pensions, but not in the same numbers as after the Second World War.

That is why we must deal with the backlog in processing pension applications as soon as possible. With our support on third reading, I would nevertheless urge the government to reaffirm its commitment to our veterans. It must give them the assurance that giving applicants for disability pensions the benefit of the doubt is not just an empty phrase. The new section

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in the Pension Act, section 5(3) introduced in clause 47 of the bill, and also section 39, must become part of the process.

It is essential that from all the circumstances of the case and all the evidence presented either to the minister or to the new board, every reasonable inference be drawn in favour of the applicant. Any uncontradicted evidence must be accepted. Any doubt, in the weighing of the evidence, as to whether the applicant or appellant has established a case must be resolved in his or her favour.

Only then will the principle of benefit of doubt become part of the process, and only then will the new pension award system introduced by this bill reflect the initial intent of the legislator with respect to our policy for compensating our veterans.

[*English*]

**Mr. Jim Hart (Okanagan—Similkameen—Merritt, Ref.):** Madam Speaker, yesterday I returned from the Canada Remembers ceremonies in the Netherlands. I will never forget this truly emotional experience for Canadian veterans and also the genuine expression of gratitude the people of Holland displayed for the Canadian liberators of their country. The bergemeester of Arnhem told that in relation to their actions, Canadian veterans are far too modest.

I have always felt a deep appreciation for the veterans of our country. Until I visited the graves of fallen Canadian soldiers, sailors and airmen in the Netherlands and Germany, I did not have a true understanding of the death and devastation that took place 50 years ago. Being born 10 years after the war, it was not part of my personal experience, aside from Remembrance Day each year.

Canadians should always remember over 6,000 Canadians have their final resting place in Holland and in Germany. As I walked through the rows of white headstones in Groesbeck, Arnhem, Bergen—Op—Zoom, Holten, Reinberg and Reichwald war cemeteries, I was shocked. The events of 50 years ago were enhanced in my mind by the ages of those Canadians who died. Many were 18 and 19 years old. We truly lost a generation. Their contribution must always be remembered.

For those veterans who returned to Canada, we have an obligation to ensure legislation is in place to effectively and efficiently deal with their disabilities.

The *raison d'être* for Bill C-67 is to speed up the time veterans wait when applying for a disability pension while clearing the backlog of some 12,500 veterans currently awaiting a decision on their claim without removing any of the rights and benefits veterans currently possess.

The government has promised to accomplish this task in two years. This is a commendable goal, enthusiastically endorsed by the Reform Party. As co-critic for defence and critic

for veteran affairs, I would be more than happy to speak in favour of a bill that promised to accomplish this. However, like many veterans, I am doubtful whether this bill will succeed.

(1250)

After carefully analysing Bill C-67 and after consulting veterans, grassroot veterans organizations, advocates of veterans, former and current employees of the Department of Veterans Affairs and former members of the Canadian pension commission and the veterans appeal board, I still have grave concerns about this piece of legislation.

The thing that must be answered is why veterans who currently average 73 years of age have to wait up to five years to receive a disability pension. For the record, the current situation is appalling. When a veteran applies for a disability pension at the first level he must wait 18 to 20 months for a decision. Seventy per cent of those who apply are turned down. The veteran then must appeal the decision and is often forced to go through two levels of appeal before a final decision is made. This can take another three years. Seventy per cent to eighty per cent of those who appeal do receive a pension, albeit often at a lower amount than expected. This is for those who are still alive after applying or appealing.

It is sad to say that because of the age of these veterans many never collect their disability pension due to the time factor and actually pass away during the process.

Let us look at the reasons for these delays. In an enlightening presentation to the Standing Committee on National Defence and Veterans Affairs that ruffled more than a few feathers, Mr. Hugh Peacock, a pension advocate with the Royal Canadian Legion and a former employee of the Canadian pension commission, stated the delays are caused by a variety of factors that can be addressed without introducing the reforms presented before us today in Bill C-67.

He gave the example of a typical case that he had chosen randomly from his files and outlined where the delays come from. When the advocate sent the first level application to the Canadian pension commission in Charlottetown for processing it took eight weeks from the time it arrived to create a file on a case. Then documents were ordered from the National Archives. They took 10 weeks to arrive in Charlottetown because the National Archives does not like original documents to be sent to Charlottetown, which is completely understandable.

Therefore photocopiers at the Department of Veterans Affairs, headquartered here in Ottawa on Wellington Street, must photocopy some 200 pages of material so the case can be sent to the CPC in Prince Edward Island. Once in Prince Edward Island it took five weeks for someone to review the documents and to write a precis of the case so medical advisors to the Canadian pension commission could read all of the documents. The

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medical advisors took another seven weeks to make a recommendation on that case.

The Canadian pension commission then took six weeks to make a final decision. After its decision was rendered it took another six weeks for DVA to inform the veteran of that decision. That totals 42 weeks for an elderly veteran to wait for a decision on his claim. It is clear where the delays lay. It is clear the fateful decision to move the Canadian pension commission to Charlottetown is largely responsible, though not exclusively, for the delays.

This experiment in regional economic development has cost veterans dearly and I hope the government has learned a very valuable lesson from this unfortunate and unnecessary story.

I have spent a considerable amount of time detailing where the delays come from because I want to establish a very important fact. The current independent bureau of pension advocates, its lawyers and paralegals are not responsible for these delays.

(1255)

The goal of the legislation is to speed up the time it takes veterans to get their disability pensions without the veterans losing any of the rights they currently possess. This is also the aim of the Reform Party, yet we disagree on the means to this end.

One of the main points of disagreement centres on whether the bureau of pension advocates should remain an independent body at the disposal of veterans at the first level or whether it should be moved and made a part of the Department of Veterans Affairs at the appeal level only.

A number of arguments have been made by the standing committee on defence and veterans affairs and in the House in this regard and I have reviewed them extensively. After careful consideration I have concluded the bureau of pension advocates should remain an independent body at the disposal of veterans. Why? I fail to see how removing the bureau from the first level will save any time in the current system. The only way to speed up the system is to ensure more applications are accepted at the first level. These applications must be well prepared because the department currently rejects 70 per cent of them but goes on to accept 80 per cent of the appeals at the second or third level.

The typical time it takes for the bureau lawyer to prepare an application is in the area of two to three months, a modest period of time to prepare a case when the veteran knows he will be forced to do battle with the department to receive his disability pension.

The remaining delays at the first level, which commonly take a year and a half, are the responsibility of the department.

Ironically, the government feels removing the bureau from the first level will speed up the system because it will focus on appeals only.

Under this legislation the government intends to have a departmental clerk assist the veteran in filling out the first level application. The first level decision will then be adjudicated by the department, not the Canada pension commission. It could be true that the first level decision will be faster, but will the acceptance rate be greater than 30 per cent? Given the department's past record of rejecting 70 per cent of first level applications, I have to question that.

If the veteran has to appeal the case he has to then go to a bureau lawyer who now is not working for the veteran but working for the Department of Veterans Affairs. The lawyer who answers directly to the minister must start to prepare the appellant's case from scratch, which will take months or years because nothing in the bill speeds up the appeal process which currently takes up to three and a half years.

