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(HANSARD)

Monday, April 21, 1997

Speaker: The Honourable Gilbert Parent

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Monday, April 21, 1997

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

[*English*]

PARLIAMENT OF CANADA ACT

The House resumed from March 11 consideration of the motion that Bill C-250, an act to amend the Parliament of Canada Act and the Canada Elections Act (confidence votes), be read the second time and referred to a committee.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, it is a pleasure to speak on this important private member's initiative. I congratulate the hon. member for Kindersley—Lloydminster for bringing this bill forward. It is something the Reform Party has had as policy from its inception. We think it would lend more credibility to the electoral process. It is something Canadians would appreciate.

Recent public opinion polls indicate that although it is very likely we are going to head into a federal election within a week or so, two-thirds of Canadians believe there is no need for the government to call an election. The government is not cooking the books, it is cooking the agenda to get the most favourable conditions for which to call an election.

There is nothing unusual about that. Governments have been doing that for years. However, two-thirds of Canadians say it is unfortunate in a democracy such as ours for the government to wait until it feels it has enough things on the agenda to suddenly spring an election. We are all supposed to salute the flag, whether it is three years into the mandate or five. It gives the government a tremendous trump card going into an election.

The agenda which was given to the media today indicates the following: Mr. Bouchard to meet with the Prime Minister to sign an agreement, photo op to follow; the Minister of Natural Resources to sign a research project, photo op to follow; an agreement will be

signed with provincial fisheries officials in British Columbia, photo op to follow. The whole agenda for this week is a photo op.

The government is able to control the agenda not only for photo ops but for the electoral agenda. It is no longer a case of whether we need an election, whether it is timely or whether there is an issue on the front burner of the nation, it is whatever the government thinks it can do to better its re-election chances and that is when it will call an election.

There is something wrong with that. People have to ask themselves what is going on in the country when the government can trigger a national election based on its needs. Would it not be better to level the playing field for all parties? Would it not be better to have the government go to the people during the fall of the fourth year of its mandate? Everyone would work off the same sheet. We would all sing the same chorus. We would not wait for a crisis to happen in a province or for the signing of an agreement to go to the people. The election would be called at a certain time. They could count on it. They could plan for it. That would be fair for everyone.

When we were considering this bill in committee I raised two things which the government has done to give itself an advantage. One it already has, the ability to call the election. The other is to shorten the election period itself. We are now down to a 36 day electoral period. We will likely be heading into it next week.

● (1110)

The government, by knowing when it will call an election, has all the advantages. It knows exactly when it will call the election and therefore it knows when to have its advertising geared up. It can have its media buys prearranged. Its members can have their offices open. They can have literature ordered. They can know it all.

The back room boys over there have it all figured out. The rest of us just hope that we know what is going on. We think it will be next week. But money is spent, there is organization and all Canadians are wondering whether it will happen. That is too bad.

It should be on a four year rotation. The member for Kindersley—Lloydminster has detailed how that could be done, how it would be fair to all parties. This does not give an advantage to one side or the other. It is fair to the Canadian people. They do not have to wonder whether they will be put through this process. It is fair all around.

Private Members' Business

That being said, this bill will not pass. I am sorry to break that news to the member for Kindersley—Lloydminster. This bill does not have a snowball's chance. It takes power out of the frontbench.

Every time there is a chance of any of the power being removed from that frontbench, every time there is a chance for free votes, every time—

An hon. member: Word comes down from the top.

Mr. Strahl: That is right. Word comes down from the top that this bill must not pass. Every time there is a free vote, every time there is power given to committee, every time there is any chance that we can take a little power out of that little group of people sitting in the Langevin Building, it is nuked. There is not a chance that this bill will pass. I am sorry to break this to the member for Kindersley—Lloydminster.

That being said, it is likely we will head into an election next week. Will this be an election issue? Will this be something that gets carried on the stump, as we talk about the issues facing the Canadian electorate?

This will not be the burning issue. However, this is symptomatic of two different visions of Canada when it comes to the role of Parliament and the role of members of Parliament representing their constituency.

It will be a vision carried by the Liberal Party which is that the Liberal Party knows best. Not only does it not have to listen to the Canadian people, it does not even have to listen to its own members.

The Liberal Party does not have to listen to people through referendums and free votes and representative democracy. What its members will tell Canadians is "don't worry, be happy, we know best; the rest of you are cannon fodder in the great democratic process". That will be an issue.

When we get on the stump and when we get talking about electoral and parliamentary reform, when we talk about the need to change things in this institution to give power to members of Parliament to truly represent the people who sent them here, that will be an issue.

We will be talking about recall. We will be talking about the right to referendums and citizens initiatives. We will be talking about free votes in the House of Commons, not just on private members bills but on bills in general.

We will be talking about committee power and the way committees are manhandled right now by the ministers to do their bidding instead of truly giving an opportunity for members of Parliament to initiate legislation and to bring citizens concerns to the table.

All those will be issues during the upcoming federal election. A fixed election date is part of Reform Party policy. Recent polling results say that people like that idea. They do not like what the Liberals are doing here, which is that they call it when they darn

well feel like it, the Canadian people can put up with it and pay for it and that is just the way it has to be.

Although there is supposed to be a free vote, no doubt those members have been told on the Liberal side to vote against it. It is probably not going to pass, and that is too bad.

All that being said, the Liberals should know that if they have the guts to call this election on Sunday, as we think, then let us have at her. This is a good enough issue to mix in with the others. We will see what the Canadian people really think about a government that lords it over the people instead of listening to them.

• (1115)

[*Translation*]

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, the intent of the bill we are debating at this time is to propose holding a general election every four years on a set date.

A number of parliamentarians may be in agreement with this principle of setting a date on which there will be an election every four years. This has a lot of advantages, one of which is that all of the organizations can get their acts together, to be ready when an election is called.

Since the Prime Minister is the one who holds the power to decide when an election will be held, this gives his party a considerable advantage over the other parties, as far as the organizational aspect is concerned: fundraising, candidate selection, and how the business of Parliament will be conducted.

If, for example, it were known that the election would be on a set date, the government could set itself a four-year program. The first year, it would pass such and such a portion of its electoral program, the second year another portion, and so on for the third and fourth years, and everyone would know we were headed for an election on a set date.

We were elected in October 1993. Last year, around the same time, there was all sorts of speculation about an early election. Some people were even willing to bet that there would be an election last fall, so the organizations got themselves in gear and there were nominations left, right and centre. There we were, not even three years away from the last election, and already talking about an early election.

To a certain extent, Parliament has been paralyzed for the past year, waiting for the day the Prime Minister calls an election. Once again, everything points to his making the announcement this Sunday, which means we will be going into an election nearly a year and half before the end of the mandate given to us by the people.

What happens in such cases is that the government governs by survey. The government orders the polls, the polling firms conduct them, they conclude that the party is popular or not so popular, the public is losing interest, one of the ministers is low in the polls in his own riding, the Prime Minister is, the Conservative Party is going up, the Reform Party is going down, and they are so busy

playing with all these cards that in the final instance they do not care about the public interest, only about the interests of the party in power.

The government can use the polls to set a date when it is likely to be reelected, or in certain other cases, as we saw with the Conservative Party in its last term, it can delay calling an election until the very end, in this case because it knew its popularity was dropping considerably and it were obviously headed for a defeat.

A fixed election date would help make public debates more transparent, more honest, better organized and at least we would know where we are going. It would be more democratic. The public would no longer have to cope with not knowing when the election would take place and it would not be in the position we are in now, when the government is accusing Mr. Bouchard of sending his request for a constitutional amendment at the last minute, although the government still has a year and a half to go.

Calling this a last minute request is rather exaggerated. If Mr. Bouchard had known when the election would be called, he would not have bothered to send a request at this stage. He probably would have waited until after the election or he would have set his agenda with the election date in mind. Organizing the democratic system in Canada in this way would be better for all the provinces, as a matter of fact.

One aspect is somewhat disturbing. We hear the Reform Party talking about referendums here and referendums there, about free votes and constituents voting by telephone or fax. This is a parliamentary system, a democratic system by delegation. We ask the public to elect us to represent them. Unless we change the very principle of the parliamentary system in Canada, we cannot accept all these fantastic proposals by the Reform Party, which wants to play poker by its own rules and not by the rules that suit everybody else.

• (1120)

If a party is elected with a very clear promise that it will do something, the individual elected under the party banner necessarily endorses the party's objectives. So there is no reason for a decision in the House to be taken on the basis of faxes or phone calls received. It is taken along party lines.

When we discuss bills that are not in our programs, we will obviously consult our constituents. We will, however, always be the ones who have to decide, since we are not obliged morally or otherwise to vote in agreement with the 40 or 50 members of our party we consulted or the 50 electors, who are not members of the party but were invited to a public meeting, or according to the three

Private Members' Business

faxes we received. We represent all electors once we are elected and we must use our wisdom and conscience as best we can and act in the best interest of the people in making a decision, because we were elected to represent them.

There are, of course, a lot of details in the bill before us. It would be worthwhile to have a committee consider it, because it could look at some of the problems in greater detail.

Personally, I find it difficult to agree with choosing the third Monday in October as a fixed election date, because winter comes early to many places, and the third Monday of October is surely a bad time for elections, particularly in Quebec where it would interfere with the campaign leading to the municipal elections, which are held on the first Sunday in November. Should the fixed date for federal elections be set in October, we would be in a difficult spot because we would be in a conflict of interest.

The committee would have to take the time to look at what happens in each province, in order to come up with a suitable date. The idea of an election when the days get longer and warmer, around the time of the summer equinox, holds much greater interest. It is much easier to go from door to door when the weather is good than pick a date like October when the days are getting shorter, it is rainy, and there are maybe even snowstorms that would perhaps make things difficult.

An hon. member: Unless we are not here any more.

Mrs. Tremblay (Rimouski—Témiscouata): If the Bloc is no longer here, then Canada can obviously do what it wants about its election dates. They can opt for the third Monday of October and that will not conflict with our municipal elections.

Even if we are in favour of the bill in principle, there is another aspect that I definitely think should be looked at in committee and that is the problem of the ensuing byelections. Dates are also given for byelections.

What would happen if there were a minority government and a government could not be formed? Giving authority to the governor general does not appeal to me at all. This is a position the Bloc Quebecois would prefer to see abolished, not one to which it wishes to give greater authority. There would certainly be many points to examine in this bill, although the principle is interesting for most of the population.

Ultimately, in a democracy, it is much clearer if people know exactly what to expect, especially since this will now be much easier. We will have a permanent voters list. If there were a fixed date for elections, democracy would take on much greater meaning and would be better respected.

Private Members' Business

It would also prevent abuses and irregularities, questionable practices or allegations of such practices, which have sometimes been made against people who were abusing their authority.

• (1125)

This did not happen just under the Conservatives; it also happened under the Liberals. It is interesting to note that the public is not fooled by these governments that hang on to power because, generally speaking, governments that have remained in office almost five years have usually been defeated in the following election.

Another possible problem with a fixed date is what would happen if there were a non-confidence vote.

Mr. Speaker, you have signalled to me that I must soon wrap up so, as I was saying, we are in agreement in principle, but the bill is worth considering seriously in committee.

[English]

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Speaker, I rise today to support Bill C-250 put forward by my colleague from Kindersley—Lloydminster. The bill proposes to have fixed election dates. For instance, this year the election date would be October 20 and elections thereafter would be held every four years on the third Monday of October.

In his opening remarks the member for Kindersley—Lloydminster said: "Along with the Reform Party's other proposals for democratic reform such as recall, referendums and citizens initiatives, we intend to show how Canada's political system can be made more accountable, representative and fair". Those are three points in favour of fixed election dates: accountability, better representation and fairness.

First, I will consider better representation. I very much believe in this bill. It is part of the Reform platform. When I campaigned in 1993 I felt there was something wrong with our political system because at any given time, on the spur of the moment, behind closed doors the Prime Minister and a few of his selected strategists could secretly determine when an election would be held. That is a great disservice to the Canadian public. It denies the opportunity for a lot of potential candidates who would be willing to run, who would otherwise be willing to seek nomination and become involved in the political process.

Some excuses used for not running are: inappropriate timing; an insufficient amount of time to prepare for entry into public life; insufficient time to raise money; insufficient time to become known in the community. These excuses would be eliminated with a fixed election date. This would affect the number of people who would consider running for election, including women. There is a big cry that there are not enough women in politics, that the ratio is

not 50:50, that there is a lack of balance between male and female representatives.

This is the case because they cannot plan. If women knew there would be an election every four years on the third Monday of October, family planning could be a lot easier. Men and women could decide after an election that next time one of them would run. The quality and number of candidates who would step forward would greatly increase. There would be more respect for politicians.

The accountability point was put forward by the member for Kindersley—Lloydminster. Politicians who were elected knowing that the duration of their terms would be four years would be more interested in and intent on carrying out the responsibilities of their portfolios, including representing their constituents. They would do the best jobs they could and would let their records speak for themselves. Then they would not have to rely on the prime minister of the day prior to an election to fast track certain bills in order to improve their visibility or their standing in the polls. They would not have to rely on the prime minister to hand out goodies in weak areas where they wanted to reinforce their strength.

This bill and fixed election dates every four years would provide more stability in the political system. This factor of not knowing when an election will be called ends up causing more doubt and more debate about when is it going to be called. That causes more focus on elections than it does on the issues of the day.

• (1130)

I have been here for close to four years and I have not read too much about the debt that faces this country. I have not read too much about the rising interest costs to service that debt. All I have heard is that the interest rates are the lowest they have ever been and the government has done a wonderful job.

The Canadian economy is not on as strong a footing as the finance minister and the Prime Minister would like us to believe. There is an underlying danger in that the real problem facing this country is not being addressed. I believe if we knew when an election would be called, all politicians would be more intent on identifying and solving the problems of the country instead of talking about those issues that make a party and the member as a representative more popular.

I feel Canada is behind the times. We are one of the few nations that does not have a fixed election date. By having a fixed election date we plan for it. A party or a government can be better judged and evaluated on what its real intent and purpose is.

We had an example this past week where the Liberal government closed more deals and did more in the space of 10 days that it had in the first three years. Even Premier Bouchard says the transfer of manpower training to the province of Quebec is nothing more than a pre-election ploy. He is going to sign the agreement today. He goes on further to say that he has to sign it as a provincial premier

Private Members' Business

because he has a responsibility to the unemployed of his province and he feels that this responsibility at his level will help more people get work. I agree with him on that.

All provinces should be looking after manpower training, not the federal government. Why has it taken three and a half years to happen? Why has it been signed after no less than five days of political pressure?

Another pre-election ploy is the anti-gang legislation for Quebec. I am not making this up. The Bloc members have pointed it out. The premier of Quebec has pointed it out.

It is making a mockery and a joke out of our political system. The government of the day controls the agenda and gains an unfair advantage on an unsuspecting, trusting general public. If nothing else, Canadians generally trust their government. They expect their government to perform according to the platform that they get elected on.

