CANADA

House of Commons Debates

VOLUME 134 • NUMBER 150 • 2nd SESSION • 35th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, April 7, 1997

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Monday, April 7, 1997

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*Translation*]

CRIMINAL CODE

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): moved that Bill C-369, an act to amend the Criminal Code (gaming and betting), be read the second time and referred to a committee.

He said: Mr. Speaker, on March 12, I spoke before the Sub-committee on Private Members' Business to introduce a private member's bill which would have made it possible to open casinos on cruise ships sailing on the St. Lawrence and the Great Lakes.

This bill reflected, not some fantasy of the federal member for Beauport—Montmorency—Orléans, but a need expressed after long consultations with port administrators, community organizations and municipalities along the St. Lawrence. A number of municipal councils have even gone so far as to pass resolutions in support of Bill C-369, not the least of these being Quebec City, Beauport, in my riding, Charlesbourg and Ancienne-Lorette. I also consulted with ship owners, organizations promoting navigation on the St. Lawrence, and tourist associations.

As you are aware, a bill is not prepared without the help of consultants and legal experts. The latter have done the required research and helped me draft the bill which I am tabling in the House of Commons today. This undertaking was, therefore, a serious one, well prepared and necessary for all stakeholders.

Yet, the Sub-committee on Private Members' Business, the majority of whose membership comes from the other side of the House, has not seen fit to accept Bill C-369 as votable by the representatives of the people, or in other words the members of this House.

• (1110)

Nevertheless, I would like to explain the advantages of this bill, if not to convince members opposite, then at least to let the public know about the sometimes mysterious ways in which the party in power operates.

Bill C-369 would amend the Criminal Code in the section on gaming and betting to allow any person on an international cruise ship sailing in Canadian waters to conduct and manage a casino for the passengers of that ship, under certain conditions.

There are four very important conditions I would like to mention. First, the voyage made by the ship shall not constitute a coasting trade, which means operating within domestic waters only. Second, the casino cannot be accessible to the passengers of the ship during the hour preceding the arrival of the ship at a Canadian port. Third, the casino shall not be accessible when the ship is in a Canadian port. Fourth, the casino shall not be accessible during the hour after the ship departs from a Canadian port.

It is clear that this private member's bill does not propose any drastic changes to the Canadian Criminal Code. It merely suggests a few amendments to help economic development.

All members present in this House, and you may have noticed there are not that many, know or ought to know that the Criminal Code currently allows casinos to be open in international waters only, which means that any ship that operates a casino and wishes to visit cities along the St. Lawrence and the Great Lakes is obliged to close the casino as soon as it reaches Anticosti Island.

However, the St. Lawrence and the Great Lakes represent a majestic waterway that compares with the greatest rivers in the world. The St. Lawrence is neither a sea nor a small river. It evokes the power and grandeur of nature and reveals the general vastness of Canada. Whale watching, one of the unique attractions, adds to the splendour of these waterways.

The Saguenay is an impressive fjord that offers passengers on a cruise ship an unforgettable visual experience. With its steep cliffs, it offers the traveller a unique opportunity to see what nature has wrought.

Quebec City, according to a number of surveys, is the port of call preferred by passengers on this route. With its harbour a stone's throw from its historic and much visited centre, with the Château Frontenac that dominates the skyline and its unique location,

Quebec City is a cultural and historical focal point in an exceptionally attractive setting. In fact, it is the only fortified city in North America designated by UNESCO as part of our global heritage.

The city of Montreal and its port where passengers board and disembark offers an urban experience that is unique in North America: a dynamic metropolis with a very special flavour. Montreal has something to offer the religious tourist and the night life tourist, the art connoisseur, the sports fan, the intrepid walker and the avid consumer.

The St. Lawrence has all sorts of natural and human attractions to offer. A single thread links them all: the French fact. The St. Lawrence offers American tourists a foreign experience in a safe setting.

Furthermore, cruise ship facilities on the St. Lawrence are more than adequate. The docks in Quebec City and Montreal are located in the old ports, near the tourist areas. Cruise ship passengers will especially appreciate their cleanliness.

The St. Lawrence is a safe destination for passengers and ship owners alike, a haven from terrorism. In addition, Quebec City and Montreal provide visitors with the sense of security American visitors look for on their holidays.

The efforts by the two major tourist destinations on the St. Lawrence and the ports and cities along the New York—Montreal route in recent years have favourably impressed ship owners.

● (1115)

According to the statistics, ship owners consider that casinos bring in 15 per cent of their revenues. As the casinos must be shut down for several hours or as long as two days, when the ships enter the St. Lawrence and its gulf, a number of owners prefer another port over those serving the cities along the St. Lawrence and the Great Lakes.

Furthermore, tourists who enjoy the casino will choose a port that does not require the closure of the casino for several days.

The cruise industry lives at the crossroads of the tourism and marine industries. It is a rapidly growing industry, making it particularly interesting for stakeholders in the tourism and shipping sectors, all the more so as they are experiencing a certain stagnation in their respective sectors in Quebec.

Cruises are tremendously popular worldwide, and particularly so in North America. The North American cruise industry has grown over 800 per cent in the period since 1970, when 500,000 people went on cruises.

This industry grew an average of 9.4 per cent annually between 1980 and 1992, when the number of passengers hit 4.3 million. And in 1993, this figure exceeded 4.7 million.

Cruises now occupy a solid position in the market. All the international associations expect the number of cruise passengers to reach 8 million annually by the end of the century, despite an expected dip in demand of 1.4 per cent annually over the next few years.

The cruise market potential is therefore enormous, particularly if one bears in mind that only 5 or 6 per cent of Americans have ever been on a cruise. Over the next two years, it is estimated that this market will reach $50 billion internationally. A tourist market of this scope naturally leads to fierce competition between cruise zones.

Unfortunately, the St. Lawrence market is not developing at the same rate as North American markets. The St. Lawrence River is a key route in the Canada-New England cruise zone. It is used primarily for seven day ocean cruises between New York and Montreal. The Saguenay, Quebec City and Montreal are the main drawing cards on the St. Lawrence route. The Canada-New England run, with its 420,415 cruise days, accounts for only 1.2 per cent of the total cruise market, which will reach 50 million cruise days in two years.

The route that takes in the St. Lawrence occupies only a very small part of the market, and ranks twelfth among cruise routes. Even this position is threatened by the sustained and organized efforts being made by southeastern Asia, Australia, New Zealand and the Far East.

A look at the evolution of traffic on the St. Lawrence since 1980 reveals regular growth, with two particularly good years. These statistical anomalies are directly related to the fact that the route is considered particularly safe. We have only to remember the 1987 season, which was very good for us because it followed on the terrorist attack on the *Achille Lauro* in the Mediterranean. The 1991 season was very good because of the Gulf war.

Taking in these two record years, the average annual growth rate on the St. Lawrence is around 4.7 per cent. This rate was notably lower than the 9.4 per cent of the industry in general, however.

● (1120)

An examination of the statistics for all of the industry in North America indicates clearly that the St. Lawrence is progressing twice as slowly as the market as a whole. A quick survey of the decision makers in the cruise lines indicates that there are two drawbacks: the climate, and the fact that casinos cannot be open. These are what might be called the two irritants to development of the St. Lawrence route. It is very hard to do anything about the

climate, but I hope that, if the other irritant were removed by this bill, the deck would be stacked in our favour.

The economic impact of cruise ships is essential to the development of the cities located along the St. Lawrence. A study carried out in Montreal in 1991 established that the average expenditure was $113 per passenger, and $100,000 per ship, which means a total of $5.3 million for cruise ship passengers, and $4.1 million for cruise ship operators.

Revenues to the Government of Quebec from these expenditures are $1.4 million, and to the federal government, $700,000. In addition to the cash, and direct or indirect employment spinoffs from this, cruise ships on the St. Lawrence generate other benefits which, while unquantifiable, are equally important to the profitability of the tourist industry.

For example, autumn, which is when the ships change locations, is a particularly good season for cruising the St. Lawrence, on top of which there is the attraction of the fall colours, particularly in October. In fact, high season is in September and October, thus extending a summer tourist season which is often too short, and indirectly enabling the bus companies, restaurants, attractions and museums to turn a better profit. We might also mention the St.Lawrence pilots, the retention of whom has been defended by the Bloc Quebecois, for environmental reasons in particular; they too could profit from development of the cruise industry.

By actively marketing the strengths of the St. Lawrence as a destination, and by doing away with the irritant of having to close down casinos, the St. Lawrence should be able to develop as much as, if not more than, the industry as a whole. Informal surveys conducted among ship owners are very revealing. The legislation on casinos is the main obstacle to operating more cruise ships on the St. Lawrence.

Of course, the shipping lines are very discret about this problem because they do not want their clientele to know that 15 per cent of their revenue comes from casinos. They would rather give passengers the impression that casinos are there for their entertainment, if they so desire.

Changing the legislation to allow casinos on the St. Lawrence would have several advantages, the main one being to increase traffic and expand economic and fiscal benefits as well, estimated at $215 million over the next two years.

As you know, all ships sailing on the St. Lawrence must be piloted and brought safely to port by experienced pilots who are members of the Corporation of the Lower St. Lawrence Pilots, as I said earlier. Imagine the number of jobs that would be created and preserved for St. Lawrence pilots if this amendment were to increase the number of ships on the St. Lawrence by 10 per cent.

A study has shown that if we maintain the status quo, by the year 2000 we will have a little over 50,000 passengers, but if we amend the legislation, we will attract more than 101,000 passengers to the greater Quebec City region and the St. Lawrence. Initially, the St. Lawrence would make up for lost time with an increase of 20 per cent annually, while later on, the increase would be commensurate with the growth of the international cruise ship industry as a whole.

Since the bill before the House today is not supported by the current government, because it was not considered to be a votable item, according to the Committee on Private Members' Business, I would like to point out the negatived impact of the status quo. The status quo would, first of all, deprive Quebec and Canada of considerable revenues because cruise ship traffic on the St. Lawrence would remain well below global figures.

The status quo marginalizes the St. Lawrence because it would be the only river in the world of this size where casinos cannot operate on ocean cruises.

● (1125)

The status quo sends a clear message to the owners of ocean-going cruise ships, which are not particularly welcome in the St. Lawrence. Ports and tourism offices are working actively to attract the lines, but the federal government does not want them. The status quo tells the ship owners that Canada is overregulated and unable to adapt its legislation to everyday economic realities.

Furthermore, the status quo confirms that federal legislation may be applied very differently according to whether the sea front is Halifax or Vancouver.

In conclusion, how are the people of Quebec supposed to understand that what is acceptable in the Pacific in Vancouver is not on the St. Lawrence? On the other hand, Quebecers will understand clearly that, if Quebec were sovereign, it would have complete political leverage to decide its own economic future, which does not seem to be the case within the Canadian federation.

On several occasions, Quebecers have told English Canada they want to be "maîtres chez eux", as Jean Lesage put it. And the response from English Canada is: "What does Quebec want?" Well, what we want is to ensure our own economic development with the necessary tools, something we cannot do now, because they are under the control of the federal government, which does not seem to want to allow Quebec to develop as it could if it were sovereign. This is another deciding factor.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Canada is unique among the nations of the world in having two popular venues for international cruise ships that involve sailing

within Canadian domestic waters. These venues are the St. Lawrence River and the west coast's inside passage.

As cruise ships sail from international waters toward the St. Lawrence River they pass into Canadian domestic waters. From a location near the island of Anticosti and on into the St. Lawrence River, these domestic waters are provincial waters.

Typically, international cruise ships on the inside passage between mainland British Columbia and Vancouver Island sail a round trip route between Vancouver and Alaska. Under the Canadian interpretation of the law of the sea, vessels on the inside passage route are either in U.S. domestic waters or Canadian domestic waters. They do not traverse international waters.

The Canadian Arctic represents a third, albeit less travelled, venue for international cruise ships where extensive sailing within Canadian domestic waters might be involved, again on the Canadian interpretation of the law of the sea.

There are several other Canadian ports or sailing venues which international cruise ships could visit during favourable seasons of the year. These would involve less extensive sailing in domestic waters, including provincial waters.

Shipboard casinos with slot machines are part of the entertainment mix that is offered by international cruise ships to their passengers. Apparently these casinos are valued by these passengers. Shipboard casinos generate revenues for the cruise ship companies and the ability to operate a casino would probably factor into a company's choice of its cruise routes.

For their part, Canadian port communities are anxious to have the added tourism and industry that cruise ships may bring, including return visits to the area by former cruise ship passengers with land and air transportation.

I am sure that the Canadian government appreciates that international cruise ship interests and Canadian port communities are deeply concerned about this issue. It is important to note that there have been several other requests for private commercial gaming in domestic waters on vessels that are not international cruise ships.

● (1130)

I believe that the issue of private commercial gaming in domestic waters of Canada should be considered and addressed comprehensively. Our consideration should not be limited to international cruise ships.

The gambling provisions of the criminal code are contained in part VII. They can be generally described as prohibiting all forms of gambling except those that are specifically allowed under the code.

As an exception to the lottery scheme offences in section 206 of the code, section 207 provides that provinces and territories may operate a broad range of lottery schemes, not including slot machines. These permitted lottery schemes may only operate within the province or territory or within another province or territory where there is co-operation from that other jurisdiction.

It would appear that the provincial government could presently choose to operate a casino with slot machines but not dice games on a vessel within provincial waters. However, a province could not operate such gambling in Canadian waters that are not provincial waters.

Similarly, while a province might conceivably issue a licence for a lottery scheme that is conducted within provincial waters, it appears that the licence cannot cover a lottery scheme that is operated in domestic waters that are not provincial waters.

Currently the provisions of the criminal code give no permission for private commercial gambling except on a very small scale and only where the province or territory is issued a licence. Under section 207 of the criminal code, the price to participate in a licensed private commercial lottery scheme must be $2 or less and the prize offered must be $500 or less. Very few Canadian jurisdictions choose to licence any private commercial lottery schemes.

Paragraph 202(1)(b) of the criminal code makes it an offence to import into Canada any machine or device for gaming or betting. While there is an exception in the gambling provisions of the criminal code for importing gambling equipment that relates to a lawful lottery scheme such as a provincially operated or provincially licensed lottery scheme, there is no similar exception related to international cruise ships with unregulated private commercial casinos. It appears that even where gaming equipment is not operated while in Canadian waters, an international cruise ship which carries its own slot machines or its own table casino games within domestic waters of Canada would technically violate the present provisions of the code.

As we all know, the enforcement and prosecution of criminal code offences has been assigned in the provinces to the attorney general of each province.

I believe, in response to international cruise ship interests, Bill C-369 proposes a criminal code amendment that goes beyond simply legalizing the presence of gaming equipment on international cruise ships while these ships are within domestic waters. The changes proposed in Bill C-369 would significantly alter the present gambling provisions of the criminal code.

Bill C-369 proposes amendments that would legalize the unregulated operation of a private commercial casino on an international cruise ship within the domestic waters of Canada. This differs markedly from the approach that the province of Quebec wishes to take if the criminal code is amended to allow casino gaming on international cruise ships in domestic waters.

In 1996 the province of Quebec passed legislation that would permit the establishment of provincial licensing for private commercial gaming operations on international cruise ships that are within provincial waters. This licensing would apply to cruise ships that are on an international voyage. Quebec recognizes that prior to the provincial licensing legislation becoming effective, an amendment to the gaming provisions of the criminal code would be required.

One of the greatest concerns related to the legalization of gambling is ensuring that there is integrity in the gambling. Regulation is a necessary part of accomplishing this. Regulation ensures that security features such as background checks on operators, suppliers, investors and key employees are in place. It also ensures that surveillance features, including monitoring for cheating at play and auditing, are in place.

Bill C-369 provides for unregulated casino gambling in Canadian waters. It does not address the issue of ensuring the integrity of the gaming that would be offered within Canadian waters.

The second notable aspect of Bill C-369 is that it would significantly expand the narrow window that exists for private commercial gaming in Canada. The present window is so small that the Canadian approach in effect is to legalize large scale gaming only where it is operated and licensed by a province or territory. Virtually all Canadian gaming profits go to public purposes, whether it is through licensed charities or through government revenues.

● (1135)

This Canadian approach to the proceeds of gaming differs from the U.S. approach to casino gaming which typically sees profit going to private interests with government taxation of these profits. Bill C-369 would would present a major shift in gambling policy that should only be pursued after careful consideration of the implications.

The third notable aspect of Bill C-369 proposed the introduction of the word casino into the Criminal Code. The term casino is not defined in Bill C-369 but is left to be defined by the regulation made by the Attorney General of Canada within six months of this bill's coming into force. Presumably in defining the term casino by regulation the attorney general would have unlimited discretion to list the forms of gaming that may occur within a casino.

It appears that international cruise ship lines see slot machines as pivotal to their casino operations. Under the bill it might be argued that the attorney general through the regulations that would define a casino could effectively authorize certain forms of unregulated gambling on international cruise ships which a province cannot licence such as slot machines or which a province cannot even operate such as dice games.

There are a number of other considerations that time will not permit me to put forward. However, as has been indicated, we prefer a comprehensive review of the provisions of the Criminal Code with regard to gaming in waters in Canada.

We thank the hon. member for putting forward this bill to aid the consideration of that issue.

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, I begin by congratulating the member for Beauport—Montmorency—Orléans for bringing this forward.

A few weeks ago in the House I sponsored private member's Bill C-353 relating to the whole notion of amending the Criminal Code so that we could develop a set of regulations around Internet casino gambling.

It is no secret to anyone in the House that currently Internet gaming is taking place around the world and is totally unregulated.

The first hour of debate we had on my bill, members of Parliament from the Bloc Quebecois, the Reform and Liberal parties agreed to send the bill to the justice committee for a comprehensive evaluation.

As I listened to the member speak about his bill this morning, he is proposing that we amend the Criminal Code to allow gaming and full casino operations on cruise ships on the St. Lawrence and the Great Lakes. I cannot help but see certain similarities with Bill C-353.

It is important that we in the House and in the country understand why we are becoming interested in this whole area of gaming. The gaming industry is exploding in the world and not just because people now enjoy gaming and the diverse opportunities in the gaming realm. It is also because the tourism sector of the global economy is growing. For many countries tourism is the thing that is actually keeping their economies viable. In the last four to five years members of the House of Commons through their support have encouraged this government to quadruple the advertising budget for tourism Canada. They understand from a public policy point of view the number of jobs linked to tourism.

● (1140)

Tourism today is a very competitive industry. When we think of tourism, it is no longer simply about a couple or a family taking a trip to another part of our country or another part of the world for a holiday. Tourism today is linked in many cases with business. In other words, there are sectors within our economy where large associations are linking their conventions and trade shows and the private enjoyment of those who participate in those conventions as part of the overall package.

For example, the Shriners meet in Las Vegas every year and many other conventions are held there. Various cities and countries encourage these conventions to come to them. There is massive

competition. Convention organizers do not just look at a city for what is offered in terms of hotels, convention centres and trade show capability. They also look at the entertainment factor. They look at live theatre. They look at sports events. They also look at gaming.

In his bill the member for Beauport—Montmorency—Orléans puts particular emphasis on the province of Quebec and does not exclude the Great Lakes. I noticed that in his remarks. He was very specific when he said that allowing this full package of gaming capability on international cruise ships would allow for much more tourism activity in places like Charlevoix, Quebec City, et cetera. When those cruise ships land in those areas the tourists tend to spend a lot of money. They spend a lot in restaurants. Sometimes people are so tired of being on these cruise ships, they like to get off for three or four days. When they come into a community, the spin-off or the multiplier is profound.

I agree with the Parliamentary Secretary to Minister of Justice that this issue needs a comprehensive approach. I do not disagree with that at all. I also believe that we in this House must grab the moment. We should give this member's bill a chance to have every aspect of the regulatory component looked at. The Parliamentary Secretary to Minister of Justice talked about the notion of background investigations and making sure there is full surveillance and accountability on the parts of all people involved in this. These issues have to be dealt with to ensure the consumer is protected.

I also believe that if an international cruise ship comes within the jurisdiction of our waters, the waters that Canada is responsible for and not just the waters under provincial jurisdiction, there must be some kind of tax. There must be some kind of benefit to the treasury of Canada.

● (1145)

Cruise ship operators would be happy to negotiate some kind of a fee. Even though the gaming and gambling activity is not under the regulatory umbrella, we all know it is going on. There is not a cruise ship in the world on which people are not gaming. They are obviously not gaming in a legal fashion; they are doing it on their own. It is like bookies and under the table gaming.

I have always held the view that legislators are much better positioned to get an overall regulatory framework on the whole realm of gaming. I also believe the Government of Canada has to get back into the business of understanding the gaming realm. If it means that we have to amend the Criminal Code to allow for dice, we should do it.

Let us take a look at our friends in Windsor which has one of the most profitable gaming centres in the country. In the not too distant future they will be facing severe competition in Windsor from the gaming operation in Detroit. Detroit will have dice and Windsor will not. We will expose them. It is another area where we have to take a good hard look at the Criminal Code to make sure that dice is part of the regulatory component.

In 1979 then Prime Minister Joe Clark essentially gave away gaming as a national government responsibility to each of the provinces. We obviously know why they guard it with their lives. It is because the revenues from it are so large. If we were to take away that revenue from the provinces we would find some resistance.

There is an opportunity in the bill sponsored by the member from Beauport to do some good work on the tourism trade. I salute him for his contribution.

[*Translation*]

Mr. Jean-Marc Jacob (Charlesbourg, BQ): Mr. Speaker, I am pleased to speak to Bill C-369, which was introduced by my colleague for Beauport—Montmorency—Orléans. First of all, I would like to make a few comments on the comments made by the last two speakers.

The Parliamentary Secretary to the Minister of Justice got himself lost in a maze of legislation, private lottery schemes, supervision of lotteries, all manner of things which might be surreptitious, might be illegal. He did not agree with the bill, arguing that it needed to be studied in its entirety, as it somehow threatened public safety.

Then the other Liberal member from the Toronto region said that this was a worthwhile initiative on the part of my colleague for Beauport—Montmorency—Orléans, but that it essentially opened up the debate. They did not deal with the basic issue, but claimed that, on certain cruise ships, owners kept casinos open to illegal betting and so on.

That is not really what is being debated. What the hon. member for Beauport—Montmorency—Orléans has stated very clearly is that there are licensed casinos on board cruise ships in international waters. The comparison with the Canadian Criminal Code relates to certain ports on the Atlantic or Pacific coasts. When a cruise ship is on its way to Vancouver, for instance, it can be in international waters and then, only an hour, or an hour and half later, be tying up in Vancouver. The same holds true for Halifax or St. John's.

The difference is that the cruise ships plying the St. Lawrence do so for all of the reasons given by my colleague for Beauport—Montmorency—Orléans: the majesty of the great river, the possibility of seeing whales, sometimes even the endangered beluga, the immensity of the Saguenay River fjord, and the magical fall colours.

● (1150)

Furthermore, international cruise ships sail for about one thousand kilometres on the St. Lawrence and throughout that time

cannot open their casinos. The sole purpose of the bill presented by the hon. member for Beauport—Montmorency—Orléans is to allow casinos to be operated until one hour before the ship is berthed. The legislation cannot be compared with legislation that applies to Vancouver or Halifax because this is within Canadian territory.

True to form in this Canadian federation, the government wants to have the same legislation apply to all parts of the country, although quite obviously, the economic situation, accessibility and natural resources are not the same. The bill presented by the hon. member is clearly specific to the St. Lawrence, if you will, but it could also apply to the Great Lakes. If this bill were adopted, perhaps some cruise ships would go as far as the Great Lakes on some of their longer cruises.

We must stop saying, as the hon. member from the Toronto area has done, that this could create certain legislative problems. He even referred to legislation in Quebec which allows the operation of casinos on international cruise ships. Unfortunately, we live under a federal system, and this is covered by the federal Criminal Code. As soon as a cruise ship enters Canadian costal waters, its casino must be closed.

The hon. member from the Toronto area said that he knew or people had heard that casinos can be operated even if this is prohibited by law. This means lost revenue for the government. And as far as advertising these cruises is concerned, for wealthy passengers there is an additional attraction in the fact that, as they sail along the St. Lawrence for more than 1,000 kilometres, after admiring the landscape they can relax with a variety of games in the casino. That is all the hon. member for Beauport—Montmorency—Orléans is asking.

I would like to make a connection here with the Liberal Party's platform. Throughout the last campaign and even today, they have said: jobs, jobs, jobs. I must say that tourism brings a larger number of cruise ship passengers to the port of Quebec. Quebec City has in fact passed a resolution to support this initiative, and my colleague from Quebec City also intends to speak in support of this proposal. Charlesbourg also passed a resolution supporting my colleague's bill.

Clearly, with lots of cruise ships entering the ports of Montreal and Quebec City and the Saguenay fjord, direct and indirect jobs will be created. Reference was made earlier to piloting. I would also point out that, when the cruise ship passengers visit cities like Montreal and Quebec City, they spend and thus help the economy.

With the Liberal Party in sub-committee denying my colleague's bill the opportunity to be voted on and setting it aside for a general study, I have a hard time understanding their convincing anyone that they want to create "jobs, jobs, jobs". I could even call that a sort of aggressive treatment, given, for example, the proposals of the Minister of Fisheries and Oceans, whose coast guard bill proposed increased fees for dredging and coast guard services. Perhaps this too is intended to hobble the tourist industry by its effect on cruise ships.

In closing, I simply want to say it is clear that, when federal legislation—whether it involves the Criminal Code, the environment or some other area—applies to the entire country, certain locations are bound to suffer. In terms of tourism, it is the St. Lawrence region and the Province of Quebec that will lose tourists and the economic benefits they provide.

● (1155)

This is why my colleague from Beauport—Montmorency—Orléans introduced this bill and why I dare to think that the members opposite will not only consider it but will want to consider it so it may become a votable bill.

[*English*]

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, it is my pleasure to speak in support of the intent of the bill and to congratulate the member for Beauport—Montmorency—Orléans for putting it before the House.

There is no question that the fastest growing industry in North America today is the gaming industry. It is time that we in this place started to examine in a serious fashion what that can mean in terms of the economy of the ports on the Great Lakes and on the St. Lawrence. It is also time for us to examine how we can utilize more efficiently the seaway system, the St. Lawrence River and the Great Lakes. It is time for us to tap the potential we are seeing tapped in the southern U.S. and on the west coast of the United States and Canada.

There is a little town called Skagway in Alaska which has a population of 712. It is the northern terminal of west coast cruise ship run. Skagway, Alaska, imposed a 4 per cent municipal sales tax on all goods and services and last year collected something like $42 million, which represented 4 per cent of all the money spent by people coming off cruise ships. There is no other way to get there.

The seaway is underutilized in many respects. We know what is the fastest growing industry and that corporations operating cruise ships in the southern U.S. in the winter would love to put some boats on the Great Lakes in the summer.

This is an opportunity, as one member has pointed out, to employ people. Estimates I have seen from operators indicate that four ships with a capacity of 600 to 700 operating on the Great Lakes would create 10,000 jobs in Ontario and Quebec in the operating season. It is a very short season but some 80 million Americans within a day's drive would love to have the opportunity to cruise the St. Lawrence River and the Great Lakes.

This is a serious piece of legislation. The Americans are about to amend their territorial waters act. The Americans are willing to

deal with respect to the Johnson act in terms of cross-border cruise ships. The Great Lakes come under federal jurisdiction. This is the time to move to create an industry that will create jobs and will spin off into great implications for tourism.

As was mentioned, a former Prime Minister gave a great deal away but we still retain jurisdiction over the waters.

[*Translation*]

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, I do not think I have time to address all aspects of this bill. However, as the member for Québec, I feel directly concerned by this bill concerning the operation of casinos on cruise ships sailing on the St. Lawrence River.

I feel concerned because there is a major economic impact for the riding of Québec. You know that we were elected to the House of Commons to defend the interests of Quebec and of our constituents. This bill is a concrete example of what the Bloc Quebecois can do, of how it can get things moving.

We know that every year thousands of dollars are lost through passengers choosing other destinations, because the Criminal Code as it now stands does not allow cruise ships to operate casinos.

• (1200)

I think there has been a lot of stalling around over the last seven years when this bill should have been passed. I will also mention, if I may, the bad faith of the justice minister, because in response to questions from my colleague, the member for Beauport—Montmorency—Orléans, the minister told us that he would consult and that, if an official request was made by the Quebec minister, he would have the legislation changed.

The minister was also a bit vague on other questions. At this point, he is conducting consultations and considering the issue. I think a sufficient number of stakeholders have expressed their views, including the shipping industry, tourist associations, organizations promoting shipping, national harbour masters and municipalities along the St. Lawrence, including Quebec City. The municipal council has passed a resolution asking that the legislation be changed.

I think the minister is stalling. I do not know whether we can call it bad faith, but the Government of Quebec passed a bill that would allow casinos to operate on cruise ships sailing on the St. Lawrence. I wonder why this bill was not deemed votable by members of this House sitting on the committee on private members' business, most of whom are Liberals.

I can only deplore this lack of political will by the government members across the way. As we know, this has a major economic impact on the economic development of cities along the St. Lawrence. Future economic spinoffs can be estimated at $50 billion. Only 5 or 6 per cent of Americans have had this experience, and this is as close as one can get to a sure thing, economically speaking.

Quebec City, in my riding, attracts many tourists and has the requisite infrastructure to receive this type of clientele. This is a market that is expanding rapidly, and if there were a change in the legislation, we could expect an annual economic growth rate of 10 per cent. The number of passengers would rise from 40,000 to 95,000, with economic spinoffs estimated at $215 million. In Vancouver, they can count on 701,000 passengers with commensurate economic spinoffs.

Why should the cities along the St. Lawrence not get their share of this clientele? Is the government just plain unwilling to change the legislation, so that cruise ships will be able to open their casinos until one hour before arrival or one hour after their departure from the various ports along the St. Lawrence?