If the government intends to focus all of the bureau's resources at the appeal level it is obvious the first level acceptance rate will not increase. The intent is obviously not there. The majority of veterans will still have to wait years to get their disability pension. With the average age of veterans approaching 74 this is too little, too late.

I firmly believe that if the process is to be speeded up the first level acceptance rate must be increased so there are few appeals. The way to accomplish that is twofold. First, have first level applications expertly filled out by a bureau lawyer so the veteran's case is solid. Second, the department should consider the success rate for past appeals, which is about 80 per cent, and use the benefit of the doubt clause more liberally to increase the first level acceptance rate. This two track approach would substantially speed up the system and serve the best interests of veterans.

Now I will tackle the issue of veterans' rights. Last week the hon. member for Bonavista—Trinity—Conception stated the bill would not take away any of the current rights of veterans. This is not fact but it is a point of debate. I would argue that Bill C-67 takes away the rights of veterans in a number of areas.

(1300)

It removes the Bureau of Pensions Advocates from the first level of decision making by adding it to the department. This calls into question the veterans right to solicitor/client privilege.

At the first level the veteran will deal with a pension officer or paralegal who works directly for the department, not an independent lawyer or paralegal under the direction of a lawyer. Thus at the first level solicitor/client privilege is lost.

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If the veteran errs in the information given to his pension officer who works for the Department of Veterans Affairs, it could be used against the veteran when his case is adjudicated by that department. This is a conflict of interest. It presents an arrangement that precludes any sort of confidentiality between veterans and pension officers.

The veteran also loses solicitor-client privilege at the appeal level. He has access to a bureau lawyer. However the lawyer is no longer an independent solicitor who keeps the veteran's case in confidence. He is now an employee of the Department of Veterans Affairs. His paycheque comes from the Department of Veterans Affairs. I conclude this is a conflict of interest and works against veterans.

How can the veteran be confident that the information he gives the bureau advocate will not be used against him when the advocate works for the department and not for him? The veteran is already angry and frustrated that he has to appeal his case in the first place. Now he has to trust another departmental employee with his case. Therefore under this legislation veterans will lose the right to solicitor-client privilege.

I foresee another difficulty with the Bureau of Pensions Advocates being removed from the first level. Under Bill C-67 the size of the bureaucracy will be increased and the minister will be getting more power to influence the department's internal affairs.

I think every member of the House would agree that bureaucracies in the country are too big as it is. Under these proposals the minister may have undue influence over the whole decision making process, the quality of service or the rate of acceptance.

Departmental employees will be vulnerable to receiving direction that could deter from encouraging veterans to pursue benefits and services to which they are entitled. They will also be under pressure to take part in fiscal restraint. Even an offhanded comment by the minister could affect the way his staff deals with veterans. We only have to look at the way the money markets danced and sang to the finance minister's prebudget comments, to the detriment of Canadians.

Veterans will lose a number of other rights under the legislation. I have offered the government a number of amendments that would have corrected the situation. I was in consultation with many groups of veterans including the Royal Canadian Legion which represents some 250,000 veterans. The member opposite does not have an ear for listening to grassroots consultations.

However it must be stated that it is totally unclear at this point what the regulations will say. We have not even seen the regulations or even know for a fact that they exist. The rights of veterans under Bill C-67 will no longer be law. The government

has said that they will be in regulations. This is extremely important. Regulations can be easily changed behind closed doors, while laws must be changed in full view of the public.

I conclude my remarks by stating that Bill C-67 is a bad piece of legislation for Canada and for Canada's veterans. This is unfortunate because we have lost an opportunity to speed up the process so that veterans get the service and the pensions they deserve. Instead veterans face more delays and a decrease in their rights and services.

(1305)

Without a commitment on the part of the government to increase first level acceptance rates this cannot be legislated. The majority of veterans will be locked into a lengthy appeal process without an independent advocate or paralegal to guide them through. The veteran is now faced with the prospect of dealing with yet another bureaucrat that works for the department.

I call on all members of the House to vote against Bill C-67. During the Remembrance Day ceremonies in the Netherlands that I took part in "The Last Post" was played at each and every one of the ceremonies. Let everyone in the House vote against the bill which sounds the last post for the rights of Canadian veterans. They fought and some of them died so that we would have the freedom to vote for what is right and for what is just. For once, let us have the courage to vote that way.

**Mr. Leonard Hopkins (Renfrew—Nipissing—Pembroke, Lib.):** Mr. Speaker, Canada has the best veterans legislation in place of any country in the western world. Only France comes close to it.

Let us not be too negative. As we discuss the bill and talk about these issues in the House of Commons let us remember that the veterans whom we have honoured, and rightly so, over the past number of days were not always against something. They were for something. They went out and fought for freedom. They fought for the world we enjoy today. They fought for this country today. We should not say all the time that they fought against something.

We have legislation before us now that is among the best in the House. We have another example of the new decorum brought to the House by the Reform Party. Its members are trying to shout across the floor and raise a disturbance. They were to come here to bring a new dignity to Parliament.

I would like to add a few words of support for the legislation that the Secretary of State for Veterans has brought forward to improve the veterans pension process. Veterans pensions are awarded for disability or death related to military service. Civilians who served in close support of the Canadian Armed Forces during wartime may also be entitled to pensions.

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Additional pension benefits can be paid to a pensioner's spouse and dependent children. Survivor pensions are payable to the spouse of a deceased pensioner.

When we take all recipients into consideration we find that some 150,000 Canadians receive veterans pensions. The 1995 rates provide for a minimum of \$81.50 per month for single pensioners and \$101.88 for married pensioners. The maximum benefit paid per month is \$1,629.97 for single pensioners and \$2,037.46 for married pensioners.

Most of my colleagues on both sides of the House already have direct experience with the current pension process. In every province and territory we find veterans or other dependants who receive the benefits. In Ontario alone we find over 51,000 pension recipients. This is because Canadians from all provinces and territories served our country in the two world wars, Korea, and with the regular forces on peacekeeping missions. They served Canada well. Now it is time for Canada to pay its dues by making sure veterans receive the pensions they deserve.

(1310)

Veterans do not deserve the delays they have encountered under the current system. Systems have to be updated. It is a sad state of affairs when a veteran has to wait 18 months or up to three years in some cases after the first application before he or she can receive a pension.

The people at Veterans Affairs Canada are doing their best to speed the applications through the system, but the people at the Bureau of Pensions Advocates, the Canadian Pension Commission and the Veterans Appeal Board are trying hard to clear away the backlog of applications, but it gets harder every day.

The whole system is overloaded right now. I understand that about 13,000 veterans are expected to apply for pensions this year. The administrators are doing what they can with the system that is now in place. It is high time we changed that system. The people who work in the current system want to see it changed. They know they could serve veterans more effectively if the process were streamlined. Veterans also want to see their cases settled more quickly.

I am sure there is hardly a member in the House who has not at one stage or another been asked by a constituent to help them out on a veteran's case.

The current process dates back to 1971. Individual parts of the administration of veterans pensions have been studied and changed since that time, but there has been no comprehensive reform of the entire process. The consequence of the piecemeal changes has been that an already complex process has become even more complicated and cumbersome. The measures before us will simplify the process from start to finish.

In 1992 Veterans Affairs Canada conducted a study that identified a number of ways to improve the pension process. One of the most important ways of improving it was to speed up the turnaround times. Many of the recommendations of that 1992 study have been implemented. However, to reduce turnaround times we now need the legislative changes included in Bill C-67.