We were hugely disappointed by the two Tory governments. When these Liberal members were in opposition, when they were trying to seek the confidence of Canadians to govern, the Prime Minister on January 20, 1993 talking about Canadians said: "They have had enough of the abuses of Parliament and the arrogance of government".

I would need another 30 minutes to talk about the abuses that this government, when it was in opposition, talked about. Now it is guilty of them as government. There has been the abuse of parliamentary committees, abuse of free votes, abuse of jobs, jobs, jobs, abuse of Pearson, abuse of Airbus, abuse of Somalia, abuse of Krever, abuse of devolution of powers, abuse of the GST, the broken promise of the GST, as well as broken promises of what it would do when it was elected. In a lot of cases it did exactly the opposite.

I hope the Canadian public has had enough of this. I hope they start to reward honesty rather than misrepresentation. I hope that they give a reward to truth in politics rather than the perception of politics.

This same man said that the Canadian public deserves good government. He talked about the abuses of Parliament, of which his government is even more guilty than the Conservatives, and the arrogance of government. Consider the arrogance of the Prime Minister who said: "If you can't get a job, tough, move". That is pretty arrogant.

We should consider the arrogance of the Prime Minister.

• (1135)

Usually we are here for five years and somewhere in the fourth year the government starts to hand out its goodies for an election. It is only 3.5 years. I wonder what it is hiding. It is hiding something with Somalia. It is hiding something with Krever. It is hiding, hiding and hiding. It is hiding something with Pearson airport. It is hiding in everything it is doing. What is it hiding about the economy? What does it know that we do not know that it has to call an election in 3.5 years?

This is the same Prime Minister who said: "In politics perception is everything". The government is trying to create the perception that everything is wonderful and that the Canadian public, when they go to vote, will stay asleep. Certainly the Reform Party candidates are going to say it. I am going to say it. I hope the Canadian public wakes up, demands more of their politicians, demands some honesty and truth in politics, rewards the people who have been telling the truth, rewards the people who have kept their promises and rewards those who vote in favour of fixed election dates every four years, which we will vote on today.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I am pleased to speak for a few minutes on the bill of my colleague from Kindersley—Lloydminster on fixed election dates.

I did promise a constituent who takes an avid interest in this subject that I would bring up what he sees as a downside of fixed election dates and discuss that for a few moments.

He argues that fixed election dates will cause a slowdown in the economy from six, nine to twelve months ahead of the election date because businesses and people who are making investment decisions will hold off making those decisions until they see the outcome of the election.

He also feels that fixed election dates would not stop governments from playing politics because knowing when the election date would be it would save up its initiatives or its special plans until it was close to the election day so it would still be able to manipulate the agenda to suit its own interests.

There seems to be some credibility to his arguments if you take a look at the New Zealand situation last October. A few years ago New Zealand introduced a law that the government must notify the electorate six months ahead of the election date. In New Zealand it is now known six months prior to an election when that date will be. During the six months leading up to the election the government is required to release the public accounts. Incidentally, standard accounting practice is used for that so someone can actually tell what the state of the economy is instead of the manipulated sort of figures that we tend to get here.

Private Members' Business

Because of all of that information coming out during that time an element of uncertainty develops. Quite clearly there was a slowdown in the New Zealand economy during that six month period. The number of jobs advertised dropped off, the amount of reinvestment dropped off and the dollar weakened slightly as well.

It did pick up after the election. The economy was rejuvenated and suddenly the job situation picked up dramatically. Last week there were 22.5 pages of jobs advertised in just Auckland city alone in one of the local newspapers. Everything picked up again dramatically right after the election but the point the gentleman brought to my attention seems to have been played out in New Zealand.

What we have to weigh, when looking at the overall situation, is whether the benefits of having a fixed election date outweigh any downside that might come from knowing that date in advance. My personal opinion is that they do because on balance certainty is always better for the economy than uncertainty. The New Zealand example may have been an aberration because the United States has fixed election dates. They know when things are going to happen and it does not seem from the evidence that I have that there is a major impact on the economy in slowdowns or speed-ups based on an fixed election date.

Perhaps the experience that was brought to my attention by my constituent may have been an aberration. As people get used to a new system where they actually know the election date, over a period of time it will not be quite as important. When you look at the balance, the opposite side of actually knowing that date, giving the certainty to business that a decision will be made on a certain date and they can get on with their plans, I think we still have to go for that fixed election date.

It also gives pressure groups and the electorate the opportunity to work toward that date with any projects that have to be completed, any political efforts or persuasions that need to be done.

• (1140)

As promised, I have put my constituent's point of view to the House today. On balance, I would recommend to my colleagues that they vote for this bill because I think the overwhelming evidence in speeches before me has pointed that there would be a tremendous benefit for the people of Canada.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, I want to begin with an aside. I want to thank my friend from Calgary Centre who will be leaving the House after this election. I also want to compliment him for bringing forward over the last several years many good ideas and for generally raising the level of debate in this

place. I know that he will be extraordinarily successful back in the private sector just like he was before he came here.

I speak in favour of Bill C-250 put forward by my friend from Kindersley—Lloydminster. I know my hon. friend would agree that the essence of this bill is accountability, as he pointed out in his press release. Accountability is so extraordinarily important today.

One of the things I found a little bit alarming is when we saw a recent poll that listed where politicians stood in the eyes of the Canadian public relative to all the other occupations. At the top it had teachers, nurses, doctors and people like that. It then went down the list to business people. The clergy was very high on the list. Then came journalists. Farther down the list there were lawyers. Just above arms dealers were politicians. In a way it is kind of funny but it is very sad as well because politicians are supposed to be the cream of the crop and are supposed to represent the best qualities of the Canadian people. However, for many reasons the public has lost faith in politicians.

I would argue that one of the big reasons for this is because so much power has been usurped into the hands of the government over the last many years. Now the public feels very sceptical when the Prime Minister and the government talk about letting the public have more say in issues.

This bill is a chance for the government to redeem itself. Bill C-250 would allow the public to know exactly when elections are going to be held and it would take power away from the government. That is a very good thing.

Last week I was back in Saskatchewan where my friend from Kindersley—Lloydminster is from. He will be running in a new riding called Saskatoon—Rosetown Biggar. I grew up in Rosetown. We were out in that area talking to various people. Whether one goes to Rosetown, Mildred, Biggar, Perdue, Fiske, D'Arcy, McGee or wherever it is, the people are out there are extraordinarily concerned that they get good representation and that they have a way to hold the government accountable.

My friend is a man of excellent character. He has tremendous qualities that he brings to this place. Unfortunately, for everybody here to some degree, all the good qualities that many members bring to this place are frustrated because the system simply does not allow for politicians to represent their constituents in each and every case. I will explain exactly what I mean.

When we vote later today, it is supposed to be a free vote. I know many members accept that there are good points in this bill. It makes sense to have fixed election dates every four years for reasons that my friends have pointed out. It just makes common sense. Who wants to see the playing field tilted in favour of the government? That is contrary to most people's sense of fair play.

Private Members' Business

Canadians and most hon. members know that this bill makes a lot of sense but that will be frustrated later today, I predict, when the government will instruct its members to vote against it. That is sad because the bill makes a tremendous amount of sense.

It is ironic that on a bill that deals with something as important as accountability we will see the government members undoubtedly vote against. That is sad. Bill C-250 was very well thought out. If we look at what my friend from Kindersley—Lloydminster has put into the bill, we come to understand he has dealt with all the possible problems that could arise from having fixed election dates. He has dealt with the problem of minority governments and other concerns members have raised.

• (1145)

It points to the desire to have politicians on all sides of the House more involved in determining what are good pieces of legislation. Private Members' Business should be a more important part of what we do in here. We have a lot of talented people in the House who bring good ideas to the floor. I point out that this concept is part of the Reform Party's policy. It has long believed in fixed election dates.

The whole point of Private Members' Business is to gather the best ideas, no matter where they come from, even if they happen to come from my friend from rural Saskatchewan. I do not think that should stand in the way of bills becoming the law of the land. He brings a lot of good ideas to this place.

It is very frustrating to see good ideas such as this one get to this point after a lot of work, only to be turned down because the government does not want to lose power. As my friend from Fraser Valley East said, that is what this is all about. The government is afraid to give up any bit of power.

Power is a very funny thing. It is a fixed amount. There is only so much power to go around. When the government has a lot of it the rest of us have very little of it. That is precisely what we are trying to remedy to some degree with Bill C-250. It would take some of the power away from the government to set an election date that suits it based on when it thinks it can get re-elected.

My friend from Calgary Centre made a very good point. He said we spend a lot of time studying strategy. There are columns written in the media about how the government will use the election date to help it win the election.

I read a column in the *Atlantic Monthly* not too long ago by James Fallows who has made a study of how the media focuses on strategy. There are reams and reams of paper devoted to people trying to predict when the government will use its power to call an election to lever itself back into power. That is unfortunate. That strategy should not be the issue.

We should be debating issues such as the debt of over \$600 billion. We should be debating the 37 tax increases the government

has brought in over the last three and a half years. We should be debating the fact that disposable income for the average family has fallen by over \$3,000 since the Liberals came to power. Those are the issues that should be the subject of analysis in the media. I do not think that there should be long columns in the newspaper and or entire programs devoted to the strategy of government having the power to call an election when it chooses.

I wrap up by saying that I support the bill. It puts power back into the hands of the Canadian people, a concept the Reform Party believes in very strongly.

Mr. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, I certainly agree this is a topic worth discussing. The member opposite who proposed the bill should be congratulated.

I listened to the level of the debate. Some members are railing at a shadow they do not appreciate, known as the House of Commons. They are not looking at its historical perspective in the sense that parliament is an old institution that has evolved with time. Change is necessary and change occurs in parliament, but change does not always happen in the way or at the speed we want. In the thousand years parliament has existed change has in fact occurred.

• (1150)

I do not necessarily disagree with having a fixed date for elections. It is done in the United States—

The Deputy Speaker: I am sorry to interrupt my hon. colleague but the time provided for debate has expired.

Mr. Hermanson: Mr. Speaker, I rise on a point of order. I wondered if I might take a minute before we proceed to government business to thank all members of the House who spoke on the bill. Many of them spoke in favour of it and I appreciate that. I also thank the Canadians who have communicated their support.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

Government Orders

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: I understand there is unanimous consent among the parties to defer the matter until the end of Government Orders today. Is that agreed?

Some hon. members: Agreed.

SUSPENSION OF SITTING

Mr. Kilger: Mr. Speaker, I wonder if we might suspend the sitting of the House until 12 noon.

The Deputy Speaker: Is there unanimous agreement to suspend the sitting until 12 noon?

Some hon. members: Agreed.

(The sitting of the House was suspended at 11.52 a.m.)

SITTING RESUMED

The House resumed at 12.02 p.m.

GOVERNMENT ORDERS

[*English*]

BUDGET IMPLEMENTATION ACT, 1997

The House proceeded to the consideration of Bill C-93, an act to implement certain provisions of the budget tabled in Parliament on February 18, 1997 as reported (without amendment) from the committee.

Hon. Lucienne Robillard (for the Minister of Finance, Lib.) moved that the bill be concurred in and read the second time.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: A recorded division on the motion stands deferred until the completion of Government Orders today.

* * *

[*Translation*]

CRIMINAL CODE

The House resumed from April 18 consideration of the motion that Bill C-95, an act to amend the Criminal Code (criminal organizations) and to amend other acts in consequence, be read the second time and referred to committee of the whole.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to, bill read the second time and the House went into committee thereon, Mr. Kilgour in the chair.)

[*English*]

On Clause 1

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Chairman, it is very important through this committee of the whole and through the questions we have prepared for the minister that we determine the constitutionality and the enforceability of this bill and whether this clause and the allied clause which it creates, that is criminal organization and criminal organization offence, are enforceable and not hollow pieces of legislation. I have some concerns about the wording of this section and perhaps the minister can respond.

• (1210)

The first clause refers to a criminal organization which means any group, association or body. But group, association or other body is not defined in the bill and I do not believe it is defined elsewhere in the Criminal Code. Could the minister please tell the committee what he meant by the terms group, association or other body in the bill? What did he mean when he placed these terms in the bill?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Chairman, we intended the dictionary definition of group, association or other body. We did not think it was necessary to define those terms. We intend them to have their ordinary meaning. We also added "whether formally or informally organized" so we would not need membership cards or a written constitution for a group or organization to meet this definition.

We are aware from our dealings with the police and others that organized crime takes many forms in Canada. It is sometimes in the nature of what we refer to as biker gangs. Sometimes it is far less visible, white collar crime or business crime. The conclusion to which we came based on the mischief we are aiming at through this legislation is that the words group, association or other body

are sufficient to capture organized crime in the many forms in which it appears as long as the balance of the definition was satisfied as well.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Chairman, I agree with the minister that the definition is broad enough to encompass the groups he is targeting like the biker gangs which probably prompted this bill. How will the minister ensure this definition does not include other groups that are formally or informally organized? It is a pretty broad definition. How do we ensure that someone who likes to tip a brown at a biker club is not included with the bikers? He may be guilty by association, which is something I am sure the minister does not want to happen.

Mr. Rock: Mr. Chairman, this is a definition and does not create an offence. To meet the definition a group would have to be an organization which has as one of its primary activities the commission of an indictable offence punishable by at least five years in prison and whose members, any or all, have within the last five years engaged in the commission of a series of such offences.

We are not talking about benign organizations. In the last few days I have heard the comment that this definition might sweep up well meaning groups like environmental groups or labour protesters who in order to make a point may break the law as an act of civil disobedience.

The section with the definition does not create an offence. It simply defines the term criminal organization. It is a group, one of the primary purposes of which is to commit serious criminal offences and whose members, or some of them, have within the last five years done just that. We are not talking about a sewing club or an environmental group that pickets to protest the government's policies. We are talking about people who are dedicated to crime and who have formed a group for that purpose.

Mr. Ramsay: Mr. Chairman, I would like to know if the definition would include such groups as the FLQ.

• (1215)

Mr. Rock: Again it is difficult to know what one knows about the FLQ. If the FLQ or any other group meets the definition, it would be included. If there is a group which is dedicated to the commission of serious criminal offences and has as one of its primary purposes to do that and has members who have done that over the last five years, then it would be included in the definition.

Do not forget that the definition does not create an offence; it is simply part of the framework that establishes access by the investigating police to certain techniques that might not otherwise be available. It creates a framework in relation to penalties for

Government Orders

those who are convicted of offences that were carried out to benefit, or under the direction of, such organizations.

Mr. Ramsay: Mr. Chairman, what is meant by a primary activity as contained in clause (a): "having as one of its primary activities the commission of an indictable offence"? What is a primary activity? How is it defined? What is meant by that term? It goes on to say: "the commission of an indictable offence". Does that mean that in order to have an organization declared a criminal organization there has to be indictable offences committed and convictions registered?

Perhaps we could deal with this one question at a time. Could the minister tell the committee what he means by primary activity?

We could then go back to the number five, where a criminal organization must constitute at least five people. Why was five chosen? What happens if one of them dies? Is the organization still classified as a criminal organization? If one of them goes to jail, what happens then? Why was the number five picked in this case? Perhaps if the minister could answer that question first, I will follow into clause 1(a) and the other questions.