In various parts of Canada where ports exist, these are in international waters so there is no problem. However, there is a problem here because upon reaching Anticosti Island, ships are not allowed to open their casinos on the St. Lawrence. So what do people do who like to go to casinos? They decide against a cruise on the St. Lawrence.

I think we have mentioned all the economic spinoffs. My colleagues did so this morning, and I support this bill, in the hope that the government will realize that we are right and that it will go along with these changes. I know the bill standing in the name of the hon. member for Beauport—Montmorency—Orléans is not a votable item, but I do hope that this government, after so many consultations that seemed to go on forever, and the industry has already had its say on the subject, that this government will come up with a positive answer very shortly.

The objectives in this bill are realistic, and we hope the government will do the right thing and change the legislation so that we can increase economic development twofold.

• (1205)

Since certain experts say the increase could be 20 per cent annually, I wonder why operations on the St. Lawrence continue to be marginalized, thus penalizing the tourism industry throughout the Quebec City region. I think it makes sense in this matter to allow casinos to operate by passing such a bill.

I know this bill is not votable, but why not reverse that decision? If the minister ends up proving the Bloc Quebecois right in this matter, he will introduce his own bill. So why delay it? I think we have already deprived every city along the St. Lawrence, especially Quebec City, of enough money and economic benefits. I would therefore ask this government to move very quickly.

The Acting Speaker (Mr. Milliken): The time provided for the consideration of Private Members' Business has now expired, and the item is dropped from the Order Paper.

The hon. member for Beauport—Montmorency—Orléans on a point of order.

Mr. Guimond: Mr. Speaker, I would ask for the unanimous consent of this House to extend the debate by one minute so I can respond.

The Acting Speaker (Mr. Milliken): Is there unanimous consent for the proposal by the hon. member?

Some hon. members: Agreed.

The Acting Speaker (Mr. Milliken): The hon. member has one minute.

Mr. Guimond: Mr. Speaker, I thank the members of the government party.

My colleagues and I have tried to demonstrate that private member's Bill C-369 is essential to the development of ports along the St. Lawrence and to the economy in general of cities on its shores.

We have also tried to show the House that this bill is not about playing politics, but about making it possible for the Quebec economy to develop, like all other areas in Canada.

I ask my colleagues across the way to forget about partisan politics for a minute—there will be time for that during the upcoming election campaign—and to treat this bill as a matter of conscience. Why stand in the way of an entire region's development for purely political reasons?

On behalf of the Bloc Quebecois and of the people of Quebec, who are served both by representatives of the Bloc Quebecois and by the other parties, I ask my colleagues in the House to allow this bill to go to a free vote. I ask the House for unanimous consent to put it to a vote.

The Acting Speaker (Mr. Milliken): Do we have the unanimous consent of the House to put the hon. member's bill to a vote?

Some hon. members: Agreed.

Some hon. members: No.

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

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed from February 4 consideration of the motion that Bill C-46, an act to amend the Criminal Code (production of records in sexual offence proceedings), be read the second time and referred to a committee.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I am pleased to have the opportunity to participate in this debate. Over the last few weeks the justice committee, which I chair, has been hearing a series of witnesses in relation to the subject matter of Bill C-46. The committee will continue to hold hearings on the bill when and if it is referred to it for consideration.

Over this period of time committee members have heard a great many witnesses on all sides of the debate, witnesses who support the bill and witnesses who do not and who have concerns about it. The committee hearings have been open and fair and have given us an opportunity to now reflect on what, if any, amendments should be brought forward.

We have heard from witnesses representing sexual assault crisis centres, from victims, from defence lawyers and from a group that purports to believe in the existence of something called recovered memory syndrome or false memory syndrome. I will talk about this a little more later in the debate. Basically, we have had a very broad look at all of the issues which this draft legislation has stimulated.

I believe several things have been lost in this debate. One is the fact that nothing in Bill C-46 prohibits the production of records. In fact, these amendments make it clear that a trial judge has the jurisdiction to order a third party to produce records to an accused.

● (1210)

I am speaking of records that are in the possession of a third party which relate to personal information about the victim in the case. The bill makes it very clear that a judge has the power to order that third party to produce those records. All the bill is doing is setting out the criteria on which such an order will go forward.

In order to do so the law lays down the ground rules and demands that the accused establish how the records that are requested are likely relevant to an issue at trial. The accused cannot simply speculate, for instance, on how those records might be relevant. The accused has to offer more than that. He or she must set out the grounds on which he or she is relying to establish how the rules are likely relevant.

These amendments clarify that certain assertions are not enough to pass the initial hurdle. An assertion in and of itself is nothing

more than an unsupported statement. An accused cannot simply state ''I need the medical records of the complainant because they might be helpful''. In fact, the accused has to take it a step further than that.

Some critics contend that this places the accused in a catch-22 situation. They argue that the accused may not be able to establish how the records are likely relevant because the accused does not know what information is in the records.

A two-step process is required. First, the accused has to establish the likely relevance of the records. Second, several of these assertions I am talking about on their own, without any supporting information, are not sufficient to demonstrate the likelihood of the relevance of the records. That requires the accused simply to go a step beyond making the assertion.

I do not accept that this is a catch-22 situation. First, if the law does not impose some sort of threshold of likely relevance on the production of records, then it would be open season on those records. They would be available simply by the accused requesting them. In my view, that is not what Canadians want and it is not necessary for the accused to have full answer in defence.

If an accused does in fact have a defence to the charges, for instance, if he did not have contact with the complainant, if he believes the complainant consented, if he asserts that the incident did not happen, he can pursue that defence in an appropriate manner. But the accused should not, in my view, have carte blanche to peruse records in search of a defence in the form of impeaching the complainant's character or credibility or by intimidating the complainant to such an extent that the charges are withdrawn.

I would also point out that we are talking about personal records which have been made by third parties who have come in contact with the complainant. These third parties are counsellors, teachers, doctors, who have no obligation to provide these records to the accused, except through this process.

As I indicated, the legislation sets out several assertions which the accused cannot rely on solely to establish the likely relevance of the record. The need for articulating these insufficient assertions was highlighted in the consultation process and go right to the heart of why these amendments are necessary.

The accused will not satisfy the likely relevance threshold for production to a trial judge for review by setting out any unsupported assertions of why the records are or may be relevant. The accused must set out the grounds on which he or she relies to show how or why the records are likely relevant to an issue at trial.

The accused cannot simply state that records should be produced because the records about the complainant merely exist, or because they may disclose a prior inconsistent statement, or they may relate to the credibility of the complainant or witness, or may reveal allegations of sexual abuse by others. These are insufficient grounds. These are simply assertions which are intended to ensure that speculation will not found an application for records. Fishing expeditions are not going to be condoned by our law in this area. If the legislation permitted an accused to guess why records may be relevant, then in every case records would be produced and the legislation would have accomplished nothing.

The assertions are not impermissible per se. The accused may still be able to offer some support for the assertion. For example, if the accused can establish to the satisfaction of the trial judge that the records are likely relevant because they disclose a prior inconsistent statement, the trial judge can determine that the record should be reviewed.

● (1215)

The defence is not precluded from asserting the existence of a prior inconsistent statement. Nor is the defence precluded from cross-examining on that prior inconsistent statement because a trial judge under the circumstances could have the records produced.

One speaker in the House raised the issue of records of therapy resulting in so-called recovered memories. It has been suggested that such records would be prohibited if the legislation were passed. This is simply not true. That view is based on a misunderstanding of the legislation and how it will work.

Some criticism arises from misinterpreting a single provision without referring to related provisions or to the whole scheme of the bill. A previous speaker focused on one provision of the proposed amendments, subsection 278.3(4) that sets out a list of assertions which on their own will not establish the likely relevance of records. That is what we were just talking about. The member also suggested that the list made it impossible for an accused to defend himself particularly where allegations relate to sexual abuse occurring a long time ago but only recently reported because of recovered memory.

There is a lot of controversy about so-called recovered or false memories. Psychiatric and health experts cannot agree on how these memories are held, repressed, recovered or suggested. Bill C-46 is not intended to resolve the controversy. Nor is it intended even to wade into it.

It is not intended to prohibit records relating to the issue. It will not give any special treatment to records where they are alleged to relate to memory. Just like any other records sought, the likely relevance of the particular record has to be established by the accused.

An earlier speaker may have left the House with the impression that countless Canadians are being charged with sexual offences based on allegations arising after controversial treatment involving memory recovery techniques. This is simply not true. There have been some cases but courts have been very careful to recognize the frailties of such evidence.

It is important not to lose sight of the fact that whatever we do in terms of evidentiary law the crown still has the burden of proving

every element of a criminal offence beyond a reasonable doubt. This is a high standard and often an insurmountable standard in sexual offences, particularly where the offences have an historic quality in that they happened a long time ago.

In addition it does not place much faith in crown attorneys. Charges are not laid willy-nilly simply because somebody makes an assertion. The crown has to be of the view there is sufficient evidence to support the charge. We should not assume that people can simply say they have been abused or assaulted and charges will be laid.

The records of a therapist or a psychiatrist relating to memory retrieval may however be the subject of an application for the production of records. To obtain the records the accused must establish, simply to the satisfaction of the judge as I said earlier, that the records are likely relevant to an issue at trial or to the competence of a witness to testify.

Clearly an accused cannot assert that medical, therapeutic or psychiatric records are needed because they can reveal a memory has been recovered or is false. These issues do not arise in all cases. If the allegations relate to events which occurred long ago and were only disclosed after therapy, an issue at trial will be the complainant's ability to recall the events. There is no question about it. In such cases the accused can apply for production of records by setting out grounds for production rather than bear unsupported assertions.

People forget that there are all sorts of opportunities for disclosure. The crown has an obligation to give full disclosure of the complainant's statement. In addition there is generally in these cases a preliminary hearing which will allow the defence, either by calling his or her own witnesses at the preliminary hearing or through the crown's witnesses, to get at the basis of some of these assertions.

The accused can lay the necessary evidentiary foundation for the application by referring at a preliminary hearing to evidence from doctors, other experts or the complainant regarding the nature of therapy or treatment. Let us remember that nothing in Bill C-46 prevents the accused from calling as a witness any person who is likely to give material evidence and asking them relevant questions. An accused can still call as a witness a doctor who treated the complainant. An accused can also cross-examine the complainant about her recall of events and the nature of therapy during the preliminary inquiry and at trial.

Where the issue of recovered memory is a real issue and the accused can point to information from the preliminary or from affidavits of other experts to support the assertion I anticipate that the records may be relevant to the issue. Then the trial judge can determine he should review the records after taking into account the other factors the bill requires him to consider. The list of insufficient grounds in the bill would never prohibit a judge from reviewing records where the accused has supported his assertion of how the records are relevant.

• (1220)

Bill C-46 demands only that applications for personal records be carefully scrutinized by the trial judge after the accused has established that the records are relevant. The bill makes it clear that any unsupported assertion by the accused will not be enough to meet the threshold of likely evidence. While the bill lists assertions which are insufficient on their own, these are by way of example and to highlight some of the reasons that may be cited when speculating about the contents of records. However the underlying rule is that the accused must always set out the grounds to establish how the records are likely relevant. The underlying rule applies to all records covered by the definition, including records of therapy relating to memory.

Bill C-46 addresses the issue of the production of records in sexual offence proceedings in a fair and balanced manner. The bill will not prohibit the production of records but will ensure that the only records produced are those which are likely to be relevant. It will ensure that judges carefully consider the rights of both the accused and the complainant. The trend by defence council to seek personal records to attack credibility is not a uniquely Canadian problem. I am aware the same trend has emerged in virtually all American states, in the United Kingdom, in Australia and in New Zealand.

The solutions proposed in other states vary. Some have opted for statutory privileges which apply to specific communications and records. We decided not to do that. Others have opted for an application for production model. What all have in common is the recognition that rights to privacy must be accommodated along with the right to a full answer in defence and where personal records are at stake the accused must demonstrate their likely relevance.

Our legislative proposals address the problem in a fair, balanced and comprehensive manner. I emphasize that the bill will not prohibit the production of records. Records can still be produced. I also emphasize that the bill will not prohibit the calling of witnesses who may have information relevant to those records. Those witnesses are still compellable. It ensures that the only records produced are those that are likely relevant. It ensures that judges carefully consider the rights of both the accused and the complainant before such records are produced.

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, I listened to the remarks of the member for Windsor—St. Clair with great interest.

The bill is fundamentally flawed because of a misunderstanding of the import of certain words used by the member for Windsor—

St. Clair. She said that the bill did not provide any prohibitions for the production of records. She went on later to explain that the bill, with its amendments to the Criminal Code, set out criteria the judge must use to consider whether the records are to be produced.

Later she went on to say there were underlying rules the accused must meet to be entitled to have access or to have the judge demand the records the accused wishes to have.

When we set out rules and criteria by which records are to be produced or not to be produced we are setting up prohibitions. The best way to approach the production of records is to leave the production of records to the discretion of judges and not to set rules which are in fact prohibited reasons for the judges to consider demanding records as requested by the accused.

Is it not true that if an accused does not meet the underlying rules or the criteria laid out in Bill C-46 the judge will prohibit the production of records? Is there not a prohibition there in fact?

Ms. Cohen: Mr. Speaker, we are playing an interesting semantic game here. It is important to understand and appreciate that judges do not make law in a vacuum. If the legislation passes we are influencing the way in which judges will make decisions in courtrooms. That is what laws are. That is no great revelation. That is what we do. We make laws.

Judges cannot create laws in a vacuum. They cannot make decisions about evidence in a vacuum.

● (1225)

There has been a problem in the area of sexual assault cases for some period of time. As those cases have evolved in the courtroom, because of deficiencies in evidentiary laws there has been a free ride for the defence in terms of how it investigates and how it explores its cases. That free ride has caused a situation where the courts, not necessarily of their own volition, are riding roughshod over the privacy rights of complainants, victims and other witnesses.

All this law seeks to do is to set a structure within which a judge can make a determination and to set out guidelines for a judge to follow. It is not a question of prohibiting. It is a question of basically saying that we will respect the rights to privacy of people who come to the law with a complaint. We will balance those rights fairly and in an even fashion. We are doing it in such a way that there can still be full answer in defence.

The people on the other side who are beating this horse are forgetting that the doctor whose records they are seeking to produce can still be called. He or she can still be asked questions. The psychiatrist and the counsellor can still be called. They can still be asked questions about the complainant and about what may have transpired in terms of the nature of the therapy or whatever happened.

However they will not get at those records. They will not get a free ride or a fishing expedition on those records unless they can demonstrate some form of relevance. It is not that they must be absolutely guaranteed to be relevant. It is that in all likelihood they are relevant. That is a good balance. We must remember that people who come to the courts or to the police to complain have rights to their own privacy.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, I thank the hon. member for her presentation. On review of the legislation and her comments on the legislation there I have a question that was not covered by your presentation.

The Speaker: Order. I know from time to time members have to get back into the swing of things but all hon. members will address their remarks to the Chair.

Mrs. Hayes: Mr. Speaker, the hon. member mentioned the possibility of records being available from third parties if they meet the criteria of the selection process in the review of a trial judge.

Could she clarify if it is just records from third parties that go through this process, or did I read in the legislation that records collected by the crown could be blocked in the same way?

Ms. Cohen: Mr. Speaker, there has been some confusion on that issue. I thank the hon. member for raising the question.

In my experience from time to time third party records get into the hands of the crown through police investigation. For instance, victims may have told the police they can talk to their social workers or psychiatrists. Those things get into the police file and ultimately get to the crown.

They are third party statements. They would be subject to this test. The fact that they are out of the hands of the third party and into the hands of police and/or the crown does not make them fodder for the defence. They have to be vetted in the way set out in the legislation by the judge.

● (1230)

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, the member made a statement that judges do not make law in a vacuum. She said that in response to another question.

I would like the member to comment on that, judges making laws at all. She was implying, by saying that judges do not make laws in a vacuum, that they make laws with information available. I would like her to comment on that.

Ms. Cohen: Mr. Speaker, I feel like I am back in law school. The hon. member is raising a fair point. Legislatures make law; judges

interpret law. When there is a vacuum, when the legislature has not clearly set out society's intention, judges can wander from that.

Precedents are built on precedents and so we have to be vigilant as legislators to ensure that the law is actually delivering what we want the law to deliver in court rooms and in our lives as they are regulated by legislation.

There is tremendous ongoing debate about what is often called judge made law. A broader debate would be better held at another time. This is a case where judicial interpretation of the law has gone so far afield that there has been public outcry. We have lost the balance between private rights and public rights and between the rights of complainants and accused.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, I am pleased to speak to Bill C-46 regarding the production of records in sexual offence proceedings.

As I was beginning to ponder this bill a symbol came to mind, the very symbol of justice. Therein we see a woman holding a scale. In the symbol is a picture of a balance. A weighing of evidence and actions are put to that balance where the rights of the accused and the rights of victims are weighed; all people are equal before the law.

The scale in that picture is the legislation that we craft in this place. That legislation should be designed to be fair. It should be designed to be free from built-in bias. It should be crafted outside specific cases so that it serves the best interests of all.

The woman in that picture is blindfolded, typifying that the human judgment factor of justice should display an absence of all prejudice. There should be equal rules for all in the justice system.

Increasingly in our system, the rights of the accused and the rights of victims come into conflict with our rules. Increasingly the purpose of the justice system is in debate in the public sphere. Is it to protect law-abiding citizens? Is it to rehabilitate criminals? What are the priorities that must be established in our justice system?

As the weight is shifted from the rights of the public to the rights of the accused, we see a consequence in our social fabric of lack of accountability, an increase in crime, more victims because of it and those victims left out of the process and often revictimized by that process.

A major concern of the Reform Party is that justice serve all Canadians, that it serve as a deterrent to crime, that it demand accountability of those who would break the laws of this country, that it uphold the rights of victims. The bottom line is safer streets and security for our families and for the citizens of Canada.

Bill C-46, this debate, deals with the pursuit of justice in cases of sexual assault. It seeks to strike a balance between complainant rights to privacy and accused rights to a fair trial and full disclosure in that trial.

● (1235)

The discussion is extended in this debate to a right for equality for the complainant, equality based on items such as race and gender.

The difficulty of balance is part of the history of Canada's rape shield law, the law that was designed to shield victims from being cross-examined about their sexual history and making judges responsible to decide when questions are permitted in that sphere.

Originally in law a man accused of sexual assault had an absolute right to cross-examine an accuser about previous relationships and their sexual history. Changes in 1992 to section 276, known as the rape shield law, resulted in most of the alleged victims' sexual history being out of bounds. The decision to allow evidence to come forward was made by the judge in a private hearing at the beginning of the trial.

However, opposite to the anticipated results of this change came demands for counselling and other private records. Counselling centres were besieged with requests from the courts so they began to minimize the records that were kept. Some records were destroyed. There were costly fights over subpoenas. Indeed, victims were not coming forward because they wanted to avoid public disclosure or review of their private past.

In December 1995 there was a supreme court ruling where the defendant in a sexual assault case need only establish records ''likely to have relevance in order to be produced'', and therefore such workers as doctors, priests, health workers and counsellors could turn over records to the alleged assailants.

Bill C-46 severely limits this access by defendants to records of alleged victims in sexual assault cases. Applications for production of records are determined by a trial judge and there is a two stage application put forward by this bill.

First, the accused must establish that the records exist, that there is specific grounds for requiring those records and that they contain information relevant to the issue.

The second stage is that the trial judge will review those records privately, determine which ones will be released and take into consideration privacy safeguards in so doing.

Both third party and crown records are included in this debate, as has been clarified, which is in direct contradiction to the supreme court ruling of 1995.

My colleague mentioned that records can be produced through the process in Bill C-46. Will they be produced with so many checks and balances? There is no prohibition for production of records but, given the rules and the criteria, would they amount to a prohibition of the records?

As I reviewed these issues there were more that came to mind. The issues range from the priorities of the justice system and the priority of a complainant versus the accused within the system.

Would the system affect the willingness of a citizen to come forward with charges?

Then there is the issue of the definition of who is a victim. In this case, can a victim be the complainant or can the victim be the accused if justice is not served in the process?

The process of justice is another issue and the basic principle in law that someone is assumed innocent until they are proven guilty.

Another issue is the role of the crown and the accountability of the accuser when the crown takes their place.

There are three more definitions and applications. Where does the definition and application of sexual assault charges stand in the law? Where does the definition and application of privacy rights stand in Canadian law? Where does the definition and application of equality rights stand in Canadian law? All these issues surround Bill C-46.

Many of the issues have been discussed in previous debate. Of particular note is the issue of the protection of the complainant versus the false accusation that might come from that individual. This could break down into two situations.

● (1240)

First, there could be false accusation without intent. That is, as we have heard, false memory syndrome which was put forward very succinctly by the member for Hamilton—Wentworth. I will not repeat the arguments.

The other issue is false accusation with intent. I will get to that later in a brief discussion of Bill S-4 and how that could put forward protection for an individual against false accusation with intent.

A second issue that has come up in previous debates is victim rights. This is of course a priority of our party. Too often people in the justice system who are victims are revictimized. Certainly we have seen in the last month or so the dismal failure of the Liberal Party, which had an opportunity to change the criminal justice system to revoke section 745. Section 745 allows for the application for early parole after 15 years for first degree murderers. In the last little while we have had victims revictimized by having to relive the horror in order to accommodate the killer of their children who is once again in the public spotlight.

This party, which forms the Government of Canada at this point, could have supported the repeal of that section of the criminal code. This party could have served Canadians but it chose not to.

The greatest slap in the face to British Columbia residents is that B.C. Liberal members chose to avoid supporting the repeal of section 745. A murderer, who was in their own backyard, came into the public sphere again. This abused the public's sensibilities of not only the victims but of the population of our province.

The stated intent of the bill that we are looking at today is commendable: increased protection of victims of sexual assault and to serve better their needs in the justice system by eliminating any disincentive for them to come forward for justice.

However, today I would ask what the government is doing, how effective it is and how selective it is in the process. As we have seen in section 745 and this government's treatment of that bill, very often justice and legislative proposals are brought forward to suit political purposes but do not serve the real victims, whether those victims are the accusers or the accused in the process. Thus too much legislation does not serve Canadians as a whole.

Today I would like to focus on three areas of discussion in particular, the definition of sexual assault in Canadian law, privacy concerns of the Liberal government, and special rights based on historical disadvantage.

First, the definition of sexual assault as proposed by the Liberal government was changed in 1988. Bill C-15 under the Conservative government redefined sexual assault. In doing so, the age of consent was lowered to age 14 from age 16.

Today I put to the House that the most tragic victims of sexual assault are children aged 14 and 15 who are exploited by adult pimps across our country and who are virtually untouchable by our laws. Child prostitution in Canada rips families apart and destroys the lives of young people. This fact is obviously not a priority of the Liberal government.

When I questioned the justice minister on March 3 he gave an equivocal answer to that question and obviously displayed no will to change, ignoring the recommendation from provincial governments and ignoring the incredulity of the public when it realized that the age of consent in Canada was 14. This issue was actually made worse by the Liberal justice minister who refused to challenge an Ontario court decision in 1995 that actually broadened the definition of sexual consent of children aged 14 to include homosexual activity. The Liberals are not only unwilling to protect our youth, but they would broaden the potential for sexual predators to destroy the lives of young people and not bring to account those who set about to destroy those lives for their own gain.

● (1245)

The second issue is privacy and the Liberal government. A recent tour by the human rights committee on the public concerns about privacy brought to light that the public is woefully unprotected in privacy matters in Canada. The Privacy Act is virtually without enforcement and applies only to the public sector. Other

jurisdictions in other countries are far ahead. The Canadian public is not well served in privacy matters.

There is general scepticism about both invasion of privacy by private sector and public sector concerns. Privacy rules are subjective and serve the purposes of government priorities.

The Employment Equity Act violates the privacy of businesses by making their business plans open to review procedures. On the other hand, in refugee hearings through privacy choices of the government, records relating to the individual are not available to the committee reviewing the refugee hearing.

In my constituency the latest government household survey, the detailed census, provides a severe penalty for non-compliance. This invasive questionnaire sent to households invades the privacy of individual Canadians and is now being challenged in B.C. courts because of privacy concerns.

I would like to draw the attention of the House how the government deals with the privacy rights of children. I quote from a report by a government committee in Beijing which states: ''Human rights activists applauded a Canadian breakthrough in Beijing that recognizes children's evolving rights to make their own decisions. The issue pitted the child's right to learn about issues such as birth control against the right of parents to prevent access to subjects in which they do not believe''. That is pitting the rights of children against parents by citing the privacy rights of children.

I heard the other day about privacy rights in foster care, a provincial matter, but it illustrates how governments can use these matters to their own end. In B.C. it is illegal for a foster parent to inspect the room of a foster child for weapons or drugs. Governments seek to protect children from parents but does not protect those children from those who would abuse them.

In Bill C-46 the restriction on access to complainant's records is limited to cases of sexual crimes. Today we recognize the sensitive nature and the trauma of the events that might surround them and we recognize the need for some privacy. However, we must also recognize the vulnerability of the accused if the accusations that are made are false but unchallenged. The credibility of the complainant is an important factor in all legal proceedings.

Bill C-46 however states that the fact that the records may disclose a prior inconsistent statement of the complainant is not grounds for getting access to the document. Previously defence lawyers could show that the complainant had lied before. If all players within the legal system are not accountable, then equal treatment in that legal system is denied.

Bill C-46 would also prevent access to crown records, not just third party sources. This is unique and precedent setting in the justice system. It implies special case treatment. It implies rights imputed to the complainant and because they are imputed to one party, rights are denied to the other.

I would put to the House that we cannot know the victim until guilt is established. A victim in this case can be the complainant or the accused. We cannot know which one could be victimized by the process until justice is served.

● (1250)

I mentioned Bill S-4 previously. It creates three new offences in the Criminal Code. It would make known false statements outside a tribunal illegal. It would make illegal proceedings that are instituted primarily to intimidate or injure another person. It would also make illegal knowingly deceiving a tribunal.

The bill introduces the concept of accountability of the accuser in the process. It underlines the concept, and I will quote from the hon. member who introduced this bill, a concept to ''uphold the principle that truth is central in judicial proceedings and pivotal to the interests of justice''. It was introduced on behalf of those whose lives were destroyed or could be destroyed by false accusations. I know in my riding, the reputation, the family, the careers of individuals can be destroyed through false accusations. Those things cannot be recouped through any court. We must make sure that great care is taken for the protection of all citizens in our laws.

The legislation is also founded on equality rights, particularly equality based on race and gender. This is a common theme of the Liberal government. It includes the concept of historical disadvantage.

These arguments have fueled legislation such as the employment equity legislation which grants special rights by way of hiring quotas for women or visible minorities. As we have seen in society, the results of these kinds of policies have been reverse discrimination in the marketplace. Very great care must be taken in this place that the balance of justice is not re-engineered with the same principles. Just as we cannot make up for past discrimination simply by reversing the targets of discrimination, we cannot and should not make up for past injustice by creating a system of future injustice.

Today my concerns have revolved around the definition of sexual assault and the lack of protection given by the government for our most vulnerable citizens, our children; second, the capriciousness of the privacy policy of the Liberal government and the selective response by the government in different areas of jurisdiction; and third, the disturbing and destructive recurrence of the Liberal mind-set of special rights based on historical disadvantage.

The track record of the Liberal government has been one sided, agenda driven justice policy. I will go back to the symbol of true justice. It must be maintained by the government in the best interest of all Canadians. The legislation requires checks and balances to assure fairness in the system and amendments to guarantee the assumption of innocence of the accused. That is basic in Canadian law so that the final result is that the privacy of the

complainant is balanced but with the protection of a fair trial of the accused.

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, I thank the member for Port Moody—Coquitlam for her very excellent speech which covered a number of very important points, points of reservation about this legislation.

I wish to convey to her this information. The Canadian Association of Defence Lawyers has declared that if the bill goes through as currently written, innocent people will go to jail. The reason is that the bill puts limitations on what records the accused can obtain because it puts prohibitions on what the judge can request of a third party. These limitations, these guidelines, and the member for Port Moody—Coquitlam gave some examples, restrict the opportunity of the accused to have a fair trial because the judge does not have unlimited discretion to determine what third party records can be called forward.

• (1255)

The member for Port Moody—Coquitlam made the interesting point that the symbol of justice is a female and it is sort of relevant to this. It would be terrible if this legislation were to go through and innocent people did go to jail, remembering that the symbol of justice is a woman.

Nevertheless I would ask the hon. member whether she feels that in principle we as legislators should always protect the rights of the innocent versus the rights of people to privacy. In her mind which is more important?

Mrs. Hayes: Mr. Speaker, the answer to the question is interesting. That the Canadian Association of Defence Lawyers feels that this will take innocent people to jail is of great concern and certainly reflects some of the concerns that I had in developing my thoughts with the presentation I made.

I feel, given the conflicting needs and certainly since coming to this place and my involvement in different committees and different debates within the House, the conflict of rights at various points within Canadian society is more and more of an issue. There are basic rights and certainly the right to maintain innocence within the judicial process should be a pre-eminent right for all Canadians. The justice system is there for the protection of those who are innocent, law-abiding citizens.

My concern is that this bill will—I am not alone in that concern obviously—trample on the very rights of those who are innocent. That is of great concern to me and should be a concern to the government obviously, even though it may not be but certainly it should be to the Canadian people. I thank you for the question.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I would like to ask the hon. member for Port Moody—Coquitlam a question with regard to an event that is taking place outside here today.

The mother and grandmother of Sylvain Leduc, who was brutally murdered in Ottawa in October 1995, are leading a protest in front of this place as we speak. It is just about to start. They are calling for the scrapping of the Young Offenders Act. They are saying that the balance in the justice system has been completely thrown out of whack as a result of changes made by Liberal and Conservative governments over the past 30 years.