The legislation before us provides legislative change directed to giving effect to three proposals. First, responsibility for decisions will be transferred to Veterans Affairs Canada for the Canadian Pension Commission. Second, the Bureau of Pensions Advocates will become part of Veterans Affairs Canada and will concentrate on preparing cases for appeal. Third, the Canadian Pension Commission and the Veterans Appeal Board will be merged to create the new veterans review and appeal board.

There will be no changes to benefits under the legislation. The two-tier appeal system will be maintained. Whereas the Canadian Pension Commission now decides on first applications and first appeals and the Veterans Appeal Board decides on final appeals, under the legislation before us the new veterans review and appeal board will be responsible for two levels of appeal.

It is important to make very clear that veterans are not losing their appeal rights under the legislation before us. The new board will speed up the turnaround time. It will address the current backlog of cases awaiting appeal, but it will not deny appeal rights to veterans who have been told by Veterans Affairs Canada that they are not eligible for pensions, or who are not satisfied with the amount the department has awarded them.

The new board will continue to report to Parliament and its members will continue to be governor in council appointees. The permanent membership of the combined board will eventually be reduced by eight, but only after the backlog has been eliminated. By unifying the Canadian Pension Commission and the Veterans Appeal Board into a single appeal body, the government is helping to pare down the system. This is part of the government-wide review of agencies and commissions led by the minister responsible for public service renewal. The objective is to simplify public sector structures and streamline their operations wherever possible, while improving service to the public.

(1315)

That is why we should support this bill. I am sure that all members of this House recognize the importance of providing better service and faster turnaround times for our veterans. I am sure that all members endorse the objectives of streamlining the operations of government agencies, boards, and commissions.

In the recent days of remembering the veterans who fought and remembering the 50th anniversary of the ending of World War II, we saw many heart-rending circumstances. I remember on one occasion when I was in Holland with a number of members from this House of Commons we had ceremonies before our cenotaphs over there. In the Groesbeek cemetery, as

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we prepared to have our memorial cenotaph ceremony the farmers in the field surrounding that area left their horses standing in the field and left their hoes and other tools in the field and came over and stood around the cenotaph with us.

We know that the Dutch feelings have been poured out to Canadians, not only during the last number of days but indeed during the last 50 years. It is one reason why we cannot hesitate for one moment to try to provide better medical services for veterans in this country. At the same time, we must remember the people who today are serving in the Canadian Armed Forces in very difficult areas of this world.

Medical attention to veterans is very important. When we consider that the average age of World War II veterans today is 73 years, it becomes more important that the process for their receiving pensions that are coming to them is speeded up.

We all remember the days of our youth when young people were going off to war, whether it was the Korean War or the second world war. Others remember people leaving for peace-keeping operations. I remember very well that when I was in elementary school we had truckloads of these young Canadians passing by our rural school on their way to their training base and indeed some of them on their way overseas. They threw chocolate bars and candies to us in the schoolyard as they went by. Today these are the people we are talking about in this House of Commons. If there is any way we can speed up the process, get them their pensions, and make their days more comfortable at this time, then I am sure that is the objective of every member of this House.

If we do not remember our veterans, if we do not look after them, then we as a nation are not keeping faith with those who died. They are their buddies. For those who returned home, it is our duty and the duty of any government and the Parliament of Canada to support anything that can be done to make the lives of our veterans more comfortable in the days they have left.

I would ask the House to give third reading to this bill today so that we can get on with the process of putting it into place to try to get that backlog cleaned up in the meantime and make the process much speedier for the future without damaging the quality of service that is given to veterans in the hearing of their cases.

(1320)

[*Translation*]

**Mr. Godin:** Mr. Speaker, because I was a member of the committee that studied this bill, and since they are talking about fast-tracking the process at some point or other, I would like to ask my colleague to explain why it is such a long process, because it makes no sense at all that it takes so much time.

Earlier, I gave two examples: the case of the veteran who has been trying to obtain a pension for 30 years and the case of the applicant who has now received, I think, some 12 or 14 decisions, but is still awaiting the verdict.

In committee we were told that only 30 per cent of all cases brought before the Canadian Pension Commission were accepted while 70 per cent of all cases subsequently submitted for review were accepted. Why? The commission could not explain this, it never looked into it, wondered, etc. The question I have always asked myself is whether partisan appointments to this commission were the reason.

At a certain point, the Bloc Québécois proposed that from now on—do not forget that these people are appointed for 10 years—the provinces be consulted, that the process become more transparent and that the government start appointing people for their competence and not their political affiliation. I was surprised that the Liberal Party opposed the idea at the time. I would like to hear the hon. member's comments on the issue.

[*English*]

**Mr. Hopkins:** Mr. Speaker, I want to thank the hon. member for his question. He is quite right. If we want to talk about partisanship, I do not know the people who served in those positions, so I am not in a position to comment on their partisanship or otherwise on the floor of the House. However, I can tell the hon. member that it is the policy of the government to appoint well-qualified people to any boards or commissions that require appointments in the country, and the level of appointments to the various veterans boards will indeed be of good quality people.

The other thing that has to be considered is not just their qualities academically, but they also have to have humanitarian qualities. They must have an understanding and a feeling for what they are doing. If you do not have a feeling for what you are doing when you deal with people's problems, that is when you run into difficulty.

The hon. member probably hit it on the head when he mentioned partisanship. Anybody can talk about partisanship when they are in opposition. We used to do it ourselves. We are hearing the same thing today. However, I do not want to get into that, because it is a non-winner for everybody. The only thing that is a winner for the veterans of this country is that they get speedier service and that the people who are making those decisions are indeed qualified to make them, both from the understanding of the case before them and their feeling for the subject with which they are dealing.

Sometimes cases are held up because all of the information is not there. I have dealt with cases myself where if I had had the information that was given to me several days or months

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afterwards I could have had the case pushed forward much more quickly for the veteran. Everyone along the line must have a real feeling for veterans issues. The appropriate information must be in the hands of the decision makers.

(1325)

I could not agree more with the hon. member that the quality of people making the decision is extremely important. That is why any appointees in that area of decision making or any other area of decision making in government, in the public service, on boards or commissions, must be of the highest calibre of both personal and academic qualities.

**Mr. Ringma:** Mr. Speaker, is this on debate?

**The Deputy Speaker:** We are still on questions or comments. Is the member rising on questions or comments?

**Mr. Ringma:** No, I am not.

**The Deputy Speaker:** I see no one else standing. Resuming debate, the hon. member for Nanaimo—Cowichan.

**Mr. Bob Ringma (Nanaimo—Cowichan, Ref.):** Mr. Speaker, I would like to talk about waiting. I have been waiting all week to get in a few words on this bill, with the vagaries of government.

I would like to ask the Speaker if this debate is now cut off in five minutes.

**The Deputy Speaker:** Yes.

**Mr. Ringma:** So I have five minutes.

I would like to start by saying that the intention of Bill C-67 is indeed good. I agree with the words of the hon. member for Renfrew—Nipissing—Pembroke that we must give veterans all the recognition possible and speed things up.

This bill proposes to reduce the existing backlog of appealed pension cases and shorten the decision time. I do not think, with the way they are going about it, this will be achieved.