Mr. Rock: Those are good questions.

I will deal with the number five first. When we were preparing the legislation, and indeed over the period of time when we were looking at the scourge of organized crime and trying to determine the best course for dealing with it, we looked at statutes in other parts of the world. Some of them were of no help because they were in countries with different constitutional traditions and they had approaches that would clearly not be appropriate for Canada.

In some American jurisdictions, we found some helpful precedents. When it came to defining what a criminal organization or what a criminal gang was, they almost invariably used a number, sometimes three and sometimes five. We inquired into it and concluded that the reason is that you have to start somewhere and pick a number.

At the end of the day there is an element of arbitrariness. It could have been three, it could have been five. At one time I was looking at the prospect of two or more. The concern with two or more is that it could be a husband and wife team who are engaged in a crime spree and might be considered a gang. That was not really intended.

We came to five as a reasonable accommodation in that we wanted to have a sufficient number so that there was a group, not so small that it could be a couple or a couple with a friend, but not so large in number that we were going to end up with groups creating subgroups in order to escape the definition. The number five is intended to reflect our policy objective of capturing linkages among people, more than just a couple of friends, so that there is a

Government Orders

critical mass for a group but not so many that it becomes impractical to enforce.

The second question my friend asked had to do with primary activities. Again we did not define that term. We would be happy with the dictionary definition.

We expect that a court is going to require a prosecuting crown to establish on the evidence that one of the primary activities of a particular group was to engage in serious criminal offences and that is not going to be easy. The crown attorney is going to have to produce evidence of past criminal conduct, statements or circumstances which would lead the court to conclude that in the common sense definition of the term, one of the real reasons for the group, one of its fundamental purposes, one of its chief preoccupations and one of its reasons for being is to commit serious criminal offences.

• (1220)

For example, members of a motorcycle gang might say that their purpose is to ride motorcycles and engage in discussions about the size and performance capabilities of their motorcycles. That is one primary activity. However on the evidence the judge would be invited to conclude that another of their primary activities was the commission of offences because of what they had been doing and what had been brought before the court. In each case it will be for the court to conclude on the evidence on a common sense test that it was one of their primary purposes.

The third question put to me by the hon. member has to do with whether one needs to formally establish a fact of conviction in order to satisfy the constituent elements of the definition, that is to say that in the preceding five years any or all of the members have engaged in the commission of a series of such offences. We used the term commission of offences rather than referring to conviction so that it would not be necessary to file a formal certificate of conviction.

It will be open to the prosecuting crown in each case where an effort is made to come within the definition to prove on evidence that there was the commission of such offences. That will not be easy either. The crown is going to have to establish to the satisfaction of the court, and because it is criminal offences we are talking about, on evidence beyond a reasonable doubt that indeed these people did engage in the commission of such serious offences during the relevant period. It is not an easy definition to meet.

That is why I have a degree of confidence in responding to people who express the concerns: Are you not casting the net too wide? Are you not going to catch up in this well intended legislation those who are not so bad and those who you never intended to catch but who might be committing acts of civil disobedience? I do not think so.

What we are creating here is a significant hurdle for the prosecuting crown in that exceptional case where we are dealing with organized crime and we have to prove on the evidence the elements of primary purpose, the element of numbers—five—and that on the evidence to the criminal standard of proof, they have engaged in the commission of a series of serious criminal offences.

Mr. Ramsay: Mr. Speaker, the minister has not answered the question about an organization and the consistency of a group of five. What happens if one of the group can no longer be termed within that definition and there are only four? That four then loses that definition. Does this not encourage organized criminals to break down into cells of four, cells of less than five and continue to carry on their nefarious activities?

We are concerned that we have not had witnesses to debate both sides of this issue and exhaust any flaws that they might see within the bill. Would the justice minister give us an example of how a criminal organization would be determined? What is the process? Do we wait until someone is arrested for a criminal offence or convicted of a criminal offence and then build the other four people around that individual? How is that done? Once that organization, whether it is Hell's Angels or some other organization, is deemed to be a criminal organization, is it or any group of five deemed to be a criminal organization forever?

I would like the justice minister to address these very significant aspects of concern. It is from the viewpoint of whether or not this particular definition is enforceable or applicable. It is so nebulous that we may have difficulty ever having the courts determine that an organization is a criminal organization.

• (1225)

The Chairman: This is an unusual procedure and the member may wish to look at Standing Orders 100, 101, 102 and 103 which deal with amendments in committee of the whole.

Mr. Rock: Mr. Chairman, what must be remembered is that the objective is not to deal with groups on the margin who may have three or four people committing crimes. The objective is to get tools into the hands of the police so they can gather evidence in relation to organizations that pose a serious risk to the safety of the community and that are engaged on a systematic basis in the commission of serious offences throughout the country.

The hon. member asked me about groups subdividing into cells of four in order to escape the strict terms of the definition. In my view if any such thing happened, the court could and would simply look beyond the artificial subdivision to the existence of the larger group on the facts and would not permit such a ruse or artifice to interfere with the enforcement of this law.

Government Orders

For example, just because a given biker gang which is internationally known and internationally active creates subgroups of four members each and gives them a different name would not protect them from this law. The court would be able to look at evidence of the reality behind the artifice and would be able to conclude that the group or association was broader than just the four members and would apply the law as such.

Let me get to the hon. member's broader question which has to do with how this law works. This law works in two fundamental ways.

First of all, for the first time it establishes a formal framework which defines organized crime. That framework provides access by the police, if they are investigating such a phenomenon, to investigative tools which would not ordinarily be available: wiretaps with a different standard; extensions of wiretaps which would otherwise not be available; prolonging the period after which notice of a wiretap has to be given, which in other cases would have to be given sooner. Access to income tax information is another investigative technique or tool which would not otherwise be available to the police.

That is the first thing it does. It establishes a new category of organized crime. If the police are investigating it, they can do things they would not be able to do if they were investigating other kinds of crime.

The second thing this legislation does is it establishes different consequences for organized crime as opposed to other kinds of crime. Penalties are more severe. If a person commits the same crime but does it in association with, for the benefit of, or at the direction of organized crime, then the consequences will be more significant than they otherwise would be.

The proceeds of crime legislation will apply to the crime. Beyond that, the court can not only seize the proceeds of the crime, it can also seize the instruments used to commit it. If a truck is used to drive explosives from point A to point B to plant them for the gang, the truck can be seized if the evidence shows it was an instrument used in the commission of the crime.

Those are the two fundamental things in the bill. There are others. The first is that it establishes something called organized crime. For the first time in our Criminal Code it creates that category. It provides for special tools for the police when they investigate this category of crime which is very, very difficult to do. There are also special consequences including harsher penalties and application for the proceeds and instruments to be seized. Those are the two items.

• (1230)

There is another element my friend asked about which I would like to speak to briefly. He asked how we prove it or how it works. For example, if police forces thought they were investigating a

gang and wanted to have access to these provisions, and say, for example, they were applying to the electronic surveillance board or wiretap board and wanted to be relieved of the obligation of proving it was a last resort as we proposed they should be able to, they would have to show reasonable grounds to believe that what they were investigating was an organized crime offence, that a criminal organization was involved and that these sections should pertain to that investigation. They would have to do that on proof. They would need to have evidence before the court to satisfy the reasonable grounds test and they would get the warrant under those circumstances.

Mr. Ramsay: Mr. Chairman, if in order to avoid being designated a criminal organization groups did break down into four, the onus of proof would still remain to connect the groups. The onus of proof as contained in this section is still there and is still in force. The onus upon the crown would be just as onerous or difficult.

With respect, my question has not been answered. I do not know what we do when we drop one of the five and it is now four. What happens to that designation?

Perhaps I could ask a straightforward question. How long does the designation of criminal organization rest upon an organization?

Mr. Rock: Mr. Chairman, I should have said this earlier. I heard my friend last time talk about a declaration in relation to a criminal organization. Although he now uses the word designation, may I say that neither applies.

We are not saying: "Judge, here is the Allan Rock group. Would you please declare it a criminal organization so that from now on any time we are investigating the Allan Rock group we can have access to these tools and penalties". I do not want to hear my friend tender evidence that there is such a group, because I would claim that my privileges were being abused.

An hon. member: It is right behind you, Allan.

Mr. Rock: There is my Allan Rock group. It is not a declaration or a designation. It is a question of fact in each case. If there were only four members the act would not apply. If the group artificially subdivided to make it only four, as I said earlier I think the court would look past that artifice. If there really are only three or four people committing crimes, we have made the choice of five; it would not apply.

It is not as though we will ask the court to declare a certain group criminal and it is criminal for five or ten years thereafter. Every time someone brings an application for a search warrant, every time someone alleges the participation in a criminal organization, it will be necessary to prove afresh that there is a criminal organization involved. That depends on evidence. As a practical matter it may get easier the third, fourth or fifth time because the court will be able to look at evidence amassed on the earlier proceedings. Nonetheless, it will be a question of fact in each case for the court

Government Orders

to be satisfied that we are dealing with a criminal organization. Then the consequences would flow.

Mr. Ramsay: Mr. Chairman, we have not gone further than subsections 1(a) and 1(b). I understand the whole thing is in clause 1, right down to clause 2. We are dealing with not only what we touched upon but the criminal organization offence and the offence related to property.

To what extent has the department gone outside to get advice and consultation regarding the constitutionality of what we have addressed so far, which is the criminal organization in subsections 1(a) and 1(b)?

Mr. Rock: Mr. Chairman, careful consideration has been given within the department to the constitutionality of the bill and each of its elements. It is difficult to answer about the constitutionality of subsection 1(a) because it is part of the whole.

• (1235)

I am able to tell the hon. member that we looked very carefully at the constitutionality of Bill C-95, those sections which create offences and those sections which modify existing sections of the Criminal Code. We are satisfied it is constitutional as being consistent with the charter. That results from careful assessment of all elements of the bill.

Mr. Ramsay: Mr. Chairman, to what extent were crown prosecutors and defence counsels beyond the justice department consulted as to the viability of the bill in their opinion?

Mr. Rock: To a considerable extent. The process that resulted in the bill started in February 1996. At that time the solicitor general and I began looking at different available approaches to help the police investigating organized crime.

We conducted a seminar with police forces from across the country in February 1996 and received an extensive factual briefing about the nature and extent of organized crime in Canada, including biker gangs but not just biker gangs.

Through the period last summer and into the fall we in the department looked at possible approaches through legislation. In September of last year we had a national forum on organized crime to which we invited defence counsels, crown prosecutors, criminologists, business people, experts from the RCMP and representatives from other countries. Alan Borovoy was kind enough to come the conference as well.

We canvassed a wide range of people including civil libertarians. We canvassed a wide range of approaches trying to identify just what mischief we were after and how best within the Constitution to tackle it. That in turn gave rise to specific recommendations. Further work was done in the department over the winter.

When the government of the province of Quebec asked us in March for legislation to help with the biker gang problem in Quebec, that request accelerated work already under way. Indeed it had been under way for some extended period.

Since March we have had further discussions with representatives of various viewpoints in the criminal justice system. We took the concepts in Bill C-95, sat down and discussed approaches with defence lawyers, crown prosecutors, police officers, police chiefs, provincial attorneys general, provincial solicitors general and ministers of public security.

We were alerted to some concerns. We went to the Canadian Bar Association and to le Barreau du Québec. Sometimes we made changes or adjustments in the legislation because of what we were hearing. All the while we were conducting our own assessment of its constitutionality.

Is it possible to have further study? Of course. It is always possible to have further study. We do not have a monopoly on wisdom or on knowledge. I am sure the hon. member will bring to our attention today some useful insights with respect to the bill.

I assure the hon. member and committee of the whole that we have done a pretty thorough job in going to stakeholders in the criminal justice system to look at the bill through their eyes to anticipate objections and concerns that might be expressed. We have made changes to adjust to their concerns in some cases. Based on that overall survey we were satisfied it was good policy and good law and therefore we put it before the House.

Mr. Ramsay: I am looking for information concerning any objection or concern raised about either the constitutionality of the sections we have dealt with or the enforceability of them. I am primarily concerned about both issues, but enforceability is very important to me.

Bill C-27 deals with child sex tours. Renowned legal minds tell us that although it looks good and it sounds good it is practically unenforceable.

What objections, if any, did the justice minister receive with regard to concern over the constitutionality and the enforceability of what we have covered so far?

• (1240)

Mr. Rock: Mr. Chairman, I do not know that concerns were exactly expressed about the sections we have looked at so far. Certainly concerns were expressed about the overall bill. It is not hard to find those.

Alan Borovoy, for whose views I have the highest regard, expressed concern about whether the bill is over broad, whether the definitions of criminal organization are too sweeping so that we will catch in our net those who should not be there and do not

Government Orders

deserve to be called a criminal organization. I have answered that to some extent in my answers to the hon. member's questions. By the way, we took respectfully into account the views of Alan Borovoy and others who were concerned about over breadth.

For example, in one of the many drafts we added five-year minimum penalties for the indictable offences included in the definition of a criminal organization. We are elevating the seriousness of the crime, a series of which they have engaged in, by stipulating it is only crimes punishable by the maximum five years in prison that will qualify for the definition. We are getting past the trivial to the more serious kinds of crimes.

Speaking more directly to the hon. member's question about enforceability and whether it will be of practical benefit, police forces were very directly involved in the process I have described since February 1996. The Canadian Association of Chiefs of Police gave us its written proposal on what it thinks we ought to do about organized crime in Canada. We looked at it carefully. We concluded that at least in its present form it is not constitutionally valid, and we told the association that. We said we would keep working on it and that we regard Bill C-95 as the beginning of a process, not the end.

We will keep working on it. We also told police forces what we thought we could do in the short term based on the research done over the last several years, especially in the last 18-month effort. We sat down with them with these proposals. Last week the House could see for itself the degree and nature of support in the police community. It was very strong. Chiefs of police believe they will be able to use these tools.

The vice-president of the National Association of Chiefs of Police, Jacques Duchesneau, is the director of the police services in Montreal. He was closely involved in the development of the proposals. We gave him an outline of the proposals. He responded with his ideas. We had a dialogue. Last week he welcomed them as a very good start in terms of helping police forces with practical tools in their difficult task of tackling organized crime.

If we ask the experts, the actual police chiefs in the field, that is where we get the best evidence on the question of whether the proposals are useful and effective. I am able to report the police community has been strongly supportive of the proposals and believe they will be of value.

Mr. Ramsay: Mr. Chairman, did the police chiefs indicate they would support reducing the number from five to perhaps three?

Mr. Rock: Mr. Chairman, I do not recall that having been a matter of discussion. We looked at the possibility of three. The California statute refers to three. If the hon. member feels strongly about it I would be happy to have his views.

It will not make or break the bill. If the hon. member thinks it would be an advantage to say three, I find it difficult to argue

strongly against him. Picking the larger number of five signals to my mind more clearly what we are after, the larger group starting to become a network. If the hon. member has strong views about it I would be happy to hear him and his rationale.

The Chairman: Does the member wish to make an amendment?