They feel the sentences handed down at the end of last week regarding the brutal murder of their son and grandson is totally out of line with what they should have been. It does not send the right message. It does not keep these people who have committed such a heinous crime off the street. The sentence handed down will allow one of the four people who committed the crime to move freely about, or at least to be released from any kind of detention immediately, and the others very soon. Some will be released within a few months and the one convicted of manslaughter within about a year and a little bit from now.

Clearly the balance is between protecting the rights of the victims, the family, relatives and friends of the young boy who was murdered and the rights of the criminal. It is out of balance completely.

The hon. member commented on that but I would like her to comment further. In particular, can she connect it to the situation we have that requires victims to take actions such as the one they are taking to try to bring public attention to the issue through a rally being held out in front of the House of Commons.

• (1300)

Mrs. Hayes: Mr. Speaker, I thank my colleague for his question. In the very policies of this government, whether the Young Offenders Act or section 745, the absence of any type of support for victim rights in any legislation tells me that what is happening on the stairs of this place is too long ignored by a government that has its own agenda, which seems more intent on supporting the rights of the criminal, of looking to create a system that does not assign blame or accountability. It would indeed wipe the slate clean with early parole for someone who has committed a heinous crime against victims and their families. It would have that revisited on them, thinking more of the perpetrator of a crime than about those who have to live with the consequence of his action.

It is a common theme. It is an example of an agenda driven not by the best interests of the Canadian public but by special interests,

by some unknown thought process that considers it is the criminal who should take precedence in the system. That is not where Canadians are. That is not where the Reform Party is.

The priority of the justice system should be the law-abiding citizen. It should be to keep law-abiding citizens safe to the point of making our streets safe for our families, for our children and for their children. Our policies would put that into place so Canadians could look forward to a safer and stronger country.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, I thank the hon. member for her speech. Could she comment on something that has been raised on both sides of the House. It has to do with this false memory syndrome or recovered memory retrieval syndrome that some people have raised as a potential red flag issue with this legislation because it deals with the production of records.

The Canadian Psychiatric Association has issued a caution on this. It has said that we need to be very careful about the production of records because of this retrieval memory system where someone who is an adult can be counselled to think back into their past and could possibly come up with some reason for why they feel the way they do today based on a memory they have trouble retrieving.

The association has some concerns about the reliability of these memory retrieval systems, about whether they are putting words into people's mouths and so on. Is that a concern, or has the member had cases in her own riding office, as I have, of people who have said that this is a very serious concern and something on which we must proceed with caution because lives can be unnecessarily disrupted if those memory retrieval systems are proven false?

Mrs. Hayes: Mr. Speaker, I thank my hon. colleague for the question. I have had cases in my own riding of accusations that have later been found to be false based on false memory syndrome. They have literally torn families apart.

There has been quite an extensive review of these matters in the United States. Red flags are going up all over North America that this is something that is very real and very destructive if not properly checked and balanced within the justice system. I question whether this bill has those checks and balances.

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, in my speech on Bill C-46 I will start by making a few comments on the bill itself. Then I will talk more about the issue of the lack of balance between the rights of the accused and the criminal and the rights of the victims in our justice system. Then I will talk about the prevention of crime and the Liberal record on the prevention of crime, which is not dealt with in any way in this piece of legislation or in any other piece of legislation this government has dealt with.

• (1305)

I will deal with these three areas. I will start by making a few comments on Bill C-46, an act to amend the Criminal Code regarding the production of records in sexual offence proceedings.

This bill is intended to strengthen the protection of privacy and equality rights of complainants in prosecutions for a variety of sexual offences. The added protection is gained through restricting defence lawyers' ability to apply for the production and disclosure of private documents such as medical, counselling and therapeutic records. That is what the bill is intended to do.

There is merit in this bill and I will be supporting it at least at second reading. I will have to see what happens in committee as the committee hammers out some of the possible impacts of this legislation before I can say that I will support it at third reading.

We will have to see what kinds of amendments come at report stage. Hopefully we will have a better interpretation of exactly what this legislation will do. However, there is merit in this bill. For that reason I will be supporting the bill at second reading.

I will not spend a lot of time talking about the bill itself. I would rather talk about the changes to the justice system in a general way, the things this bill does not deal with.

In the past, records sought by defence lawyers have included psychiatric, social welfare, employment, personal counselling and other private records. The fear of having such personal records revealed is believed to be a deterrent to victims to report sexual assaults against them.

That is what has been happening. There has been that concern. Probably a lot of sexual assaults have not been reported because of that. Therefore there is reason for action from the fear that such records may, at some future date, be called for as hampering the process of counselling and assistance provided to victims at support centres. That is part of the reason for the need.

The Reform Party supports legislation which provides increased protection for law-abiding citizens and victims of crime. We support this bill in principle. I will talk more about some concerns regarding this later.

We are also mindful of the longstanding tradition in the Canadian-British legal system that an accused person must have the opportunity to take a full and fair defence to any charges brought against them. Of course, that is the concern that people who are speaking out against this legislation are bringing forth.

They are concerned that the accused may not be able to get a proper hearing with this legislation put in place. It is a serious concern. They are asking questions that should be asked. I do not

feel we have the answer to a lot of these questions yet. We always must be concerned with the protection of the rights of the accused.

It is a matter of balance. I will speak more about this later. I feel in general in our justice system we have a very poor balance between the rights of the accused and the rights of the criminals, people who have been found guilty of a crime, and the rights of the victims. The balance is not there.

I will spend much of my time today talking about that. I have a few more comments on the bill itself. This is a subject that was brought up by the hon. member for Port Moody—Coquitlam. In some sexual assault cases the accused is a former spouse or a spouse of the accuser. In some cases we found out that charges were laid just to give the accuser an added advantage in a fight taking place between the two over child custody. We are finding out more and more that these accusations often are not true.

● (1310)

The hon. member asked who the real victim is in these cases. Because of the increasing prevalence of false accusations being made we have to ensure that there is no victim under the law until the case is finally proven. That is an area of concern which I know other speakers will address later.

I would like to speak about two issues which are related to this legislation. The first is the balance in our justice system or the lack of balance between the rights of victims and the rights of the accused. The second is the prevention of crime and the inaction of this government in dealing with crime prevention.

The words have been uttered and the government has brought forward the issues but it has not dealt with crime prevention in an effective way. I will speak about some of Reform's proposals in this area. First I will speak to the balance in the justice system.

In general we do not have a proper balance between the rights of the accused and the rights of the victims. Liberal governments in the 1970s deliberately changed the balance in the justice system. No longer are the rights of the victims and the protection of society top priorities. As a result of change, the protection of the accused and criminals has a higher priority in our justice system. The balance is clearly out of whack. It is important that we restore the balance which was there before Liberal governments and Conservative governments threw the balance out of whack.

In the 1970s a Liberal solicitor general said that for too long the top priority of the justice system had been the protection of society and that the rights and protection of criminals had not been made a high enough priority. Changes since that time have shown that Liberal governments believe that. They have demonstrated that in law time after time. They have distorted what Canadians see as the proper balance.

Several pieces of legislation passed by the current government have further thrown out the balance between the rights of society to be protected and the rights of criminals.

Bill C-65 is intended to protect endangered species of plants and animals. The intent is good, nobody would argue that. However, I have several concerns with the legislation. One of them has to do with a lack of balance. Another concern I have with the endangered species legislation is there is no compensation offered to land owners and land users if an endangered species is determined to be on their property. Under the legislation they could be required to pay dearly to protect endangered species with no compensation, the way the legislation is proposed. If amendments go through there will only be compensation through a charitable contribution process. There is no compensation, which could impose an incredible fiscal hardship on the land owner or land user.

● (1315)

Another concern is that it is a heavy handed interventionist piece of legislation. We have seen much of that from the government. What we need instead is co-operation. We found that land owners and land users co-operate on a voluntary basis to protect endangered species.

Another concern is in the area of balance in the rights of society, the rights of the accused and the rights of the criminal. It is interesting that under the legislation someone can anonymously accuse another citizen of harming an endangered species. The person who accuses can have his or her name kept completely confidential. The accused under the legislation would have absolutely no right at any time to know the name of the accuser or to face the accuser in court. That is the kind of legislation the government is putting forth. It is not something we can accept.

This type of legislation tramples on the rights of citizens, in many cases law-abiding citizens. For example, Bill C-68 on gun control tramples on the rights and freedoms of law-abiding Canadian citizens. There is heavy handed interventionist type of legislation in some cases and on the other side very narrow pieces of legislation like Bill C-46.

I will support the legislation. I await the final examination but it looks like a piece of legislation that will do some good.

The Liberal record since 1993 really did nothing to restore balance in the justice system. It has made it even worse in spite of the fact that it was not what Canadians wanted. If it was what Canadians wanted we would not see what we saw today, it being left to the mother and grandmother of Sylvain Leduc who was brutally murdered in Ottawa in October 1995. It was left to the

victims, the mother and grandmother, to try to restore balance in terms of sentencing and to give victims some rights.

Young offenders who are committing vicious crimes are being left out to walk the streets with very little punishment. This certainly does not provide a deterrent for people who might commit similar crimes in the future. It certainly does not protect society. These vicious murderers are walking the streets after spending a little time incarcerated. We would not see this if there were balance in our justice system right now and clearly there is not.

It is important to point out what Reform would do in this regard. In our fresh start platform we have put forth a substantial package of proposals to help restore balance. The first is a recognition that the justice system is out of balance and too heavily weighted in some cases in favour of the rights of the criminal rather than the rights of the accused.

● (1320)

One way of shifting the balance proposed by the hon. member for Fraser Valley West was to have in law a victim's bill of rights. This idea is well accepted and supported by Canadians and by the House. A document outlined 10 specific rights that must be given to victims which are not there now. Although it has been supported by the House, including the governing party, it has been almost a year and nothing has happened. We have a year and half until the government is required to hold an election. I dare say it will not be dealt with before an election is called. That is very sad. It shows the government does not place rebalancing of the justice system as a high priority.

I will read some of the points included in the bill that would help restore balance and give victims some rights. First, we want victims to have the right to be informed at every stage of the process, including being made aware of available victims' services. Routinely that does not happen. It happens for the accused, the criminal, someone found guilty of a crime.

I do not know how many court cases Clifford Olson, a mass murderer, has before our courts right now. He knows his rights.

Mr. White (Fraser Valley West): More than 30.

Mr. Benoit: That is a sad commentary on the lack of balance in the system. Why should a vicious mass murderer like Clifford Olson have this kind of access to our justice system at the expense of taxpayers? They are clearly frivolous cases. Where is the balance in the system? Canadians are as sickened by that as they should be. My colleague from Fraser Valley West wants to give victims the same rights accused and murderers have.

Second is the right to be informed of the offender's status throughout the process, including but not restricted to plans to release the offender from custody. One would only think that would make sense. Who could possibly believe that someone who committed a very serious crime against someone else could be released without the victim's knowledge? The victims who were directly involved will be concerned about the release of the criminal who might offend again. The family and relatives of victims will also be concerned.

Third, we want the right to choose between giving an oral or written victim impact statement at parole hearings before sentencing and at judicial reviews.

I am being signalled that my time is up. I have much to say on the issue. I will be saying it from now until the time the election is called and throughout the campaign as will other Reform MPs and Canadians who take part in the political process. This will be a huge issue in the upcoming election. The lack of balance is totally unacceptable.

An hon. member: What election?

Mr. Benoit: We will have an election within the next year and a half. The law requires it. Perhaps the member believes we should cancel elections altogether and make the system completely undemocratic. I am sure that is not what he is proposing.

I will conclude by saying that I support the legislation at second reading. We will see what comes out in committee. We will get more information on what the bill means in some areas to make sure there is a reasonable measure to strengthen the rights of the accused. Neither I nor the Reform Party can be accused of only being concerned with the rights of victims or the rights of society. We are also concerned with the rights of the accused and always have been. For that reason I support the bill which will help protect those rights.

● (1325)

Mr. Dennis J. Mills (Broadview—Greenwood, Lib.): Mr. Speaker, the rash generalizations of members of the Reform Party of our disinterest in defending the rights of the victims are very unfair.

It is absolutely fair to have good constructive debate. I respect that the Reform Party has always made, along with the deficit campaign, the issue of law and order a pre-eminent piece of its platform.

The Minister of Justice has amended more justice legislation in the last four years than has been the case in the history of the country. Members opposite always use the words lack of balance. They indicate that we on this side of the House seem to be defending the criminal over the victim. I represent a downtown Toronto riding, Broadview—Greenwood. I have the Don jail in my riding, the largest city jail in the country.

Issues related to law and order, crime and young offenders are key issues in my community. We have made great strides in the last four years in these areas. To make a blanket statement that the

government is not concerned about issues related to law and order is not an accurate statement of fact. We will show in the upcoming election in detailed form a list of all legislation that has been amended.

Is it perfect legislation? I am not standing here saying it is perfect. I have never seen a piece of perfect legislation on any issue. We all have to compromise on certain issues, but there is absolutely no way the government is putting the rights of the criminal ahead of the rights of the victim.

Mr. Benoit: Mr. Speaker, I am more than a bit distressed the hon. member would make such statements. He has shown some good judgment in the past in many areas and is not showing good judgment in this area. He cannot really believe what he is saying. I assume he does but I find it surprising.

The Minister of Justice amended a great deal of legislation and has clearly been tinkering. He has not made the changes that are necessary. I will raise three specific situations that have happened because the law is not right and the balance is not there.

First, where is our victims' bill of rights? The hon. member for Fraser Valley West had a motion passed in the House about a year ago. Where is the legislation to put it in place? It has not even started through the process. It has been held up. The government clearly does not support it.

Second, where is the law to prevent Clifford Olson from applying for early release? Where is the law to prevent Clifford Olson from having over 30 court cases at taxpayers' expense? Where is that law? It is not there. The member should be ashamed of himself.

Third, where is legislation so the family of Sylvain Leduc would not have to protest in front of the House of Commons for proper balance in the justice system?

• (1330)

Where is that legislation? It is not there. That is why the protest is taking place. It is sad and unbelievable when these issues come up that Liberal members claim they have done a lot. Then you look at reality and it is so frustrating. We need action. We do not just need talk.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, it is a pleasure to speak to Bill C-46 and to acknowledge that the bill is intended to strengthen the protection of privacy and equality rights of complainants and prosecutions for a variety of sexual offences. I think the government is headed in the right direction on this. Since I am the author of the national victims' bill of rights and it has come up here, I want to address a few very specific instances with regard to that and maybe to set the Liberal member for Broadview—Greenwood straight on exactly what the problem is on the victims' bill of rights.

From my perspective and the perspective of people right across the country, victims' rights are not legislation amendments. They are not tinkering with the details of gun law. They are not minor changes necessarily to the Young Offenders Act. They are not amendments to the Conditional Release Act so to speak. They are specific rights that people are looking for as a result of the criminal justice system, as it used to be called, becoming a legal industry.

I can give all kinds of examples. I had been to numerous parole board hearings, numerous sentencing cases and on and on it goes. I was there in Vancouver when the insult of insults to the victims of a mass killer had the right to a hearing under section 745—I am talking about Olson—and where he actually debated with the judge the terms and conditions of the whole sentence. It was quite appalling.

Let me give an idea of what is problem with victims' rights. These rights are almost considered a privilege by the government. They are the kind of things where the government suggests perhaps it will give you a little right, it will throw in an amendment to this particular criminal justice act, the Criminal Code, and it will kind of tell you it is working on your behalf. That is not what these folks are looking for.

They are looking for a standard right across the country that applies so they know very specific things. They know that from the moment they become a victim, they will be told what are their rights, just like a criminal is today. That is all they ask. That is not too much to ask. That should be very quickly resolved by the government. It could have been three years ago and it could have been last year on April 29 when the justice minister said he agreed with it. It could have been last fall or this winter. I understand I will be addressing this issue tomorrow. He knows as well as I do that it is too late. The government is going to call an election and it will do nothing about this.

When the hon. member suggests that the Minister of Justice has amended more justice legislation than anyone ever has before, that may be so, but again he has missed the point of what we are looking for here. I will give an example. The government brought in Bill C-41 on conditional sentences. I happened to attend an appeal hearing of a conditional sentence a few weeks ago and the arguments I heard from defence lawyers were really quite appalling. It happens that conditional sentencing exists nowhere else in the world. It was brought in by this justice minister. That is the argument I heard in court by defence lawyers and by the crown. I presume it is true.

• (1335)

Conditional sentence virtually means that the criminal will let off this crime on condition that it does not happen again. That is as simple as it comes.

In my community, Darren Ursel met a young lady who was a single mom of two. He met her in a restaurant, talked her into

going to have a coke with him. He went behind the restaurant, locked the car door, pushed the front seat where she was sitting back and ripped her clothes off. He could not get an erection so he took his racquetball handle to her, front and back, and tore her open. For 90 minutes she suffered in this car, then managed to escape. He did not let her go.

When in court in front of Judge Harry Boyle, who made the decision, he said he was tender at times. It was his first conviction and he was darn sorry for what he did. That is what he told the judge. He got a conditional sentence, thanks to this justice minister. That means he does no time. I believe it is the first time in my life I witnessed something as terrible as that, an individual not getting any time in prison. He had a conditional sentence.

"Do not do it again. If you do, they might do something about it". He was out the next day. In fact, that creep was in the court room during the appeal smiling.

Those are the kinds of amendments that are brought into the House. I heard defence lawyers at that appeal tell the crown that the Liberals were motivated for this kind of conditional sentence because there are too darn many people in our jails and they are trying to keep them out.

At the same time, I heard many women across the country say: "Do you mean they are back into raping women, sodomizing them, and there is no jail time?" What that will do, quite frankly, is take us back 20 years and put women in the closet again in these kinds of cases. They will not go through what happened in this case with that offender, Darren Ursel, and have nothing happen to the offender and expose their whole private lives.

That is why that whole issue was in the closet for years in the first place. There has to be punishment befitting the crime in this country.

When I hear Liberals say that they care about victims' rights, I would like to ask where in conditional sentencing they give two hoots about it, given Darren Ursel's case. By the way, I have a petition of 13,000 names coming in here this week saying that this is very wrong. I agree that it is wrong.

Do not tell me that we have a justice minister who has brought in a whole bunch of legislation, therefore you care about victims. I do not see that one iota in conditional sentences. Neither does the young lady whom I have had the pleasure of talking to a number of times. Neither will the next woman or young girl who has met the same fate.

That is what is wrong with trying to relate victims' rights with amendments to justice. Members can go right back to Bill C-45, which takes the automatic right of a victim impact statement away in a hearing for serious offenders to get early release after 15 years. That is wrong too.

We fought too many years to have people express themselves, to have the right to express themselves. Even today when I am listening to sentencing hearings and so on, I hear victim impact statements that are expunged. Certain sentences are taken out because in the defence's opinion, it may harm the character of the client. In fact this happened in one case when his good client bludgeoned to death a young lady from my riding by hitting her 26 times. He did not want all of the expressions of the victim to come out in the sentencing. He had already been proven guilty.

• (1340)

Therefore we must look at what it is that people are asking for. They are not asking for a whole bunch more amendments to criminal justice legislation. Although that may be another request they have, it is certainly not the impetus behind a victims' bill of rights.

I am quite appalled at defence attorneys, specifically at some of the comments they make about victims and victims' rights. I have a few quotes to illustrate this. If you really think this is where the country is going, then you should vote Liberal. But if you do not, you have to consider other options.

Listen to these quotes about victims: "There is no such thing as a victim. It's just a state of mind". That comes from a defence attorney. "Victims want someone else to fix their petty problems". That comes from a defence attorney.

"Victim impact statements are just a venting of the spleen and don't serve justice and should be outlawed". That comes from a defence attorney. Are we getting the message? We have long past the time when we dealt with something called criminal justice. We are now into a legal industry. Let me go on.

"Victims' rights groups have outlived their usefulness. What these groups are doing is pushing criminal justice policy toward punitive measures rather than rehabilitative measures". This comes from a criminologist and it is wrong, patently wrong. I have not yet met a victim I have worked with who was looking for punitive measures. They were all looking for justice.

The folks in Ontario, where a major battle is brewing over the politics of this country, should be listening to what is right and to what needs to be changed. The government does not give two hoots about victims' rights. "Victims should not have the formal right to make submissions before a judge since this will result in an arbitrary justice system". That is patently wrong and comes from another criminologist. I could give all kinds of quotes but I think my message is getting through.

Victims are no longer just interested in sweet amendments to the criminal justice legislation, the Criminal Code as we call it today. They are interested in distinctly designated rights that pervade our

society from Newfoundland to British Columbia. Mr. Speaker, how much time do I have left?

The Acting Speaker (Mr. Milliken): Seven minutes.

An hon. member: One minute.

Mr. White (Fraser Valley West): A Liberal member wants me to speak for one minute but the member will get seven minutes and the member will listen. I am trying to say that this goes beyond party lines. There is something amiss in this country. Victims want and need rights. They are not privileges handed down from a government to its people.

Let us look at the core values, the core rights we are looking for. Why not define what a victim is? I sat in a room shortly after a young lady in my riding was murdered. Her mom, Sue Simmons was in very bad shape, understandably so. Sian was murdered, shot to death. Chris, Sian's dad, could not get assistance for Sue, the mother, because she was not considered a victim. Sian was the victim, they said. That is patently wrong. If it is my daughter, my son, my wife, then I am a victim.

• (1345)

The government fails to understand how large this movement is. It is compounding quickly because of the crime in this country.

I sat with five parents on Saturday. They told me that three offenders were trying to get two young girls off the street and into a car. The victims are the two young girls, the parents, the friends, and on and on it goes. The government says that if it is one crime, there must be one or two victims. All those people are victims.

The Liberals are in trouble. These people are joining victims' rights groups. The Liberals cannot understand all the noise, but they will have to because victims need these rights.

Victims must have the right to be informed of what their rights are. That is common sense. There is no need to expand on that any further. So why are we not putting it in legislation?

I heard a lawyer say it is going to cost more money to do that. Take a little money away from the inmates. Take away a few of the grants that the government is giving to its buddies in order to get re-elected. The money should be put where it belongs.

Victims should have the right to be informed of the offender's status throughout the process. What is wrong with that? They should know where he is incarcerated, where he is going and when he is going. They should know the terms and conditions of getting out.

I could tell the House horror stories about what happens when the victim does not know and the perpetrator, after getting out of prison, after changing his name, shows up on the doorstep and beats the living daylights out of the victim who had no idea they were out on parole.

Victims must have the right to submit unrestricted victim impact statements, whether they be oral or written, at sentencing hearings and judicial reviews. The government took that automatic right away from the people with Bill C-45.

I stood in Vancouver and I watched the parents of the victims of Clifford Olson ask for the right to submit a victim impact statement. Good grief, what have we crawled down to in this gutter? We should be ashamed of ourselves.

Victims should be informed in a timely fashion of the crown's intention to plea bargain before it is submitted to the defence. What is wrong with that? How many times have we heard of people walking into a courtroom only to find that what they thought was a first degree murder charge had been changed to an assault charge? The sentence went from life to two or three years.

Give these folks some decency. Listen to what they are saying. Victims should have the right to know if a person convicted of a sexual offence has a sexually transmittable disease. What is wrong with that?

In my riding Tasha would have liked to know that. She was raped by an individual who is not even a citizen of this country. Now he is out of here, thank goodness. This should not have to be something we ask for or go into a prison and beg for; it should be a right. Do not bother with amendments to criminal legislation on that. State it clearly, enunciate it, articulate it.

• (1350)

Victims should be informed as to why charges were not laid if that is the decision of the police. They should be protected from anyone who intimidates, harasses or interferes with their rights. They should have the police follow through on domestic violence charges once a victim files a complaint. That is not much to ask in this country. I am at a sincere loss as to why this Liberal government did not and will not move on it.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I was interested in the comments of my colleague from Fraser Valley West. Certainly of all the members of this House, not just of this party but of this House, he has done more to bring the issue of victims and victim rights to the attention of the Canadian public than any other member possibly in the last 25 years. I commend him for that.

It is really interesting to note that in addition to Bill C-46, by the Minister of Justice, an act to amend the Criminal Code, the production of records on sexual offence proceedings, on today's Order Paper the Minister of Justice also has Bill C-27, an act to amend the Criminal Code, child prostitution, child sex tourism, criminal harassment and female genital mutilation, and Bill C-55, an act to amend the Criminal Code, high risk offenders, the

Corrections and Conditional Release Act, the Criminal Records Act, the Prisons and Reformatories Act and the Department of the Solicitor General Act.

It is particularly interesting, looking at Bill C-27 and Bill C-55 which cover so many topics under the Criminal Code, to note how they are really omnibus kinds of bills. What does this indicate? Very clearly this indicates that we are coming up to, of all things, an election. What the justice minister is trying to do in this particular case is clear the deck. What he has done with Bill C-27 and Bill C-55 is make an omnibus collection of a whole bunch of detail that he could have taken care of and should have taken care of over the last three and a half years.

However, what does he do? He pulls them in at the last minute, at the 11th hour, the witching hour of the election. Therefore when I take a look at Bill C-46 and the fact that the justice minister is finally getting around to this bill and I take a look at the fact, as the member for Fraser Valley West has pointed out, that a member's motion about bringing in a victims bill of rights has just been languishing, I ask myself are these amendments to the Criminal Code under Bill C-46, Bill C-27 and Bill C-55 actually more important than the member's motion that came before the House to give victims in Canada a bill of rights, to give victims in Canada an opportunity to have some say in the courts, to give victims in Canada some standing in the justice process.

It is very clear in my mind that what the minister is doing, with massive cynicism, is a clean-up at the very last minute.

I wonder if I could ask the member for Fraser Valley West for his opinion. It seems to me the justice minister has had a clear track to do these things. It seems to me that the justice minister has had opportunity after opportunity to do something on the victims bill of rights and in spite of the fact that there is an election coming he still is not doing anything on the victims bill of rights.

● (1355)

He has taken the time to do his house cleaning and sweeping and getting it all together at the last minute on these other things. I wonder if the member would like to express an opinion. It defies logic why the justice minister did not move long ago on his motion for a victims bill of rights.

Mr. White (Fraser Valley West): Mr. Speaker, I thank my colleague for the question. It is a very good point.

I was informed very late last week that the justice committee will be discussing the victims bill of rights tomorrow from 3.30 to 5.30. I will have an hour to make a presentation and the justice committee will have part of that hour to ask questions and so on, and victims will have an hour to make a presentation; one hour in front of a committee to talk about victims and that is it.

There are more victims in the country than the government understands. Why are we not asking for input on this important issue? The answer is the government has no appetite for it. That is why I say to people in Ontario, where a good part of this election is going to fought, young people, some who know victims and are asking why this or that does not happen, this is important. Let us do it and do it right. But under no circumstances should we insult victims by giving them one hour in the House of Commons, less questions, so probably 40 minutes, to discuss this merely so that the Minister of Justice can say "we dealt with victim rights" during the election. That is what this is about. It is wrong and misleading.

This has not gone unnoticed. Exactly as my colleague stated, this is where it is at. The government is bringing in all kinds of amendments to bolster up the sagging image of the Minister of Justice before the election. What the public really does not understand is that these pieces of amendments to legislation have to go through committee, come back to the House for second and third reading, and on and on it goes, but it will not go anywhere. When the election is called it will be dropped.

We have to live with the future, and the future is with kids and victims and our seniors, many of whom are victims of crime.

The Speaker: It is almost two o'clock. We will now proceed to Statements by Members.

STATEMENTS BY MEMBERS

[*English*]

FORUM FOR YOUNG CANADIANS

Mr. Ron Fewchuk (Selkirk—Red River, Lib.): Mr. Speaker, it gives me great pleasure today to rise to congratulate the participants in the Forum for Young Canadians.

Since 1976 the forum has provided over 10,000 young Canadians and teachers the opportunity to speak with key decision makers, to watch government work and to re-enact government procedures. In brief, this project is all about learning about Canada and what it means to be a Canadian.

On Wednesday, March 19, I had the pleasure to meet and dine with Rebecca Ann, a participant from my riding of Selkirk—Red River. I congratulate her and her fellow Canadians for their interest and their drive in becoming the future leaders of our nation.

S. O. 31

[*Translation*]

BAHA'I COMMUNITY

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, for the past 17 years, the Baha'i of the Islamic Republic of Iran have been systematically persecuted, harassed and discriminated against, solely on the grounds of their religious convictions.

The official document in which the Iranian government sets out its co-ordinated policy for dealing with the Baha'i question is still in effect.

● (1400)

The economic and social repression of this community is progressing rapidly. It appears that the pressure is constantly being stepped up, and that the Iranian government is in the process of gradually and systematically implementing restrictions and limitations on the life of the Iranian Baha'i community.

The Baha'i community does not pose any threat whatsoever to the authorities of the country, since the tenets of its faith call for obedience to one's government and abstinence from partisan politics, and forbid violence in any form. What, then, is the present Liberal government waiting for to denounce this unacceptable situation?

* * *

[*English*]

RIGHTS OF VICTIMS

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, many in the legal industry object to victims of crime participating in the courts on the following bases.

First, it opens up another front against which an offender must defend.

Second, it compromises judicial independence. Judges cannot resist emotional and political pressures.

Third, it yields evidence irrelevant to the offender's case.

Fourth, it prejudices offenders because victims may encourage special sentences.

Fifth, I understand they say it is unfair to offenders because some victims may be eloquent speakers.

The rights of victims are not a privilege we have to beg for from any government. These are rights, rights like being informed in a timely fashion of the details of the crown's intention to offer plea bargaining before it is presented to the defence and the right to choose between giving oral and written victim impact statements.

It is the rights of victims first, not criminal rights.

The Speaker: I notice the hon. member has a new haircut.

* * *

WORLD CHAMPIONSHIPS

Mr. Sarkis Assadourian (Don Valley North, Lib.): Mr. Speaker, Brampton's Firefighter Combat Challenge Team are 1997 world champions. Under the guidance of Coach Doug Comeau, the team of Captain Peter Reid, Mark Evans, Dan Rowland, Garry Wilton, and Rob Wolfeld brought home the top honours to Brampton.