The big thing I want to put front and centre is that I totally object to the removal of the Bureau of Pension Advocates from the first level. This is something that has given veterans the real representation they need to make their cases. By withdrawing it from that level and putting it into the second level the government is doing them a real disservice.

The intent of the bill is to cut down the waiting time. I really wonder about that. I would like to share some of my experience with members of the House.

Let us look at recognition of veterans today. How long does it take for us to recognize what is happening? It has taken us over 50 years as a government, the Liberals or the Conservatives or whoever, to recognize the merchant navy. Merchant navy people

have been trying to plead their case for all those years. Finally we are doing something about it.

It took veterans of the Korean War 40 years to get a medal of their own. They said they thought they deserved something more than just a British Commonwealth medal or a United Nations one. It took 40 years for that.

Dieppe was one of the costliest battles of World War II, the Dieppe landing. It took 50 years to get just a little clasp for a medal to recognize that very significant action, debatable action though it may be, at Dieppe. It took 50 years for that.

We are still waiting for a Canadian volunteer service medal for peacekeeping operations. A proposal was put to the House to achieve it, but it was negated by the House. So those veterans are still waiting.

All in all, National Defence and Veterans Affairs are very slow in reacting to anything. I suspect that C-67 is not going to improve that at all.

Over my lifetime I can look at hearing problems within the military and of course with the veterans today. Hearing was recognized as problem, with people going onto the firing ranges and practising weaponry with no ear covers whatsoever. The result is that many of us have hearing loss today. It took years, literally decades, for the departments to recognize the problem and do something about it. That has left today's veterans with the same problem.

Many of us went up to Atomic Energy of Canada Ltd. in Chalk River to clean up nuclear spills. The departments of national defence and veterans affairs to this day are putting their hands out saying that they will not talk about it.

I went to clean up a spill in 1952 or 1953 and as a result, I became ill. When I retired some 30 years later, I put down as part of my release procedure that I had been subjected to this problem. Neither national defence nor veterans affairs would give recognition to it.

On agent orange, our people have been to Vietnam. Perhaps they have been subjected to the effects of agent orange.

I could go on but I see the Speaker is getting ready to close off debate. I must respect the Speaker's right.

**The Deputy Speaker:** The hon. member will have 15 minutes the next time the matter is debated. I apologize for interrupting his speech.

**Mr. Boudria:** I rise on a point of order, Mr. Speaker. I know there are differences of opinion on some of the clauses of the bill. Notwithstanding that, I wonder if there would be consent to proceed to the vote. We could amend the bill as some members want in committee. I know that Monday is a very important veterans day for the war amputees in Canada. Perhaps we could do that. Some of the remarks of the hon. member could perhaps

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be heard at third reading instead. I found his remarks very profound and interesting, given his vast knowledge.

Given the interest of so many people, I wonder if by unanimous consent we could do that because it involves improving benefits to so many Canadians who deserve it so much.

**The Deputy Speaker:** The point has been made that we are at third reading of the bill, so there will not be a committee process for the bill to go through. We can do it by unanimous consent.

**An hon. member:** No.

**The Deputy Speaker:** There is not unanimous consent.

It being 1.30 p.m., we will now proceed to Private Members' Business.

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## PRIVATE MEMBERS' BUSINESS

[English]

### IMMIGRATION ENFORCEMENT IMPROVEMENT ACT

**Mr. Janko Perić (Cambridge, Lib.)** moved that Bill C-316, an act to amend the Immigration Act and the Transfer of Offenders Act, be read the second time and referred to a committee.

He said: Mr. Speaker, I am pleased to rise today to debate Bill C-316, an act to amend the Immigration Act and the Transfer of Offenders Act.

I would like to start by thanking the members of the Private Members' Business subcommittee for realizing the importance of this legislation to the social fabric of our nation. Moreover by making this private member's bill votable, subcommittee members have acted upon a key principle which has been advocated by our minister of immigration in many forums.

The minister and I on numerous occasions have said that Canada has a proud tradition of welcoming immigrants. Members know that both of us have personally benefited from that tradition.

When I came to Canada from Croatia in 1968, I agreed to obey the laws of this nation. At that time I did not have the same rights as those who were already citizens. I could not vote. I could not have been a member of Parliament nor work for the federal government. I obeyed the law and was particularly careful to be on my best behaviour.

The day that I finally did become a citizen was one of the happiest days of my life. To this day I have continued to uphold the laws and virtues of this country and I will continue to do so.

The majority of our immigrants are model citizens. They work very hard to succeed in this country and they do so in a law-abiding manner.

(1335)

However, a very small group of immigrants, and for that matter visitors, do not play by the rules. Some in this very small group have come to this great country, taken advantage of its generosity and disobeyed its laws. I would like those individuals to know that law-abiding immigrants and for that matter all Canadians, firmly believe that those individuals who are not citizens and who repeatedly show disrespect for the laws and people of Canada do not deserve to be here.

Our laws have always recognized that serious criminality should have the consequence of removal from Canada. The current Immigration Act explicitly states as much and my bill reinforces that principle.

The immigration enforcement improvement act simply aims to improve the way in which removal of violent offenders is executed. It streamlines a deportation procedure which has failed in the past, a procedure which has led to several inexcusable tragedies. Members may recall two of these inexcusable tragedies which occurred last spring.

In April of last year, a 23-year old young woman by the name of Georgina Leimonis was murdered in the trendy Toronto restaurant, Just Desserts. She had been having coffee with her boyfriend. One of her killers, O'Neil Grant, was a non-citizen with a lengthy criminal record. Prior to the murder, he had been granted a five year stay of his deportation. Lawrence Augustus Brown, the shooter, had immigrated to Canada 10 years earlier and also had an extensive criminal record.

The murder of Georgina Leimonis sent shock waves through Toronto and the entire country. In my riding of Cambridge, 20 grade 10 students from Galt Collegiate took the time to express their shock and anger over the murder of this young, vibrant woman. Their letters moved me to a point where I knew something had to be done. I would like to share some of their comments with members here today. Amy Gibson wrote:

We like to think of Canada as the best country in the world and I agree most of the time. We have a lot of freedom here—but what happens when we have so much freedom that we lose security? The murder of Georgina Leimonis is a good example. She didn't do anything wrong, she was innocently sitting in a cafe when she was shot. Soon we will be afraid to leave our houses.

Katharina Daldrup wrote:

I just immigrated to Canada 23 months ago and had found it to be a non-violent country. I was shocked by this incident and strongly feel that everything possible must be done to prevent incidents like this one.

Devon Edwards echoed the comments of the majority of his classmates when he expressed how deeply saddened he was to read of the murder of Georgina Leimonis.

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The death of Georgina Leimonis was tragic but it was not an isolated incident. Less than two months after her murder, a 25-year old metropolitan Toronto police officer, Constable Todd Baylis, was killed while on duty.

Constable Todd Baylis and his partner had been out on a routine foot patrol when they spotted a suspect who was a known drug trafficker. As they began to pursue the suspect, a gun fight broke out and Constable Baylis was shot in the head before he could even draw his weapon.

Constable Baylis' killer, Clinton Gayle, was very well known to police and immigration authorities. He had a lengthy criminal record which included several convictions for trafficking in narcotics, possession of unregistered and restricted weapons, assault, attempted theft and escape from custody. It was because of his criminality that Clinton Gayle had been ordered deported in 1991. At the time of Constable Baylis' murder, Gayle was out on \$2,000 bond and had been awaiting deportation for a two year period.