Mr. Ramsay: Not unless it will be supported by the government. I would be prepared if there were support. We do not have the testimony of the witnesses. We can only go on what the minister is able to recall in terms of consultation.

I am concerned about the enforceability of the section. If it would make it more practical in terms of enforcement to reduce the number to three, I would be prepared to make the amendment.

The Chairman: The member is asking the minister if the government would support the amendment.

● (1245)

Mr. Rock: Mr. Chairman, yes. To the extent there has been public comment on these proposals, my impression is that some have been saying it should be more than five, not fewer than five. There may be witnesses before the other place when the bill gets there who will say that we should be increasing the number and not decreasing it.

At least for the moment I would like to reserve our position. Perhaps we can come back to this issue after we have had a longer time to think about it and I have a chance to speak to my officials about it.

The Chairman: Is the hon. member finished asking questions?

Mr. Ramsay: Yes, Mr. Chairman. Inasmuch as this section is not unlike the conspiracy laws that are on the books, I would be prepared to move an amendment to reduce the number from five to three.

The Chairman: Would the member be kind enough to provide that amendment in handwritten form?

Mr. Ramsay: Mr. Chairman, once we move beyond this can we come back to these various sections to make amendments?

The Chairman: If the clause is approved as it is then it is too late to make an amendment. However, if the member wishes to make an amendment it can be debated and then voted on or perhaps there will be unanimity on the amendment.

We can defer clause 1 if that is the wish of both sides.

Mr. Ramsay: Mr. Chairman, then I will not make that amendment at this time.

Mr. Jim Silye (Calgary Centre, Ref.): Mr. Chairman, I have some questions for the minister. I have been listening to try to not cover the same ground the hon. member for Crowfoot has covered.

Government Orders

I am concerned about a number of issues. It is from that perspective that I approach this legislation. I am concerned, as the minister is, about the impact of this legislation on law-abiding groups. I am also concerned about the importance of us passing a law recognizing there is an immediate problem in the province of Quebec with this issue. It is a serious issue. The police are asking for more powers to deal with group criminal activity.

I still feel that if it goes too fast, if a bad law is passed, it will be worse than no law. I have heard the minister say this on occasion, especially with reference to the victims bill of rights when answering the hon. member for Fraser Valley West. The minister explained why he would not proceed forward with that issue. There is that point of view.

The minister would like to avoid legislation that would allow for the following situation: Somebody from one of these groups commits a crime, the case goes before the courts and then either the person gets off scot-free on a technicality or the supreme court nullifies the court decision in six months or so. Time spent now is time well spent versus wasting taxpayers' dollars and a horrendous and embarrassing situation before a court somewhere down the road after this law goes through.

Starting with clause 1, the major issue the minister and the justice department want to cover is the definition of a criminal organization. That is a huge starting point. Personally I feel the definition is too restrictive and will avoid capturing those groups that sometimes tend to start criminal activities and then grow to huge numbers.

The minister may be addressing the problem from the wrong point of view. If we argue for larger numbers, by that time the groups have already committed a lot of crimes. It might be better to look at it from the point of view of the smaller number with the knowledge that a group has the intent to commit criminal activities. The group is associated for that purpose. I have no problem with the word association in this first definition.

I have a problem with the term group. I know that group means three or more. The minister said today in testimony to the member for Crowfoot that it is the ordinary meaning. The ordinary meaning of group is three or more, not five or more. If a group of four or more commits a crime this law does not apply. Therefore, the surveillance, the wiretapping and the income tax investigation cannot be done. That is restrictive if the purpose is to nip things in the bud.

• (1250)

I am submitting this argument for consideration for the amendment that may come later from the member for Crowfoot. He talked about lowering the number to three. I would argue and support three.

The Chairman: Would it be agreeable to defer clause 1 until later on?

Mr. Strahl: I think we may want to defer the amendments on clause 1 but there is further debate from several others here.

Mr. Silye: I have a comment and about three or four questions. I wanted to build the framework of where I am coming from, much like the minister has in his response so that we better understand what he is trying to do. I think that is important. I do not mean to be wordy like a normal politician is. I am trying to do my job effectively here. However, I happen to be a wordy individual so please bear with me.

First, that is my argument, rationale and reasoning to possibly look at lowering the number because if the minister says "ordinary meaning," a group means three or more. In light of that and because the minister was a lawyer and worked in the courts, is there any previous precedent that would contradict any of those three words that he uses in his definition and that would exclude his five or more? That is one assurance I would like to have.

Second, in terms of the impact on law-abiding groups, about the Rock biker gang to which he symbolically referred, are we prejudging? Will this law prejudice the Hell's Angels and Rock Machine as criminal organizations de facto when this bill is passed? Are there people already known to the government and the police who have committed criminal acts punishable by five years or less within that group presently? If so, why have not one of the over 800 sections in the Criminal Code that are there to help police officers in the performance of their duties been used to put these people before the courts to try them for the acts that their group has done?

Mr. Rock: First, Mr. Chairman, I full agree with the hon. member, this is time well spent. I am very happy to have this interchange with hon. members about this bill.

The hon. member referred to a problem in Quebec as having inspired the bill. While the issue takes centre stage in Quebec because of the open warfare between certain gangs there now, it is a problem throughout Canada that we are addressing. I spoke with the chief of police in Vancouver in the course of consulting when we were drafting the bill and he was telling me about the problems in Vancouver with gangs and organized crime. Indeed, a serious criminal offence had been charged that very week involving a member of a biker gang in Vancouver.

I have spoken with attorneys general in Manitoba and Ontario, to the chiefs of police in Halifax, Toronto and Ottawa who have all told me the same thing. This is not just a Quebec issue. It so happens that the most spectacular aspects of the problem are evident there now with the bombs that have gone off and the lives that have been lost. However, we are dealing with a pan-Canadian issue, not just Quebec.

The Chairman: Does the hon. member have any further questions?

Government Orders

Mr. Silye: Mr. Chairman, the minister did not answer the two questions.

Mr. Rock: I will answer those questions now. I should not pause. I should just keep talking straight through and not look as though I am going to stop.

There are two questions to answer in particular, the first one about lowering it to three. I am not aware of any court decisions that would bind us about the definitions of groups, organizations or associations. As I said earlier, we are happy to consider lowering it to three. Even as we speak there are people out there watching this and people in the justice department who are intensively examining the proposals that are being made to see if there are any other things we should say so we can add to this discussion. Before this process is over we will have a position for you on your suggestion that we lower it to three.

In your second question you asked us about the impact on law-abiding groups. I say that if there is a group out there that has as one of its primary activities the commission of indictable offences for which imprisonment of five years or more is provided in the code and which has as members people who have engaged over the last five years in the commission of a series of such offences, then they are not law-abiding groups and, by definition, law-abiding groups are excluded from the application of that section.

• (1255)

My friend also asks if we will prejudge certain organizations or gangs, the so-called clubs. No, we will not. The very thing that the attorney general of Quebec asked me for I simply could not give, which is to say that membership alone in a certain group called X is an offence and that there be a schedule to the act with the names of the groups on it which indicate that those people are all criminals and, therefore, they lose certain rights and we can do certain things. We said that we will not do that. We cannot do that.

Instead, we said that we would talk concepts instead of people. We will talk about teams and ideas instead of the names of groups. We will give a description in the criminal law. If there is a group which has as one of its primary purposes the commission of serious crimes and if that group has a membership which has engaged in the last five years in a series of serious crimes, that is a criminal organization. That does not create an offence, it just describes what a criminal organization is.

We then went on to say that if a person commits a crime to benefit a criminal organization, that is more serious than it would otherwise be because this is a particular mischief we are trying to root out of our society.

That is not to say that particular groups are automatically deemed to be criminal when we pass this bill. The reality is that the

crown attorney will have to tender evidence in each case: that this person is doing this for the benefit of a criminal organization, that gang X is a criminal organization because it is borne out in the facts. The court will have to be persuaded that they fall within the definition.

The last question my friend asked was why is it that the 800-odd sections in the very thick and complete Criminal Code have not succeeded to date in achieving all of this?

Organized crime, as I have learned from the police, presents a unique challenge in investigation. The police techniques typically are that an informer is sent inside, an officer is sent in under cover or they try to persuade someone in the organization to turn and become their informer. Also they solicit bits of information from people who are prepared to talk. In organized crime, particularly some of the groups which are active in Canada today, the police cannot infiltrate because the groups require that in order to become a member or be admitted to the inner circle that person has to commit a serious crime to qualify. It is an initiation. Police cannot do that.

Second, those who are inside, who police sometimes try to turn to become informers, realize they will face the death penalty if they are caught. That is a serious disincentive to providing information to the police. Similarly, there is an element of intimidation of those who might otherwise give information.

The fact is that the police find it exceedingly difficult to investigate these groups based on the powers in the code. That is why the police have been asking for the kind of tools that are contained in this bill, which we believe will make a difference in these exceptional cases.

I hope that responds to the questions which my friend asked.

Mr. Silye: Mr. Chairman, the minister did address the questions I asked.

It is like I am acting as a director of a huge public corporation, the Government of Canada and, with due diligence, I am making sure as a director that the right questions are asked. I think that is what we are all trying to do here.

The minister said that this is not specifically Quebec related. We all know that the leader of the Bloc Quebecois and the justice critic for that party have been asking questions on this issue since 1995. March 1995 was the first time a question was asked in the House of Commons on this issue. At that time the minister indicated that the code had enough tools, as he has done until recently. A political perception might be that this is being rushed through for a pre-election purpose to build up and shore up popularity in a province in which the Prime Minister may or may not have the proper poll numbers.

Government Orders

I did not create those stories. I did not allege those charges. They are very well documented in all the press and media. That has made me very concerned that we not rush this legislation through in such a way that we do not show the Canadian public that we are trying to provide good governance. It is the Minister of Justice and his department which has that responsibility. I make an analogy to the victims bill of rights where the argument used was not to proceed. That addresses the answer. I just wanted to make a comment on the minister saying it was pan-Canadian.

• (1300)

With respect to criminal organizations consisting of five or more or three or more, they will not declare in writing their intent. It is like gun control. I hate to touch on it, but criminals who need handguns, rifles or shotguns for the purposes of committing crimes will not register them because it would lead to a quicker trail to them. They will get one illegally and commit the crime anyway. We will see if gun control will reduce crime. We will also see if this definition of criminal organization will reduce warring activities across the country.

With this preamble and setting the stage, if we now define criminal organization which up until now has not been defined in the Criminal Code, what different powers will it give police officers that they do not have now under the 800 sections?

As I understand the law, if they suspect somebody of committing a crime or they suspect somebody of being guilty of something, if there is suspicion and sufficient evidence, police officers can obtain warrants. Search and seizure are available. Surveillance is available. Wiretapping with a judge's permission is available, as is requesting tax records of somebody who has committed income tax fraud. I am the revenue critic. I know how heavy, hard and strong tax avoidance audit groups work. They do a darned good job. I know the powers they have.

Now we are defining criminal organizations. Will it give police forces that much more power when they already have the same powers on an individual basis?

Mr. Rock: I believe so but, more important, the police believe so.

It is helpful to have the advice of those who are actually in the field. It certainly was on gun control. We had the support of the chiefs of police and the Canadian Police Association. They believed it would make a difference in terms of community safety. I know the hon. member voted for Bill C-68. He must have come to that conclusion. I know how carefully he thinks through positions before taking them.

The member referred to this being our opportunity for due diligence. I do not want him to think for a moment that I do not

welcome the opportunity to discuss these features of Bill C-95 with my colleagues. I welcome the chance to have their views. As I said earlier, I am sure we will learn from the incite they bring to the process. We need this kind of examination and I welcome it.

What will the bill give police forces that they do not already have under the existing Criminal Code? Why do they think it will be important to them in their fight against organized crime?

At the moment if police officers want to get a wiretap they have to prove a number of things to a judge first. Among those they have to prove on evidence that every other kind of investigative technique either has been tried and failed or if it was tried would fail because of the nature of the investigation. That takes police officers to the point of having to swear an affidavit or other form of particulars of what has already been done, go through the list of alternative methods and satisfy the court on evidence that it is a last resort in the investigation of a certain crime.

The bill would remove that burden. It would simplify the process of getting a wiretap if the police officer is investigating criminal organization offences. Similarly with warrants. Returning to wiretaps, it would relieve police officers of a paper burden. We are not saying we should allow free access to intrusive methods because it is administratively difficult for police. We are saying we should make that change because when investigating organized crime it is almost always obvious that it is a last resort for the reasons I have already given. It is very difficult to investigate.

We are taking a burden from the police which we think is undue in the circumstances of offences of this kind. Some say if it is all so easy to establish they can establish it to the satisfaction of the judge and nothing is lost. We are trying to recognize the unique character of these offences in the way investigative tools are available to police officers. If we have the courage to conclude on the facts that it is almost always the last resort, then let us say it in the criminal law and not have the police go through the empty process of establishing it. It sends a signal as well.

• (1305)

Furthermore, police officers have told me that they get wiretaps and the day after they start the paperwork to prepare for the renewal because they only get it for 60 days. They tell me that in the context of an organized crime offence it is absurd because those investigations take an exceptional period of time. They have to put together bits and pieces of conversations and relate them to other information. It is a very complex process. They almost always need the wiretap for longer than 60 days.

In the bill we are permitting the court to provide the wiretap for an extended period so that the police will be using their resources investigating crime rather than busily working at paperwork for the extension application.

Government Orders

Similarly notice of the wiretap has to be given after the wiretap is finished to people wiretapped so that they know it and can take proceedings. We have extended the period during which they can give notice in these cases because some of the investigations go on for an exceptional period of time.

At the moment there is a very narrow category of offences for which access to income tax information can be gained. That is as it should be. Income tax is filed on an undertaking with the Canadian people. It is implicit the information be kept absolutely confidential by Revenue Canada. We do permit it at the moment for a very few offences. Officials will know the sections. Basically they deal with drug offences.

What we have proposed is significant. It is to extend the category of access to tax information to assist in investigations into organized crime offences. They cannot just walk in and take the information out of a file. They have to go before a judge, get a warrant, establish to the satisfaction of the judge that a criminal organization offence is being investigated, and that they need the information and it relates to the investigation. Then the warrant can be given and can be limited to such information as the court thinks is appropriate. Nonetheless it is an important breakthrough in terms of giving police more information to fit the puzzle together as to who has what, what are the proceeds of crime, what money is being laundered or what illegal activity is taking place?

Similarly we are proposing for the first time to extend the proceeds of crime legislation beyond drug offences and the like to organized crime offences. It is not only the proceeds. Cash can be taken from their desks during the arrest. It can be instruments as well possibly including real estate if it has been fortified or modified to facilitate the commission of an offence. That is a very important point.

We spoke to the mayor of St. Nicolas or other communities where there are headquarters of organizations of great concern to the citizens. We can imagine a gang setting up in a municipality somewhere, taking over a house, fortifying it, setting up barriers so that the police could not raid it, putting concrete in front and surveillance cameras on top, modifying it and selling drugs out the back door or using it to store explosives or some other such thing. If the real estate is modified or fortified to facilitate the commission of criminal offences, the real estate could be regarded as one of the instruments of crime and could potentially be seized after conviction for an organized crime offence. That is an extremely important tool.