The firefighter combat challenge is one of the most gruelling and demanding tests of a firefighter's skills, strength and endurance. The life saving skills demonstrated by the Brampton team prove its ability to thrive and excel in one of the most dangerous occupations in existence.

Congratulations to Brampton's World Champion Firefighter Combat Challenge Team for a job well done.

I also congratulate the members of the Canadian Women's Hockey Team on their gold medal performance winning the world championship for the fourth consecutive time. It is a job well done. We look forward to continued success.

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IMMIGRATION

Mr. Harbance Singh Dhaliwal (Vancouver South, Lib.): Mr. Speaker, I rise today to share with my colleagues some good news about recent agreements between the province of British Columbia and the federal government.

Last month both parties settled the residency requirement dispute. British Columbia will be refunded $26.6 million in transfer payments. In the spirit of co-operation the province will abolish its three-month residency requirement.

The agreement will alleviate fiscal pressures placed on B.C. resulting from the arrival of numerous Canadians from other provinces across Canada. In addition B.C. will receive a total increase of $67.2 million in immigration settlement funding over the next three years in recognition of the province's substantial immigration settlement costs.

These two initiatives are evidence of the strength of the partnership between B.C. and Ottawa and the fact the federal government is responsive to the needs of British Columbians.

* * *

HEALTH CARE

Mrs. Carolyn Parrish (Mississauga West, Lib.): Mr. Speaker, it is my pleasure to rise in the House today to announce the formation of a partnership between the Hospice Association of

Ontario and Glaxo Wellcome, a pharmaceutical company located in my riding.

Ontario's 78 hospices give people with life threatening and terminal illnesses the opportunity to be cared for at home. The demand for community based care continues to grow. It is estimated that hospices are the largest providers of direct services within Ontario's voluntary health care sector.

The survival of hospices in Ontario depends on the support and partnership of companies like Glaxo. Glaxo's commitment to hospices is in keeping with the recommendation of the National Forum on Health that private sector sponsorship is an important resource for communities.

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[*Translation*]

WOMEN'S SUCCESS IN SPORTS

Mr. Bernard Deshaies (Abitibi, BQ): Mr. Speaker, today the Bloc Quebecois warmly congratulates the Canadian women's hockey team, for yesterday's victory in the Women's World Hockey Championship, in Kitchener, Ontario.

● (1405)

With this championship win, the Canadian team remains unbeaten, having won four tournaments in a row.

Our warmest congratulations to all of them, and to Nancy Drolet in particular for scoring a hat trick goal at 12 minutes, 59 seconds of overtime, to bag the championship.

The Bloc Quebecois also wishes to call attention to the performances of Nathalie Lambert, Isabelle Charest, Christine Boudrias, Annie Perreault and Catherine Dussault for their silver team medal at the World Short Track Speedskating Championships in Seoul.

The Bloc Quebecois salutes all of these women, whose success in sports is the result of the many years of long, hard training they have put into it.

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[*English*]

TEAM CANADA

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, Team Canada scored the winning goal against Team U.S.A. in overtime last night in Kitchener, Ontario, thus securing the women's world hockey title for Canada.

We join with all Canadians in congratulating Team Canada, a team of young women who have displayed tenacity, spirit and true sportsmanship in attaining their objective.

After receiving their gold medals the Team Canada players stood at the blue line with their arms around each other's shoulders and sang O Canada, a tribute to their country from a team of young women who have made us proud and united us in these golden moments.

May we continue to celebrate their success as they move forward to the Nagano Olympics tournament next year.

* * *

PRIME MINISTER

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, the Prime Minister's nephew who is Canada's ambassador to the United States is quoted in this morning's paper as saying that there are no big disputes between Canada and the United States to complicate the Prime Minister's visit to Washington. "Things are very, very smooth", he said.

I guess the Pacific salmon treaty negotiations which have been deadlocked for years and which show no sign of coming to a conclusion as we approach the fishing season is not a big deal for the Liberals. I guess the Americans flagrant infringement of Canada's sovereignty and their refusal to back down from the Helms-Burton law is not a big deal to the Liberals. I guess the ongoing attack by the Americans on our forest industry is no big deal as well.

We know for sure that the American attack on Canada's cultural policies under international trade rules is not a big deal to the Liberals because the Prime Minister's nephew described the dispute which threatens Canada's entire magazine industry as simply peanuts.

I hope the Prime Minister finds the time between pre-election photo opportunities to actually do his job of promoting Canada and Canadian interests in Washington.

* * *

TEAM CORNWALL

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, welcome back. We are all aware of the tremendous success of Team Canada. In my riding of Stormont—Dundas the Team Canada concept has been adopted to help promote economic growth in the city of Cornwall and the United Counties of Stormont, Dundas and Glengarry.

The Cornwall Chamber of Commerce, local business people and community leaders have united to form Team Cornwall. Imagine 150 private and public sector professionals working together as a marketing force telling the real, positive story about Cornwall.

[*Translation*]

The main objective of Team Cornwall is to introduce and encourage future investors to consider Cornwall as an economically healthy environment for investment and for starting up a business.

[*English*]

I recently attended the official Team Cornwall kick-off. The energy, enthusiasm and commitment demonstrated by team members were invigorating and encouraging. I am proud to be a Team Cornwall member. Together we are on a mission to bring growth and development to Cornwall and Stormont—Dundas and Glengarry.

Go Team Cornwall, go.

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WORLD HEALTH DAY

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, today is World Health Day. I rise to applaud the efforts of the government in the area of health for Canadians.

We promised a National Forum on Health and the national forum recently announced its recommendations which saw light in the 1997 budget. We stabilized Canada health and social transfers to the provinces with $25 billion annually. We committed $300 million over the next three years for new health initiatives. Of that, $150 million are devoted to helping the provinces put in place new approaches to areas like home care, drug coverage and other innovations.

We have put $100 million into community action programs for children and the Canada prenatal nutrition program. The government remains committed to the values and principles of the Canada Health Act. We will not jeopardize the system with some broad based tax cuts like the opponents would.

There is no question that our publicly funded system is one of the greatest achievements. There is no doubt the government is working to keep it so.

Let us commit ourselves to it today on World Health Day.

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● (1410)

[*Translation*]

BLOC QUEBECOIS

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, it is absurd for separatists to be shocked at the amounts spent by the federal government on national unity, co-operation between the provinces and bilingualism when we know that Ottawa must spend tens of millions of dollars on salaries and on staff, office, research, travel and other expenses so that 50 Bloc Quebecois members of the House of Commons can promote separatism 24 hours a day.

It is the same as if the Catholic community were financing and maintaining at great expense and with much fanfare a congregation of atheists.

These supposed guardians of Quebec's greater interests are merely taking cynical advantage of Canadian democracy. Voters will, I hope, put an end to this state of affairs in the upcoming election.

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U.S. HELMS-BURTON LEGISLATION

Mr. Benoît Sauvageau (Terrebonne, BQ): Mr. Speaker, we recently marked the sad occasion of the first anniversary of the Helms-Burton legislation. Despite all the pressure brought to bear by the official opposition to have this legislation declared illegal, the Canadian government did nothing to force Americans to change their behaviour.

The Bloc Quebecois deplores the government's failure to take action in this regard. Out of fear of the Americans, the Liberal government is still refusing to challenge the Helms-Burton legislation before a special NAFTA committee, as it has been in a position to do since July 1996.

Now that the government can no longer take refuge behind the European Union's complaint to the WTO to decline to file a complaint under NAFTA, will the Minister for International Trade finally have the courage to implement the only effective means of challenging this extraterritorial legislation and finally put a stop to this violation of Canada's trade sovereignty?

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[*English*]

PRIME MINISTER

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, the Liberal election campaign has truly begun. The little guy from Shawinigan is jetting off to Washington for his pre-writ Kodak tour.

Maybe the Prime Minister thinks he can brush up his sagging image by posing hand in hand with Mr. Clinton. While he is at it, why not a golf game? With the President on the injury list, this could be the Prime Minister's best chance to win something in 1997.

Canadian people are smart enough to know what this trip is really about. When the Prime Minister does not create jobs, when he cuts health care and keeps taxes high, he cannot simply fix his record by posing for a picture and taking a few divots with the President.

The Tories tried it in the past and it did not work for them. Now the Liberals are trying it again but it will not work either. At least

we know that the Liberals and Tories are one and the same. The only difference is that Mulroney preferred fishing over golf.

The Prime Minister should get ready for that Kodak moment and say cheese.

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[*Translation*]

CANADIAN WAR DEAD

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, unlike their American neighbours, Canadians have always buried their war dead in cemeteries located close to where they fell in combat. Their names can be found on monuments throughout the world, including at Vimy and Beaumont-Hamel.

Here in Canada, there are memorials to Canada's war dead both in larger centres and in small towns and villages. We pass by these symbols without paying much attention, but they bear silent witness to our past and are a reminder of the sacrifice made by those who died for love of their country and of freedom.

I am happy to be able to report that these stone monuments are not our only means of paying tribute to these individuals. In Quebec, cities bear the names of places that saw combat in World War I, such as Ypres and Vimy, and there are a good number of lakes and rivers with names like Arras, Verdun, Armentières and Amiens.

I can think of no more appropriate tribute to Canadians who gave their lives in the war than to be commemorated in perpetuity—

The Speaker: I am sorry to interrupt the hon. member. The member for Peterborough has the floor.

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[*English*]

YOUTH EMPLOYMENT

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, young people are a priority for the federal government's jobs strategy. Youth employment programs such as Youth Service Canada youth internship and summer job action have provided thousands of young Canadians with work experience since 1994. The establishment of the Boys and Girls Club in Norwood in Peterborough riding is one outcome of these programs.

The youth employment strategy introduced this year will provide opportunities for Canadian youth to break the vicious circle of no job without experience, no experience without a job.

The youth employment strategy will help youth get that first job by creating internships in growth industries, improving successful programs and increasing access to information.

● (1415)

Young people need jobs. Canada needs their energy and talent. The government's youth employment strategy focuses on giving young people the valuable experience and information they need to make a successful start in their careers.

The Speaker: I wish to make a very brief statement that has to do with the question period.

[*Translation*]

Recently, we had questions about guidelines for the Speaker during oral question period. More specifically, the Committee on Procedure and House Affairs proceeded with a review of the rule stating that one cannot, during oral question period, anticipate an order of the day.

[*English*]

In its 61st report tabled in the House on March 21 that committee unanimously suggested this guideline cease to be enforced. As your servant, the Chair will follow this advice. From now on, questions and answers will no longer be ruled out of order on the basis that they anticipate an order of the day.

I thank all hon. members for their time.

Some hon. members: Hear, hear.

ORAL QUESTION PERIOD

[*Translation*]

ORGANIZED CRIME

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, last week the Minister of Justice stated that he felt that the Quebec government had not been sufficiently co-operative regarding an anti-bikers bill.

However, in a letter dated April 3, sent by his Quebec counterpart, we find the exact opposite is true. Quebec proposed three specific scenarios, which were discussed with federal officials, for neutralizing biker gangs and putting an end to this war that has already caused the deaths of several people. Two meetings on this basis between federal and Quebec officials have already taken place, and a third meeting is scheduled today.

Would the minister agree that Quebec is now doing everything in its power to find a solution and that in the final instance, it is the federal Minister of Justice who is engaging in obstruction while trying to make Minister Bégin responsible for his own failure to act?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in my opinion, and on behalf of the Canadian government, this is not a quarrel about jurisdiction but a matter that concerns the safety of Quebecers and Canadians.

Nearly three weeks ago, I went to Quebec City to meet my counterparts and mayors from the Quebec City area to discuss their concerns. They asked for changes in the Criminal Code. Since then I have been trying to respond to this request.

At the Department of the Justice I have set up a special task force to deal with this matter on an urgent basis. We have now reviewed and examined all the alternatives for making criminal legislation more effective and more powerful in order to help police forces in their fight against organized crime.

That is our objective, not these quarrels about jurisdiction between various levels of government. We genuinely want to deal with the core issue which is about making Canadian laws more effective so that we can help our police forces.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, who mentioned jurisdictional quarrels? We in the Bloc Quebecois asked the minister to intervene because the Criminal Code is enforced by Ottawa, as far as we know. We never mentioned jurisdictional quarrels.

What we are saying is that the minister has the full co-operation of Quebec on this matter and that the scenarios proposed by the Government of Quebec could help the minister to table amendments to the Criminal Code if he only had the political will. Is the minister waiting for Quebec to do the job for him? That is the question.

● (1420)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): No, Mr. Speaker. Like all Canadians, I am waiting for each level of government to act responsibly and make our society a safer place to be.

As the federal Minister of Justice, I am responsible for the Criminal Code, but it is up to the province to administer justice, according to the Constitution of Canada. We each share part of this responsibility.

I am very pleased to be able to work together with my Quebec counterpart. As I said earlier, I met him three weeks ago. For years and during the past few weeks we have had meetings with officials on this important matter. Next week we intend to announce the measures we will table to achieve the objectives we share with the Government of Quebec.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, if the minister is so pleased to be working with his Quebec counterpart, he should inform his press secretary who does not say the same thing. The minister might also point out to his press secretary that the French legislation does not go back to 1936 but 1992. The numbers are the same in both official languages.

When the minister tells us that he will table amendments to the Criminal Code or C-17 or will bring forward new legislation next week, will he promise—and we promise to do our share—to ensure that this bill is passed before the next election is called?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am delighted to hear the hon. member agrees there is some urgency involved here in the House of Commons.

However, as far as my dealings with Mr. Bégin, the Quebec Minister of Justice, are concerned, it is true that last week, I was disappointed by Mr. Bégin's response to my request. I merely asked him to clarify his position on an anti-gang bill. I asked some legal questions. I asked legal opinions, opinions of his Department's lawyers. I have yet to receive the details. So I am disappointed.

Forget about the politics of the issue, forget all that because the real issue is to have a more effective Criminal Code to help our police forces. That is the objective of the Government of Canada.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, clearly, as we see again today, the minister has decided to do a bit of petty politicking with this and create a media diversion to hide his lack of political will.

Far from simply doing something to resolve the war of the biker gangs, he is deliberately twisting the practical and realistic proposals of the Government of Quebec.

Given that Bill C-17, an act to amend the Criminal Code, has yet to be passed and is supposed to resolve part of the problem, will the minister accept the full co-operation of the official opposition in amending this bill at the stage it has reached in this House to include in it one of the three scenarios proposed by the Government of Quebec?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first, as I said, I asked Mr. Bégin a number of days ago to clarify his position. The proposals put forward by my Quebec counterpart are vague and general. I have some legal questions.

I feel it is very important in all this to avoid passing legislation that will be struck down or nullified by the courts in six months.

● (1425)

This sort of approach would only give Quebecers and Canadians false hope. We must pass effective legislation that is also valid and constitutional. So, as I said, we intend to announce next week the measures we will propose, and I am very happy to hear the member from the Bloc Quebecois say that he is prepared to work quickly with us.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, we have been calling for this legislation from the minister for two years now. He should perhaps pay attention and produce more realistic laws.

I would remind the minister that he is the guardian of the Criminal Code and of the Canadian Charter of Rights and Freedoms, and that if, with his hundreds of lawyers and the millions of dollars he spends in his department, he is incapable of drafting legislation that passes the test of the charter, the problem lies not with the Bloc Quebecois or the Government of Quebec but with the Minister of Justice.

Since he has just mentioned it, and in the light of the discussions he has had with the Government of Quebec in the past two or three weeks, will he promise that the amendments he is about to table, that he claims to be about to table, will be in line with one of the three scenarios of the Government of Quebec and will incorporate as well the four criteria set by the Government of Quebec to put an end to the bikers' war? In particular, will he promise that this legislation will be approved, passed and in force before the upcoming federal election is called?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have spent a lot of time, since my meeting with Mr. Bégin, meeting with those involved in the matter, that is the mayors of the Montreal and Quebec City regions and the chiefs of police. I have also spoken to the mayors and chiefs of police of other places, because this issue concerns Canadians everywhere. Gangs and organized crime may be found in other cities as well.

I promise today to produce next week this government's proposals and measures, which will be effective as well as valid and constitutional.

* * *

[*English*]

RIGHTS OF VICTIMS

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, my question is for the justice minister.

It has taken a year and an upcoming federal election to get the justice minister to really discover victims' rights. For three and a half years the decisions of the Liberal government worked against victims and their families. Now the Liberals' pollsters are telling them that it is an important issue so the justice minister is all too eager to jump on the bandwagon.

My question is for the justice minister. Why has it taken a year since we first discussed victims' rights in the House and the threat of a federal election for the Liberal government to finally realize that Reform's victims' bill of rights is long overdue?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is regrettable that after so short a period of time in national politics that the hon. member would have become so cynical. It is also very sad that the hon. member is prepared to ignore the facts on such a wholesale basis.

The hon. member speaks about victims. In June of 1994 when we had Bill C-68 before the House and the victims of crime, children, husbands and wives, mothers and fathers who have been shot to death by firearms, came to this building and asked the Reform Party to join with the government in doing something for victims, to those victims this party turned a deaf ear.

When the government proposed changes to the Young Offenders Act and introduced for the first time victim impact statements in youth court, it was that party that voted against it.

Finally, when the government proposed in Bill C-41 on sentencing to provide true restitution for victims so they could get back what they have lost, it was that party that voted against it. It is the government that stands up for victims in this country.

● (1430)

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, we should forgive him, for he knows not what he is saying.

Section 3 of our victims' bill of rights guarantees the opportunity for victim impact statements at any parole or judicial hearing. The justice minister, who pretends to care so much for victims, slipped the provision into Bill C-45 that takes away the automatic right to a victim impact statement until the year 2012.

How can the justice minister pretend to be a champion of victims' rights when his section 745 early release legislation gives more rights to murderers like Clifford Olson or Paul Bernardo than to their victims? Explain that one.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, it is one thing to use rhetoric when talking about a victims' bill of rights. It is quite another thing to produce actual legislation that makes a difference in the lives of victims. That is exactly what the government has done.

There are a dozen examples of concrete ways in which the government has acted to help victims. I refer as an example to Bill C-46, the very intent of which is to assure confidentiality for the private records of victims in cases involving charges of sexual assault.

Let me treat the precise subject the hon. member has raised, which is the role of victims in hearings under section 745. The government believes, and I believe, that victims should have a role at the hearings under section 745. It is for that very reason that three years ago we proposed in Bill C-41 that the right be given.

The hon. member and his party voted against Bill C-41. Since Bill C-41 was tabled, the Supreme Court of Canada released a judgment which according to the common law, recognizes that judges have a discretion to allow victims to participate.

If the hon. member feels that any part of Bill C-45 interferes with the hearings of victims as such proceedings, I am happy to join with him in making such amendments as may be appropriate. In fact, last week—

The Speaker: The hon. member for Fraser Valley West.

Mr. Randy White (Fraser Valley West, Ref.): Mr. Speaker, it is nice to get a word in edgewise. Based on that answer, I am convinced the justice minister does not understand this issue.

If the Liberals were serious about victims' rights, they would have acted on the documents we tabled and debated in the House last April 29, or three and a half years ago when they came into office in the first place.

Victims should come first unconditionally. They should come before criminals. They should come before privacy laws. They should come before the freedom of information act. And they should come before the political fortunes of the Liberal Party of Canada.

I would like to ask the justice minister point blank today: Will he put victims first? Will he put their rights ahead of the rights of convicted criminals unconditionally in legislation?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, not only am I able to say that we are going to do it, I am able to say that we have done it. Time and again when we have brought forward legislation that does it, and the Reform Party for one reason or another votes against it.

As I was saying before the hon.member put further words in edgewise, I have already said to him and to his colleagues that I am happy to participate with them in making appropriate amendments to Bill C-45 if they believe that any such amendment will make it even more crystal clear that victims should have a role at hearings under section 745. Indeed, I wrote last week to the hon. member's colleague making that position clear.

Let us work together. If the hon. member feels that the matter can be made clearer, I am delighted to work with him and with the other parties in the House to achieve that objective.

Let it never be forgotten that time and again the party in the House that stood up for victims of crime, not with rhetoric, not with florid faces—

● (1435)

The Speaker: The questions and answers might tend to be a little long because you are getting back in shape.

* * *

[*Translation*]

SPENDING CUTS

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Bloc Quebecois has been saying for some months now that the government has not cleaned up its own backyard, but has just shovelled more than half of its cuts over into the provinces' backyards.

The cat was let out of the bag, recently, and not just any cat. The President of the Treasury Board was forced to admit in front of a committee of the other House, with all of his habitual candour, that the government would meet fewer than half of the commitments contained in the 1995 budget when it came to reducing the expenditures of federal departments.

My question is for the President of the Treasury Board. Does he finally acknowledge that, based on his own statement that the federal departments' expenditures would be reduced by 9 per cent over three years, instead of 19 per cent as promised, it is the provinces which have done most of the work and have absorbed more than half of his government's cuts through this nice little dumping exercise?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): First of all, Mr. Speaker, I have never admitted such a thing.

I have reviewed the transcription of the Senate committee proceedings. What I said, and I repeat it here, is that, based on the period from 1993-94 to the end of the program review, slated for 1998-99, the reduction in government department expenditures is 14 per cent, while the reduction in transfers to the provinces is 9.9 per cent. Consequently, the federal government has imposed upon itself a burden that is 40 per cent greater than what it has imposed upon the provinces.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, that is not an interpretation of what he said, but an interpretation of what we read. In 1995, the Minister of Finance was talking about a 19 per cent reduction in expenditures, and in the last three years his department has reduced its expenditures by only 9 per cent for this fiscal year. That is what we can conclude.

Now we have a better idea of why the Minister of Finance bought those work boots in 1994. It had nothing to do with creating jobs, it was to be properly dressed to operate a steam shovel for dumping the debt onto the provinces. That is the reality.

I am also asking the President of the Treasury Board whether he acknowledges that his government has acted as a poor manager and whether the Quebec government deficit forecast for this fiscal year would be 60 per cent lower without the federal government's drastic cuts in transfer payments to the provinces?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, first of all, the figures in the 1995 budget are totally valid. The reductions in departmental expenditures are exactly as indicated, that is to say close to 19 per cent, and this is the case quite simply because we have taken money away from the departments'

budgets. The cuts have, therefore, been implemented across the board.

When the Minister of Finance and myself issued a press release a few days ago, we indicated exactly how to reconcile the figures contained in the 1995 budget with the present ones. Without a doubt, once again, not only have we made the cuts announced in the 1995 budget, but departmental expenditures have also been cut, as indicated.

Reconciliation of the figures is done via programs approved in budgets brought down after 1994-95. This reconciliation is shown very clearly in the tables released by the Minister of Finance and myself. I hope the hon. finance critic for the opposition can at least check those figures.

* * *

[*English*]

VICTIMS OF CRIME

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, victims of crime claim the justice minister has betrayed them. He betrayed them through Bill C-41 when he denied them the right to make verbal impact statements. He betrayed them in Bill C-45 by denying them the unconditional right to make impact statements of any kind at parole hearings.

I ask the justice minister this. Why has he added to the suffering of these victims? Why did he deny victims, particularly the families of Olson's victims, the automatic right to be heard at section 745 hearings?

● (1440)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, one thing I can certainly deny is that the hon. member speaks on behalf of victims in this country. He does not. When victims look at the record of this government they find in a dozen pieces of legislation grounds upon which to say that we have improved the law for the benefit of victims.

In terms of section 745, as I have already told my friend's colleague, in Bill C-41 we provided for the victims to have a role at the hearings. After that the Supreme Court of Canada came down with a judgment that made it clear under the common law that it could do so.

If my hon. friend thinks there is any part of Bill C-45 that should be changed to make that any clearer, and I have already told him in writing that I am happy to work with him to that effect, then let the hon. member, instead of standing in the House and carrying on with theatrics and rhetoric, work with us to make changes in the law to improve it for the objective of victims.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, of course we have to address the bungling of this justice minister. Under Bill C-41 he granted victims the right to make written impact statements and under Bill C-45 he took that right away from them. We are talking about the bungling of this justice minister.

The minister and his government have made the claim that making Bill C-45 retroactive could result in a charter challenge. Why would the minister worry about a court challenge? He should be used to them by now.

So far the justice minister's Bill C-68 has been challenged as being unconstitutional. The conditional sentencing provision of the justice minister's Bill C-41 is in court in B.C., Ontario and Alberta. The minister cost the taxpayers $1 million in the Airbus fiasco and now taxpayers may have to cough up millions more in the Pearson airport deal.

Why is he not willing to err on the side of victims, even if it does result in a court challenge? Whose rights are more important to him, those of mass child killer Clifford Olson or those of the families of his victims?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, along with everything else the hon. member must struggle with, his abject inability to make distinctions between different cases is also a terrible burden. It is evident in his questions in the House.

The challenge to Bill C-68, the gun control bill, is before the court. There has been no judgment yet because the argument has not taken place. I would venture to say that the hon. member can count on that bill being constitutional and valid. Those are the submissions we will be making before that hon. court.

In terms of victims, I would like the hon. member to consider the position I put to him last week. If he thinks that Bill C-45 can be improved in any way to assure the right of the victim to participate in section 745 hearings, let the hon. member come forward and work with us to achieve that result. Spare us the tendentious partisan rhetoric in the House of Commons and work with us to make it better.

* * *

[*Translation*]

SOMALIA INQUIRY

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

On March 27, Federal Court Justice Sandra Simpson stated that the government's decision to impose a time limit on the Royal Commission of Inquiry on Somalia was unlawful, considering the extent of its terms of reference. In response to this judgment, the minister maintained his decision and went so far as to change the terms of reference of the commission to include only what happened before the Canadian troops arrived in Somalia.

By unlawfully cutting short the commission's proceedings and subsequently restricting its terms of reference, is the minister not only to trying protect the military establishment but also some Liberal friends who are close to the government, such as, for instance, Bob Fowler, former Deputy Minister of National Defence and currently Canada's ambassador to the UN?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, in his question the hon. member said that the federal court ruled that the procedure followed by the government was inappropriate. In this decision, the court indicated how we should proceed to ensure that the commission of inquiry reports only on the matters it has examined.

Obviously, we wanted to make the situation very clear to prevent any confusion, such as, the government asking the commissioners to report on and draw conclusions respecting situations they had not checked, examined and heard described in testimony. That is what we did.

● (1445)

Mr. Jean-Marc Jacob (Charlesbourg, BQ): Mr. Speaker, clearly, the current Minister of National Defence has been subject to the same pressures from the military establishment as his predecessor who resigned.

Will the minister agree that his shocking decision to change the terms of reference of the commission will leave several fundamental questions unanswered, questions that were the very reason why the commission of inquiry was set up in the first place?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the commission of inquiry has now spent more than two years examining elements of the incidents in Somalia which it considered to be a priority.

As I have pointed out many times, I never commented on the commission's work schedule or on the way it organized its hearings to hear witnesses and their testimony.

Two years, 125 witnesses and 100,000 pages of documents later, I am now, like all Canadians, looking forward to the report and conclusions of the commission of inquiry, which will probably make a number of suggestions that will be very useful and will do so soon enough that they can be used.

[*English*]

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, when the court told the Somalia inquiry that it had every right to investigate the torture murder of Shidane Arone and the subsequent cover-up in Ottawa, the government changed the mandate to hide the truth from Canadians.

Since hiding the truth and changing the law to protect the friends of the Liberal Party is now the policy of this government, will it promise to print—

The Speaker: Colleagues, we should not impute motive either in our preamble or in our question. I would like the hon. member to immediately go to his question.

Mr. Mills (Red Deer): Mr. Speaker, will the Liberal government in its election red book, part two, put in the true facts of what Canadians have really heard from this Somalia inquiry so they really know what the beliefs of this government are?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, I want to say to my hon. friend that the decision of the federal court indicated clearly that the government should spell out, in unmistakable language, what we thought we had done in the original request to bring the commission to a close by the end of June, and that is that we would not be asking the commissioners to report on matters which they had not looked into or which they did not feel were appropriate to report on.

What is going to be happening is, at the end of June, after two years of hearings, 125 witnesses and hundreds of thousands of pages of documents, the commission of inquiry on Somalia will report on those matters it has had an opportunity to evaluate and which the commissioners feel are important to report on.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, two years ago in the House the former minister stood and said we are going to get to the bottom of this; whatever it takes, we will get to the truth.

The promise was made to the Canadian people, it was made to our troops who are out there trying to do their job, that the inquiry will go right to the top and get to the truth. Now we hear that we will change the mandate.

With its terrible record of broken promises and utter disrespect for judicial hearings and quasi-judicial bodies, why should Canadians ever believe this government again?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the hon. member and his party, I know, have a long record of unmitigated support for the justice and court system of Canada. We have heard many times in here over the last three years the great respect Reformers have for the justice system.

What I would suggest to the hon. member is that if he wants to find out how the Canadian forces feel about the decisions of the government, he might demonstrate his intestinal fortitude and go on to the bases in this country and—

Some hon. members: Oh, oh.

The Speaker: Order. The hon. member for Davenport.

● (1450)

MARINE PROTECTION

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Minister of Fisheries and Oceans. Conservation groups are urging the government to declare the largest underwater canyon on the east coast, described as an underwater Grand Canyon, as Canada's first marine protected area.

Using the powers under the new oceans act, will the minister move swiftly to designate this biologically rich and diverse region as Canada's first protected marine area?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member knows that the passage of the oceans act, which concentrated and focused on conservation and the environment, made possible the marine protected areas issue.

To that end and before the passage of the bill, I met with Heritage Canada officials and spent a day with them discussing this issue, along with consultation with many fishermen in eastern Canada.

As a result of that, about a month ago I made an announcement with the hon. Minister of Canadian Heritage which allowed for a marine protected area on the east coast of Canada as a test case so that we can develop policy and have a look at the evaluation criteria to make sure this system will work.

I am sure the hon. member would also be interested that with respect to the specific issue of the gully I have been in conversation with the World Wildlife Fund in the last week. I am sure that once the policies are developed we will be looking at this as one of our priority issues.