(1340)

I truly believe that Clinton Gayle would have been deported prior to the murder of Constable Todd Baylis had the measures contained in Bill C-316 been in place.

Before I go any further, I would like members to know that the two cases I have just outlined are not isolated incidents. This is not just a Toronto problem. Tragedies such as these could have occurred and have occurred in Montreal, Vancouver and other parts of the country.

The Minister of Citizenship and Immigration has made great strides to limit access by serious criminals to immigration procedures that delay their removal from Canada. As a result of measures contained in Bill C-44, the rights of serious criminals to appeals under the immigration system have been limited. These same individuals will no longer be eligible for any form of early release or parole if they are serving a sentence for a criminal offence.

I applaud the minister for his swift action on these two elements and for his efforts to improve enforcement of deportation orders. However, I remain concerned that there is still room for serious offenders to fall through the cracks from the time they are sentenced to the time they are deported. My bill aims to fill those cracks.

Bill C-316 would permit a court, in addition to any other sentence, to order the removal of a non-citizen convicted of an offence punishable by 10 years or more. These serious criminals would have access to appeals within the criminal process but not to appeals currently available under the Immigration Act.

I understand there is some concern that the measures contained in this bill could be interpreted as a double punishment against non-citizens, a harsher sentence than a Canadian citizen

committing the same crime would receive. The reality is that distinction currently exists. Non-citizens do not have all the rights of citizenship and non-citizens who commit crimes are currently subject to a criminal sentence and deportation. The only difference is that with Bill C-316, sole responsibility for both matters would lie with the courts rather than with the immigration department.

The measures being proposed would not only accelerate the deportation process of violent offenders but would also save the Canadian taxpayers money. The savings would primarily come from not having to duplicate the court hearing process. An offender's immigration status would be determined by the sentencing judge after an individual has been convicted of an offence punishable by 10 years or more as opposed to having one court determine criminality and the other immigration status.

Although it may take judges some time to get their heads around this legislation, if we have the courtroom, the lawyers and a judge familiar with an individual's past and present record, does it not make sense to deal with both issues at once? I submit to you that it does and that the Canadian taxpayers would prefer to see it done this way. I also know that there are judges and crown prosecutors who would prefer to have it done this way.

There are two additional measures of significance in this bill of which members should be aware. The first relates to how we treat offenders who came to Canada at an early age. Immigration advocates have argued that deporting someone who came to Canada as a child is unjust.

(1345)

Some have even said our society should accept some responsibility for the way Clinton Gayle acted because he came to Canada in his early teens and was essentially a product of our environment. I agree with that argument to a certain degree. There has to come a point when we as Canadians say enough is enough.

My bill proposes anyone who came to Canada prior to the age of 16 and has remained free of criminal conviction for a period of at least five years should be exempt from deportation.

The second measure provides for the removal by court order of foreign offenders to their country of origin if reciprocal conditional release provisions exist in that country. The Transfer of Offenders Act currently makes provisions to transfer an offender to his or her country of origin if the offender chooses to be transferred and if a bilateral agreement exists.

Bill C-316 will remove that decision from the offender and will transfer it to courts thereby allowing a judge to order that an offender will serve the remainder of his or her sentence in their country of origin. I acknowledge my proposal may require certain bilateral agreements to be amended but I am confident that can be done with relative ease.

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Concerns have been raised in reference to the possible deportation of family members with the offender. I advise the House these measures are currently contained in the Immigration Act. The reason for this is if the family members are financially dependent on the offender or if the offender was their sponsor, once the offender was transferred to his or her country of origin there would be an absence of financial support for the offender's family. This is currently done at the discretion of an immigration officer and under my bill it would be left to the discretion of the courts.

The two key elements of the bill, namely that sentencing courts be allowed to order the deportation of a person convicted of an indictable offence carrying a penalty of 10 years or more, and that the crown be permitted to initiate the transfer of foreign nationals to their country of origin, were contained in the final report of the safety net conference held in Hamilton last fall.

At this conference parliamentarians of different political stripes, immigration officials, immigration lawyers, enforcement authorities and victims groups specifically recommended the changes today being proposed in Bill C-316.

The bill has received the endorsement of the Canadian Police Association, the Metro Toronto Police Association, Victims of Violence and CAVEAT. The Minister of Citizenship and Immigration has on several occasions stated consideration should be given authorizing judges to issue deportation orders at the time of sentencing rather than requiring a separate step. He included this suggestion in his strategy for immigration and citizenship entitled "Into the 21st Century". He mentioned it during his speech on Bill C-44. I know he has been giving Bill C-316 the utmost consideration because we have discussed it on numerous occasions.

I have received a great deal of co-operation from the minister's office in preparing for today's occasion. However, I am aware the minister has some technical concerns with the bill and I have advised him I am prepared, willing and able to accept any amendments required to address the technical and drafting elements of the bill he is concerned with.

(1350)

In conclusion, I leave members with the following to ponder. On April 2, I attended a memorial service for Georgina Leimonis in Toronto. Although the Leimonis family is still grieving the loss of Georgina, it does not want such a tragedy to be repeated. Members of the family have asked me to do everything in my power to see these amendments are enacted, and I am asking members for their support.

I would also like members to remember these often repeated words which Miss Kristina Kolesnyk of Galt Collegiate shared

with me in her letter following the death of Georgina Leimonis: those who do not learn from history are doomed to repeat it.

Please support Bill C-316 so Canadians can feel more secure in their homes, neighbourhoods and on their streets.

**Mr. Philip Mayfield (Cariboo—Chilcotin, Ref.):** Mr. Speaker, I am pleased to have this opportunity to speak on behalf of the Reform Party on Bill C-316 put forward by the hon. member for Cambridge.

It is very encouraging after a year and half to see the Liberals finally starting to realize Canada has a crime problem and action does have to be taken. Part of this action by necessity involves taking a hard look at our immigration policy. We must examine the safeguards now in place to deter immigrant criminals from coming to Canada.

We must also scrutinize how to remove those who slip by the safeguards and cause pain to Canadian people. Our constituents expect no less from us.

I will go through the bill in some detail and outline some of the flaws I see in it. I understand the Canadian Police Association had a major part in the drafting of the legislation. Nevertheless, there are some problems. I hope as I go through these the hon. member can either ease my concerns about some of the problems I see or commit himself to strengthening the provisions, intents and phrasing of Bill C-316.

My first concern lies in what I see as the basic discriminatory nature of the bill. The purpose of Bill C-316 is to give Canada's judges an extra option when dealing with criminal immigrants. Not only could criminal charges be laid but the judge as a punishment could order deportation of the criminal, a unique sentencing option available only for immigrant criminals.

Compare this with section 15(1) of the Canadian Charter of Rights and Freedoms:

Every individual is equal before and under the law, and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Under the bill those immigrants charged with a serious criminal offence will be under added pressure to plea bargain away the threat of deportation, a threat not facing a Canadian citizen in the same position. This provision appears to discriminate on the basis of national origin. For this reason alone I am fearful the bill would be struck down on its first charter challenge as being unconstitutional.