The bill includes serious increases in sentences for crimes committed in association with or for the benefit of criminal organizations. I could have explosives illegally on my person and I would be subject to a maximum of five years in prison. If I am

doing it for the benefit of a gang, if I am delivering the explosives to a gang or have planted them for the gang, whether or not I am part of the gang I could face up to 14 years in prison. Why? Because we are targeting organized crime which in turn is targeting us, our families and our children. That is why.

That is not only important because it reflects society's denunciation of organized crime activity. It is also an important tool for the police that may be in a position of having picked people up, arrested them and charged them. Then they have a potentially serious sentence facing them. Police officers can say they are prepared to discuss with them the charge they will be brought before the court on or what submission they will make to the court in relation to the sentence if they co-operate by providing them with information they need. It is a very important tool for police that should not be underestimated.

- (1310)

Then there is the so-called peace bond provision which is not there now. It will let police officers bring someone before the judge and say they have reasonable grounds to fear the person will commit a criminal organization offence.

They can ask the judge to look at the evidence, at the people he associates with, at what he has done in the past, at what the wiretap has turned up and at all the other circumstances. Then they invite the judge to conclude there is a reasonable basis to fear the person will commit a criminal organization offence. They can tell the judge that he has committed a number of them in the past and is still with the same group of people. They can ask the judge to look at what he has said publicly and privately.

In those circumstances the court can impose for up to a year conditions on the person's liberty such as prohibiting him from communicating with other members of the group. This would seriously undermine the ability of the leadership of groups to carry on their business. The police believe that is also a valuable tool.

I take the member's point. I should have to satisfy him that what we are proposing here is not only lawful but will be effective. I am able to report from my dealings with the police, the crown attorneys and the attorneys general of the provinces that we have a collection of measures. They are not enough in and of themselves but they will make a difference. They will make it that much easier for the police to tackle this dreadfully difficult problem.

We will be back in the future with more proposals. This is only the first phase of what we will do. Organized crime is a menace in the country. I do not think most of us have an appreciation for what a serious threat it is to the economy and future of the country.

It is a good start. These measures will make a difference for police and that is why we are here.

Government Orders

Mr. Silye: Mr. Chairman, I have one final question. I would just rephrase a good start to a fresh start because I feel it is a fresh example of co-operation between all parties. In any event, because of the nature of the amendments to the Criminal Code the concern is that they not be thrown out by some future supreme court justice.

There is a lot more to discuss in the bill. Why does it have to be done by Friday of this week? Why can we not take two to three weeks? We fast track bills through the House at second reading, report stage, third reading, over to the Senate and back, with exception of the blood bill of last year. Why can we not take two to three weeks from today and do it a little more slowly for the sake of not infringing upon the civil liberties of honest, law-abiding citizens, groups, associations or other bodies?

Mr. Rock: We have asked for all-party agreement to deal with the bill now. My hon. friends have been kind enough to agree. We are dealing with, as I have said, a process that has been methodical. For some time we have been working at it, but it has been accelerated by reason of the request of the Government of Quebec for help in the present circumstances.

Over the last couple of years there have been almost 50 people killed in the gang war in Quebec. I met last week with Mrs. Desrochers, whose 11-year old son, Daniel, was killed in August 1995. He was walking down the street in Montreal on an errand for his mother. The police believe one of these gangs detonated an explosive that was intended as another offensive in their gang war. A piece of shrapnel blew across the street and took the life of the 11-year old boy.

I met with Mrs. Desrochers last summer in my office. The hon. member for Hochelaga was kind enough to introduce me to her. She asked how much longer she must wait before something was done about it. I told her we were working on it and the police were working on it. She met with me again last week. She said she wanted the bill in place and she wanted the police to have these tools. The most important thing to her was that the bill might help the police to find the people who are responsible for her son's death.

There are few more eloquent explanations of why we are moving quickly on the bill. I think of that grieving mother. I think of that 11-year old boy who lost his life. I think of a gang war that continues. We do not know from day to day where another bomb might be found or where it might be exploded. The criminal law is not something that can react on an hourly basis either to judicial decisions we do not like or crises that arise in terms of crimes in the country. It is an instrument that should be brought to bear in those circumstances where we feel as parliamentarians it can help in a lawful, practical way.

• (1315)

This is a problem of long standing which is of significant concern to our second most populous province. It has asked for our help and our urgent action. We have produced a bill we think is lawful and which will make a difference. It is under those circumstances we have asked that its adoption be expedited.

I am sensitive to those who say that greater care should be taken and a longer look should be taken at this bill. It may be that the other place may have its own ideas too about when and how the bill is considered.

If it does become law in the next little while, I can see us saying that we will commit to monitoring its progress, to reviewing its operation, to seeing what we have learned from it in operation. I have discussed this matter with officials. They think it may need a period of a couple of years or three years before we are able to look meaningfully at what we have learned from it by the time the wiretaps are in place and there is some empirical data by police across the country.

I would be happy to say to the hon. member that the government will return within three years with a statistical assessment of how this bill has operated, what the effect has been, what judicial decisions have been reached under the bill, whether there have been challenges to its validity, what the police say about how valuable this is as a tool in their hands, what changes might be desirable from a policy or practice point of view. That would be useful. It should be done anyway, but I would be happy to undertake to the member that the government will do so if he would find it of assistance.

Mr. Silye: I respect the example the minister gave me about the 11-year old boy and his mother, and the need to move quickly. That is no different from the pleadings and representations made to the minister by Debbie Mahaffy in terms of having a victims bill of rights, victims impact statements and things like that being clearly identifiable in the law.

Is the minister sure that he is not being pressured by a pending election when he rushes forward with this bill?

Mr. Rock: Mr. Chairman, it is a good question. The Minister of Justice and Attorney General holds a place apart in any cabinet. He is a politician by definition but he has another responsibility as well: to be the guardian of the Constitution and the rule of law.

He or she is there to focus issues of principle on questions of politics, to borrow a phrase from Ian Scott who served with such distinction as Attorney General of Ontario for five years. I can tell the hon. member that I have considered that question at every stage of this process. I can tell him with honesty that in my view this is good law. It is needed. It is good policy.

Government Orders

I can tell him that if the request from the province of Quebec had come under different circumstances at a different time, I would respond in the same way. Within two days of getting a call from the minister of public security, I was in Quebec City to meet with him and 14 mayors of the region because I was aware of the depth of their concern and the extent of the problem.

I promised to look immediately at the proposal they gave to me. I did and I concluded it was unacceptable, but I also put something else on the table. I said: "Here are tools that we think are legal but that will make a difference". I solicited the involvement of others in the process I have already described in terms of consultation.

What we produced is before members now in Bill C-95. It is an urgent response to a very difficult and serious problem. I believe focusing issues of principle on questions of politics is the right thing to do.

Two years ago, members were kind enough to look carefully at Bill C-104 which had to do with adding DNA testing to the criminal law. We went through a similar process. I was here in this chair in committee of the whole, on clause by clause study for Bill C-104.

We passed that bill in a day. It went on to the other place and was adopted very quickly. It became law. Again, it did not go through the long, extensive process that we associate with legislation. We did it because we came to the common view that here was something that was needed and was not already in the criminal law. There was a case to be made that it was going to make a difference to police inquiries so we went ahead and acted quickly. There was no election pending; it was not as though the House was going to rise and we were all going to go on the hustings. It was two years ago, in the middle of our mandate.

• (1320)

My point is that there are times, quite apart from elections, when the need arises and circumstances require that we act quickly. I believe this is one of those cases. As a general rule, as I said in connection with Bill C-104, it is better to take the extended period. On this bill, with the facts and with this law we are in a position to act quickly and it is in the public interest to do so.

The Chairman: Would the member indicate whether he wants this clause deferred until the end of all of the clauses?

Mr. Ramsay: Yes, but there are more parts to this clause that I would like to discuss with the minister if that is in order, Mr. Chairman.

The DNA bill came about as a direct result of the member for Wild Rose assuring the justice minister that he would have our support if they moved forward on that bill. It was as a result of that initiative that the DNA bill came forward because it was clear, simple and straightforward.

With regard to this bill, a little 11-year old boy died two years ago. There is no question in my mind that we had enough time to bring this bill forward and give it the due diligence it should have had. I am still concerned that we have not had witnesses from both sides. I would like to hear from prosecutors and ask them some of these questions, those who stand in the courts each day and have to bear the weight of providing evidence to bring forward the conclusion that they want. I would like to hear what they have to say.

I appreciate the time we are taking but it is not the same as having witnesses come forward with the various perspectives that this bill should have before we go forward with it. We are here because we do support the thrust of this bill.

I am concerned with the vagueness of some of the terms we have dealt with. I want to deal with more of them. There is a vagueness that is left to the courts to interpret. We know what happened with Bill C-41 on the conditional sentencing issue. Even the justice minister himself admits that rapists should not be walking free, yet that is the manner in which that law is being interpreted and administered by judges across the country.

When we say we will leave some of these definitions or these words to be defined and interpreted by the courts, we have had unpleasant experiences in the past that I do not think are in the best interests of society.

Nevertheless, I would like to turn to (b) of that first clause at the top of page 3. It states:

any or all of the members of which engage in or have, within the preceding five years, engaged in the commission of a series of such offences;

There is another word without definition and that is "series". What does that mean? What did the justice minister mean when he placed that word within this statute?

Mr. Rock: Mr. Chairman, we intended it to have its ordinary meaning. I would be happy if a court would look at the ordinary dictionary definition of that term when it comes to interpreting it and applying it.

May I say it is quite common in legislation, not just justice legislation but bills in general, that Parliament does not define all the terms that are used. We could scarcely do that because we would never get out of the definition section. Even if we were to do so, the definition sections themselves are open to interpretation by the courts. The courts will have the last word on all legislation; that is just the way things work in this democracy.

What we intended was to communicate the idea that where members engage over the last five year period in more than one of these criminal offences and indeed a series, then it should catch the definition of criminal organization. We are not talking here about an isolated event. We are not talking here about an exceptional event. We are talking about a series of events and therefore we are

Government Orders

giving the court the nature of the organization that we have in mind.

• (1325)

Mr. Ramsay: Mr. Chairman, if the justice minister means that a series is more than one, that clarifies it in my mind, but I do not read that definition anywhere in the bill. What does a series mean to the various judges across the country? Would the justice minister be prepared to define “series” as more than one?

Mr. Rock: Mr. Chairman, I said the dictionary definition should govern. Perhaps we should have that before us. I could ask one of my officials to provide me with a copy of the dictionary definition of “series” and we could read from that.

The Chairman: Does the member have a further question?

Mr. Ramsay: Mr. Chairman, I would like to wait until the minister has responded to that.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Chairman, I have a question and a comment. Earlier, I was relieved when I heard the hon. member for Calgary-Centre, because I was afraid we were getting into something close to a filibuster. That would have been disappointing, I must admit. But the hon. member was most reassuring, and I know his reputation for style and fair play. I really had the feeling that the three parties had reached an agreement to ensure that the bill would be passed as soon as possible.

I am grateful to the minister for recalling what happened in Hochelaga—Maisonneuve. The minister knows how concerned I am about the whole issue of organized crime. I have two comments, since I will not speak again on this bill because I really want us to proceed as quickly as possible.

I had an opportunity, for which I thank the minister and his officials, to ask some questions during a briefing session. I imagine the same opportunity was offered to our Reform Party colleagues. During this session I was able to discuss technical aspects of the bill.

So I would appeal to all members of the House to let us proceed as quickly as possible. I also want to explain to my Reform Party colleagues who are very close to the police community that three major demands made by police associations across the country have been documented in a report.

I would be delighted to table this report which is about the management of the proceeds of crime in Canada, if the House were to give its unanimous consent. One of the document’s main recommendations is that there should be aggravating circumstances when an offence is committed in relation to organized

crime. I understand why this provision found its way into the bill, and the minister can confirm my statement.

My question to the minister is as follows: Could he ask his officials to make a list of the offences covered by this bill, so that we have a better understanding of the legislation? I do not know whether departmental employees have already done so. I do know that there is a reference to all offences punishable by more than five years imprisonment, and these are mainly offences already included in the Criminal Code. However, to give all members of this House a better understanding of the legislation, it might be useful if the Department of Justice promised to distribute this list before we finish our business or by the end of this week. I think it would be very interesting for all members to have this list.

Finally, I want to make one last appeal to have this bill passed with all due dispatch, and I can assure the minister he will have our full co-operation.

[*English*]

Mr. Rock: Mr. Chairman, in the definition the reference is to offences for which there is a maximum of at least five years imprisonment as a punishment. It is for indictable offences with that consequence. It is not only in the Criminal Code but in other federal statutes as well. I am not sure if it would be helpful to provide that list because it is very long.

In terms of penalties, the Criminal Code is divided into a series—to use a word—in which there are groups of offences punishable by six months, two years less a day, two years, five years, ten years, fourteen years, and life. Those are the distinctions in terms of Criminal Code penalties.

Those offences punishable by a maximum of five years on indictment make up a very considerable group both in the code and in other statutes. I do not know that it would be helpful to have that list. What we are trying to do here is give the court a sense of the degree of seriousness to which we are looking when we say that someone is involved in a criminal organization. Therefore we have picked those offences which have the maximum of five years, which are up on the scale. They are not six months or two years plus a day or two years, they are in the medium range of seriousness and beyond. These are significant offences.

• (1330)

In response to the question put by my friend from Crowfoot on the issue of series, I am reminded as I look at the Oxford concise definition of series that the element that would be missing if we used two or more, rather than series, is the element of successive or the temporal relationship between the offences. In other words, if a person committed both offences in the same day, both having to do with the same event, for example, robbery and assault, that would be more than one but they would both be in connection with the same event and would not capture the notion of series in the sense that there would be successive occasions on which such events took

Government Orders

place; a person committed a crime in February but also committed the crime in October and so on.

As we look back over the five year period the notion of series is to connote not only a number, more than one, but that they were successive, in temporal relationship, one to the other, and there was a pattern which demonstrated that on more than one occasion the person had engaged in that criminal conduct. That is what series gives us that two or more would not.

Mr. Ramsay: Mr. Chairman, I do not know if that is going to make this any easier to establish without a definition more definitive than what I just heard from the minister.

The clause indicates what a criminal organization offence is. I ask the justice minister whether the criminal organization offence applies to youth gangs. I do not see that anywhere in the bill. I wonder why this bill is not applicable to youth and, in particular, why the definition of criminal organization does not apply to youth gangs.

Mr. Rock: Mr. Chairman, it does. It applies to anybody who is subject to the criminal law, anybody 12 and older. If there are 13-year olds, five or more of them, who formally or informally organize themselves into a group which has as one of its primary activities the commission of an indictable offence for which a maximum of five years imprisonment is provided by Parliament and any or all of whom have engage in a series of such offences over the last five years, regardless of the age of the participants, they could be found to be a criminal organization. A criminal organization offence could be committed regardless of the age of the participants so long as they are subject to the criminal law sanction being 12 years of age or older. There is no distinction here in terms of age.