* * *

[*Translation*]

SOMALIA INQUIRY

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is for the Minister of National Defence.

When the Minister of National Defence tries to justify his decision to put an end to the Somalia inquiry, he always offers the same excuse of its going on too long and costing too much, despite the fact that Madam Justice Sandra Simpson considers that the commissioners have performed their duties with diligence.

Since the commission is now limited to explaining the events preceding the arrival of the Canadian troops in Somalia on January 10, 1993, how will the people of Canada and Quebec know exactly what happened on March 16, 1993, when a young Somali was tortured to death?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, in the decision of the justice of the Federal Court, it was clear that the government was given certain options to ensure that the commissioners were not asked to report on situations they had not examined.

Obviously, it made perfectly good sense not to ask people to report on matters they had no knowledge of. However, the hon. member is no doubt aware that the terms of reference given the commissioners by the government indicate clearly that they are to report on what occurred prior to the incidents in Somalia and on anything else they feel competent to comment on or reach conclusions about.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, in limiting the commission's mandate, the minister is very much aware that he is in fact limiting the activities of the inquiry. They will not be in a position to shed any light on such important matters as the disappearance of 60 documents from the archives of the former deputy minister of national defence, Mr. Fowler. That is set aside.

How can the minister continue to defend his decision to limit the inquiry, when we will never know what documents, which were so compromising, the former deputy minister, now ambassador, caused to disappear?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, obviously I have considerable respect for the hon. member, but she has just alleged that a deputy minister committed certain acts.

In my opinion, she should pause to reflect before repeating such allegations outside the Parliament of Canada, because it is a fairly serious allegation to suggest that such an act was committed by a public official who was working at the time under the tutelage of a minister of national defence who subsequently became the Prime Minister of Canada. If the hon. member has knowledge in this regard, I am certain she will want to pursue her allegations outside the House.

* * *

[*English*]

GOVERNMENT EXPENSES

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, Mr. Ted Weatherill, chairman of the Canada Labour Relations Board, charged $21,000 in expenses to the Canadian government for expenses he incurred as a member of a private organization, based in the United States no less.

● (1455)

This was no ordinary travel and entertainment. He spent $733 in Paris for dinner for two. The average family in Canada does not spend that much on groceries in a month.

My question is for the President of the Treasury Board. When did it become public policy for the taxpayer to foot extravagant travel and entertainment bills for a patronage appointee who is not even travelling on government business?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I read the story in the Ottawa *Citizen*. The auditor general has been asked to audit the expense account of Mr. Weatherill.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I certainly hope the auditor general looks at this expense account and the other expense accounts that we have raised over the years and finds them all at fault. This type of business cannot continue.

We have children going hungry in Canada while Mr. Weatherill and others like him spend. He spent $148,000 on meals over eight years; one person, $148,000. That is disgusting.

Why has the President of the Treasury Board let this abuse continue for the three and a half years that they have been in office? Will he get rid of these types of people who enjoy patronage appointments and abuse the trust they have been given?

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I invite the member to wait for the auditor general's report before making any conclusions.

Some hon. members: Oh, oh.

Mr. Gagliano: If they would listen maybe they would learn something. The problem with Reform members is that they want to have their cake and eat it too. If they would have voted for instead of filibustering Bill C-66, the bill that creates a new labour relations board, we could have dealt with this problem immediately instead of waiting. They cannot have their cake and eat it too.

* * *

[*Translation*]

MIDDLE EAST

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, my question is for the Acting Prime Minister.

The American President and the Israeli Prime Minister are meeting today in Washington. They will be discussing ways of salvaging talks with the Palestinians on the last phase of the Oslo accords.

Since Israel is trying to acquire new land by going ahead with Jewish settlements in order to operate from a position of strength in the upcoming negotiations with the Palestinian authority, will the Acting Prime Minister agree that such a strategy will lead to an impasse inhibiting the peace process rather than renewing it?

Hon. Don Boudria (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, the Prime Minister of Canada is indeed in Washington, accompanied by the Minister of Foreign Affairs. I am sure that the member across the way will want to wait until the Washington visit is over in order to be able to evaluate all the issues raised by the Prime Minister.

In Washington, the Prime Minister intends to raise a number of issues with his American counterpart. I am proud he has undertaken this visit. He intends to raise issues having to do with refugees, the Middle East and a number of other matters with his American counterpart.

* * *

[*English*]

PEARSON AIRPORT

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, the Minister of Transport cancelled the Pearson airport contract, which would have seen $800 million spent on Pearson airport at no cost to the Canadian taxpayer.

Next, the minister's lawyers testified in a court of law that had the contract proceeded, the contractors would have lost money.

My question is for the minister. Given that he and his new airport authority are spending over $3 billion in legal costs, settlements, rent relief, terminal 3 purchase and the grandiose spending scheme of the new airport authority, can the minister tell the taxpayers of Canada how it is in their interests to spend $3 billion on a project that his department testified in a court of law would have lost money with an expenditure of $800 million?

● (1500)

Hon. David Anderson (Minister of Transport, Lib.): Mr. Speaker, the hon. member and his party have consistently failed to understand the circumstances surrounding the Pearson situation.

When we entered government in 1993 we examined the Pearson agreement with the private consortium and determined that it was not in the public interest but it was, however, in the private interest.

We thereafter established a public not for profit corporation incorporating the various interests of the community and that is the authority to GTAA which is now engaged in developing Pearson airport.

Pearson airport will be developed by decisions made by the local authority on the ground in Toronto. It is not a question any more of the federal government second guessing or giving instructions to the GTAA.

If the member wishes to know how Mr. Turpen, the chief executive officer of GTAA, intends to develop Pearson airport he should address his questions to Mr. Turpen.

* * *

[*Translation*]

ZAIRE

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Mr. Speaker, my question is for the Minister for International Cooperation.

In recent days, the media have reported that approximately 120 Hutu refugees are dying daily in Eastern Zaire. Thousands of people are awaiting humanitarian aid. What does the government intend to do to help them?

Hon. Don Boudria (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, I am sure that all Canadians were as upset and disappointed as I was at seeing this recent scene of hundreds of Rwandan refugees suffering and dying in Eastern Zaire.

However, the Government of Canada is pleased with the decision by Zairian rebels to give access to the Office of the United Nations High Commissioner for Refugees so that refugees can be helped.

I am pleased to announce to the House and to my colleagues that Canada will be making a contribution of $3 million to UNHCR in order to help repatriate refugees of the Kisangani region of Rwanda.

* * *

[*English*]

ENDANGERED SPECIES

Mr. Len Taylor (The Battlefords—Meadow Lake, NDP): Mr. Speaker, at the beginning of the government's mandate it promised that an endangered species act would be passed.

Two separate ministers of the environment engaged in a very open and consultative process that developed and eventually drafted endangered species legislation. Over the last little while the environment committee has travelled extensively to discuss publicly the endangered species legislation.

I understand now that the government is internally discussing behind closed doors the future of the endangered species act. I ask the Parliamentary Secretary to the Minister of the Environment whether it is true the department of fisheries is trying to gut this new act.

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I would like to respond to this question as government House leader.

I would expect that before too long the bill will be before the House and we can test the reproach of the NDP and the opposition parties by seeing whether they will enter into an agreement to deal very quickly and promptly with this very important piece of legislation.

* * *

REPORT OF PARLIAMENTARY LIBRARIAN

The Speaker: I have the honour to lay upon the table the Report of the Parliamentary Librarian for the fiscal year ended March 31, 1996.

ROUTINE PROCEEDINGS

● (1505)

[*English*]

CANADA ELECTIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, in accordance with subsection 198(3) of the Canada Elections Act and pursuant to Standing Order 32(2) I wish to table, in both official languages, copies of recent amendments to the federal elections fees tariff.

Pursuant to Standing Order 32(5) this document should be deemed permanently referred to the Standing Committee on Procedures and House Affairs.

* * *

ORDER IN COUNCIL APPOINTMENTS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of order in council appointments which were made by the government.

Pursuant to the provisions of Standing Order 110(1) they are deemed referred to the appropriate standing committees, a list of which is attached.

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[*Translation*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Paul Zed (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 77 petitions.

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, as chairman of the Standing Committee on Public Accounts, I have the honour to present to this House the fifth report of the committee, which conducted a review of Chapter 14 of the auditor general's report, tabled in September 1996 and dealing with the quality of services.

I simply wish to point out that, as members of the committee, we strive to ensure that the government provides the best services for the money paid by Canadian taxpayers. As parliamentarians, we must also ensure that those responsible for public funds are held accountable for the judicious use of these funds, in compliance with the policies adopted by Parliament.

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

* * *

[*English*]

BANK ACT

Mrs. Rose-Marie Ur (Lambton—Middlesex, Lib.) moved for leave to introduce Bill C-395, an act to amend the Bank Act.

She said: Madam Speaker, it is a pleasure for me to introduce my private member's bill which would amend the Bank Act by increasing the amount of disclosure that a bank is required to provide its customers.

A number of banks in Canada offer their customers certain benefits which are not available to all of their customers. For example, some banks offer rebates on services to youth and seniors. Unfortunately most bank customers are completely unaware of the benefits to which they are entitled.

I believe my bill would remedy this situation by obligating banks to give notice to a customer of the bank regarding the benefits to which he or she is entitled. My bill would also prevent banks from charging any fee against an inactive bank account unless the bank first mailed a notice to the customer at least 30 days prior to its intention to charge the fee.

Taken together I believe these provisions would enhance consumer protection for Canada's bank customers.

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

PROCEDURE AND HOUSE AFFAIRS

MEMBERSHIP OF COMMITTEE

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, if the House gives its consent I move:

> That the membership of the Standing Committee on Procedure and House Affairs be modified as follows: Roger Pomerleau for Madeleine Dalphond-Guiral.

● (1510)

The Acting Speaker (Mrs. Ringuette-Maltais): Does the parliamentary secretary have unanimous consent of the House to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to.)

* * *

PETITIONS

CRIMINAL CODE

Mr. Janko Perić (Cambridge, Lib.): Madam Speaker, pursuant to Standing Order 36 I have the privilege to present to the House three petitions.

In the first petition 180 citizens of my riding of Cambridge wish to draw to the attention of the House their concerns for the sanctity of life.

The petitioners pray and request that the Parliament of Canada retain current provisions of the Criminal Code prohibiting assisted suicide and that Parliament not sanction the aiding of suicide or euthanasia.

AGE OF CONSENT

Mr. Janko Perić (Cambridge, Lib.): Madam Speaker, the 400 citizens who signed the second petition firmly believe that our age of consent laws should be designed to protect children from sexual exploitation and abuse.

Therefore the petitioners call upon Parliament to amend the Criminal Code to set the age of consent except within a husband and wife relationship at the age of 18.

HOUSING

Mr. Janko Perić (Cambridge, Lib.): Madam Speaker, in the third petition 270 citizens of my riding of Cambridge wish to draw to the attention of the House their concerns about the prospect of the provincial government taking over the administration and funding of social housing, including housing co-operatives currently participating in federal housing programs.

For this reason the petitioners pray and request that the negotiation on social housing with the province of Ontario be conducted with the input of co-operative housing stakeholders.

I fully agree with all the petitioners.

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I have a petition from several hundred people in Peterborough who are concerned about co-operative housing.

Parliament is negotiating with all provinces to assume the administration of social housing. The province of Ontario has not respected its legal operating agreements and has said publicly that it wants to sell off public housing.

The petitioners point out that the co-operative housing sector is a unique and separate entity from all other social housing. Therefore they call upon Parliament to recognize the co-operative housing sector as a unique and separate entity from all other social housing. They ask that Parliament seriously consider the transfer of the administration of co-operative housing to a non-government organization as proposed by the Co-operative Housing Federation of Canada.

TAXATION

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Madam Speaker, pursuant to Standing Order 36 I am pleased to present more petitions urging the government to demonstrate its commitment to education and literacy by eliminating sales tax on reading materials.

As literacy critic for the Reform Party I must concur with Canadians that they should not have to pay a tax to read.

The petitions are from Prince George, Quesnel, Grand Forks, Vancouver, Whistler, Surrey and many other parts of British Columbia.

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Madam Speaker, pursuant to Standing Order 36 I am pleased to present a number of petitions.

As supporters of literacy the petitioners believe that literacy and reading are critical to Canada's future and that removing the GST from reading material will help promote literacy in Canada.

The petitioners call on Parliament to ensure that reading materials are not taxed under the proposed harmonized sales tax.

ABORTION

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, I have several petitions to present.

The first one has to do with abortion. It is a sanctity of life petition where people would like to see the Criminal Code amended to extend the same protection enjoyed by born human beings to unborn human beings.

JUSTICE

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, I have three other petitions that are all related to justice issues.

The first one is signed by some 250 people who that want to increase both minimum and maximum penalties for joy riding or auto theft, as I prefer to call it.

● (1515)

POLICE DOGS

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, the second petition has 1,000 names. It is about the need to protect police dogs. There are only 275 police dogs in Canada and they cost about $40,000 apiece to train. The petitioners would like to see more stringent penalties against those who kill a police dog in order to escape justice. I concur with that.

CRIMINAL CODE

Mr. Chuck Strahl (Fraser Valley East, Ref.): Madam Speaker, I have another 2,700 signatures which brings the total to some 33,000 signatures I have received asking that the House of Commons amend the Criminal Code in several ways to allow for post-sentence supervision of sex offenders, for public notification when sex offenders have been released into society, a central registry including fingerprints, to amend the Criminal Records Act to prohibit pardons for those convicted of sex offences involving children and so on. Some 33,000 people have asked that the government move quickly to look after that problem.

HIGHWAYS

Mr. Nelson Riis (Kamloops, NDP): Madam Speaker, it is my duty, privilege and honour to rise pursuant to Standing Order 36 to present a petition on behalf of a number of residents of Kamloops who call on the Parliament of Canada to urge the Government of Canada to join with the provincial governments to make a national highway system upgrading program possible. They urge that be commenced in 1997.

CANADA POST

Mr. Nelson Riis (Kamloops, NDP): Madam Speaker, I have another petition which brings the total to over 19,000 names of people who ask the federal government to revoke the decision to fire 10,000 ad mail workers, to direct Canada Post to stay in the ad mail and courier business so it can improve rural post office service, extend door to door delivery by letter carrier and create jobs at duty post offices.

The petitioners also urge the federal government to keep its promise to create jobs by supporting the Canadian Union of Postal Workers and its actions to expand services and to defend and create more jobs in the postal business.

TAXATION

Mr. Nelson Riis (Kamloops, NDP): Madam Speaker, another petition is from the residents of Kamloops and a number of nearby communities pointing out that it is important that the GST be removed from reading material.

The petitioners state that education and literacy are critical to the development of our country and that the existing tax is a regressive tax. They call on the House of Commons to do away with the GST totally but in particular in this case as it refers to reading material.

NUCLEAR REACTORS

Mr. Nelson Riis (Kamloops, NDP): Madam Speaker, a number of constituents who were very busy over the Easter break call on the Government of Canada to reconsider providing loans to China for buying nuclear reactors and nuclear equipment from Canada. They believe the billion plus dollars in loan guarantees could be better spent by assisting Canadians.

HIGHWAYS

Mr. Gordon Kirkby (Prince Albert—Churchill River, Lib.): Madam Speaker, I am honoured to present, pursuant to Standing Order 36, a petition from the residents of Etobicoke, Whitby, Mississauga, Oakville, Georgetown, Scarborough, Toronto and Brampton as well as other communities.

The petitioners call on Parliament to urge the federal government to join with the provincial governments to make a national highway system upgrading possible in 1997.

NORTH ATLANTIC TREATY ORGANIZATION

Mr. Gordon Kirkby (Prince Albert—Churchill River, Lib.): Madam Speaker, I have a petition from people in communities such as Etobicoke, Mississauga and Toronto as well as others who call on Parliament to support unequivocally the enlargement of NATO to include all countries of central and eastern Europe that wish to join, excluding none.

PUBLIC SAFETY OFFICERS

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I have three petitions today. The first comes from Powell River, B.C. The petitioners would like to draw to the attention of the House that police officers and firefighters place their lives at risk on a daily basis as they serve the emergency needs of all Canadians. They also state than in many cases the families of police officers and firefighters killed in the line of duty are often left without sufficient financial means to meet their obligations.

The petitioners therefore pray and call on Parliament to establish a public safety officers compensation fund to receive gifts and bequests for the benefit of families of police officers and firefighters who are killed in the line of duty.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the second petition comes from Kitchener, Ontario. The petitioners would like to draw to the attention of the House that managing the family home and caring for preschool children is an honourable profession which has not been recognized for its value to our society.

The petitioners therefore pray and call on Parliament to pursue initiatives to assist families that choose to provide care in the home for preschool children, the chronically ill, the aged or the disabled.

● (1520)

LABELLING OF ALCOHOLIC BEVERAGES

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the final petition comes from Pembroke, Ontario. The petitioners would like to draw to the attention of the House that the consumption of alcoholic beverages may cause health problems or impair one's ability and, specifically, that fetal alcohol syndrome and other alcohol related birth defects are 100 per cent preventable by avoiding alcohol consumption during pregnancy.

The petitioners therefore pray and call on Parliament to enact legislation to require health warning labels to be placed on the containers of alcoholic beverages to caution expectant mothers and others of the risks associated with alcohol consumption.

NATIONAL UNITY

Ms. Marlene Catterall (Ottawa West, Lib.): Madam Speaker, I am pleased to present a petition from a number of people in the province of Quebec who call to the attention of Parliament that the nation is in danger of being torn apart by regional factions.

The petitioners ask Parliament to declare and to confirm immediately to—

[*Translation*]

—that Canada is indivisible and that the boundaries of Canada, its provinces, territories and territorial waters may only be modified by a free vote of all Canadian citizens as guaranteed by the Canadian Charter of Rights and Freedoms, or through the amending formula stipulated in the Canadian Constitution.

* * *

[*English*]

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

* * *

[*Translation*]

BOARD OF INTERNAL ECONOMY

The Acting Speaker (Mrs. Ringuette-Maltais): I have the honour to inform the House that René Laurin, member for the electoral district of Joliette, was appointed as a member of the Board of Internal Economy replacing Mrs. Dalphond-Guiral, member for the electoral district of Laval Centre.

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-46, an act to amend the Criminal Code (production of records in sexual offence proceedings), be read the second time and referred to a committee.

Mrs. Daphne Jennings (Mission—Coquitlam, Ref.): Madam Speaker, I rise today to speak on Bill C-46, an act to amend the Criminal Code involving the production of records in sexual offence proceedings.

Victims who have been sexually assaulted are often hesitant to come forward, probably because of the fear of disclosure of personal records which they feel would be tremendously embarrassing to them. We can understand that, but some of these charges are very real and very tragic. Lives can be ruined before they have even had a chance to get started.

The question we have to ask today is: Are there those who hesitate to come forward because they are disturbed by the very public nature of the court process? It is a fact that the accused of any crime, especially a sexual offence, will put forward a defence of some nature. Of course the gloves will come off.

In the past, defence lawyers have sought records from the victim's past to try to help their clients, to smear the victim and try to cause the victim to lose credibility. These records have included psychiatric, social welfare, employment, personal counselling and other very private facts.

Few of us want our personal lives exposed to all and sundry. The fear of having such personal records revealed is believed to be a deterrent to victims to report sexual assault against them. Going further, the fear that such records may at some future date be called for is hampering the process of counselling and assistance provided by victims' support centres.

Most of us are in favour of and support victims' rights but how we do it is another thing. Often in counselling the victim is afraid of disclosing too much for fear of the exposure. In fact the Parliamentary Secretary to the Minister of Justice, when he spoke on Bill C-46, asked us to consider this scenario.

A person is sexually assaulted and following the assault receives counselling from a sexual assault centre. The counsellor may take notes of the sessions where the complainant is distraught and full of self-doubt about why this has happened. The notes are the perceptions or recollections of the counsellor. They may not necessarily truly reflect what the victim says.

They are not verbatim transcripts of the conversation. They are not statements, yet defence counsel may attempt to gain access to and explore those records, looking for perhaps what is in the view of the defence an inconsistent statement. Perhaps the complainant has undergone therapy for depression or child sexual abuse long ago and of the assault which is now subject to the criminal charges.

● (1525)

It is not enough to only be concerned about the victims' rights. We have to be concerned that the victim, in having those rights, is protected even more so in that everything personal about them has to be looked at very carefully and that it will actually impact on the proceedings that are going to be followed through on the investigation.

Victims' rights have long been a basic plank of the Reform Party. Of course we would support legislation that provides increased protection to law-abiding citizens and victims of crimes. Therefore we support the bill in principle. However, I still have reservations regarding the government's commitment to victims' rights.

However, we must also be mindful of the longstanding tradition in our country and in the British legal system to protect everyone's rights. That includes an accused person's right to have the opportunity to make a full and fair defence to any charges brought against him or her. How can we as legislators ensure that the right to a full and fair defence is not affected or weakened through provisions of the bill?

Sexual assault is a very serious offence and we must make it possible for victims to come forward without fear of public exposure of their most personal records. Yet we must also acknowledge that there have been instances where accusations of sexual assault have been found to be false. The bill must consider two competing or conflicting interests.

Genuine victims of sexual offences need to be protected from being further violated by having their personal lives and intimate thoughts put before the public as the defence goes on a fishing trip to dredge up some unsavoury but irrelevant personal detail.

Similarly, some persons have been wrongfully accused and must be entitled to all resources available to clear his or her name. As you can see, Madam Speaker, there are strong arguments on both

sides of this question. We are given a position in Bill C-46 to look at very closely and to balance very carefully the rights of all individuals.

I am very concerned about the possibility of someone being wrongly accused because of a constituent who came to me just after I had been elected in 1994. A man and his wife felt some authority, in this case myself, the MP, should hear his story. In spite of the fact that he was charged, found guilty and served his sentence, he maintains his innocence. This man lived in British Columbia's north country in the 1960s when the alleged sexual abuse was supposed to have taken place. The alleged victim decided to come forward when she was 31 years of age and accused this man of sexually abusing her when she was seven years old. At that time the offender was married to the victim's aunt.

His wife of the day said he could not have done the offence. He explained that at the time of the alleged assaults he was not yet home from his shifts at work. Yet this woman of today had a school friend of yesterday who testified that the assaults happened after school. As well, time had not been too kind to this victim. Apparently she had serious problems with drugs when the accusations were made.

There are serious questions rising from this case which have had lawyers and law professors very disturbed about the chain of events and the lack of accountability of the legal system. The result was my constituent was found guilty in 1989 and sentenced. He spent three years in jail. He told me he could have been paroled in six months if he had admitted his guilt to this offence. All along he has maintained his innocence. He was released from minimum security in April 1992. Did this man get a fair trial? Is he in fact a victim? There were some problems with a parole officer. There were problems with the offender's rights being dealt with according to the law. Was he a victim of the court system?

The man I met in my office was devastated by what had happened to him. In one thing he remained steadfast. Regardless of the day passes and the Christmas passes he could have received if, as he says, he had gone along with the system, he would not give in. He was innocent and he served his full sentence. Although he was a good prisoner and worked well in prison, he was not given any time off for good behaviour. He served his full sentence and all the time maintained his innocence.

With a case like that we have to stop, pause and think. Is it possible that there are errors that slip through the cracks? Is it possible that in fact this man is completely innocent and was a victim of the system?

I am perhaps overly concerned about the rights of the accused because it seems the legal system has many flaws and judges are not perfect. They are only human. Many of us wonder how a judge could accuse a three-year-old child of being sexually aggressive and be blamed for her own sexual abuse. What kind of a judge could decide that? It makes one wonder.

• (1530)

Lately a man who stabs his wife many times, resulting in her death, all this in front of her children, is not guilty because he was drunk. Alcoholism is an illness. It is not an excuse. What kind of judge would allow it to be used as a defence, then decide in favour of using the drunken plea as a defence and include that reasoning in sentencing?

When is everyone going to be held responsible for his or her actions? It seems so simple and yet we have such difficulty having everyone just being accountable for his or her own actions without excuses. The question to be asked here, in spite of the faults in our legal system, and maybe because of it, is this. Does this legislation strike the proper balance between these competing interests, the protection of the victim and the rights of the accused?

Under the terms of the bill, the accused will have to pass a two-stage process in order to obtain the production of personal records of the complainant or a witness in sexual offence cases. The accused will first have to satisfy the judge that the records will likely be relevant to an issue at trial or to the competence of a witness to testify. All parties have an opportunity to oppose the application by the accused. The judge holds the hearings in camera.

If the judge decides that the record in question may be relevant to the case, he or she orders the production of the records for review and subsequent decision on whether or not they may be used. Even if the judge rules in favour of the accused for some or all of the records, conditions may be attached. The records cannot be used in other proceedings.

Again, it is important to point out that not all complainants are true victims. We are all aware of instances where complaints have been frivolous or malicious. Some of us are also aware of accusations arising from a condition called false memory syndrome. I heard a Liberal member speaking on it this morning, bringing out some facts and actual figures on it. There are cases where parents in their later years are being subjected to accusations of sexual assault that allegedly occurred 30 or 40 years earlier, assaults that were not recalled until the victim was undergoing some form of therapy, in other words a helping process. There is also growing evidence that these vivid memories, repressed for 20, 30, 40 or more years, may be highly unreliable. Great care must be taken in accepting this type of evidence without solid corroboration.

There will be concern expressed about the kind of discretion that is placed in judges. It is noteworthy that the judge must provide reasons for orders made to produce records or refusals of such orders.

I would like to add here that the judge's reasons should be based on facts and not based on his or her opinion of what seems to be. I say this because again of personal experience. I have been a victim of the court system. In my case it was the civil court system, not the criminal system. Either way, we have many problems with the legal system, judges being not the least of them.

In our case we had sold a family home of many years in 1980 and bought a small business out of receivership. Originally we paid insurance of what was then perceived to be the business' value. As the business prospered we had to increase our premiums as the value of the business had increased. At this time we had the business appraised by an experienced hotelier and his appraisal agreed with the insurance company's appraisal. We sold our small business due to a family illness at a value which was less than the market value of the day.

The purchasers ran into trouble after a year and a half. The business was run down and they stopped making mortgage payments to us. They tried to sell it and even had a commercial appraisal of a value which was far in excess of what we sold it for. We went to court and obtained a judgment against them for the balance owing to us for our business.

The judge of the day dealt with the facts and protected our rights as one would expect. We received our judgment. To stop us from collecting on our judgment the purchasers charged us with misrepresenting the sale of our business. Of course the facts were there to prove otherwise but the couple was successful in stalling us for a couple of years from collecting on our judgment.

In the period of three years we went through three lawyers: one was disbarred, one was fired and the last we just ran out of money. So we represented ourselves in an eight day supreme court trial in British Columbia.

Three days before the trial, the claimant's lawyer offered us $50,000 and they would drop the charge if we would take the hotel back. However, the trial proceeded. This new judge did not like us lay people in his courtroom without a lawyer. This is not just fiction from my imagination. This is the result of having the judgment read to two retired judges and two senior lawyers in Vancouver who all gave us the same answer.

● (1535)

In fact, the judge would not let a lay person win against a senior lawyer. He decided we had sold the hotel for too much money even though all the evidence presented proved just the opposite. He said that we should have sold it for an amount much lower than the market value and he took $50,000 from us but ruled that we would keep our judgment.

The judge based his decision on his opinion and not on the facts, thereby making it impossible for us to win an appeal on his decision. It appears that a judge is god in his or her courtroom. That is a frightening experience to go through. He or she is unaccountable for his or her actions, therefore it is only through the reasons given in his or her judgment that we can appeal the case. If he had based his decision on his or her own opinion rather than the facts, there is no way to get a successful appeal. We had to live with the results.

We now have our property back. The other couple lost everything which is exactly what they deserved, but the public has had to pay the bill for an unnecessary court case that wasted years of the court's time and many tax dollars.

What kind of judge would violate our rights so badly? In the civil justice system, there are thousands of complaints a year against lawyers and judges registered with the Law Society in British Columbia. I am only familiar with the Law Society in British Columbia but I would imagine in every province in Canada there are thousands of cases against what has happened in the legal system to individuals.

Therefore, I repeat regarding Bill C-46, there will be concern expressed about the kind of discretion that has been placed with judges. It is worth mentioning that the judge must provide reasons for orders made to produce records or refusals of such orders. The reasons would have to be read into the record or given in writing.

Again, I ask that these reasons be based on facts produced. I ask the members sitting opposite to look very carefully at Bill C-46 to make sure that the judge has to give reasons based on facts and not on the judge's opinion.

The bill also allows for the right of appeal. That too is an opportunity that can be played with. It must be a proper right of appeal.

Generally this bill attempts to be a fair compromise between two very serious individual rights. Let us hope that this bill has the merit, that it treats victims fairly, that it may be a start on victims' rights that we can improve on until Reform's concerns are dealt with, until we have full legislation on victims' rights. Then victims can truly know that they matter, that they count, that when something terrible happens to their families, they too, not just the individual in the family but the person in the family who is affected by it, are victims. They too can be addressed.

Motion No. 267, my private member's motion which will have its last hour of debate tomorrow, deals also with this matter in a roundabout way. That is the fact that we have private member's bills presented to the House, agreed on by members of the House, pass second reading, go to committee and then the members of the committee vote them down, often without any reasons as in the case of my bill. No reasons are given in committee. There is no discussion in committee on the witnesses who appear before the committee and the bills are not being returned to the House.

It is very important that the House recognize the rights of the members who have been elected to push forward their constituents' wishes, that the bills that the House agrees on which should be presented to committee should also be returned from committee with reasons for judgment.

If the justice committee or whatever committee deals with the bill wants to vote it down, that is fine. The reasons for voting it down must be returned to the House. We must understand fully. We must have a complete circle of democracy.