Section 3.8 raises questions on the constitutionality of the bill. Under this section criminal immigrants ordered deported by a judge could never be entitled to a conditional release, statutory release, temporary absence or accelerated review under the Corrections and Conditional Release Act. There will

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be instances when a judge will be unable to have a criminal immigrant deported. I will touch on these instances later.

If our criminal justice system is unable to carry through on a deportation it will have once again discriminated against a non-Canadian. Canadian criminals will be eligible for parole. Non-Canadian criminals, however, will have to serve out their full sentence no matter what circumstances surrounding their behaviour while in custody.

Without a deportation an individual under these circumstances could spend the rest of his or her life in prison at the expense of the Canadian taxpayer. This again potentially violates both the word and spirit of section 15.1 of the Canadian Charter of Rights and Freedoms.

Reform MPs believe in effective laws to deter crime, like the member who sponsored the bill. Reformers, however, believe in laws that will stand up under the scrutiny of our most basic rights, even challenges from the Trudeau charter, which many feel has failed to protect the basic fundamental rights of Canadians. That is another debate.

We want laws will stand the test of time and unfortunately the bill as it is written fails to deliver.

(1355)

Aside from these basic concerns there are a number of other serious problems with the bill that must be addressed at some point. Section 4.3 is one example of the short-sighted nature of the bill. As I mentioned earlier, a judge can add deportation as an additional punishment for non-Canadian criminals with any chance of parole removed. Yet section 4.3 states the criminal can only be deported to his home nation with the consent of that foreign state.

Many countries like Somalia and Vietnam refuse to take back criminal nationals. Under the bill we could develop a backlog of criminals in limbo ordered to be deported but not allowed to leave, all the while with the Canadian taxpayer on the hook for their time in jail.

Section 4.6 again highlights the seriousness of the bill's flaws. This section states no foreign criminal can be deported unless the criminal's home state either has conditional release laws similar to Canada's or agrees to conditional release provisions similar to Canada's.

In effect the hon. member is asking the rest of the world to adopt Canada's haphazard criminal justice and parole systems. If others do not do so, and there are dozens such as Vietnam and the state of California, the federal government would be unable to deport them.

I now ask the House to look at section 4.5 of Bill C-316. It reads: "The order may provide for the removal from Canada to the foreign state of members of the family of the foreign

offender on the same basis as described in section 33 of that act", that being the Immigration Act.

When an individual commits a crime care for dependent children is assumed to be passed on to another family member, a wife, husband or other relative. When this is not possible, as is the case with a single parent, these dependants become wards of the state. Whether the provincial family services departments across the country would allow for the deportation of children into uncertain and potentially dangerous circumstances is not clear. This is an issue that should be examined at length before the House debates Bill C-316 again.

Finally, I wish to bring to the attention of the House what I see as the largest oversight in the bill. Section 2 states section 3(f) of the Immigration Act would be amended by adding the following: the bill is to "ensure the expeditious removal from Canada of any person who has entered Canada and has subsequently been convicted of a serious criminal offence while in Canada".

What does the word "entered" mean and to whom does it apply? The answer can be found in the Immigration Act definitions. According to the act the word "entry" and all its derivatives are defined as follows: "Entry means lawful permission to come into Canada as a visitor". The bill will only apply to those in Canada on a temporary basis. The bill will not affect criminal immigrants at all, only those temporarily in Canada who will have to leave in any event when their visitor's permit expires.

I share the hon. member's concerns over criminal immigrants. During my time with the Standing Committee on Citizenship and Immigration these concerns were brushed aside time and again by Liberal MPs. The hon. member for Cambridge is a rare exception to that rule. This general indifference to criminal immigrants is sad to see since the small majority stains the entire immigration process.

After all, each of us in the House has a family history that extends beyond this country's shores. Each of us is an immigrant or a descendant of immigrants.

I and the rest of the Reform Party share this member's basic concerns that those who come to Canada unwilling to contribute peacefully to the betterment of our country but choose instead to violate its laws and threaten its people have no legitimate place in Canada.

Regrettably Bill C-316 as it now stands has too many loose ends and too many unanswered questions. Should the member seek the unanimous consent of the House to withdraw the bill and have the material referred to the Standing Committee on Citizenship and Immigration, I would be more than willing to support him. The issue is too important to leave any longer and certainly has merit for further consideration.

If he chooses to push ahead with the bill as I will support it in second reading on principle and intent. If, however, each issue mentioned in my speech is not addressed and the numerous

*Private Members' Business*

loose ends in the bill are not tidied up I will be unable to support it at third reading.

(1400)

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I am very pleased to speak to this private member's bill introduced by the hon. member for Cambridge.

One of the things that makes Canada so great is the make-up of its population. People have come to Canada from all over the world, including those who came hundreds and hundreds of years ago over the land bridge from Asia.

However, as delightful and as strengthening as all of that is, there are a very small minority of immigrants from time to time within the country who refuse to take the benefit of and contribute to this longstanding tradition. Those relatively very few people break our laws and victimize our citizens. Some of these people are dangerous. This is unacceptable. Our country must deal with that very small group of people.

The hon. member's bill focuses on that very small number of immigrants or others who come into this country illegally and have committed serious criminal offences, sometimes violent. This bill distinguishes the criminals from the overwhelming majority of law-abiding immigrants.

I attended the CAVEAT Safety Net Conference this past September in Hamilton, Ontario. The conference was composed of leading justice reform and community activists as well as victim advocacy groups and persons from many other disciplines. The main goal of this conference was to put together draft legislation and public policy that would improve the safety of every Canadian. This bill takes into account many or some of the concerns raised at that conference.

The bill would do the following. It permits a criminal court to order the removal of a non-citizen convicted of an offence punishable by 10 years or more. It would accelerate the deportation process that already exists today. Currently deportation orders can only be issued by immigration officials. However, this bill would authorize criminal court judges to issue deportation orders at the time of sentencing and obviate the need for a second deportation step procedure.

The bill would not apply to anyone who arrived in Canada prior to reaching the age of 16 with some provisos.

Canadian laws have always recognized that serious criminality should have the consequence of removal from this country. The bill aims to improve the procedure under which violent and serious offenders are deported. Offenders will be required to serve at least a portion of their sentence in Canada in order to ensure that fundamental justice from the perspective of Canadians will be served.

The bill also provides for the removal by a court order of foreign offenders, that is non-citizens and persons illegally here, to their country of origin if reciprocal conditional release provisions exist in that country.

I should bring a few background facts to the attention of the House. The current state of immigration procedures reveals that approximately 40,000 to 50,000 persons—a layman's guess based on publicly available information—remain in the country in violation of the terms of their admission or for whom arrest warrants have been issued. That includes people who have been ordered deported.

Of this huge number, about 70 per cent are in the metro Toronto area. Many of those individuals will already have left the country on their own accord without checking in. Their names should not be on the system any more but we do not have a viable way of checking people out. There are about 2,000 warrants for people who have been ordered deported due to their criminal conduct.

We have a relative shortage of immigration officials. We have a great number of other government tasks we must do across this huge country and the people who are there are doing their best to manage our immigration laws and procedures.

(1405)

In short, the bill would take the current two step procedure of conviction and deportation and combine them into one for serious offences, not for minor criminal offences.