Mr. Ramsay: Mr. Chairman, perhaps the justice minister could explain why under the Young Offenders Act it is only murder that carries an offence greater than the three years. How would this new sentence apply without a transfer to adult court?

Mr. Rock: Mr. Chairman, the Young Offenders Act is only the jeopardy to which the individual young person is subject, but the offence itself is punishable in the Criminal Code by five years or longer. If the offence itself is punishable by a maximum of five years on indictment, then it meets the definition.

Mr. Ramsay: Mr. Chairman, I would like to be clear on this. If the justice minister is saying that the definition of a criminal organization applies to young offenders and also that the criminal organization offence applies, that is different from the legal opinion we have received. It was on short notice, nevertheless it is different.

When I look at this, from my understanding there is no penalty under the YOA that exceeds three years. The person who was charged for manslaughter, the young offender who was involved in

the torture death of Sylvain Leduc, received the maximum penalty that could be received under the YOA of three years. That means that individual, for that offence, does not fall within the category of having committed an indictable offence with a penalty of five years or more. That person, with that record, would not fall within the category or definition.

● (1335)

Mr. Rock: Mr. Chairman, I do not agree. In reality if the offence carries under the Criminal Code a penalty that is indictable with a maximum of five years or more, then it falls within this definition. The fact that an individual offender, because of the Young Offenders Act, would be subject to a lesser penalty because of their own age is beside the point.

Mr. Ramsay: Mr. Chairman, I want to make this clear. Is the justice minister saying that the young offender who was convicted of manslaughter in the Sylvain Leduc torture death and was granted or given a three year maximum penalty allowed under the YOA falls into one of these categories as a person who has been involved in an indictable offence with a penalty of at least five years imprisonment? Is that what the minister is saying?

Mr. Rock: Mr. Chairman, we have to unravel that and put it another way. I think I have the member's point but I do not think we can relate it to that particular crime. It was not alleged that there were other crimes.

If there is a group of five or more persons, formally or informally organized, having as one of their primary activities the commission of indictable offences under the Criminal Code punishable by a maximum of five years or more, and any or all of whom have engaged in a series of such offences over the last five years, they do not fall out of the definition for reason only of their age, that they would personally be subject to a maximum of three years under the Young Offenders Act. My officials take that view and I do as well.

Mr. Ramsay: Mr. Chairman, in order to make it clear for the record as well as for those who may be listening, for this young individual who was sentenced to three years maximum for manslaughter under the YOA, if it could have been established and this bill had been in force prior to the death of Sylvain Leduc, could he have been charged under this new criminal organizational offence?

Mr. Rock: Mr. Chairman, this statute is for criminal organizations. I do not know enough about the facts of the case. The member keeps referring to that one case. I would prefer not to talk about a case that is still before the courts.

We are not dealing here with one person committing one offence on an isolated basis. We are talking about criminal organizations which are five or more people dedicated ruthlessly to a life of crime and committing a series of such offences over the last five years.

Government Orders

Then we are talking about criminal organizations and criminal organization offences.

One person committing one offence on a specific occasion is not intended to be caught by this bill.

Mr. Ramsay: Mr. Chairman, this person is alleged to have been a member of Ace Crew, a gang, involved in drug trafficking and in the kidnapping of at least two people, one of whom was tortured to death. If this bill predated the commission of that offence, could that young individual have been convicted and sentenced under this new charge, this new offence that has been created, the criminal organizational offence?

Mr. Rock: No.

Mr. Ramsay: Why could he not? If the minister is saying these two new definitions, criminal organization and criminal organization offence, would apply to youth gangs, and it was alleged this person was a member of a youth gang, why would it not apply to this young individual who got only three years for manslaughter if this bill had predated the offence? He has said that it would not apply. I do not understand.

• (1340)

Mr. Rock: Mr. Chairman, the first thing I will do is expressly decline to discuss the case of Sylvain Leduc. I think it is wrong to talk about that case because it is before the courts.

Let me then go to a broader level of generality and talk about a gang of youths engaged in a series of criminal acts over time. As I have already said to the member, if there is a group, association or other body consisting of five or more persons, whether formally or informally organized, one of whose primary activities is the commission of indictable offences under the Criminal Code or any act of Parliament punishable by a maximum imprisonment of five years or more, and whose members, any or all, have engaged over the last five years in a series of such offences, then that would be a criminal organization and it would not fall short of the definition only because members were below the age of 18, so long as they were 12 years of age or more. The determination of the predicate offences would be in reference to the penalties provided in the Criminal Code.

The fact that the Young Offenders Act put a cap of three years as the maximum for any individual because of their age alone would not disqualify them from the definition if the other elements were present. I said that earlier and I cannot say it more clearly than that.

Mr. Ramsay: Mr. Chairman, the justice minister has certainly confused me on this issue. Would a young offender have to be raised to adult court for the indictable offence that has been committed before this new bill is applicable to him?

Mr. Rock: Mr. Chairman, if the crown were seeking the 14 year penalty then it would have to seek transfer to adult court. If it were content to seek a maximum of three years, the matter could be dealt with in youth court.

Mr. Ramsay: Mr. Chairman, there seems to be an anomaly here that youth gangs could still be sentenced under the Criminal Code and that this additional sentence which will be served concurrently under this new section can be applied only if the individual is tried in adult court. Am I correct in saying that? Is that my understanding of what the justice minister has told the committee?

Mr. Rock: Mr. Chairman, as with all young offender matters, if the crown wants penalties under the Criminal Code to apply, it has to seek transfer of the young offender from youth court to adult court. It does not change the nature or the character of the organization. It permits the police to make use of the provisions. But if a person is going to be sentenced as an adult they first have to be transferred to adult court.

Mr. Ramsay: Mr. Chairman, if I gather what the minister is saying, at least the penalties cannot apply to young offenders unless they are transferred to adult court. Is that true?

Mr. Rock: Mr. Chairman, yes, as in every other instance.

Mr. Ramsay: Mr. Chairman, if the court decides on this reverse onus that the justice minister brought in with Bill C-37, that the individual should not be tried in adult court, then they are immune to this law.

• (1345)

Mr. Rock: No, Mr. Chairman, but the penalties that can be given are limited to those provided in the Young Offenders Act.

Mr. Ramsay: If we want to split hairs, then I will put it this way. If the judge says that the young offender has to be tried in youth court, then he is immune to the penalties provided in this new section. Is that right?

Mr. Rock: Mr. Chairman, as in every other case, if the court decides not to transfer the young person out of youth court, then the Young Offenders Act penalties apply.

As the hon. member knows, in Bill C-37 we took the most serious crimes of violence and changed the transfer provisions. We said in Bill C-37, which is now the law of this land, that if one is 16 or 17, namely at the upper range of the age limit covered by the Young Offenders Act, and is accused of one of the most serious acts of violence—and we included murder, attempted murder, manslaughter, aggravated sexual assault—then that person will be tried in adult court unless the person can satisfy the burden of showing to the satisfaction of the judge that it is consistent with the public interest that they be tried in the youth court.

Government Orders

That was to demonstrate that we are not going to tolerate serious crimes of violence from young people and we are going to react to it with swift and certain punishment.

If the youth is transferred to adult court, then that youth is of course subject to all the adult penalties. In connection with Bill C-95, that is the 14 years for explosives, for example, the 14 years for the participation in the criminal organization offence, that is the extended period where the youth cannot apply for parole, that is consecutive sentences if the youth is sentenced for other offences as well. If the youth is transferred to adult court, that youth faces those very significant sanctions. But as in any other case, if the prosecuting attorney does not seek a transfer—of course, that is up to the provincial crown attorney—or if the court says it will not transfer the youth, then that youth is subject to the Young Offenders Act in youth court and the maximums under that statute apply.

Mr. Ramsay: It is pretty clear that young offenders who are gang members, simply because of the transferability of some of these offences—and it is a narrow series of offences that Bill C-37 covers—that this new offence does not apply in youth court. It only applies in adult court. On the penalty, what difference does it make? Unless it applies to adults who are using youths, as they did in the Ace Crew organization, that gang that led to the torture and the death of at least one individual, and the individual was left in youth court and received only a three year penalty for manslaughter, which would have been much higher had he been transferred to adult court.

It is very clear then that this new penalty and by and large the act itself, does not apply to anyone heard in youth court.

I would ask the minister this question. If an adult was charged for committing an indictable offence, and the punishment was more than five years, and it could be proved that the individual was a member of a group, association or other body, and the other four people that made up the organization were youths, would the definition still apply?

Mr. Rock: Yes, in my view it would.

Mr. Ramsay: All right. Then I will move on to the offence related property which is the final grouping. The justice minister touched on it in his earlier testimony. I would like him to advise the committee the difference that this will make over the laws that presently exist. Could he enlighten the committee on the change that this new bill brings in.

Mr. Rock: Mr. Chairman, is the hon. member's reference to offence related property?

Mr. Ramsay: Yes.

• (1350)

Mr. Rock: Mr. Chairman, at the moment the criminal law provides that in certain categories of crime, the court can seize and forfeit the proceeds of crime. Indeed, in some circumstances the court can make an order, even before conviction, that the property be tied up or suspended, that the accused person be deprived of its use or operation in the period pending trial.

We have taken over such things as ski chalets under the provisions of that law where it has been possible to prove that the proceeds of the crime can be traced into assets.

In Bill C-95 the ambit of the proceeds section have been extended so that they cover criminal organization offences as well as the offences to which they apply at present. However, we have done something else and this is the first time it has been done. We have extended the powers of the court to include the instrumentalities of crime. This has been under discussion for many years in Canadian law. It has never before been done.

This means that you can not only seize the money that is made from the crime or the property to which you turn it but you can also seize the property used for the purpose of committing the crime. If an organized crime syndicate is using boats to take contraband across the border, using trucks to drive explosives to the scene of the crime, using a building, especially fortified or modified, to facilitate the commission of a crime, then the court will be empowered to order the forfeiture of that property as an instrument of the crime as well as the proceeds which would be in keeping with the practice in Canada to date.

We believe this is going to give the authorities an important new tool to take from the criminal organizations those assets which they use to commit their crimes and to provide a way of shutting them down by depriving them of the very tools they need to carry on their nefarious trade.

Mr. Ramsay: Mr. Chairman, I have one final question. I want to go back to the youth application. In light of what the justice minister has told the committee with regard to the manner in which this new bill is applicable or not applicable to young offenders, would he consider an amendment to the YOA that would extend the transfer to adult court of any offence the penalty of which holds a maximum penalty in the code of more than five years?

Mr. Rock: Mr. Chairman, I would want to see that in detail to consider it. Perhaps the hon. member would be good enough to let me have that proposal over the period we take for question period so that we can look at it and consider its implications. I am not quite sure that I understand what the hon. member has in mind but I am sure that by discussing it with him over that period we can

S. O. 31

develop a better understanding of it and provide him with an answer.

The Chairman: Further questions? With respect to clause 1 again?

Mr. Strahl: Yes, Mr. Chairman. I do thank the minister for this opportunity to question him. I quite enjoy this kind of give and take. I think this committee of the whole is a very useful provision. People watching on television and going through the *Hansard* proceedings will see that there is a lot of value in the give and take between the minister and opposition members.

I want to reiterate a problem we have. The Quebec chiefs of police asked for legislation like this back in 1994. We are probably five days away from an election call and now, because we want to be good folks here on this side, we find that we have to pass the bill in a day because if we do not the bill will not become law before the election. That is unfortunate because it taints an otherwise honest attempt by the minister to address a serious problem. It also taints it with that feeling like this is another one of those photo ops in the last week before the election, which is too bad.

However, I take the minister at his word that this has been in the works for a long time. It is just too bad that we are forced to deal with it at the 11th hour. I believe it is going to throw out a lot of questions and comments on this bill that were unnecessary. I have all kinds of newspaper articles that state that politics are coming before good legislation. I am sure the minister does not need that on his resume. It is unfortunate that it has happened.

• (1355)

To continue on that same line, I remind the minister that 10 days ago some amendments on sentencing provisions of Bill C-41 and Bill C-45 had to be brought in. Things slip through when we are in a hurry. Again we agreed to do that in a hurry to allow the minister to correct some imperfections in the bills. Even Bill C-68—about which we consistently chastised the minister—the first set of regulations that came down were all withdrawn and reintroduced.

All those are signs of things done in haste. I hope the minister is right that this bill will stand the constitutional challenge and will do what he wants it to do. But things done in haste this close to an election run the risk of not being done properly.

This is not a huge and long bill but it amends many sections of the Criminal Code. Some received the bill Friday or even this morning. We had people who worked on the weekend. Many of us tried to find out exactly what the bill would mean with consequential amendments and all that stuff. It was very difficult to do.

I have a couple of questions for the minister about this. Am I right that in the first part of the definition of criminal organization where it consists of any body consisting of five or more persons that persons refers to anybody older than 12 years of age? Is that what I heard the minister say?

The Chairman: The time for question period is upon us. We will have to continue again with clause 1 after question period.

(Progress reported.)

The Speaker: It is almost 2 p.m. We will begin statements by members.

STATEMENTS BY MEMBERS

[English]

GRANTHAM LIONS CLUB

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, the Grantham Lions Club of St. Catharines was given its charter on May 2, 1952 and is celebrating its 45th charter night later this month.

Since 1952 the club has worked to promote the principles of good government and good citizenship, to be of service to those less fortunate, to provide a forum for discussion and to encourage service minded citizens to serve their community.

The results of these worthy objectives include the development of one of the finest sports parks in the city of St. Catharines and assisting programs and organizations like the Cubs and the Beavers, local hospitals, the Ina Grafton Gage Home, support and assistance for the visually and hearing impaired and much much more.

The Grantham Lions Club has been a key community organizer and supporter over the last 45 years in helping our youth, our aged and our less fortunate. As we celebrate this important milestone for the club, two club members are of special mention. Charles Boyagian and Lee Nichols are charter members of the club. I congratulate them and all club members on their excellent work, their dedication to the community and their true spirit of giving.

* * *

NATURAL HEALTH PRODUCTS

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, the health minister explicitly stated in the House that Bill C-7, then reintroduced as Bill C-8, was a narcotics bill and that it did not deal with natural health products.

However, the Liberals then declared vitamins, minerals and herbs with any therapeutic value to be drugs. Now, without any evidence that these products are unsafe, the Liberals are actively removing vitamins, minerals, herbal and natural extracts that have been on our shelves for years. In addition, Canada Customs is

arbitrarily seizing natural health products at the border or refusing their entry into Canada.

• (1400)

Under the new rules, companies must provide these products are safe beyond a shadow of a doubt. Only the big pharmaceutical companies can afford to market their products under these rules.

The bottom line is that what is taken off the shelf in the public interest is put right back on in an official bottle at double or triple the price.

The issue is not about safety; it is about money and power. Under the Liberal government, consumers and small businesses are losing to big corporations.

* * *

NATIONAL TEXTILES WEEK

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I am pleased to bring to the attention of this House that April 21 to April 27 is National Textiles Week in Canada.