I am also concerned about the fact that sexual abuse has happened in my riding as well as in many other ridings. In my instance, the girl was handicapped. She was in a wheelchair. She suffered from cerebral palsy and yet she had the courage to come forward. She had many people, myself included, to be beside her for the sentencing. She was a victim and the man she accused was found guilty. However, he is still in the country although he is not a Canadian. He has not yet been sent back to his country. We are following it through.

● (1540)

These are issues that all of us have to take very seriously. In Bill C-46, which I find to be working toward the betterment in both cases, I would still hope that the Liberals will look very seriously at amendments for it.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I note with interest that the Reform Party on many occasions stands to ask when are we going to stand up for the rights of the victims or when are we going to put the rights of the victims ahead of the accused in every single case. I think those words were used today.

This is a good example of legislation that the government has brought forward to assist victims to go through the criminal process, to make sure that their lives are not subject to fishing expeditions. I am very curious to know why it is the Reform Party in this case, where we are doing something concrete for victims of crime, bends over backwards to say: ''But we still need to make sure the accused has a right to full answer in defence''. Why is there all this concern about the rights of the accused when we are dealing with sexual offences against women and children? Why the inconsistency?

Mrs. Jennings: Madam Speaker, I would like to thank the parliamentary secretary for his question.

First, what the member has said is not quite accurate. We are very concerned about victim's rights. We are very concerned with the Liberals following through on victim's rights.

I have honestly said in the House today that I recognize the fact that the government has put forward the bill with the purpose of helping. I hope that is what happens. However, I cannot let the question go by without pointing out to this member that the government had ample opportunity to remove section 745 from the Criminal Code.

Mr. Kirkby: Answer my question.

Mrs. Jennings: I am answering the member's question and I am sorry he was out when I answered it.

Clifford Olson has now been given permission to question the families of his victims. The government had ample opportuntiy to stop that. That is very poor. I do not know how the government can justify it. It had an opportunity. It even had one of its own members, whom it has now got rid of, came forward with a private member's bill which was buried in committee, just like mine. This member will know because this member was in that committee.

How can this member stand and ask such a question?

Mr. John Bryden (Hamilton—Wentworth, Lib.): Madam Speaker, earlier in the debate I raised the issue that Bill C-46 involves prohibitions on the opportunities of the accused to seek information that is relevant to his defence. It was elsewhere said that this was not really a prohibition, but it was a limitation that was being talked about in the bill and that the point I raised earlier was entirely a question of semantics.

I would like to draw the attention of the Speaker to some definitions in the Oxford Concise Dictionary. For ''prohibition'' we find in the dictionary the definition of ''to prevent, make impossible''. Then elsewhere in the dictionary under the word ''limit'' we find ''a point or line, or level beyond which something does not and may not pass''. Elsewhere under the definition of ''restrict'' or ''restriction'' we find the definition of ''a limitation placed on action''.

I would suggest the point that I made earlier is not a matter of mere semantics. It is at the very core of this debate. If we are talking about limitations on the rights of the accused to defend himself, to prove his innocence or to demonstrate his innocence, if we are talking about limitations or prohibitions, they are one and the same. We are limiting the right of the accused to defend himself and we run the risk of sending an innocent person to jail.

I believe that is something we should give the highest priority to prevent.

● (1545)

Mrs. Jennings: Madam Speaker, unfortunately I was not listening when the member spoke earlier. I thought I made it clear in my speech that I was very concerned the accused receive a fair trial and have all the information they need at their disposal to get a fair hearing.

I spoke of the case of a man in my riding. I am positive in my experience with human nature and having spoken to him he was innocent. Yet he was charged, found guilty and spent three years in jail.

I agree with the member that exact wording is a very serious matter. I hope I have made a suitable comment.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Madam Speaker, in the opinion of the hon. member from the Reform Party is it coincidental that a bill like this one shows some recognition of victims rights? Is it coincidental that the bill is coming forward on the eve of an election?

Why in her opinion have the Liberals completely ignored victims rights for 3.5 half years? Why does it take an impending election for them to bring forward some politically expedient bills? Are they in fact taking advantage of victims for political reasons?

Mrs. Jennings: Madam Speaker, I thank the hon. member for Prince George—Bulkley Valley for his question.

It would appear that this is the case. Unfortunately we have not seen any victims rights bill being addressed by the government over the last 3.5 years. Now an election is pending and suddenly we see Bill C-46. The government has ignored essential victims rights. I cannot stress how serious a violation the Clifford Olson case was.

We are heading to a general election. We know victims rights could have been dealt with beforehand. There have been serious cases in my time in Parliament when we have asked for assistance. Victims have rallied on the Hill asking for assistance.

It seems the Liberal government addresses the issue a bit but never enough. That is a major concern to me and I find it in every piece of legislation.

In viewing all the legislation that has come from the Minister of Justice I have found its purpose appears to be more litigation for lawyers. That can be found if we look carefully at every piece of legislation that has been passed since I came to the House.

Mr. Art Hanger (Calgary Northeast, Ref.): Madam Speaker, I am certainly pleased to address the bill before us.

As the Reform member for Mission—Coquitlam mentioned, it is interesting the issues of victims are becoming more prominent in the rhetoric of the Liberal Party. Bill C-46 has some benefit for victims, especially sexual assault victims.

Before I get into the specifics of the bill, a question was asked of the justice minister today dealing with victims. Of course the justice minister went on and on.

We on this side of the House and members of the public who were watching heard a somewhat revealing dissertation from the justice minister on how his party has supported victims over the 3.5 years it has been in Parliament. The justice minister related to several bills which were introduced allegedly dealing with support for victims of crime.

He mentioned Bill C-41 which deals with granting victims the right to make impact statements. That is a very key issue for victims. They must have their day in court. There is no question about it. However in our current system that is not happening.

● (1550)

The justice minister made the proclamation that the Liberals gave victims the right to introduce their victim impact statements in court. Almost in the same breath Bill C-45 was passed which took that right away. The court sits in the same position it did when this began. The victim no longer has the right and the discretion is granted to the judge. He decides whether or not the victim can introduce the statement.

I have listened to section 745 hearings concerning early release for those who have committed first degree murder. Victims have a real struggle trying to tell their story at those hearings. The judge can even edit the victims' statements.

The judge tells the victim what he or she can or cannot say. Yet the accused can get up on the stand and clearly state all his feelings and even reconstruct the events that put him in jail. That is what the jury hears. There is no real opportunity to cross-examine the accused because the trial has long passed and the witnesses are not there to support or deny the story.

The justice minister talked about Bill C-68 and what it has done for victims. What has it done for victims? The bill is quite intrusive into the lives of law-abiding citizens. It will create more victims as opposed to helping them. The bill is an intrusion into the lives of law-abiding gun owners, yet the justice minister claims that it will support victims. I would like to know how the gun control bill will limit the use of firearms in crime. I have not yet heard a plausible answer from that side of the House.

The justice minister talked about Bill C-55 which deals with the incarceration of dangerous and violent offenders. The fact is that violent offenders will still be released on parole. As has been already pointed out, they will be able to victimize the community again. The violent and the dangerous will still be released under Bill C-55, the bill that is supposed to get tough on crime.

I hesitate to speak on some of the other bills which allegedly support victims. With the five bills I have mentioned the chances of victimization occurring is greater now than it was before the Liberals formed the government.

Bill C-46 is intended to strengthen the protection of privacy and equality rights of complainants in prosecutions for a variety of sexual offences. There is no question there needs to be some

revision, but I caution members opposite including the justice minister that false accusations have been made by those claiming sexual abuse. Witnesses, even expert witnesses testifying in sexual abuse cases, have pointed the finger at the so-called accused when the expert witnesses have also been sexual abusers.

● (1555)

What have been the results? In those cases would an innocent person be tossed into jail upon the expert testimony of a witness? I do not think the justice minister or the entourage of lawyers under his purview have really thought about some of those situations. False accusations have been made time and time and time again.

One must admit that when it comes to some of the sexual abuse charges which have been laid not all complainants are true victims. I have had privy in some of my investigations as a police officer to realize that. Whether they be children, male or female, some people have come forward with false accusations of sexual abuse. Those are difficult investigations to involve oneself in. It is difficult to lay out all the information. On the other hand I have seen very legitimate complaints laid and unfortunately no conviction in court.

As a precautionary measure it is always good to have corroborative evidence when it comes to sexual abuse accusations. I remember one investigation that involved children and a high ranking member of the community, a high profile person. The accusation was made by a young lady some 10 years after the offence. It is not that she had forgotten about the incident. It had happened and had a psychological effect on her. Obviously it had been pushed to the back of her memory. Through counselling it actually came forward and the accusation was reported to the police department.

A decision has to be made on the part of an investigator to release the name of any high profile person because the impact on the individual's life could be very substantial. It could be devastating. It could lay his whole life to ruins. I have seen that happen too.

The accusation was made. The investigator made the decision to release the name of the abuser, the high profile person who had committed the act. The outcry from some in the community was substantial: "How dare you do this on the statement of one person?"

Investigators are trained. There are some good ones. Some may not be as experienced but there are some good investigators in criminal abuse or sexual assault cases. There were some very important consistencies in the woman's statement that caused the investigator to release the name of the accused. With that came dozens and dozens and dozens more. There were young victims and some older victims who had been abused by the individual over the years.

The end of this story clearly indicates the need to have a good investigation and qualified investigators. All the information that can be made available should be made available to the courts. It should all be laid out on the table for cross-examination. It could include some of the past of those who are making the complaint. It should not be shut out completely.

● (1600)

This particular incident resulted in the conviction of the accused person. There was a group of individuals who refused to accept the fact that he was guilty of such an offence, and they still believe that to this day.

The accused ended up pleading guilty to a number of charges and he did his time. Justice, I might point out, was nearly served had it not been for the fact that they released him early. An abuser is an abuser and I believe that information should come forward in its finest form.

Let us go to the fact that there could be a false statement made. Some have made accusations against teachers, pastors and others holding high profile positions in society some years after the alleged incidents have taken place. Some of the accusers have had questionable backgrounds. Some had fantasies they have expressed to others that I think would definitely be relevant to the case at hand. I think this is the cautionary side in restricting some of this information because it could mean the difference between guilty or not guilty.

This legislation as it is struck has two built in safeguards in examining the past record of a subject that some may feel is relevant. If the first goes to the judge, is he or she the one who should have the final say in deciding whether this information goes any further? Given some of the comments from the member for Mission—Coquitlam about the decisions and the viewpoints of some judges, I have a major question about that because he would be the one deciding whether the background of a particular witness is suitable to enter as evidence into court.

This individual judge, as mentioned by the hon. member for Mission-Coquitlam, certainly has given rise to another concern. Is each judge in himself or herself suitable in making that decision of what is relevant and what is not? There is a standard drawn up by the prosecution that testified before the committee. It is called the likely relevance standard. There is a requirement here of whether it is sufficient. The concern expressed by the prosecution was that there is not enough definition in this whole area of relevancy when it comes to the background or the records relating to some of the witnesses. Her statement in the end was that for the courts the decision is going to be business as usual.

In other words, because it is not defined as it should be, the lower courts will go on as if nothing has changed with the odd exception that there is going to be an objection somewhere along the way maybe by the crown or the defence over one of the decisions that is

being made and it will be appealed through the appellate court and up to the supreme court.

Here is a qualified prosecutor who has been in the business of producing the arguments necessary to defend or to protect the innocent. This also recognizes that there is a protection and a duty of care required on the part of the accused because ultimately it is the prosecution and the defence who really have the same goals, at least in an ideal sense, that is what our courts should represent. They should have the same goals, to find the guilt or innocence of the accused.

● (1605)

Here is the prosecutor very concerned with the definition of likely relevance when it comes to the decision made on the part of witnesses and their backgrounds being tossed into the lap of one individual, the judge who will evaluate it. She has concerns that it is not really going to do the job.

I listened to a number of those witnesses and I have to say that I believe her statements in testimony were the most relevant to the case. They were the most significant when it comes to the shortfall of Bill C-46.

On that point I can say that Reform has certainly analysed the bill. We have some concerns and reservations about the bill, especially in relation to the records of those people who will testify. With some reservations, at this point we are going to support this legislation. However, as a cautionary note I think this whole area of witnesses or accused testifying in court and making accusations against individuals has not been fully addressed by Bill C-46.

Mr. Bob Mills (Red Deer, Ref.): Madam Speaker, I want to begin by telling you what the Reform Party stands for in case members opposite do not understand.

The Reform Party supports a judicial system which places the punishment of crime and the protection of law-abiding citizens and their property ahead of all other objectives. Reform also promotes greater emphasis on assisting victims of crime.

When we look at this bill we find it is much like many that we see in this House. It has a good concept and a number of very good points which we could support very easily. However, then there is a whole bunch of mush and that mush is what the problem is, particularly when we are talking about our judicial system. There are so many things left out and so many fudge words that are left to the interpretation of the bureaucracy and the courts. That is what the problem is and what the people on the street are saying about the justice system.

When we look at this we find that same sort of problem. We want to ensure that we do not create new victims. We want to be sure there is protection for the victims and that we uphold the rights of the accused. Obviously that is what a justice system is supposed to do.

However, the confidence in the justice system is just not there. I really want to point this out as much as anything. As members know, I am not the justice critic and am not involved in the justice committee, but in my riding over this past couple of weeks I had an example which I think brings closer to home than anything else what people are saying about the justice system and their total frustration with it.

To do this I want to set the stage so that members will understand what I and the people of my community went through and the frustration they have in the justice system. This could happen in anybody's constituency in any part of Canada, but this is a factual example of what happened to me.

● (1610)

A pedophile was to be released into our community. Initially we were not to know who it was, where he was going to be staying, what part of the community he would be in. However, because of some circumstances that I will explain, the decision was made that his picture would be released and his name would be given.

This individual had offended nine times previously. This individual was a pedophile, as I mentioned, and had served his full time on his ninth conviction. He had entered a rehabilitation program but was removed from that rehabilitation program because he was considered by the other participants and by the instructors to be too violent to stay in that program.

He had served his time and now the ruling of a number of people was there for all to see. The prison officials said that he would likely reoffend. The psychiatrist who examined him said that he will reoffend, that there will be a tenth victim. The parole board said he would reoffend. His ex-wife said he would reoffend.

The RCMP stood in front of a packed gymnasium of parents and said that this man will reoffend, that each time his offences get more violent, that young parents out there, the two or three hundred of them, we will see a tenth victim.

I have never been so proud of a group of people in my life, thinking of the emotion they were going through. Their children were potentially the next victims.

They showed compassion for this individual. They did not talk about vigilante tactics. They did not talk about running him out of town. They said what is society, what is government doing for people like this?

The answer of course was he has served his time. Yes, we know he will reoffend and yes, we had to release him. I do not know that I could have been as calm and reasoning as the parents in that hall that afternoon at five o'clock. A lot of them came right from work to this school gymnasium, some of them with their little kids and

said "what can we do?" The RCMP said this person will reoffend and that they must streetproof their children.

A lot of us in this place have children. This person attacks three to six-year-olds. He likes three to six-year old female children. They say that they will streetproof a three-year old.

This child's whole future is in front of them. If they tell this young child the truth and tell them never to talk to strangers, emphasizing the danger, they could affect this young child's personality for the rest of their life.

Young children three years old do not remember everything they are told by their parents. What is the answer? Many people stood up and asked the RCMP whether they could do something? The answer was no, they were there to carry out the law.

Can Mr. Politician do something? He makes the laws. Can he protect our children from a nine time offender being released into our community? Can he talk to the justice minister?

● (1615)

By the end of today I expect about 175 letters written by parents in the community of Oriole Park in the city of Red Deer, just one little place. Those 175 parents are sending a message. They want something to happen. They cannot accept that we cannot do anything. They will not accept that from us any longer.

We finally had his picture circulated. That is not done very often but it was done. The police have offered to train parents in child proofing and go to all of the schools. However, I do not think I will ever forget the genuine fear in those parents' eyes. I trust that the justice minister and the justice committee will think about that fear. The victims are not necessarily just the person who has been attacked. I consider that the people of the community are now victims of our justice system.

The justice system needs to be reformed. It needs to be changed. It needs to be representative of what people want.

I have a letter which probably sums up almost everything that we are talking talk about today. The letter is written by a young teenager who lives in the community. The only thing I have changed in this letter is the exact address and so on because I believe I should protect her exact name and address. However, she has given me permission to use it because it tells us exactly what people think of the justice system and these sexual predators.

It states: "It is 5.30 in the morning. I haven't had much sleep. How about you? How do you expect me to sleep at night when a potentially dangerous creep lives in our area? That is right, Kevin Valley lives in our area.

"The creepiest part is he got out of jail two days earlier than he was supposed to. Where is he now? Nobody knows for sure except for him and his mother.

"What really blows my mind is the police and his therapist know he is a very dangerous man. He is an unstable man. They know he will reoffend and they say he will probably kill somebody. If he is that dangerous, why is he being let back into the community, especially into the neighbourhood where he lives, three blocks away from an elementary school?

"There are more children in this neighbourhood now than there were three or four years ago. This man needs to be institutionalized, not put back into the community in which I live.

"Twelve years ago when my parents bought our house who knew the neighbourhood would be one so dangerous? We can't go into our back yard for fear of a mean German Shepherd whom the owners are afraid might jump the fence. Now we've got a child molesting potential killer and all round creep living in our area.

"You have no idea how scary this is".

Remember this is a teenage girl writing this letter. "I no longer feel safe stepping outside of my home. The whole neighbourhood had to change our way of living Friday when we heard that Valley had been released from the Bowden penitentiary. We have to keep the doors locked, especially if we are home alone, keep the blinds closed at night and we can't answer the door at night if we are home alone, unless we are expecting someone.

"Even when we have to be careful, these are just some of the new house rules that have been put into effect. Others include not walking down the back alley, making sure we come home with friends if it is after dark. If we are driving home we make sure the person driving us home waits until we are safely inside.

● (1620)

"Does that sound like a fun way to live? Let me tell you, it is not. One man gets a second chance"—actually it is his ninth chance—"but everyone around him loses their freedom. A good deal for Valley but not such a good deal for the rest of the neighbourhood.

"Something else that is scary is being home at night by yourself. Every sound makes you that much more scared, especially if those sounds are coming from outside. The house never sounded or felt so strange as it did last night when I was home alone.

"At night when the doorbell rings, I jump. This is totally ridiculous. Boy, am I so glad Oriole Park is such a safe community to live in and to let children play knowing that there is a potentially dangerous threat lurking somewhere close by. Gee, that sure makes me feel better.

"How can our judicial system not carry this thing any further? Why do they have to wait until he reoffends or until he kills

somebody, at which time it will be too late because somebody's life may be taken to keep him locked up? This creep who could not be rehabilitated and who served his jail term is released back into the community because he paid his debt to the community.

"Well, try telling that to the parents and/or loved ones of the person who is either killed or molested by this person some time in the near future. All that because the law says he served his time and they cannot keep him locked up any longer.

"It is really soothing to the soul knowing that Valley will probably kill somebody. And we are supposed to be able to sleep at night? I do not think so. The law was thinking of only one man when they let that creep out of jail, not the population of Red Deer, especially not the people residing in Oriole Park. Maybe our well-being does not mean much to them. But why wait until he kills?

"My parents were always telling us kids—I have an older brother and a younger sister who grew up in this neighbourhood—to say no to drugs. Drugs were always the big thing in school. Now we have to worry about the creep in our area. I would much rather have someone walk up to me and offer me drugs than to see that person's face in our area.

"Hey, if this guy is potentially dangerous, does that mean he is packing a gun, or maybe a knife, maybe both? That is something to think about now, isn't it?

"This creep does not deserve to be back in our community. He does not deserve to be let back into any community. He needs to be institutionalized. Put him somewhere, lock him up and throw away the key".

I read that entire letter because I have talked to this person. As I have said, she is a young teenage girl. That letter represents a lot of what I heard. I talked to parents and they are asking: "Why is the criminal justice system not working?" Obviously it is happening in a lot of places. There are a lot of reasons why we do not trust the criminal justice system. I have just mentioned a few of them, but we could go on and on about this but I know I cannot do that.

If I had to list some things, Bill C-68 would be one. There are many people who are in favour of gun control. But the way the bill was designed, the search and seizure aspect, the orders in council, the lack of anybody saying it is going to stop crime, created a serious question about the judgment of the justice system and the minister.

I have been involved with and followed the Somalia inquiry. A judge said: "Yes, you have the right to examine all of the areas. Get this thing cleared up once and for all so that we can go on". Then we have the defence minister saying: "No. We will change the mandate. We will not get to the bottom of this torture, murder and possible cover-up. We will not do any of that. We will just change the mandate". Therefore, the government changed the law so that the inquiry does not go to its natural conclusion. The historical danger of that sort of thing happening, where governments disrespect the legal system to the point where they will actually change it when there is a ruling they do not like, is a pretty scary scenario.

• (1625)

The Olson and Bernardo situation, the section 745 situation, has touched people as well. Why did this legislation not get changed three years ago so that people like Olson would not have the opportunity to go before a judge?

The parole board patronage appointments that have gone on for years have brought about questions with respect to the judicial system, as well as the refusal to change in any substantial way the Young Offenders Act.

The point that I am making is that people have lost confidence in the system, and not just in the judicial system. I was at the Pearson building today and saw a report which indicated what Canadians think about Canada and what foreigners think about Canada. Of course we all know what we think about Canada. It is the greatest country in the world. We want to save it, although it needs a lot of fixing. Only 51 per cent said they were happy with government. This was a government survey. Forty-nine per cent of Canadians are not happy with government.

We have a problem which ultimately will lead to apathy. Ultimately people will give up on the system. When that happens democracy is in real trouble.

Mr. Jim Abbott (Kootenay East, Ref.): Madam Speaker, I listened with great interest to my colleague's comments. The one thing which stood out was his taking the time to read the letter. The reason I draw the attention of the House to the reading of the letter is because all Reform Party members believe there is more common sense in the average coffee shop than there will ever be in the House of Commons.

The letter poses some very interesting challenges. This kind of letter would never be read by the Liberals in the House. The letter represents a legitimate point of view from a young person in my colleague's constituency. If that constituency was represented by a Liberal—and there is a hot place that might get awfully cold before that would ever happen—we could count on the fact that the letter and the expressions of the people in that constituency would never be heard in this Chamber.

Why is it, when it comes to a criminal justice issue like this, that we do not get a balanced point of view? Why is it that we always get the totally homogenized version of the justice department that ends up rendering toothless the things that are required in order for us to bring back a proper balance to society?

The writer of the letter has posed a very serious concern which is reflected in every constituency, whether the Liberals want to admit it or not.

I would ask my colleague if he could give us some thoughts on what are some of the very practical, down to earth ways in which we could start to address this problem, not as a position of our party, but thoughts that are simply common sense by which we could enter into a dialogue with Canadians. That is what the Reform Party wants to do. It wants to include Canadians' thoughts in the process so that the Chamber for once will become meaningful.

● (1630)

Mr. Mills (Red Deer): Madam Speaker, the point is very clear. This is not a political item. This is an item of concern to all Canadians. I used an example from my constituency but it could be from any of the 301 constituencies.

We need to find an answer. The long term picture is to look at what has happened to society to create people like the person I am talking about. We have to go right back to birth and all the things that can happen. Instruction on parenting would help not to create victims and criminals. The big picture is one of long term planning and getting back to what went wrong to create such people.

There must be an immediate answer for an individual who has committed nine offences and who everyone says will reoffend. I am sure he does not like the fact that everybody is talking about him and saying that he will reoffend. The pressure put on the individual not to reoffend is phenomenal. We could let it be quiet and not tell anyone, but that is not the answer because nine other times he has reoffended. We must be protected from the individual. For his own protection he cannot be put into the general population.

I do not mean we should build jails or throw away the keys. I mean we should look at it with some compassion. We must find an answer. We cannot let the things that have gone on continue to go on. People are saying we are not doing our job. They mean all of us. They mean that 295 of us are not doing our job when this sort of thing happens.

Mr. Leon E. Benoit (Vegreville, Ref.): Madam Speaker, I thank the hon. member for Red Deer for his comments today.

He referred to the fact that we have to deal with certain things right now and that we should look at what in a person's background makes the person a criminal; in other words what is the cause of crime. We have heard this so often from Liberals and Conservatives over the years that I get sick just hearing about the cause of crime and looking at the cause of crime. However I think we should.

In our campaign material we deal with the whole issue of the cause of crime. We recognize that families should be considered a top priority. We say that parenting has real value and should be recognized in legislation. We say there should be zero tolerance of family violence. We say that child pornography and child prostitution should be dealt with in a very firm way. Other proposals have been put forth.

Could the hon. member comment on how we can deal with the cause of crime?

Mr. Mills (Red Deer): Madam Speaker, as I mentioned, the immediate problem we have to deal with right now is that these kinds of people must not be out in the general population.

What about the big problem? It is a long term process. As the hon. member mentioned we need to go back to family and some of those values. There is a bill in the other place that says we cannot spank. That indicates the Liberal thinking that has caused the problems we now have. We have to make changes that will help the family. We could have tax deductions that favour one parent or the other staying at home with their children, that do not make it so necessary for them both to get out and earn full incomes. We have to do things like that because of what has gone wrong with our system.

● (1635)

I certainly do not know all the answers but we are looking at them. We are saying that we should emphasize family and the things that happen when children are young. We should talk about what happens in the education system. We need to work on all those things collectively in the House as opposed to participating in partisan politics.

Mr. Dick Harris (Prince George—Bulkley Valley, Ref.): Madam Speaker, it is a pleasure to return to Ottawa today to take part in debate on some of the issues facing the country. I am happy to see so many Reformers and so few Liberals in the House today. Maybe they are watching their leader play golf on closed circuit television.

The Acting Speaker (Mrs. Ringuette-Maltais): I ask the hon. member to refrain from referring to members being in or not in the House.

Mr. Harris: I apologize. When Reformers were elected in 1993 and prior we said to our constituents that if the government put forward a bill worthy of support we would support it. Even though the frequency of a good piece of legislation coming from the Liberal government is about as often as a comet goes through the skies, we have here a piece of legislation that is worthy of support. It might be coincidental that the Hale-Bopp is flying across the skies right now and a good piece of Liberal legislation comes forward.

I may give it too much credit when I say good. It is acceptable because it goes some way to providing some changes to the criminal justice system in relationship to how records of victims can be brought into the court.

The purpose of Bill C-46 is to strike a fair balance between the rights of the victims and the rights of the accused at sexual assault trials. In past trials of this nature defence lawyers would often ask for a complainant's psychiatric report, reports from the Children's Aid Society, social welfare, school and employment records, as well as personal diaries and journals.

There is no doubt that in this country as in many countries there are some very unscrupulous lawyers in the practice that have taken the opportunity and privilege of asking for all these records and proceeded in the case not to try to prove the innocence of their client but to try to win the case. They take any little piece of material they can from the records and attempt to discredit the complainant. It is not a popular way for defence lawyers to deal with crimes like these. However defence lawyers are demanding to see these records sometimes to provide a full and fair defence of the accused. Too many times defence lawyers have used this information to directly, viciously and unscrupulously attack the complainants in crimes, which is very wrong. It is one of the reasons many Canadians rank lawyers below politicians, in particular Liberal politicians.

● (1640)

It is understandable why some people who have been sexually assaulted have been reluctant to come forward and press charges. They know what goes on in the courtrooms. They have seen evidence in the newspaper and in the media of complainants being viciously attacked by defence lawyers who have obtained records that are years old, have asked the court to look at the record and have said that the person is not credible in any way because of something that happened 32 years ago.

They are on the attack, attack, attack. It does not matter whether the evidence against their client is overwhelming. They may know that if they rely on the evidence to try to show their client's innocence they could very well lose the case. They go on the attack and unscrupulously use records of the complainants.

There is a need for legislation to balance the right of the accused to a full and fair defence and the right of the victim to privacy. I would suggest that the latter is of prime importance in this case.

Bill C-46 tries to strike that balance by establishing a two-step process that would deal with defence lawyers obtaining these records. The complainant's lawyer is given the ability to object to certain arguments during the in camera hearings. The judges have to be satisfied with the argument put forward by the accused for orders to be sent out. If the judges feel some of the records are not relevant to the case they can refuse to let them be introduced.

Under the Canadian justice system defendants have a right to a fair trial. Unfortunately most trials show little sign of any type of justice or fairness, particularly when it comes to victims of crime.

Having sat in this 35th Parliament I know that victims rights are not something the Liberal government understands or has ever been prepared to deal with.

The Reform Party has pressed the Liberal government and the Liberal justice minister over and over again for the last 3.5 years to take some action on the issue of victims rights. Our suggestions, our comments and our private member's bill on the issue have met with deaf ears on that side of the House.

It is coincidental again that there might be another comet coming. On the eve of an election, in the 11th hour before an election, all of a sudden the Liberal government and justice minister recognize there are victims of crime in society. Lo and behold they are to become overnight the champions of victims rights.

I do not call that giving Canadians and victims of crime a fair shake. I call that exploitation of victims. Were there not an election pending the Liberal justice minister would not be dealing with the issue. He knows the Reform Party has been effective in dealing with the issue, in bringing it to the public's awareness and in bringing the lack of sensitivity of the justice minister to the public's awareness. He knows, his Liberal strategists know and their campaign managers know that they had better show they are trying to do something. They had better give some sort of illusion that they are trying to do something.

Some time this week the Minister of Justice and the Liberal government will make a mock attempt to show they are the champions of victims rights, but Canadian people are a lot smarter than that. They are not going to buy this facade that the Liberal government and the justice minister are putting forward.

● (1645)

Speaking of private members' business, here is a good example of the Liberals' lack of recognition of victims of crime in this country. My private member's Motion No. 78 to strengthen and enhance deterrents for people who drink and then jump in their cars and drive was passed in this House. It was adopted by the House in February.

This is a crime that kills 1,800 people a year currently, injures some 90,000 people a year currently and costs Canadians billions of dollars because people drink and drive in this country and they have not had adequate deterrents and governments have not addressed this.