In a private member's bill intended to amend existing legislation, as my hon. friend opposite has pointed out, there are always some procedural and substantive issues which arise. We in the House realize that. The procedure today is to adopt the bill in principle and refer it to a committee. My friend opposite has mentioned a number of things which will have to be looked at in this bill. I do not agree with everything on his list, but he has hit most of the hot buttons.

I would want colleagues to look closely at the application of this bill to the dependents of deportees. In addition, there would have to be some procedural preparation for criminal court judges to enable them to handle this type of procedure in the sentencing procedure at the end of a criminal trial. That needs some work as well. I know that colleagues on the citizenship and immigration committee will be able to do exactly that if the bill is adopted and referred by the House.

All of this would only happen with the co-operation of the Minister of Citizenship and Immigration, which I hope the hon. member for Cambridge will have. I would like to congratulate him on putting forward a private member's bill which addresses a procedural need. I hope it will fill the arguable procedural void

which exists now, the arguable duplication procedure which exists now, and that at the end of the day we will have a good and fair procedure, one which is efficacious for the intended purpose.

**Ms. Mary Clancy (Parliamentary Secretary to Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, let me begin by stating the obvious. There has always been crime in Canada. It is an unfortunate part of our society and of every society. Let us face it, there always will be an element within any population that disobeys the laws which govern the land.

[*Translation*]

However, we have the good fortune of being spared, for the most part, the violent criminal activity that goes on in other parts of the world. Despite what some newspapers and television shows would have us believe, we really are a peaceful and law-abiding people. But that does not mean that nothing bad happens here. Let us not delude ourselves, such incidents can occur and indeed already have.

Fortunately, we have a strong judicial system to deter crime. It is a system that I like to believe is impartial and fair. It is not perfect. Nothing is perfect in this world. But, in my opinion, the system works reasonably well.

[*English*]

Times do change. What may have been relevant 10 or 20 years ago may not be adequate to deal with the realities of the mid-1990s. New technologies are creating new types of criminal activity and new challenges for enforcement officials. The government recognizes that times change and that legislation must follow suit. Take, for example, the justice minister's proposed gun legislation. That is but one example of how the government is acting to curb crime. That is an example of good legislation; thoughtful legislation which weighs the pros and cons and comes up with a reasoned, rational and workable solution to a problem which faces us all.

It is with a similar intention that my hon. colleague and friend, the hon. member for Cambridge, has introduced his proposed legislation today. He is to be commended for his commitment to keeping the streets of his community and his country safe. No one here can doubt that his heart is in the right place. However, I cannot support the motion before the House today, for unlike the aforementioned legislation on gun control, Bill C-316 is not workable in its present form.

(1410)

While on the surface some of its proposals may sound persuasive and may even make some sense in practice, they would simply cause more problems than they would fix.

### *Private Members' Business*

We are all in agreement that we must deal firmly with violent criminals. We must deal firmly with those who come to this country to commit crime. Canada is a generous and welcoming place but we will not be used as fools. The Canadian government will protect Canadian citizens and institutions from becoming the target of foreign criminals.

When someone comes to our country and betrays our generosity and good nature with criminal activity we must not allow them to remain. The message is clear: Play by the rules or leave. However, Bill C-316 does not give us the tools we need to remove these people. If anything, it would complicate an already complex removal process.

First, the legislation raises some serious constitutional questions. The Supreme Court has established that deportation is not a form of punishment but rather an administrative decision taken by Canada. Bill C-316 seeks to change this. By making deportation a sentencing option, it suddenly becomes a criminal punishment. If this were to be the case, then there are no fewer than three constitutional clauses that could be used to argue against the sentence.

Section 15 of the charter is one example. It could be argued that two tiers of punishment would be available to judges if Bill C-316 came into effect, one for citizens, the other for non-citizens. There would be a case where people commit the same crime, yet the punishment would be more harsh for one than for the other. This goes against the fundamental idea that Canadian justice treats everyone fairly and equally.

It could also be argued that removal from Canada would represent a second form of punishment in addition to any other sentence. In effect, non-citizens would face the prospect of being punished twice for the same offence.

Finally, if deportation is seen as a criminal punishment, it could perhaps be construed as cruel and unusual punishment. It could be argued that removing a permanent resident from Canada is tantamount to denying for life that person's right to be with family and friends, to earn a living or to communicate freely in the course of daily living. This would put it in direct opposition to section 12 of the charter.

[*Translation*]

As you can see from this brief overview, the legislative provisions raise serious potential problems. If they are adopted, there is a strong possibility that even the most minor matter will give rise to constitutional free-for-all that could last years and cost taxpayers hundreds of thousands of dollars, even millions.

Using measures that, in all likelihood, would slow down the enforcement of the law when the public is clamouring for better,

*Private Members' Business*

faster and more efficient government management of the country seems irresponsible.

We have to find a way to speed up the deportation process and not to paralyze the judicial system with excessive legal considerations.

[English]

I have touched on the constitutional arguments against this bill. Now let me discuss broader reasons that I cannot support it. If it were to pass we would be transferring the responsibility for removing potentially dangerous criminals from the federal immigration department, whose representatives are experts in the field, to provincial crown attorneys and judges. We should not dilute federal responsibility for something as important as the deportation of violent offenders.

I am not questioning the competence of provincial crown attorneys or judges, far from it. However these individuals already have exceptionally busy dockets and in many cases do not have the time or the expertise to deal with complex immigration cases.

As well, the international obligations Canada has with respect to immigration matters are not well known to judges acting in criminal matters. As a result it would take both time and money to train lawyers and judges to deal with immigration cases.

Furthermore, we must recognize that recommendations to the provincial court may take into consideration many factors which should not be part of a deportation hearing. Plea bargaining could become a convenient way for people who should not be in this country to stay in this country. Who is to say that deportation could actually be carried out?

(1415)

Once a judge orders an offender removed, is it the court's responsibility to deport the individual? What would happen with the order of a judge that cannot be executed because the individual cannot be received outside Canada? Is the court to find a suitable country? Is the jurisdiction to be transferred back to the immigration department after the order has proven to be impossible to execute?

Deportation can be a complex process requiring travel documents and international co-operation. These are affairs that are best handled by the immigration department which will continue to be responsible for all other deportations of persons who have entered Canada illegally, have been convicted of serious crimes in other countries, or have otherwise violated the Immigration Act.

This is not the only part of the bill which neglects to take into account the fact that Canada cannot unilaterally remove people to other countries. The section concerning changes to the

Transfer of Offenders Act also seems to forget that we need international co-operation to have an effective removal system.

The purpose of the act is to accommodate non-Canadians serving sentences by making it possible, on the basis of an arrangement between states, to transfer offenders so that they can serve time in their homeland. The act is not meant to support orders that may have been made by courts. In fact the act has nothing to do with the legal system. It is based on arrangements of an administrative nature between sovereign states.

Bill C-316 wants to change this. It proposes that the act be amended to allow Canada to remove any foreign criminal serving time in a Canadian prison. This just is not realistic. What would be the incentive of a foreign country to pass a treaty with Canada whereby we would transfer to them the cost of punishing offenders who have committed crimes here? The answer is simple. There is none.

The legislation may also be potentially unfair to a defendant in a deportation hearing. The government wants to ensure that all dangerous foreign offenders are ordered removed. We also want to ensure that humanitarian concerns which are an important part of the immigration system are consistently applied to all persons subject to removal orders.