The textile industry is an excellent example of a sector that has restructured and has aggressively pursued new product markets worldwide. In fact, industry exports have almost tripled since 1989.

National Textiles Week, which is organized by the Textiles Human Resources Council, is an excellent example of partnership at work. Companies, unions, suppliers and industry organizations have all come forward to sponsor this week of important events which opens with FUTUR*TEX, a major conference in Montreal. Other events during the week will feature open houses, school visits and press conferences.

[Translation]

All these activities will make Canadians more familiar with the textile industry and ensure it a promising future in Canada's economy.

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GOVERNMENT EXPENDITURES

Mr. Paul Crête (Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the federal government is ahead in its fight against the deficit, but it has not been as successful in reducing its own expenditures.

If we look at the figures we see that, between 1994-95 and 1997-98, Ottawa cut its internal expenditures by only 9 per cent and not the 19 per cent promised in the 1995 budget.

According to Treasury Board's latest release, federal expenditures, excluding transfer payments, will reach \$50.2 billion in 1997-98, or \$8 billion more than predicted two years ago.

S. O. 31

In the meantime, 54 per cent of spending was cut by reducing transfers to the provinces. Cash transfers for health and social programs dropped by 35 per cent.

Federal government revenues and departmental expenditures exceed forecasts, while the debt service is lower than predicted. In fact, the only prediction of the Department of Finance that has come true is the one concerning transfers to the provinces. The federal government has definitely reduced its deficit on the backs of the provinces and the unemployed.

* * *

[English]

CANADIAN BROADCASTING CORPORATION

Mr. Simon de Jong (Regina—Qu'Appelle, NDP): Mr. Speaker, later today I will be presenting a petition with over 1,700 signatures opposing the cutbacks to the CBC. This is a small part of a petition which was started by a single individual in B.C. and now has over 36,000 signatures and continues to grow. There has been a groundswell of grassroots support from every province and territory.

The petition started from the outrage over the Liberal Party's failure to honour its 1993 red book campaign promise to maintain stable long term funding for the CBC. It also started from an anger against the Liberal Party's shortsightedness in dismantling the single most effective institution supporting Canadian unity by promoting communication and celebrating the unique values, strengths and aspirations of Canadians.

Another \$100 million in cuts are scheduled for next year. For the sake of the future of Canada as a free, independent and democratic nation, they must be stopped.

* * *

YTV ACHIEVEMENT AWARDS

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I have heard the words that the future is so bright we need to wear shades. This morning, I saw the best and the brightest of our young Canadians when I had the honour of attending a breakfast for the YTV achievement award winners from all across this great country.

The eighth annual YTV achievement awards are sponsored by the YTV Network and CIBC. Unlike any other awards, the YTV achievement awards give a glimpse of future Canadian stars and hometown heroes.

It is my pleasure to congratulate the following achievers: Soup from Halifax, N.S. for the best musical group; Sabrina Perri from St. Leonard, Quebec for innovation, science and technology; Benjamin Bowman from Toronto, Ontario for instrumental music; Nava Mizrahi from Vancouver, B.C. for public service; Travis Knight from Dollard-des-Ormeaux, Quebec for specialty performance; Joseph Radmore from Kemptville, Ontario for sports;

S. O. 31

Kimberly Richard from Pierrefonds, Quebec for the Terry Fox award; Michel Irving from Moncton, New Brunswick for visual arts; Holy Heart of Mary Chamber Choir from St. John's, Newfoundland for vocal; and Jérôme Gariépy from Montreal, Quebec for writing.

• (1405)

The Speaker: My colleague, you might be interested to know that I will be formally introducing these young people to the House at the end of question period.

* * *

RESPONSIBLE DRINKING CAMPAIGN

Mr. Harbance Singh Dhaliwal (Vancouver South, Lib.): Mr. Speaker, we have with us in the gallery today the national finalists in the Stand Up, Speak Out, and Be Heard program sponsored by Canada's brewers.

The program asked young Canadians to submit ideas and concepts for an ad campaign designed to promote awareness of the importance of responsible drinking.

I would like to congratulate my constituent, Brad Swaile of Vancouver; Scott Robertson of Yellowknife; Brian Brintell of Brighton, Ontario; Justin Antippa of Trois-Rivières; and Anthony Slade of Timberlea, Nova Scotia.

More than 5,000 young Canadians from across the country sent in videos, computer animation, short stories, poetry, music and posters. Their efforts are a testament to the creativity of Canada's youth.

I praise all the young participants who contributed to the responsible drinking campaign. I recognize the brewing industry for sponsoring this important initiative.

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[Translation]

PRIME MINISTER OF CANADA

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, last Saturday, on Radio-Canada's *Raison passion*, Aline Chrétien spoke about her famous husband. One of the topics raised in the interview was his unpopularity and Mrs. Chrétien said: "Of course it hurts. I would be happier if he were more popular in Quebec".

I have great sympathy for her, but it hurts me too to see the Prime Minister, a Quebecer, making a career of walking all over Quebec, something he has been doing for the last 30 years. How can he be popular when his friends are Clyde Wells, Howard Galganov and Guy Bertrand?

Do you remember the night of the long knives, his pride in having been Pierre Elliott Trudeau's hatchet man when the Consti-

tion was patriated in 1982 without Quebec's agreement. Last week marked the 15th anniversary of that sad event.

Yes, Mrs. Chrétien, Quebec remembers.

* * *

[English]

TRAIL, B.C.

Mr. Jim Gouk (Kootenay West—Revelstoke, Ref.): Mr. Speaker, the city of Trail has a long history of contributing to the sports culture and the economy of this country. This small West Kootenay community has weathered good days and bad as Cominco, its primary employer, went through some difficult times.

Now nature has thrown a devastating flood at Trail and some other nearby communities. They need the help of this country to get back on their feet. A flood of this magnitude is disastrous for any community and more so for a town the size of Trail and the other surrounding communities.

The flood also claimed the life of Ken Plotnikoff Jr. while he toiled to help save the family business. I am sure that the entire House joins with me in offering condolences to the family and a pledge of financial support for Trail and its neighbours in their hour of need.

* * *

SIR JOHN, EH?

Mr. Peter Milliken (Kingston and the Islands, Lib.): Mr. Speaker, I have the pleasure of welcoming a very special guest to the House of Commons, Canada's first Prime Minister, Sir John A. Macdonald.

My predecessor as the member for Kingston has returned to Ottawa after a 106 year absence. He has asked me to invite all members of the House to visit Kingston this summer to watch actor John Blackwood portray him in the musical "Sir John, Eh?"

This musical, written by Jim Garrard and Grant Heckman, takes place in Catarqui Cemetery where Sir John is buried. In the musical, the Macdonald family visits present day Kingston and their story—triumphant public achievement set against personal adversity and heartbreak—is told.

The show also tells the story of Canada and how the acts of Sir John continue to affect our nation today. It is a fascinating, engaging and truly entertaining play with great music. It opens, appropriately, on Canada Day.

On behalf of Sir John, I invite all Canadians to visit Kingston this summer and take in this imaginative and humorous piece of theatre.

The Speaker: Sir John, welcome to your House. It is good to have you back.

*S. O. 31***PARKINSON'S DISEASE***[English]*

Mrs. Bonnie Hickey (St. John's East, Lib.): Mr. Speaker, April is Parkinson's awareness month. Over 100,000 Canadians, 1,500 Newfoundlanders, are suffering from symptoms of Parkinson's which affects one in every 100 adults.

The symptoms, which typically strike people who are over the age of 55, include: muscle stiffness, slowness of movement, tremor in limbs at rest, difficulty with co-ordinating movements, loss of volume of speech.

The cause of Parkinson's is still unknown and currently there is no cure. The St. John's regional chapter of the Parkinson Foundation of Canada is making a special effort this month to increase awareness of Parkinson's disease. Knowledge about its symptoms, medication, exercise and therapy is the key to give sufferers the power to maintain control over this disease.

• (1410)

I would ask my colleagues in the House to join me in the effort to raise awareness of this disorder today.

* * *

[Translation]

MANPOWER TRAINING

Mr. Ronald J. Duhamel (St. Boniface, Lib.): Mr. Speaker, last Wednesday, the Prime Minister of Canada and the premier of Manitoba signed the Canada-Manitoba agreement on labour market development.

This agreement, the fourth federal-provincial agreement signed, is extremely important for my province, and includes important differences in services in the language of the official minority, in this case French. The province of Manitoba will provide these services where numbers warrant, in accordance with the Official Languages Act.

[English]

In addition, the province is committed to making best efforts to maintain support of the French language community of Manitoba by using its own policy in French language services.

[Translation]

This agreement shows that the federal government is committed to working in partnership with the province in order to improve services to Canadians, and the province appears ready to do its fair share for its citizens.

JUSTICE

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, our homes, our schools and our streets echo with voices demanding changes to our justice system.

Three years ago thousands marched in Port Moody—Coquitlam to demand changes to the Young Offenders Act, changes which have been ignored by the Liberal government.

Community anger again erupted recently over government inaction that allowed a serial killer who walked our streets to revictimize the families and communities of those original victims.

Tragically last month a brutal home invasion in Coquitlam robbed a new Canadian family of their parents within weeks of becoming citizens.

Along with my colleagues in the Reform Party, I commit on behalf of all Canadians to press for legislative changes to recognize our victims bill of rights and restore a system of justice that makes the rights and safety of law-abiding citizens a priority in the criminal justice system, including the repeal of section 745.

* * *

[Translation]

MONTFORT HOSPITAL

Mr. Pierre de Savoye (Portneuf, BQ): Mr. Speaker, the Prime Minister, the President of the Treasury Board and the Minister of Canadian Heritage have all voiced their support of SOS Montfort in preserving this francophone hospital which is unique in Ontario. Yet the past actions of this trio contradict their words.

The Prime Minister closed the sole francophone military college in Canada, in favour of the one in Kingston, an anglophone bastion.

Moreover, the President of the Treasury Board forced numerous francophones to work in English, by neglecting to enforce the Official Languages Act, which entitles francophones to work in French in the national capital region.

Finally, by imposing upon CBC the worst cuts in its history, the Minister of Canadian Heritage is responsible for the fact that CBC French-language services to francophones outside Quebec are only a shadow of their former selves.

The moral of this sad story is this: Mr. Harris, please do what they say, and not—we beg of you—what they do.

Oral Questions

[English]

RED RIVER

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, day by day the Red River continues to rise. It will continue to do so for the next 10 days, threatening people throughout the Red River Valley. We are prepared and are hoping for the best, but no one will relax until the crest has passed.

We are so prepared because of the activities of thousands and thousands of volunteers. They have worked throughout the last two weeks preparing dykes, sandbagging homes, organizing volunteers, feeding volunteers, transporting volunteers. I particularly want to note the efforts of city councillor John Angus, who has worked incredibly hard to make sure that this whole activity is co-ordinated in the south end of the city.

* * *

[Translation]

BILL C-95

Mr. Réginald Bélair (Cochrane—Superior, Lib.): Mr. Speaker, last week, the Minister of Justice announced the key legislative measures aimed at helping those involved directly and indirectly in the battle against crime.

Most of the stakeholders agree that this bill responds in large part to the needs expressed of late, and provides the tools required for the fight against crime.

• (1415)

Among these reactions was that of the Director of the Montreal Urban Community Police Department, Jacques Duchesneau, who was unabashedly enthusiastic in stating that this bill was a good start.

Many have been pleased with the speed with which the Minister of Justice responded to the pressing needs of the community. His work reflects our government's desire to enhance Quebecers' quality of life.

ORAL QUESTION PERIOD

[Translation]

MANPOWER TRAINING

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, my question is directed to the Acting Prime Minister.

After years of discussion between Quebec and Ottawa on the important issue of manpower training, an agreement in principle

has finally been reached and was signed this morning by the two governments.

For 32 years, premier after premier in Quebec made the same request, over and over again. Ottawa dragged its feet until an election was imminent and has now, for the second time, signed a manpower agreement, as it did in 1993, when the parties were Bourassa and Campbell.

Could the Prime Minister tell the House what has changed since the famous statement in which he said Quebec was being capricious when Premier Johnson asked for the patriation of manpower training? Is it because he almost lost the referendum or because an election is imminent that the Prime Minister has suddenly become so flexible?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I wonder why there is such a difference between the position of the leader of the Bloc Québécois and that of the Premier of Quebec on this issue. I think the Premier of Quebec and the Prime Minister of Canada were very pleased when they signed this very important document on manpower this morning.

So I wonder why the Bloc Québécois House leader is complaining about this great achievement of the federal government and the Government of Quebec.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, with all due respect for the hon. member, he may not be talking about the same agreement. Perhaps that is the problem.

In July 1965, Premier Jean Lesage, who was not, as far as I know, a sovereignist, already wanted Quebec to have full constitutional authority over manpower training, not an administrative agreement, but full constitutional authority.

Will the Prime Minister admit that an administrative agreement is only a first step, that Quebec is not getting back its jurisdiction over manpower training and the agreement in principle signed this morning in an almost friendly fashion is far removed from the initial request made by Premier Lesage in 1965?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, I just want to repeat the facts. What the Premier of Quebec said this morning was the exact opposite. He accepted this agreement with great pleasure, and I wonder why the position of the Bloc Québécois in this House is at odds with the position taken by the Premier of Quebec.

Mrs. Suzanne Tremblay (Rimouski—Témiscouata, BQ): Mr. Speaker, I am astonished that someone with the hon. member's experience is surprised that Quebec members do not take exactly the same position. In Quebec, we are used to watching the federalists, and they do not necessarily take the same line they do in Quebec City. This has happened before.

He said he was surprised, but I am not sure he listened to the same press conference. Of course Mr. Bouchard is pleased, of

course he signed the agreement, and of course it is a first step, just a first step in the right direction. But a very small step.

• (1420)

We can hardly say this is a great step for mankind, as they said when they walked on the moon. This is a small step. So we should get the facts straight. The jurisdiction remains with Ottawa. We are still bound by an administrative agreement. We are not sovereign in this respect.

Could the Prime Minister tell the House why Ottawa did not, as requested by Quebec, do a full transfer of jurisdiction over manpower training, which after all would only reflect the Constitution?

Hon. Herb Gray (Leader of the Government in the House of Commons and Solicitor General of Canada, Lib.): Mr. Speaker, the leader of the Bloc Quebecois in the House just made a very important admission. She admitted that she does not want to separate from Canada but only wants to amend the Constitution. That is an important point.

* * *

ANTI-SMOKING LEGISLATION

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, my question is for the Minister of Health.

For weeks, the official opposition and event organizers have asked the Minister of Health to change his anti-smoking legislation. Each time, they met with refusal. On the eve of federal elections, the Prime Minister and the Minister of Health are promising that by the end of 1997 they will introduce a bill to amend the anti-smoking legislation, which would meet international standards on sponsorships.

How does the government explain its decision now, on the eve of elections, to promise amendments to the legislation on tobacco industry sponsorships, when these amendments were proposed by the Bloc Quebecois and all rejected by the government in committee and in the House?