This motion is sitting on some shelf somewhere. A motion that deals with a crime that is 100 per cent preventable, a motion that deals with a crime that kills some 1,800 people a year, about four

and a half times more people than murder, a motion that deals with a crime that injures some 90,000 people a year and creates untold misery for the victims of this crime is sitting on some shelf because this Liberal government does not have the backbone to deal with it. So much for the recognition of victims rights in this country. So much for the concern of this Liberal justice minister for the victims of crime. The people of Canada will not be fooled by this facade that is coming.

Motion No. 78 would not be the first time the Liberal government ignored the will of Parliament when it comes to strengthening the justice system and putting victims first.

The House passed a private member's bill, and I am sure the chairman of the justice committee will remember this one, Bill C-226, which would have abolished section 745 of the Criminal Code, thereby denying killers an opportunity at early parole. No one in the House can forget the passing of Bill C-226. No one can forget it but there are many in the House, including the Liberal justice minister and the Liberal chairman of the justice committee, who can easily ignore it. They cannot forget it but they can ignore it.

Once this bill passed, at the direction of the justice minister, it sat in limbo at the justice committee for about two years. It was never dealt with even though it was the will of the House, even though millions of Canadians across the country wanted this bill to be enforced. Finally the committee tried to scrap the bill. It tried to scrap it but it failed. It remains before the committee to this day and yet will never be brought forward before the committee because it is not the will of the Minister of Justice, nor probably the will of the Liberal members on the justice committee.

The passage of the bill was the will of Parliament. The fact that it was the will of Parliament does not matter. The fact that it was the will of the House does not matter one bit to the Liberal justice minister because it does not fit in with his Liberal philosophy that individuals are not responsible for what they do because it is society that made them that way.

Let all victims of crime in this country, let all people who fear for their safety, let all law-abiding citizens who have concerns about the safety of their family and children hear this. The Minister of Justice said in this House not a few months ago that the number one priority of the criminal justice system in this country is the rehabilitation and the reintegration of criminals into society.

● (1650)

That is exactly what he said in this House. The average Canadian is out there saying that punishment for crime does not count. Protection of our society does not count. The rights of victims do not count.

What counts is the philosophy of the Minister of Justice and his friends in upper York, in Toronto, as they sit around sipping cappuccino and discussing how society is so tough on everyone that criminals are a result of society and should not be treated too badly. That does not count.

It was no surprise that Bill C-226 did not get very far once it was adopted by this House. It does not fit into the philosophy of the Minister of Justice and many of these Liberals opposite.

Victims rights groups fully backed Bill C-226 but that does not matter to the Minister of Justice. It does not matter to the chairman of the Liberal justice committee. Canadians from across the country were on national television imploring the Liberal Minister of Justice to deal with this bill but that does not matter.

People who live in Winnipeg—St. James stood up in the media and said they want section 745 of the Criminal Code abolished but their member of Parliament for Winnipeg—St. James came to this House and said that basically he did not care what the people in his riding said, that he did not care that the people in Winnipeg—St. James said they wanted section 745 abolished. He does not care about that. "The Minister of Justice said that it would not happen and I am a good Liberal and it will not happen".

To dodge criticism, the justice minister brought in some half baked measures with respect to amending section 745, measures that only require killers to jump through a few more hoops before applying for early parole.

These are good. One of the amendments would ensure that serial killers who murdered after 1997 would not have access to a 745 review. That is not bad. Sitting in prisons in this country are several serial killers who are perfectly at liberty to spend taxpayer dollars and bring back tragic memories of the victims of crime. We are going through the Clifford Olson thing. They do not fit into this bill.

The justice minister said that we cannot do that because there will be a court challenge. I do not care if there are a dozen court challenges. Clifford Olson should not be allowed to apply for early parole and the Liberals across the way know it.

Their amendments were nonsense and that is why the Reform Party voted against them. They were nonsense and they did not in any way reflect what the Canadian people wanted. That is why the Reform Party voted against them.

These Liberals across the way are saying that Reformers vote against all the good things they put forward. When they put through something good we will support it. However, this bill we are talking about now is just milk toast.

The Liberals had plenty of time to address victim rights since their election in 1993 and they have not done it. Now an election is looming and it is time. Let us throw a few little carrots out there. They want to create an illusion that they really mean it.

That is nonsense. The Liberals tinkered with sentencing amendments and introduced a reverse onus provision with respect to the Young Offenders Act, transfer to adult court. In the end, justice is not served.

● (1655)

We could go on and on to talk about conditional sentencing. That is a wonderful one. In Alberta a man fired a gun at his wife in an attempt to kill her. Fortunately he missed. He was given some sort of a Mickey Mouse conditional sentence to do some work in the community.

In B.C. a man convicted of sexually assaulting his 11-year old babysitter once a week for three years is given some sort of a Mickey Mouse conditional Liberal sentencing type provision.

A conditional of sentence of two years was handed down to a B.C. man who raped a woman in his car because this type of sentencing fits into this Liberal philosophy.

It is a travesty the way this Liberal government treats victims of crime in this country. Their bleeding heart approach to punishing people who commit crimes is a travesty.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Madam Speaker, I was hoping to hear how the Reform Party members were going to vote or whether they support or do not support Bill C-46.

I cannot figure that out. Bill C-46 is a major initiative to deal with issues of great seriousness to victims because of the numbers of these types of crimes and the number that have been prosecuted. It turns out that most of the victims are female.

I wonder if the hon. member could let us know if he is going to vote for Bill C-46 in the same way he voted against the gun bill, which all those victims wanted, and against Bill C-41, which victims wanted, and other initiatives that we have taken. Is he going to vote for or against Bill C-46?

Mr. Harris: Madam Speaker, if the hon. member had been listening to what I said she would have clearly heard me say I intend to support Bill C-46.

Certainly this is far from a major initiative, for goodness' sake. If this bill is a major initiative to the hon. member, the chair of the Liberal Justice committee, then this country is in a lot more trouble than we think it is.

SUSPENSION OF SITTING

(The sitting of the House was suspended at 4.57 p.m.)

SITTING RESUMED

The House resumed at 5.21 p.m.

The Acting Speaker (Mr. Milliken): Before the interruption the hon. member for Prince George—Bulkley Valley had the floor. He was giving a response to a question. I invite him to resume his response.

Mr. Harris: Mr. Speaker, the hon. chairman of the justice committee asked me if we were supporting Bill C-46. I said that bill has some merit and in all likelihood we will be supporting it. Then the member asked me why we did not support Bill C-68. There is quite a contrast in credibility in those two questions.

I want to clearly say to the chairman of the justice committee and all Liberal members that the reason the Reform Party did not support Bill C-68 was it was a completely redundant piece of legislation. It had no value. We are inclined to support bills which have value, but that bill had none.

Members of the Reform Party, I included, stood in the House day after day debating Bill C-68 and we implored the Minister of Justice and all Liberal members to give us one substantive piece of evidence that Bill C-68 would stop the criminal use of firearms and would fight crime in the country. If they had been able to do that, perhaps we might have supported the bill. However, in all the hours of debate on Bill C-68 the Minister of Justice was unable to answer that question. He was unable to provide one shred of evidence that the gun control bill would do any good for the country or would prevent one crime in the country involving a firearm.

Everyone in Canada knows that the reason is law-abiding citizens do not commit crimes with firearms. It is the crooks who commit the crimes. I cannot imagine one crook in this country who gives a darn about the Liberal justice minister's gun control bill.

Therefore he was unable to reply to that question, as he has been unable to reply to many questions. Today the hon. member for Crowfoot asked him some great questions in question period and he was unable to reply.

As we have done so many times in representing the people of Canada, we have asked pertinent questions, meaningful questions on justice issues, on behalf of victims of crime, on behalf of law-abiding citizens, but the Liberal government is lost somewhere in space with the Hale-Bopp comet and is not with it when it comes to justice issues.

● (1725)

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, it is a pleasure to speak this bill. To put the chair of the justice

committee at ease, I anticipate that I will be supporting this bill when it comes to a vote. This bill, which deals with the production of records in sexual offence proceedings, attempts to find a compromise between conflicting interests on an important topic. Although, I would argue with the chair of the justice committee that this is hardly the kind of stuff that will make women, children and families feel more secure in their homes tonight. I do not know that is going to happen, but it is a bill we will be able to support because it deals with the very important matter of records in sexual offence proceedings.

There is no doubt that of all the crimes committed in Canada, and there are many of them and none very nice, the one that does strike fear in most people more than any other is sexual crime. It is no accident that around the world when an invading army comes into another land it will plunder, steal and burn the houses, but when it wants to degrade people and treat them as less than human it will often commit sexual crimes against that population. We have seen that recently over in Europe. Certainly in Africa and other places it is common to wars. Part of what makes it a war against humanity is the degrading nature of sexual crimes.

This bill attempts to find that balance between the right of a person who has been accused of a crime to have the right to cross-examine the accuser. On the other hand, in times past the lawyers have often gone on a fishing expedition. Rather than seek information that is germane to the topic and the case, they end up with a fishing expedition that asks for everything. It asks for diaries and letters. It goes into a person's past which sometimes has nothing to do with the case and is totally irrelevant except that it strikes fear into the heart of the person being cross-examined.

This bill tries to find the balance between when the accuser needs some protection from that fishing expedition and when the person being accused has the right to say ''hold on, I am innocent and I need the right to cross-examine''. This bill attempts to find that balance. There are competing interests.

Persons have been wrongfully accused of sexual crimes in this country and in others. It is only right that they be allowed to defend themselves and use all the systems they can, all the cross-examination that is necessary in order to bring our the truth, because the truth is what a court case should get to. This bill does seem to find that balance. Like all bills, it is not perfect but perfection eludes most of us so there is enough good in this bill that it should be supported.

I will point out a few concerns in terms of records that I hope the minister will monitor in his regulations and in the administration of this act. In September 1996, I wrote to the minister about this bill. I told him about a constituent of mine who came to my office because of what they call memory retrieval technique. It has been used by some psychiatrists and therapists to try to get to old memories that have been buried deep in the subconscious and to try to bring them up to see if they need to be examined in the light of current facts.

• (1730)

They brought up the case of a child of theirs who claimed that 30 or 40 years previously had been sexually assaulted. They had no memory of it but a therapist had convinced them that it must have happened and therefore they needed to bring charges against the father in this case.

The Canadian Psychiatric Association has cautioned that this can be, in the production of records, a real problem in a criminal case. There is quite a bit of documentation suggesting that these kinds of memories are often a fabrication of a so-called victim. There is no defence for the accused.

Sometimes there will be no other witnesses. There is 30 or 40 years of silence between the supposed infraction and the current date of someone suddenly remembering something. It is no wonder that some of these people, like the father sitting in my office, who ask, ''what is my recourse? How can I defend myself when an accusation is made right out of the blue?'' I have asked the minister to respond to these concerns as it applies to Bill C-46 and to so-called retrieved memories.

The sixth recommendation of the Canadian Psychiatric Association suggests that the reports of recovered memories which incriminate others should be handled with particular care. I have yet to have a response from the minister on exactly how he is going to handle that part of the records ''with particular care''. I hope that he will respond before this bill becomes law. Six or eight months have gone by and he has not responded to this.

I am told that he has a nine month waiting list with respect to answering his letters. Now we are being asked to vote on these bills some six or eight months after I have asked some pretty important questions and I have as yet to see the answers. I hope he is going to respond quickly.

The next thing involves records of sexual predators. I have brought forward a private member's bill in response to some 33,000 names on a petition that I have been presenting over the last couple of months. It is with regard to the preservation of records of those who have committed sexual crimes.

Right now those records go into what is called CPIC and become part of an accessible file for day care workers or people working with children who might want to have access to it to see if the person applying for a job has a criminal record.

The problem in the private member's bill I brought forward is that those people who are pardoned from their sexual crimes have their records removed from the CPIC computer record system. I

would ask the minister if that is wise. I suggest that someone who has committed a sexual crime, especially against children, even if later pardoned, should have a record of their crime somewhere in the system.

The record does not necessarily have to be common knowledge but surely there must be some way of maintaining it so that if something comes up later and that person is again accused of a crime, there is some way of making sure that person's record is not just wiped clean. There is a price to pay when you are convicted of a crime and part of that conviction I believe should be that your record stays in the computer and is there for concerned parties to access.

● (1735)

I mentioned earlier that sexual crimes are the most odious of crimes because they treat someone as less than human. They treat them as an object and as a way of degrading someone. They are often hurtful physically. The emotional damage affects not only the victim but also the victim's families and co-workers. As was the case in my town of Abbotsford, when the so-called Abbotsford killer was on the prowl and had assaulted and killed one woman and left another for dead, the entire town was affected by it. It got so bad that no one would attend sporting events for fear of their lives. Even high school students were told not to go out in public unless they were in large groups and stuck together. It can terrorize an entire town.

Although this bill when it comes to sexual records will be relatively easy to support, there is much left to be done by the government when it comes to the protection and enhancement of victims' rights.

The government for some reason seems to be reluctant to deal harshly with the most hideous of crimes. I do not know why but it does not elevate it to the level it should be elevated to which is to treat the perpetrators of these crimes like the animals they are. If they need to be locked up for some time then we have to lock them up. Often they cannot be treated. They are habitual criminals. They are sometimes only caught after they have assaulted many victims and many families are ruined. In my opinion, the government does not seem to take that seriously enough.

I will bring this case forward again because it happened in my area. A fellow by the name of Darren Ursel confined a lady from my area in a car and sexually assaulted her for 90 minutes using the handle of a racquetball racket. He terrorized this woman for 90 minutes. One can only imagine the terror, the physical damage and the awfulness of that crime.

They caught Darren Ursel and at his trial the judge, Judge Harry Boyle, said that because Mr. Ursel did not have a criminal record and that he showed apparent remorse for what he had done that a conditional sentence would be passed and he would not have to serve time. He was back on the streets that very same day.

What am I supposed to tell this lady after the hideousness of that crime when it is reported in the paper that the judge felt that Ursel seemed to be sorry and if someone is sorry it is good enough and they can go back on the street again the very same day? What am I supposed to tell this woman who comes to see me or when people who know her come to see me?

I will tell the House what is happening. In my area there is another woman I know who has started a petition drive to remove that judge from the bench. She is so outraged, as are the people in Abbotsford and Chilliwack, that they believe that judge does not deserve to sit on the bench any more. How can anyone say that if the guy feels sorry that it is okay and that is the end of the issue? What does it take to get time in jail for one of these perverts?

As I mentioned, this is the worst of crimes. That person may never recover psychologically. Her family may be destroyed. Who knows what the effect will be on loved ones and relatives around her? An entire community again puts another lock on the door and bars on the window because that person gets out on the street the next day. What does it take to have something treated as a serious crime in this country? What could be worse than that? Short of killing somebody, what can be worse than that? I do not know what the government expects. What does the government want before it starts to treat it as a serious crime?

● (1740)

That is where I have trouble. The bill is a small thing. It is easy to support. Let us get it over with and we will do it. But when we have cases like this, where we see many lives being ruined, I see no support from the minister. As a matter of fact his bill allowed for the conditional release sentence to be issued for this guy. I see no compassion in that. I see no empathy for the victim. In fact I am outraged that the judge said: "If you feel sorry, no time in jail".

A colleague from Prince George—Prince River told me of a case where someone was released from jail for a particular crime, drove 400 miles through the night, got back to where his estranged wife was in a house somewhere, broke down the door, sexually assaulted her and left her for dead on the kitchen floor. The judge decided that it would be too disruptive on the family to put that guy in jail because he would not be able to make his alimony payments. The judge turned him loose.

What kind of a message does that send? To me, it sends a message that a sexual crime is not all that serious. What the heck, if the person does not have a previous record the first one is free. The first one does not count. If you get caught after that you had better be careful because you have a record. But the first one does not really count. Even if a person uses a racquetball handle on the victim it does not matter. That is okay. That is the message that is being sent.

It says that as a victim your life is destroyed likely. You will probably go through life needing counselling help, but that is okay because you are just a victim and the first one does not matter, so you just have to roll with it and get on with life. That is a sick attitude. It is a sick response to a victim who has been trivialized by the current justice system.

Most victims of sexual crimes are female, but not all. As we see on the news all too often, many young boys are also assaulted. It sends a message to people who are often not physically strong enough to fight back. I will put it that way. I think that is a safe thing to say. They cannot outrun, they cannot out wrestle, they cannot get away from the perpetrators of these crimes. Often they are people who abuse a position of authority in order to force somebody to do something sexually that they do not want to do.

What does it say to people the way the current law is? It says sexual assaults are not that serious. You just have to shrug your shoulders and accept them as something that happens in society and if you happen to be the poor unlucky person who is assaulted, these things happen. We just have to be understanding toward that guy because as long as he is sorry, we will turn him loose. That is not acceptable.

In my riding the difference between four years ago when I first started campaigning and today is that almost every door that I knock on has a sign saying: ''This place is patrolled by a private security agency. This place is protected by an alarm system''. The doors are always locked. People often will not come to the door any more. That is all in a short three or four years.

They can say on the Liberal side that crime is in decline. That is just not true. The rise in violent crime between 1960 and 1995 went from 200 incidences per 100,000 to 1,000 incidences. Worse than that is the many that do not get reported. People say: ''If the guy who so badly abused that woman gets nothing, if he gets turned back on the street the next day, then if I go in with just a simple abuse case,'' if I can call it that, ''what are they going to do? Laugh me out of the police station''.

● (1745)

Serious crime needs to be treated seriously. Under the current set of laws it is not. It needs to be changed. The Reform Party will put the rights of the victim first. It is high time the Liberal government did so. Bill C-46 is easy to support, but let us get serious about serious crime.

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I was interested in some of the comments of my colleague relative to the issue of where there has been a rise in crime and what is going on as far as statistics are concerned. I was also interested that the Parliamentary Secretary to the Minister of Justice interjected by saying that there had been a decrease.

There are realities and there are perceptions. Both reality and perception do not go along with what the parliamentary secretary said. There are figures and there are statistics that can be used in many ways. The Liberals have gone out of their way to use figures, statistics and other things that do not necessarily reflect reality to their own benefit.

This is the third time I have been on my feet today. Every time I rise I ask the same question. There are 50 constituencies in Canada where people seem to find access to their members. Their members in turn come to the House and reflect the realty of what is being said in coffee shops, on street corners and around kitchen tables. I cannot believe the same concerns we in the Reform Party hear— and we do listen to the people—are not the concerns being expressed to the Liberal members of the House. I find that absolutely inconceivable and absolutely unbelievable. Liberal members for whatever reason will not reflect those realities to the House. Clearly they have not reflected those realities to the justice minister.

The Reform Party has taken a look at the issue. The number four step in how we are to put Canada back together again is that we will make the streets safe again. That has to happen.

The bill takes a step in the correct direction. We commend the justice minister in the fact that he has taken a step in the correct direction. We condemn the justice minister that it is just one of many steps that should have been taken long before now.

The Reform Party would shift the balance. We would shift the balance. We would shift the balance of the rights of criminals to the rights of victims and law-abiding citizens.

We do not understand why the justice minister, who has the ability to make the changes that are essential to make our streets safe, will simply not do that. We do not understand why he is taking mincy steps forward.

The Liberals certainly seem to be well established in the track of calling an unnecessary election. I believe the Prime Minister will be announcing it on April 26 for the vote on June 2. We do not understand and most Canadians do not understand why the Liberals would do that. They have a majority. They have the mandate to govern. We do not understand why they will be going to the people on June 2.

Because we are undoubtedly going into an election the member for Fraser Valley East will be up against some poor piece of cannon fodder who will run for the Liberals in his constituency. Does he have any idea what in the world that candidate will be able to say to defend how it is the justice minister took it to this point? The minister has had 3.5 years to get his act together and he has botched and taken mincy steps all the way along.

● (1750)

Does the member have any idea how in the world a Liberal candidate would possibly try to defend the justice minister?

Mr. Strahl: Mr. Speaker, in some ways I am a little nervous of my Liberal opponent. He is the local mayor of Chilliwack. In one sense he may be appealing to the prison vote. Prisoners can vote. Perhaps he will pick up a couple of thousand votes there.

I do not think so because of what the mayor of Chilliwack said as soon as he became a candidate. He is now the official candidate for the Liberal Party. Mr. Speaker, you will want to listen because he will be one your co-runners in the upcoming election. He said that section 745 must be eliminated and that he would work hard to eliminate it as a Liberal member of Parliament. He said that Clifford Olson should never see the light of day and all pedophiles should be hung by the neck until dead.

Mr. Abbott: You are kidding.

Mr. Strahl: No, no. This is a Liberal.

Mr. Benoit: He really said that.

Mr. Strahl: He said that. That is interesting. All pedophiles should be hung at the end of a rope until dead and not just Clifford Olson. They should be round up. It would clean out the prisons. Is that not interesting?

It is a new Liberal philosophy. I heard of running on the left and then ruling from the right, but this guy is not satisfied by just hanging Clifford Olson, which many people might agree with. He said we should round up the pedophiles, drop them through the old six-foot drop and see how many come out the other end.

I asked him whether he knew what happens when people get to Ottawa with such tremendous ideas. People get to mention them once. A little birdie comes along and says that they have a seat for them. It is called the back corner next to the wall, just one step from nowhereville. That is what happens to a Liberal who comes up with that kind of nonsense.

It is interesting. It is not enough that he wants to do the old long necktie stroke on these guys. The next thing that happened was in an adjoining riding, what used to be Fraser Valley West. The hon. member for Fraser Valley West will be running against a fellow by the name of Peter Warkentin who is a good Liberal. He said that they would work to abolish section 745 because that is what the people want.

Mr. Abbott: You are kidding.

Mr. Strahl: No, no. Now we are starting a little crescendo here. It is a wonderful thing. They can say anything they want when they are running because they know darn well that none of it will come to pass with this current minister. The current minister laughs at people who ask to abolish section 745.

Mr. Gary Rosenfeldt phoned me in my office the last week we were here and asked us to keep the pressure on the minister. He is so out of touch with reality that he thinks he is right. He tells the victims of Clifford Olson that it is too bad, that Olson will taunt them, that is what they have to put up with and that is just the way it is. He tries to blame the Reform Party and all that stuff.

The worm is turning. In their own ranks now, at least two in B.C, Liberals have had an Epiphany, a change on the road to Damascus. They come forward now advocating the elimination of section 745. At least one of them said not just hang all the beggars but hang all the pedophiles.

The local school trustee got a hold of me and said that he was a parole officer with 60 pedophiles whom he monitors and works with in the community. He asked whether the local mayor would round them all up and have a public hanging. What is it with these Liberals?

I will say what it is. The Liberals will say anything they think they need to say to get elected. When the get on that side of the House they will do whatever they darn well please. Liberals have no interest in the rights of the victims. Liberals have no interest in true justice. Liberals say that sexual offences are one free one for the road. Liberals will do that.

● (1755)

That is why the people in my riding are writing letters to the editor saying: ‘‘It is about time. If you are going to run as a Liberal you had better act as a Liberal. That kind of nonsense will not get you to first base. You cannot try to win votes by threatening to hang everybody in town, knowing that the justice minister will tell you to be a good little boy, shut up and sit in the corner’’.

The Acting Speaker (Mr. Milliken): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

The Acting Speaker (Mr. Milliken): Accordingly the bill stands referred to the Standing Committee on Justice and Legal Affairs.

(Motion agreed to, bill read the second time and referred to a committee.)

* * *

[*Translation*]

CRIMINAL CODE

The House proceeded to the consideration of report stage of Bill C-27, an act to amend the Criminal Code (child prostitution, child

sex tourism, criminal harassment and female genital mutilation), as reported (with an amendment) from the committee.

SPEAKER'S RULING

Motion No. 1 will be debated and voted on. We will now proceed to debate on Motion No. 1.

MOTION TO AMEND

Mrs. Christiane Gagnon (Québec, BQ) moved:

Motion No. 1

That Bill C-27, in Clause 1, be amended by deleting lines 20 to 29 on page 3 and lines 1 to 7 on page 4.

She said: Mr. Speaker, I am pleased to see that the government has decided to bring Bill C-27 back to the House for final consideration and passage.

Could members of the Reform Party be asked to be a little quieter, so that I may continue? We gave them our attention, but the debate is over for them now.

This is a bill covering three topics: sex tourism, child prostitution, criminal harassment and female genital mutilation. I think that it goes in the right direction, but I deplore the fact that the government has not agreed to all our suggestions, which were all based on comments made by witnesses who appeared before the committee.

I myself introduced two private member's bills on sex tourism and female genital mutilation that were more in line with the wishes of the witnesses heard.

Today, the Bloc Quebecois is proposing an important amendment to Bill C-27 as it relates to sex tourism. The Bloc Quebecois' purpose in introducing this amendment is to remove from the bill a completely new provision that did not appear in the original text and that was quietly slipped in by the standing committee during clause by clause study of the bill.

Once again, the government has acted at the last minute, without notice, to impose upon us a measure which changes considerably the scope of the original bill. I would like us to take a closer look at this little trick that the government is trying to perform.

First of all, I would like to remind the House that the purpose of the new provisions on sex tourism is to allow the prosecution in Canada of Canadian citizens who go abroad to sexually exploit children knowing that they have little chance of being prosecuted, let alone punished.

Since the people of Canada and Quebec do not condone the sexual exploitation of children by their fellow citizens, whether these children live in Canada or elsewhere, the government is seeking to change the Canadian legislation to include an exception to the usual rules so that those who commit such acts outside our borders can be punished. As we can see, the objective of this measure is to send a clear message to all Canadians. The message is clear indeed: do not touch children; respect for children and their physical integrity are very important to us.

I said this was an exceptional measure. It is exceptional in that, according to the usual rules of law, each country is sovereign within its own territory and no other country can interfere with what goes on within that territory.

● (1800)

In other words, when a Canadian citizen travels abroad to sexually exploit children, it is up to the authority in the country where the crime occurred to press charges. Unfortunately, governments in several of the countries where child sex tourism is widespread do not have the legislation, the manpower or the political will to put a stop to this type of abuse.

This is why Canada is taking its responsibilities and finally fulfilling its international commitments concerning children rights. With this bill, the Canadian government is getting the means to sue its own citizens once they are back from their little trips abroad. We support this principle, but now the government has introduced a provision whose results will be in conflict with the goal we are trying to reach here.

This provision is found in clause 1 which amends section 7 of the Criminal Code to provide for a procedure to be used when a child sexual assault has occurred outside Canada. Pursuant to this new provision, for legal proceedings to be instituted in Canada, the country where the assault occurred must submit a request to this effect to the Canadian Minister of Justice. And the minister has to agree to prosecute.

Those who are somewhat familiar with sexual tourism soon realize that this proposal is sheer nonsense. How can we expect a third world country, known as a haven for sexual tourists, to ask a foreign government to sue in its place? How can we believe that these countries, even if they do not have the laws, the manpower or simply the political will to protect their own children, are going to admit to the whole world that they are unable or unwilling to do anything? This is asking a bit much.

This whole legislative effort is all for naught since it is a well known fact that child sex tourism has reached such alarming levels precisely because of the tolerance or lack of resources on the part of the host countries. These countries are certainly not ready to be humiliated and ask a foreign government to step in and fill this legal vacuum. I honestly believe that the only instance when these provisions would work is if the victim and the criminal are Canadian.

It goes without saying that any country would then realize how appropriate it is to let the Canadian government deal with the case. One can easily assume that in all other instances nothing will change and children will continue to be sexually exploited by tourists looking for kicks. My bill did not contain such half measures. It was quite clear. It provided for the prosecution of

offenders, regardless of the willingness of foreign governments. This was too much to ask, I believe.

In the name of the sacrosanct sovereignty of states, the motion passed by the government will insure that crimes against children will go unpunished, those same children Canada solemnly committed to helping when it signed several international documents. This is the way this government honours its commitments. My amendment would eliminate this procedural requirement and allow the bill to do what it is supposed to do, namely protect children.

I urge you to support the Bloc Quebecois' amendment, in order to better protect children in Canada and abroad.

[*English*]

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the purpose of this motion is to remove two procedural requirements to prosecution in Canada of cases of sexual abuse committed by Canadians abroad. Bill C-27 proposes to allow for the prosecution in Canada of Canadians who obtain the sexual services of a child for consideration, what is often referred to as child sex tourism.

However, following testimony before the justice and legal affairs committee, the committee amended the bill in order to allow as well for the prosecution in Canada of Canadians who sexually abuse children while abroad. This new amendment requires two preconditions to the prosecution in Canada of a Canadian who sexually abuses a child while outside of Canada which do not exist in the case of child sex tourism offences.

● (1805)

First, a request has to be made by the foreign state where the offence is alleged to have been committed. Second, the consent of the responsible provincial attorney general has to be obtained. Both preconditions are essential to the exercise of Canada's extraterritorial jurisdiction. The motion proposes to remove these two procedural requirements.

The justice and legal affairs committee heard from witnesses as to the importance of these procedural prerequisites. They are necessary for two reasons. The first reason is that prosecuting in Canada for offences committed abroad is contrary to the principle that a country has jurisdiction for offences committed on its territory. An exception to this principle is accepted when it is so required by an international convention or permitted by customary international law or international consensus, as is the case for sex tourism.

The emerging consensus to allow states to prosecute their nationals involved in child sex tourism is evidenced by the drafting of an optional protocol, in which Canada is playing an active role, to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. But it is not the case for child sexual abuse.

The optional protocol addresses only two sexual offences relating to children, child prostitution and child pornography. At this time it does not deal with other sexual offences against children. The declaration and agenda for action recently was adopted at the world congress against the commercial exploitation of children which was hosted by the Swedish government in August 1996. It also dealt with only child prostitution and child pornography. The lack of international consensus with respect to the country's extraterritorial jurisdiction over sexual abuse of children committed in a foreign country underscores the importance of having procedural requirements in order to comply with proper jurisdictional principles.