I think we would all agree it is generally pretty easy to stand and criticize something. What is difficult is to work hard to find alternatives that do work. I am happy to say that we in government do not just sit and listen. We act.

Many of the proposals the bill would seem to resolve have already been dealt with in Bill C-44. As members know, the legislation was recently approved by the House and is currently before the Senate. Bill C-44 is good legislation. A serious criminal element, no matter how small, that has infiltrated our immigration system can be handled by Bill C-44.

In closing, the government is making progress in tackling the small number of criminals who have infiltrated our immigration program. The system works but it could work better. We recognize this and as a result we have taken action. I can assure members that we will continue with the progress, but we must take measured steps and weigh our options carefully. All too often there is a difference between what sounds good and what is practical.

We congratulate the hon. member for Cambridge for his initiative, but at this time Bill C-316 just does not fit the situation.

**Mr. Tom Wappel (Scarborough West, Lib.):** Mr. Speaker, I am pleased to rise today to offer my thoughts on the bill presented by my friend and colleague from Cambridge, Bill C-316, an act to amend the Immigration Act and the Transfer of Offenders Act.

*Private Members' Business*

I congratulate the member for Cambridge, first, for bringing forward the bill that would amend the Immigration Act and, second, for being able to convince the appropriate House committee that the matter is of such urgency that it should be a votable item. This demonstrates that the issue the hon. member has brought forward is one of concern to a significant number of people across Canada.

I congratulate the hon. member because he has brought an interesting perspective to the debate in the sense that he is an immigrant to the country. He had to comply with the rules and regulations that were in place at the time he came to Canada. He knows what a privilege it is to be a Canadian citizen and how lucky those of us who were born in Canada are.

The hon. member did something that I could never do. He chose his country. In choosing that country he knew what the rules and regulations were. His hard work in this country has been rewarded by the fact that he is sitting in the most august House of Commons and is able to represent his constituents on matters of concern to them.

The issues raised by the hon. member in his private member's bill are issues of concern not only to the people of Cambridge but also to the people of Scarborough West. I say with some certainty that they are the concerns of many Canadians across the land.

The reason I say this is that in the 34th Parliament I was the immigration critic for the Liberal Party for a period of time. In that capacity I was asked by my leader to travel across the country and speak with Canadians about immigration issues, which I did. Time after time after time, regardless of whether it was in Victoria, Moose Jaw, Halifax, St. John's or Scarborough, one issue that was raised was that of people who arrive in Canada, are not citizens, do not appreciate the privilege of being here and commit heinous crimes.

In my own riding there was a situation where someone came from a country and pistol whipped a McDonald's employee for the pure pleasure of pistol whipping this person. It was clearly identified in the evidence. He committed armed robbery. He was obviously armed with the pistol that he assaulted the person with. He was committed to jail for a period of time. Then through a series of legal manoeuvres over a period of five years, extending through the first period of time that I was a member of Parliament, he succeeded in thwarting the immigration system and the deportation system. He was able to use every so-called legal manoeuvre to remain here in spite of the fact that subsequent to being released from jail for the armed robbery he was caught, charged and convicted of trafficking in drugs. He was still allowed to remain here through a series of legal technicalities.

After persistent pushing by the immigration department through a series of frustrating events involving the meshing of the judicial system and the immigration system, about which the parliamentary secretary was talking earlier and which caused delay and frustrated the department of immigration, the person was finally deported at the end of 1994. It was to the great relief of everyone concerned about the activities he had been involved in, including the immigration department, myself and my constituents who were personally attacked by the individual who was nothing but a downright, low-down criminal that should have been thrown out of the country upon his first conviction.

This is a private member's bill. We have heard from others that private members' bills are never perfect. I speak from experience of private members' bills that have been accepted by the House. We do not have departmental officials and departmental awareness of the issue on a day to day basis to help us. We come up with a germ of an idea. We see if people generally like it and we try to get it approved in principle so that it can be looked at in committee and amended if necessary. This is precisely what the hon. member has done.

Let us look at the bill in the very short time that I have left. The purpose of the bill is to provide the following:

If a person is convicted of an offence punishable by 10 or more years imprisonment and is or is seeking permission to remain in Canada but is not yet a citizen, the court may, on application by the prosecution, order, in addition to any other sentence, that the person and anyone dependent on the person be removed from Canada.

I would be hard pressed to find a constituent of Scarborough West who on principle would disagree that a person who has committed a crime in this country, punishable by more than 10 years in prison, should not be deported. The proposition is the correct one. It is supported by the vast majority of Canadians, certainly those with whom I have interchanged on the subject.

We get into technicalities and that is true. We get into potential constitutional arguments and that is true. How do we even deal with the problem if we are afraid to bring something forward because it might possibly in the future contravene some section of the charter? We cannot operate like that. We have to do the best we can.

For example, it was brought up, and legitimately so, that there could be some constitutional arguments, such as how does the crown know anything about the immigration system. One potential amendment one could suggest immediately upon a cursory review of the bill might be in subclause 3(2) of this bill, dealing with section 32.1 of the Immigration Act, whereby one could put an amendment that the crown, on the recommendation of the immigration department, could make an application to the court to have the person deported.

Where there is a will there is a way. It is that simple. Once we recognize that there is a principle that is worthy of proceeding with, it is simply a question of figuring out how to do it. If Bill

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C-316 is the way, fine. If it is not the way, then we know the problem, we know what Canadians want, we know what the solution is, and it is the job of the people of this House to figure out the way to accomplish that solution.

That in itself is a reason for the hon. member to be commended. I agree with the parliamentary secretary that this government should be commended for having dealt with part of these issues in the bill that we recently passed in this House. I agree that that bill will help, but it is not by itself the answer.

I dare say, Mr. Speaker, I do not think you would be too hard pressed to find anyone in Canada who would not say as a starting principle that if you are not a citizen of the country and have committed a serious offence in which you could be sentenced to 10 years or more, out you go, and you had better have a mighty good reason to convince Canadians that you should stay.

The bill provides for that. It provides for an opportunity for the potential deportee to have counsel and to speak. It provides for the appeal mechanism. It also provides for the situation where someone perhaps came here at age five and for all intents and purposes is a Canadian, has forgotten for technical reasons to apply for Canadian citizenship, has not been involved with the law before and perhaps at age 30 commits an offence. The person for all intents and purposes is a Canadian citizen except

technically. The bill deals with that. It provides that it would not apply to circumstances of that nature.

In brief and in closing, I simply want to congratulate the member again for identifying a problem that certainly irritates Canadians—Canadians who are tolerant, Canadians who are by and large either immigrants themselves or the descendants of immigrants, who tolerate and want immigration, who are happy to see immigration to this country and who realize that immigrants are a benefit to this country.

We know as surely as we stand here that for every person who is convicted of an offence and abuses the hospitality of the country, there are 10,000 who would come here tomorrow and never even get a parking ticket.

I say that we have to look at those people who are prepared to come here and abide by the laws of this country and have very little tolerance for those who abuse our hospitality.

**The Deputy Speaker:** The time provided for the consideration of Private Members' Business has now expired.

It being 2.23 p.m., the House stands adjourned until Monday at 11 a.m.

(The House adjourned at 2.23 p.m.) ,

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