The second reason for keeping the additional procedural requirements can be explained in terms of sovereignty and practicality. The request from the foreign state indicates an interest from that state in the prosecution of the offence and assures Canada that the foreign state will co-operate in facilitating the Canadian prosecution of the offence. Without a request from the foreign state and the underlying assumption of co-operation Canada would have no basis to send law enforcement officials into the foreign state to interview witnesses and collect evidence. The co-operation from the foreign state is necessary to gather evidence required for the prosecution.

In conclusion, it is my belief that these procedural requirements are essential in order to make the committee's amendment work effectively. For these reasons I do not support the motion.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, Bill C-27 will receive the support of our caucus. We think there are measures in the bill that are going in the right direction.

I have some real concerns about the ability of Canada to enforce laws against offences committed outside our jurisdiction. Because of that concern I am prepared to recommend to my caucus that we support the amendment that has been placed before us which we are debating today.

What are some of the reasons for supporting this amendment and really what is the amendment to do? The amendment will strike from the bill sections 4.2 and 4.3.

● (1810)

Section 4.2 states:

> Proceedings with respect to an act or omission that if committed in Canada would be an offence against section 151, 152, 153, 155 or 159, subsection 160(2) or (3) or section 163.1, 170, 171 or 173 shall be instituted in Canada only if a request to that effect to the Minister of Justice of Canada is made by:
>
> (a) any consular officer or diplomatic agent accredited to Canada by the state where the offence has been committed; or,

(b) any minister of that state communicating with the Minister through the diplomatic representative of Canada accredited to that state.

Section 4.3:

Proceedings referred to in subsection 4.2 may only be instituted with the consent of the Attorney General

This means the attorney general of the province in which the individual the charge is being initiated against lives.

First of all, what this would entail is an intrusion by the Justice Minister of Canada into what is normally the constitutional jurisdiction of the provinces which is to initiate criminal proceedings. It would give the justice minister an overwhelming say in the prosecution of offences under the criminal code. We would see a division of powers. I should say we would see an attack on the division of powers. In fact, there would be a collapse of the division of powers between those who make the law in this country and those who are supposed to enforce it.

All of a sudden we would have the justice minister being the key figure not only in making the law but in initiating any criminal proceedings and prosecution under the law. I think that is wrong and we have to be very aware and cautious of allowing that kind of collapse between the division of powers that exist in a democracy.

Second, I have great concern that we are going to be able to successfully prosecute an infraction that occurs in another country. How will we do it? How will we get the evidence into this country to successfully prosecute? If the justice minister is going to be the one who decides whether or not there is sufficient evidence to proceed with a criminal prosecution are we going to look at the same delays that we now see when individuals apply to the justice minister under section 690 of the Criminal Code, those who feel that there has been a miscarriage of justice occur? We have had 690 application after 690 application presented to the justice minister and in some cases it has taken years for him to assess the fresh evidence and make a decision.

We just saw two cases that have been hung there for years and finally decided upon by the justice minister. One was the King case and the other was the Beaulieu case. We still have a case that has been outstanding for at least four years, a 690 application that the justice minister is still looking at, the delay for reasons unknown.

Are we now going to say the justice minister has to decide on all these cases that might be coming forward as a result of the creation of this new law? It is absolutely wrong. Not only that, the justice minister can only move on complaints not if they come from you or me, Mr. Speaker, who might be over there and happen to witness a crime. No, they have to come from a consular officer or a diplomatic agent accredited to Canada. Therefore, if you or I are over there and happen to see an offence committed by some individual against a child, we cannot bring this to the attention of the authorities here. We cannot even bring it to the attention of the justice minister.

According to this legislation, we have to bring that to the attention of the justice minister through a consular officer or a diplomatic agent accredited to Canada by the state where the offence is being committed or, if we cannot do it that way, by any minister of that state communicating with the minister through the diplomatic representative of Canada accredited to that state.

Do members know what that is setting up? It is setting up a situation that looks good, that we are taking some action against these child sex tourists, people who would go to another country and involve themselves sexually with children.

• (1815)

I will say five years from now if the justice minister is still around and we ask him how many successful prosecutions or otherwise have been registered in this country as a result of this legislation, it will be very close to zero. Why? Because of the narrow restrictions that are being placed on any successful prosecution. It is not just the fact that it is going to be difficult to produce evidence. Are we going to bring the victim over here? Are we going to bring witnesses over here at enormous cost? How are we going to do it?

That is part of it. Once the complaint information has gone through this very narrow restricted channel and the justice minister says to the attorney general of the province in which that accused person or the targeted person lives "go ahead and charge this person" it is wrong. It is not going to work.

It is another attempt by this government to create a smoke screen that it is going to get tough in an area that is very difficult to handle and that is frowned on and creates revulsion in the minds of every decent thinking Canadian.

We are prepared to support this bill in the hope that we are wrong in our estimation of the difficulty that is going to be presented toward any successful prosecution. We are prepared to support this bill. But I am not prepared to support that part of the bill that gives the justice minister the final say on prosecution under this statute. Why should be trust the judgment of the justice minister when a lack of sound judgment and common sense runs like a current through a host of the legislation that he has brought forward and other decisions that he has made?

How can we trust the judgment of a justice minister who grants victims the right to make written impact statements in Bill C-41 and takes away that very right in Bill C-45? How can we trust the judgment of a justice minister who tells this House that he consulted on a regular basis with the attorneys general of the

provinces when putting together Bill C-68 and we had those attorneys general appear before the committee and say that there was no consultation at all? How can we trust the justice minister? How can we trust his judgment?

I support the amendment to strike from the bill this special power granted to a justice minister whose judgment over the last three and a half years has proven to be unsound and lacking a basis in common sense.

I cannot support the justice minister's having this kind of power and it is not unlike the kind of power he has given himself in many bills through orders in council. He will not get my support in this area for this kind of authority and power that could stymie any successful prosecution or any complaint from going beyond his office or beyond his desk. I will not support it.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, this is a good case where the Bloc has contributed in an exceptional way to improve a bill or even to impose its vision on some matters.

I take this opportunity to commend the hon. member for Québec, who was one of the people that started this whole debate on sex tourism, excision and other related matters in Bill C-27.

However, as is often the case with the Liberal Party, the opposition had to take the initiative and to introduce private bills to get it to respond. Bill C-27 is a blatant example of that: the hon. member for Québec introduced a series of bills, among others, on sex tourism, as well as sex tourism in other countries, so that the government would budge.

● (1820)

The hon. member for Québec did not merely introduce a bill. Since the government tabled Bill C-27, which we are examining, the hon. member, as well as the official opposition, have very closely followed the committee work. Testimony heard in committee indicated that the bill fell short on some things, so we tried to co-operate with the government, to move some amendments so that Bill C-27 would come as close as possible to meeting the objectives of the private member's bills tabled by the hon. member for Québec, particularly with regard to sex tourism.

A number of witnesses told us that this Liberal bill does not go far enough, and that we should give it more teeth if we are to get effective results in protecting sexually abused children in third world countries.

Despite the support we had from some women's groups, social interest groups and even legal experts, the Liberal government waited until the last minute to move amendments to try to meet the demands of the Bloc Quebecois. Even these last minute amendments failed to support our goals in dealing with sex tourism.

That is why, once again, the official opposition felt it had a professional obligation to put forward in this House an amendment about the extraterritorial impact. I invite government members to think very seriously before coming out for or against the amendment put forward by the hon. member for Québec in the overall context of the implementation of this bill.

In some third world countries, in Asia, in India, sex tourism is a very profitable industry. In spite of the government's last minute amendments, we have to understand that any country where sex tourism exists must submit a request to Canada so that the attorney general can prosecute the individual who committed the offence in that country.

Tell me what country where sex tourism is known to exist, where it is tolerated, would do that. According to witnesses, there even are countries that favour sex tourism because it is good for the local economy. Considering the clause that is before us, why would those countries themselves ask the Canadian government to prosecute someone who practised sex tourism on their territory? None will do it. Those are often countries which encourage sex tourism.

The amendment put forward by the hon. member for Quebec aims at giving the Canadian government the power to prosecute individuals who commit the crime. I understand there are issues of territoriality and extraterritoriality. However, we should not forget that the law aims at protecting the young.

Again, several young people who appeared before the committee told how individuals sexually abused them. Often, it is Canadians who go to other countries, and it is people who know them who sexually abuse these children, these young women or young men.

I think that the amendment presented by the member has only one purpose, that is to better protect the children. If there is a problem with enforcement, we will take care of it as we go along, but we must at least help the families and the victims by giving the Attorney General of Canada the ability to prosecute those who sexually abuse children and who even profit from sexual tourism.

● (1825)

In closing, I ask all the hon. members on the government side to read very carefully the amendment; it is very short, but very broad in scope. If they have the time, they should also read the testimony of some young people who came before the Standing Committee on Justice and Legal Affairs to complain about the fact that Bill C-27, which was introduced by the government party, falls short of the objective sought.

I think that the amendment moved by the hon. member for Québec should be adopted because it would correct a deficiency in the bill as written by the Liberal government. In the case of Bill

C-27, as in the case of several other bills, we see that the government has tabled a series of amendments and a bill, and following the testimony of a number of people before the committee, the government intends to make further amendments. This is akin to tabling a bill without knowing what consequences it will have or considering all the possibilities it will open up.

Although they may have done so in the case of a number of other clauses, I think they failed to amend this particular clause and go as far as the hon. member for Quebec was suggesting. That is why the Bloc Quebecois will vote in favour of this amendment to Bill C-27, and I would ask that the government give this amendment serious consideration. I hope it will also vote in favour of the amendment, with the official opposition, so as to improve the bill and help it achieve its objective to protect children.

[*English*]

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, this bill to a certain extent does make me think of tourism. Not to make light of the issue; the issue is desperately serious. The sex tourism business is an absolute scourge and by all means must be wiped out. But this bill does not do it.

This bill reminds me of being a tourist somewhere in England where I saw a suit of armour which was the real, authentic thing. Obviously if a person had gone into battle with that suit of armour it would have offered some kind of protection. It is rather interesting that about a year later I happened to be going through a wax museum or some such thing in Victoria, British Columbia, where again I saw the same suit of armour. However, the difference was that suit of armour was made out of plastic.

Imagine, if we were to go back to the time of King Arthur, the difference between going into battle with the real suit of armour and going into battle with what appeared to be the real suit of armour but which was only plastic. The very first time the person wearing that suit of armour was engaged in battle he would have been fatally wounded.

And so it is with this bill. The bill appears to be a suit of armour. This clause appears to be something that would be effective and would actually work. However, it is like all the other trappings the government continuously comes forward with.

In another life I believe that you, Mr. Speaker, were and perhaps still are a lawyer. You would know as a lawyer that when evidence is going to be collected in another country, under what terms and conditions is the evidence collected? Who is able to actually clearly state that the evidence is real? What about the difference in jurisdiction? What about the difference in standards of proof between the two justice systems, between the country where the offence is taking place and where the adjudication would actually take place?

This bill is nothing more than a plastic suit of armour and it is so typical of the Liberals that they would be trying to trot this out and actually say that the bill is going to make a move in the direction that is so desperately needed.

Taking a look at the total motion before the House, Bill C-27, and the fact that it includes child prostitution, child sex tourism, criminal harassment and female genital mutilation, clearly this is nothing more that window dressing by the justice minister where he has pulled together all of these bits and pieces so at the end of the day he can say "see, we tried, we made some kind motion in the direction we need to be going".

This bill is a plastic suit of armour that will fall to any lawyer coming in right after being called to the bar. How can there be a case, as has been pointed out by my colleague from Crowfoot, where an individual witnessing the sex tourism business has to go to another individual who in turn has to inform the justice minister? The justice minister would then have to inform the officials. The officials would then have to write letters, and heaven only knows if we have not learned something about the justice department writing letters in the Airbus affair I do not know when we will.

The letters go to the country where the alleged offence took place. People take a look at them and try to make decisions about what they should do. They then turn around and perhaps they go out to get some witnesses. They try to collect evidence. There would not be that much evidence related to this case. After obtaining the evidence it would be transported back to Canada where this lawyer freshly having been called to the bar would squash it right out of sight. This is nothing more than plastic art—

The Acting Speaker (Mr. Milliken): Order. The chief government whip on a point of order.

Mr. Kilger: Mr. Speaker, in the next 15 minutes we will be summoned back to the Chamber to vote on some deferred recorded divisions. I have had some discussions with the other parties. We have come to an agreement. I want to thank the representatives of those other parties for their co-operation. When we reconvene for the deferred recorded divisions, the first division we would ask the Chair to call would be No. 15, the ways and means motion of the government on the matter of the budget.

The Acting Speaker (Mr. Milliken): That would be followed by the two private members' motions, Motions Nos. M-31 and M-277 in that order. Is that agreed?

Some hon. members: Agreed.

The Acting Speaker (Mr. Milliken): So ordered.

THE BUDGET

FINANCIAL STATEMENT OF MINISTER OF FINANCE

The House resumed from March 21 consideration of the motion that this House approves in general the budgetary policy of the government.

The Acting Speaker (Mr. Milliken): It being 6.30 p.m., the House will now proceed to the taking of the deferred recorded division on Ways and Means Motion No. 15. Call in the members.

● (1900)

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

(*Division No. 281*)

YEAS

Members

Adams
Alcock
Anderson
Arseneault
Assadourian
Augustine
Baker
Bakopanos
Barnes
Bélair
Bélanger
Bellemare
Bertrand
Bevilacqua
Bodnar
Bonin
Boudria
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Calder
Campbell
Catterall
Clancy
Cohen
Collenette
Cowling
Cullen
DeVillers
Dhaliwal
Dingwall
Dion
Discepola
Dupuy
Easter
English
Fewchuk
Finlay
Flis
Fontana
Fry
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Godfrey
Graham
Guarnieri
Harvard
Hickey
Hubbard
Irwin
Jackson
Karygiannis
Keyes
Kilger (Stormont—Dundas)
Kirkby
Knutson
Kraft Sloan
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Lincoln
Loney
MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi
Manley
Marleau
Massé
McGuire
McKinnon
McLellan (Edmonton Northwest/Nord-Ouest)
McTeague
McWhinney
Mifflin
Milliken
Mills (Broadview—Greenwood)
Minna
Mitchell
Murphy
Murray
O'Brien (London—Middlesex)
O'Reilly
Paradis
Parrish
Patry
Peric
Peters
Peterson
Pettigrew
Phinney
Pickard (Essex—Kent)
Pillitteri
Proud
Reed
Regan
Richardson
Rideout
Ringuette-Maltais
Robichaud
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Sheridan
Simmons
Steckle
Stewart (Northumberland)
Szabo
Thalheimer
Ur
Valeri
Vanclief
Verran
Wells
Whelan
Young
Zed—117

NAYS

Members

Abbott
Axworthy (Saskatoon—Clark's Crossing)
Bachand
Bellehumeur
Benoit
Bhaduria
Brien
Chatters
Chrétien (Frontenac)
Cummins
de Savoye
Deshaies
Duceppe
Epp
Gagnon (Québec)
Gauthier
Guay
Guimond
Hanger
Harper (Simcoe Centre)
Harris
Hayes
Hermanson
Jacob
Johnston
Kerpan
Landry
Laurin
Marchand
Mercier
Mills (Red Deer)
Nunez
Paré
Picard (Drummond)
Ramsay
Ringma
Rocheleau
Sauvageau
Schmidt
Solberg
Stinson
Strahl
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Venne
White (Fraser Valley West/Ouest)
Williams —48

PAIRED MEMBERS

Assad
Asselin
Axworthy (Winnipeg South Centre/Sud-Centre)
Bélisle
Bergeron
Canuel
Collins
Comuzzi
Crawford
Crête
Dalphond-Guiral
Daviault
Debien
Dubé
Duhamel
Dumas
Easter
Eggleton
Fillion
Finestone
Gaffney
Godin
Harb
Harper (Churchill)
Hopkins
Iftody
Lalonde
Lebel
Lefebvre
Leroux (Richmond—Wolfe)
Leroux (Shefford)
Loubier
Marchi
Martin (LaSalle—Émard)
Ménard
Pomerleau
Rock
Serré
Sheridan
Stewart (Brant)
Tremblay (Rosemont)
Walker

The Speaker: I declare the motion carried.

PRIVATE MEMBERS' BUSINESS

[*English*]

PEACEKEEPING OR PEACE ENFORCEMENT COMMITMENTS

The House resumed from March 12 consideration of the motion and of the amendment.

Private Members' Business

The Speaker: Pursuant to order made on Wednesday, March 12, the House will now proceed to the taking of the deferred recorded divisions relating to Motion M-31 under Private Members' Business.

The question is on the amendment.

As is the practice, the division will be taken row by row, starting with the mover and then proceeding with those in favour of the amendment sitting on the same side of the House as the mover. Then those in favour of the amendment sitting on the other side of the House will be called. Those opposed to the amendment will be called in the same order.

● (1905)

(The House divided on the amendment, which was negatived on the following division:)

(*Division No. 282*)

YEAS

Members

Abbott
Axworthy (Saskatoon—Clark's Crossing)
Bachand
Bellehumeur
Benoit
Brien
Chatters
Chrétien (Frontenac)
Cummins
de Savoye
Deshaies
Duceppe
Epp
Gagnon (Québec)
Gauthier
Guay
Guimond
Hanger
Harper (Simcoe Centre)
Harris
Hayes
Hermanson
Jacob
Johnston
Kerpan
Landry
Laurin
Marchand
Mercier
Mills (Red Deer)
Nunez
Paré
Picard (Drummond)
Ramsay
Ringma
Rocheleau
Sauvageau
Schmidt
Solberg
Stinson
Strahl
Taylor
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Venne
White (Fraser Valley West/Ouest)
Williams —47

NAYS

Members

Adams
Alcock
Anderson
Arseneault
Assadourian
Augustine
Baker
Bakopanos
Barnes
Bélair
Bélanger
Bellemare
Bevilacqua
Bhaduria
Bodnar
Boudria
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Calder
Campbell
Catterall
Clancy
Cohen
Collenette
Cowling
Cullen
DeVillers
Dhaliwal
Dingwall
Dion
Discepola
Dupuy
Easter
English
Fewchuk
Finlay
Flis
Fontana
Fry
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Godfrey
Graham
Guarnieri
Harvard
Hickey
Hubbard
Irwin
Jackson
Karygiannis
Keyes
Kilger (Stormont—Dundas)
Kirkby
Knutson
Kraft Sloan
Lastewka
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Lincoln
Loney
MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi
Manley
Marleau
McCormick
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
McTeague
McWhinney
Milliken
Mills (Broadview—Greenwood)
Minna
Mitchell
Murphy
Murray
O'Brien (London—Middlesex)
O'Reilly
Paradis
Parrish
Patry
Peric
Peterson
Pettigrew
Phinney
Pickard (Essex—Kent)
Pillitteri
Proud
Reed
Regan
Richardson
Rideout
Ringuette-Maltais
Robichaud
Robillard
Scott (Fredericton—York—Sunbury)
Shepherd
Sheridan
Simmons
Steckle
Stewart (Northumberland)
Szabo
Ur
Valeri
Vanclief
Verran
Wells
Whelan
Young
Zed—112

PAIRED MEMBERS

Assad
Asselin
Axworthy (Winnipeg South Centre/Sud-Centre)
Bélisle
Bergeron
Canuel
Collins
Comuzzi
Crawford
Crête
Dalphond-Guiral
Daviault
Debien
Dubé
Duhamel
Dumas
Easter
Eggleton
Fillion
Finestone
Gaffney
Godin
Harb
Harper (Churchill)
Hopkins
Iftody
Lalonde
Lebel
Lefebvre
Leroux (Richmond—Wolfe)
Leroux (Shefford)
Loubier
Marchi
Martin (LaSalle—Émard)
Ménard
Pomerleau
Rock
Serré
Sheridan
Stewart (Brant)
Tremblay (Rosemont)
Walker

The Speaker: I declare the amendment defeated.

The next question is on the main motion.

● (1915)

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

(*Division No. 283*)

YEAS

Members

Abbott
Axworthy (Saskatoon—Clark's Crossing)
Benoit
Chatters
Cummins
Epp
Hanger
Harper (Simcoe Centre)
Harris
Hayes
Hermanson
Johnston
Kerpan
Mills (Red Deer)
Ramsay
Ringma
Schmidt
Solberg
Stinson
Strahl
Taylor
White (Fraser Valley West/Ouest)
Williams—23

NAYS

Members

Adams
Alcock
Anderson
Arseneault
Assadourian
Augustine
Bachand
Baker
Bakopanos
Barnes
Bélair
Bélanger
Bellehumeur
Bellemare
Bevilacqua
Bhaduria
Bodnar
Boudria
Brien
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Calder
Campbell
Catterall
Chrétien (Frontenac)
Clancy
Cohen
Collenette
Cowling
Cullen
de Savoye
Deshaies
DeVillers
Dhaliwal
Dion
Discepola
Duceppe
Dupuy
Easter
English
Fewchuk
Finlay
Flis
Fontana
Fry
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gagnon (Québec)
Gallaway
Gauthier
Godfrey
Graham
Guarnieri
Guay
Guimond
Harvard
Hickey
Hubbard
Irwin
Jackson
Jacob
Karygiannis
Keyes
Kilger (Stormont—Dundas)
Kirkby
Knutson
Kraft Sloan
Landry
Lastewka
Laurin
LeBlanc (Cape/Cap-Breton Highlands—Canso)
Lee
Lincoln
Loney
MacLellan (Cape/Cap-Breton—The Sydneys)
Malhi
Manley
Marchand
Marleau
McCormick
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
McTeague
McWhinney
Mercier
Milliken
Mills (Broadview—Greenwood)
Minna
Mitchell
Murphy
Murray
Nunez
O'Brien (London—Middlesex)
O'Reilly
Paradis
Paré
Parrish
Patry
Peric
Peterson
Pettigrew
Phinney
Picard (Drummond)
Pickard (Essex—Kent)
Pillitteri
Proud
Reed
Regan
Richardson
Rideout
Ringuette-Maltais
Robichaud
Robillard
Rocheleau
Sauvageau
Scott (Fredericton—York—Sunbury)
Shepherd
Sheridan
Simmons
Steckle
Stewart (Northumberland)
Szabo
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Ur
Valeri
Vanclief
Venne
Verran
Wells
Whelan
Young
Zed—135

PAIRED MEMBERS

Assad
Asselin
Axworthy (Winnipeg South Centre/Sud-Centre)
Bélisle
Bergeron
Canuel
Collins
Comuzzi
Crawford
Crête
Dalphond-Guiral
Daviault
Debien
Dubé
Duhamel
Dumas
Easter
Eggleton
Fillion
Finestone
Gaffney
Godin
Harb
Harper (Churchill)
Hopkins
Iftody
Lalonde
Lebel
Lefebvre
Leroux (Richmond—Wolfe)
Leroux (Shefford)
Loubier
Marchi
Martin (LaSalle—Émard)
Ménard
Pomerleau
Rock
Serré
Sheridan
Stewart (Brant)
Tremblay (Rosemont)
Walker

The Speaker: I declare the motion lost.

* * *

CANADIAN VOLUNTEER SERVICE MEDAL FOR UNITED NATIONS PEACEKEEPING ACT

The House resumed from March 19 consideration of the motion and of the amendment.

The Speaker: Pursuant to order made on Tuesday, March 18, 1997 the House will now proceed to the taking of the deferred recorded divisions relating to Motion No. 277 under Private Members' Business.

The question is on the amendment.

● (1920)

(The House divided on the amendment, which was negatived on the following division:)

(*Division No. 284*)

YEAS

Members

Bachand
Brien
Chrétien (Frontenac)
de Savoye
Deshaies
Duceppe
Gagnon (Québec)
Gauthier
Guay
Guimond
Jacob
Landry
Laurin
Marchand
Mercier
Nunez
Paré
Picard (Drummond)
Rocheleau
Sauvageau
Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Témiscouata)
Venne—23

NAYS

Members

Abbott
Adams
Alcock
Anderson
Assadourian
Augustine
Axworthy (Saskatoon—Clark's Crossing)
Baker
Bakopanos
Barnes
Bélair
Bélanger
Bellemare
Benoit
Bhaduria
Bodnar
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Calder
Campbell
Catterall
Chatters
Clancy
Cohen
Collenette
Cowling
Cullen
Cummins
DeVillers
Dhaliwal
Discepola
Dupuy
Easter
English
Epp
Fewchuk
Finlay
Flis
Fontana
Fry
Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gallaway
Godfrey
Graham
Guarnieri
Hanger
Harper (Simcoe Centre)
Harris
Hayes
Hermanson
Hickey
Hubbard
Jackson
Johnston
Karygiannis
Kerpan
Keyes
Kilger (Stormont—Dundas)
Kirkby
Kraft Sloan
Lastewka
Lee
Lincoln
Loney
MacLellan (Cape/Cap-Breton—The Sydneys)
Manley
Marleau
McGuire
McLellan (Edmonton Northwest/Nord-Ouest)
McTeague
McWhinney
Milliken
Mills (Broadview—Greenwood)
Mills (Red Deer)
Minna
Mitchell
Murphy
O'Brien (London—Middlesex)
O'Reilly
Paradis
Parrish
Patry
Peric
Peterson
Pettigrew
Phinney
Pickard (Essex—Kent)
Pillitteri
Proud
Ramsay
Reed
Regan
Richardson
Ringma
Ringuette-Maltais
Robichaud
Robillard
Schmidt
Scott (Fredericton—York—Sunbury)
Shepherd
Sheridan
Simmons
Solberg
Steckle
Stewart (Northumberland)
Stinson
Strahl
Szabo
Taylor
Vanclief
Whelan
White (Fraser Valley West/Ouest)
Williams —116

PAIRED MEMBERS

Assad
Asselin
Axworthy (Winnipeg South Centre/Sud-Centre)
Bélisle
Bergeron
Canuel
Collins
Comuzzi
Crawford
Crête
Dalphond-Guiral
Daviault
Debien
Dubé
Duhamel
Dumas
Easter
Eggleton
Fillion
Finestone
Gaffney
Godin
Harb
Harper (Churchill)
Hopkins
Iftody
Lalonde
Lebel
Lefebvre
Leroux (Richmond—Wolfe)
Leroux (Shefford)
Loubier
Marchi
Martin (LaSalle—Émard)
Ménard
Pomerleau
Rock
Serré
Sheridan
Stewart (Brant)
Tremblay (Rosemont)
Walker

The Speaker: I declare the amendment lost.

The next question is on the main motion.

● (1925)

[*Translation*]

Mr. Landry: Mr. Speaker, I would ask that you consider that I voted with my party. I was in my seat. Pardon me.

[*English*]

Mr. McTeague: Mr. Speaker, I was wondering if I could seek your guidance on the validity of a vote when the actual mover of this motion saw fit not to be here on this occasion.

The Speaker: It is perfectly in order that we take this vote because it is an order of the House. Very gently I would remind hon. members that we never refer to another member when he or she is not present.

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

(*Division No. 285*)

YEAS

Members

Abbott
Axworthy (Saskatoon—Clark's Crossing)
Benoit
Chatters
Cummins
Epp
Hanger
Harper (Simcoe Centre)
Harris
Hayes
Hermanson
Johnston
Kerpan
Mills (Red Deer)
Ramsay
Ringma
Schmidt
Solberg
Steckle
Stinson
Strahl
Taylor
White (Fraser Valley West/Ouest)
Williams—24

NAYS

Members

Adams
Alcock
Anderson
Arseneault
Assadourian
Augustine
Bachand
Baker
Bakopanos
Barnes
Bélair
Bélanger
Bellemare
Bevilacqua
Bhaduria
Bodnar
Boudria
Brien
Brown (Oakville—Milton)
Brushett
Bryden
Byrne
Calder
Campbell
Catterall
Chrétien (Frontenac)

Clancy	Cohen
Collenette	Cowling
Cullen	de Savoye
Deshaies	DeVillers
Dhaliwal	Dion
Discepola	Duceppe
Dupuy	Easter
English	Fewchuk
Finlay	Flis
Fontana	Fry
Gagliano	Gagnon (Bonaventure—Îles-de-la-Madeleine)
Gagnon (Québec)	Gallaway
Gauthier	Godfrey
Graham	Guarnieri
Guay	Guimond
Hickey	Hubbard
Irwin	Jackson
Jacob	Karygiannis
Keyes	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Landry
Lastewka	Laurin
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lee
Lincoln	Loney
MacLellan (Cape/Cap-Breton—The Sydneys)	Malhi
Manley	Marchand
Marleau	McCormick
McGuire	McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney	Mercier
Milliken	Mills (Broadview—Greenwood)
Minna	Mitchell
Murphy	Nunez
O'Brien (London—Middlesex)	O'Reilly
Paradis	Paré
Parrish	Patry
Peric	Peterson
Pettigrew	Phinney
Picard (Drummond)	Pickard (Essex—Kent)
Pillitteri	Proud
Reed	Regan
Richardson	Rideout
Ringuette-Maltais	Robichaud
Robillard	Rocheleau
Sauvageau	Scott (Fredericton—York—Sunbury)
Sheridan	Simmons
Stewart (Northumberland)	Szabo
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Bergeron	Canuel
Collins	Comuzzi
Crawford	Crête
Dalphond-Guiral	Daviault
Debien	Dubé
Duhamel	Dumas
Easter	Eggleton
Fillion	Finestone
Gaffney	Godin
Harb	Harper (Churchill)
Hopkins	Iftody
Lalonde	Lebel
Lefebvre	Leroux (Richmond—Wolfe)
Leroux (Shefford)	Loubier
Marchi	Martin (LaSalle—Émard)
Ménard	Pomerleau
Rock	Serré
Sheridan	Stewart (Brant)
Tremblay (Rosemont)	Walker

The Speaker: I declare the motion defeated.

[*Translation*]

It being 7.30 p.m., the House stands adjourned until 10 a.m. tomorrow, pursuant to Standing Order 24(1).

(The House adjourned at 7.31 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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