[English]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, we have to keep in mind that the tobacco legislation is a very comprehensive and very effective piece of legislation. It puts restrictions on the price, on the product, on the place and even the promotion. This will be effective in curbing smoking in this country.

With regard to the letter that I have provided to the individuals she has referred to, the hon. member is very much aware that both in the House of Commons as well as in the other place I have indicated to groups across the country that I am prepared to consult in a very meaningful way and if necessary, as I indicated in the letter, changes will be made.

Oral Questions

I do not think the hon. member should prejudge what those changes might be.

[Translation]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, everyone remembers the broken promise to scrap the GST.

Now that we know the worth of this government's promises, could we also know, before the elections, the amendments the minister intends to make to this legislation?

[English]

Hon. David Dingwall (Minister of Health, Lib.): Mr. Speaker, I am sorry that members of the Bloc have decided to be partisan on this issue.

Let us keep in mind that on second reading members of the Bloc were in favour of the bill. But when it came to third reading they voted against the principles of this bill, thereby doing a flip-flop in terms of their position as it relates to tobacco.

I suggest to the hon. member and to others that one should not venture into the field of prejudging amendments, whether they be in the form of regulation or thereafter.

We have to embark on a period of consultation. That is part and parcel of the bill and it is part and parcel of what I will do in the future.

* * *

THE ECONOMY

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, according to the finance minister, record high bankruptcies in Canada in January are a good thing.

If he thinks it is such a good thing he must be laughing himself silly over the 78 months in a row of unemployment over 9 per cent in this country. The 800,000 people out there who are moonlighting just to put food on the table must be a real knee slapper for the finance minister.

Can the finance minister explain to Canadians his hare brained theory of how record high bankruptcies, record high debt, record high unemployment and record high taxes are good for the Canadian people? Let us hear the Liberal logic on that one.

• (1425)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, it would probably advance the cause of the Reform Party a bit more if it were able to cite people accurately and not create straw men on the premises of its questions.

Of course nobody ever said that bankruptcies were a good thing. What I did say was that business bankruptcies were down and the normal procedure is that personal bankruptcies decline following

Oral Questions

business bankruptcies. As a result of that, it may well be that we are seeing light at the end of the tunnel.

I have also said very clearly that the high number of personal bankruptcies in Canada, the United States and in most western countries is in fact a source of considerable concern. Most people think they are due not to high levels of unemployment, as the hon. member is alleging, and the same situation exists in the United States, but that they are due to a very high use of credit.

The member opposite clearly did not understand what I said. That normally happens with this member. The member is incredibly eager but I will give him an opportunity because I must say that there is nothing I enjoy more than responding to his questions.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, I am happy to contribute to the minister's pleasure.

The finance minister says that Canadians should be managing their debt better. That is what he said. Do they really need to take advice from a minister who has added \$100 billion to the Canadian debt in the past 3.5 years, someone who has sprinkled armoured cars around the country like Johnny Appleseed over the past week and who has doled out hundreds of millions of dollars in pre-election goodies?

How does the minister have the nerve to lecture Canadians on their debt levels when after this past week he has practically worn the numbers off the national credit card? Where does he get the nerve?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the very high level of household debt that exists in Canada is a direct result of the recession, 1989 to 1992. What we saw was that personal debt rose, disposable income dropped and Canadians found themselves, as a result of policies largely recommended by the Reform Party, in rather deep difficulty.

Since 1993, when we took over, the levels of household debt have dropped. The levels of household net worth have risen. The levels of household income have stabilized.

However, there is one level of bankruptcy in this country that shows no sign of getting better, the degree of intellectual bankruptcy in the Reform Party.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the fact is under this government we have record high levels of personal debt, record high bankruptcies, record high levels of personal taxes and record levels of unemployment. That is the Liberal record.

Canadians know why that has happened. One of the big reasons we have all these problems is the government has driven tax levels through the roof.

After 3.5 years of doing diddly, after 3.5 years of shrinking incomes and after 3.5 years of rising debts, can the finance minister

explain to voters why they should be masochistic enough to have that done to them for another four years?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I think it was two weeks ago that the hon. member's expression was rinky-dink, now it is doing diddly. I want to congratulate the Reform Party on its extensive vocabulary.

If the hon. member would like to know the Liberal record perhaps I could remind him. In the month of February manufacturing shipments rose. In the month of February housing starts rose 24,700 units. Real merchandise exports increased by 1.3 per cent. The nominal merchandise trade surplus increased by \$2.5 billion. The real net worth per household rose 2.7 per cent. Gross domestic product up again, unemployment down, employment up and retail sales increases. That is the Liberal record and we will stand behind that.

The Speaker: I remind hon. members not to use props during question period.

* * *

[Translation]

DECONTAMINATION OF MILITARY SITES

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, my question is directed to the Minister of National Defence.

• (1430)

According to national defence department estimates, it will cost \$242 million to decontaminate 21 of the 42 American radar bases on the DEW line. It is therefore likely that it will cost \$484 million to decontaminate all the sites. We know that the United States will pay \$100 million in damages to Canada for decontamination of these military sites.

By burying the waste, as the Inuit claims it is doing, instead of decontaminating it, which would eliminate all toxic substances, but which would also be more expensive, is the government merely trying to save money?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, the work that was to be done following the departure of U.S. military forces was considered, at the time, to be normal and reasonable. Obviously, the Government of Canada recognizes its obligations with respect to the environment and we recognize that we must take all means necessary to try to clean up the sites to which my hon. colleague is referring.

I would like to point out, however, that as a general rule the American government has never paid any compensation for problems that may have occurred following its departure from military installations.

As for the situation involving Canada, we have succeeded in negotiating an agreement whereby the American government will

Oral Questions

pay US\$100 million, which is a considerable amount and which is a first. Regardless of what the Americans do in this connection, the Government of Canada will respect its environmental obligations.

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, by burying PCBs or other toxic substances, Canada is creating a veritable time bomb, which, very soon, will contaminate the water table and the fragile habitat in northern areas.

Should the minister not immediately impose a moratorium on burying wastes until his department has made a complete and exhaustive assessment of the environmental situation at military sites and found an ecological manner in which to destroy these contaminants?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, this is a phenomenon that several sectors of the government and of the private sector must address. It is now recognized that situations that were acceptable in the past are no longer tolerable.

The Government of Canada has undertaken to do as much as it can to protect the environment, both in the north and elsewhere in the country. The agreement signed with the United States, which has not yet been approved by Congress, will make it possible for us to do some of the work.

There is no doubt that the sites to which the hon. member is referring are not the only locations where there is a problem. The Department of the Environment, the provinces and the federal government are aware that there are several locations in the country facing the same problem.

While it is not just up to the Department of National Defence, I would like to reiterate that the Government of Canada will do its utmost in all circumstances to ensure the integrity of the environment in a contemporary situation such as the one with which we must contend and in the situations she has raised today in the House.

* * *

[English]

QUEBEC

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, last week the separatist government and the Liberal Party of Quebec affirmed or claimed that Quebec alone can determine its future regardless of English, aboriginal or other minorities in that province, regardless of what the rest of Canada thinks and regardless of the rule of law as stated in Canada's Constitution. Mr. Johnson went so far as to say: "It is our right in Quebec to take over ourselves, our development and our destiny".

During debate on Bill C-95 earlier today the attorney general stated that he is the guardian of the Constitution and the rule of law. Has he communicated to Mr. Johnson and to the separatist government in Quebec that last Wednesday's rhetoric is unacceptable to the government and will not be acceptable in the coming election campaign?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we have shown over the period of the last period of years that to this government, actions speak louder than words. We have done better than talk about this. We have referred to the Supreme Court of Canada fundamental questions about the constitutionality of the position taken by the Government of Quebec which claims that it can proceed entirely without reference to the courts and the Constitution.

We believe that is wrong. As a result we have put to the Supreme Court of Canada in a reference questions to determine the answer: Can the Government of Quebec unilaterally act to separate from the rest of the country without reference to the Constitution?

• (1435)

We believe it cannot. We have put our position before the court. We have done the responsible thing with respect to the Constitution. We have asked the Supreme Court of Canada to rule that the Constitution applies throughout this country.

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, perhaps the minister should get his Quebec counterpart to join in the intervener stage to see if he could come to some agreement on that plan.

We are promised by the leader in Quebec that by 1998 we will have another referendum and that he will be going to the people at that time. Has the justice minister decided what he will do if such a thing occurs to ensure that the question is fair and that the unilateral declaration of independence does not have any weight in Canadian law?

We are unwilling on this side of the House to let the Quebec separatists manipulate the question, set the agenda and destroy the country—

Some hon. members: Sit down.

The Speaker: I find the question to be hypothetical. If the hon. Minister of Justice cares to address it he may.

* * *

[Translation]

CHILD ABDUCTION

Mr. Benoît Sauvageau (Terrebonne, BQ): Mr. Speaker, my question is for the Minister of Foreign Affairs.

Oral Questions

On April 10, the official opposition brought up the tragic case of Suzie Robitaille, whose children are still in Egypt, having been abducted by their father nearly two years ago. In this case, as in many others, the government is dragging its feet, even though one of the children is seriously ill. We have learned that Canada is currently involved in negotiating a bilateral agreement with Egypt concerning child abduction.

Does the minister commit to making signature of the bilateral agreement with Egypt conditional upon the settlement of cases in dispute, in particular the one concerning the children of Suzie Robitaille?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, first let me clarify that negotiations are under way. Officials are in Cairo right now negotiating a new consular agreement with Egypt that would allow us to have a better set of rules, disciplines and initiatives to protect Canadian rights.

Unfortunately, Egypt does not adhere to the Hague convention with respect to the abduction of children. It has not signed that covenant. Therefore, we have no standing in international law that would require Egypt to return the children.

We will continue to work as actively as we can with Egyptian authorities and impress on them the necessity to give Mrs. Robitaille her rightful place in court, to make sure that she has access to the children and, if at all possible, to adhere to the Canadian judgment, which is to return the children.

We will continue to do what we can, but we are limited by the fact that Egypt has its own laws and we must work within that legal framework. However, I can promise the hon. member that we will continue to work very closely with Mrs. Robitaille to do whatever we can to help her in this very difficult situation.

[Translation]

Mr. Benoît Sauvageau (Terrebonne, BQ): Mr. Speaker, there is a law. Egypt is a signatory to the United Nations Convention on the Rights of the Child, and is not respecting that convention.

Given the health status of Mrs. Robitaille's eldest child, which continues to deteriorate, can the minister, at the very least, implement emergency repatriation measures for this seriously ill child?

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Yes, Mr. Speaker, I intend to be in contact with my counterpart, the Egyptian foreign minister, within the next day or two to make these representations.

GUN CONTROL

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the justice minister has advised Mr. Sheppard of Calgary, Alberta that he will not be compensated for the loss of his private property. The justice minister's order in council which prohibited Mr. Sheppard's firearm forced this Calgarian and thousands more Canadians to turn over their property to local authorities without compensation.

How can the Minister of Justice seize property that was legally acquired and lawfully held without compensation?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, in Bill C-68 the government took steps to take off the market those handguns which are small, easily concealed and cheaply manufactured. They are called Saturday night specials in the United States and they account for more police killings than any other form of firearm in that country. We also took off the market some military type assault weapons.

The government does not believe that Canadians want a country in which people can have access to military type assault weapons and Saturday night specials.

• (1440)

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, the justice minister failed to answer the question. Yes, he has taken this property from Canadians, but the question was why he has not compensated them. That property was legally acquired and lawfully held.

How can he say that he stands for the rights of Canadians when he takes their property from them without compensation? How can he do this? Will he answer the question?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member knows full well that, when we passed orders in council which took guns out of the hands of people, we compensated them for the cost.

For those that were prohibited, they were grandfathered. People were allowed to keep them and use them for the rest of their lives and to sell them to others in the same class of ownership.

The real difficulty this hon. member has is that he and his members are against gun control. The Reform Party, the Conservative Party and the NDP are against gun control.

The time will come in the not distant future when the people of Canada will have the opportunity to express themselves on the subject. On that occasion, this member, the other members of the Reform Party, the Tories—wherever they may be—and the NDP

are going to find out the cost of opposing what Canadians want: gun control.

* * *

[Translation]

ST. HUBERT MILITARY BASE

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, my question is for the Minister of National Defence.

On a number of occasions, we have called for the federal government to set up a fund to compensate for the negative effects of the closure of the St. Hubert military base and we have insisted that the region be treated just like other Canadian communities, where bases were closed, like Cornwallis, for example, which received over \$7.5 million.

Could the minister confirm today his government's intention to provide compensation for the closure of the St. Hubert base?

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, when the military bases were closed or reduced, in certain regions, evaluations and analyses were done to assess the economic impact on the region.

Obviously, there were a series of closures that had significant impact. The hon. member mentioned Cornwallis, for example. In my province, however, the military base at Chatham was closed at a cost of 1,000 civilian and military jobs.

I think that, in all the reductions we have faced at national defence and in the Canadian forces, we have been as fair as possible and have applied similar criteria, as circumstances dictated, across the country, including in St. Hubert.

Mrs. Pierrette Venne (Saint-Hubert, BQ): Mr. Speaker, I wonder whether the minister does not intend to use the upcoming campaign to announce the payment of compensation, which we estimate at several million dollars, for the loss of 1,400 jobs, when all we want is for the government to give St. Hubert what it is entitled to.

Hon. Douglas Young (Minister of National Defence and Minister of Veterans Affairs, Lib.): Mr. Speaker, it is true that a number of communities were affected by the restructuring, and reduction in the number of military facilities across the country.

However, I think the Government of Canada made a major contribution in the St. Hubert region. I was there about ten days ago, and I saw the facility the Government of Canada set up in St. Hubert. We would have much preferred to have that, in northern New Brunswick, rather than limited economic spinoffs as the result of the closure of the Chatham base.

Oral Questions

MANPOWER TRAINING

Mr. Mark Assad (Gatineau—La Lièvre, Lib.): Mr. Speaker, in Montreal a few hours ago, the Prime Minister and the Minister of Human Resources Development, signed an agreement in principle between the Government of Canada and the Government of Quebec on manpower development.

Can the parliamentary secretary explain to the House what this agreement in principle means for the men and women of Quebec?

[English]

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, today is a very important day for Canada and the Government of Quebec.

As my colleague has said, today we have officially announced the historic labour market agreement in principle with Quebec.

● (1445)

We must consider how many years the discussions have been going on. There is a consensus in Quebec on labour market development. The importance of the agreement is considerable in that some \$3 billion will be transferred to Quebec over the next five years. It will have immediate benefits for workers in Quebec.

I think we can say this is an historic occasion. We hope the agreement will be completed very soon and the active measures of the employment insurance system will go toward helping employees and employers put people back to work in the province of Quebec.

* * *

RIGHTS OF VICTIMS

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, the Minister of Justice knows very well the Reform Party is not against gun control. We are against the confiscation—

Some hon. members: Oh, oh.

Mr. White (North Vancouver): We are against the confiscation of lawfully held property by the government without compensation.

Now the government is falling over itself to pass anti-gang legislation for Quebec before the Prime Minister calls the election this Sunday.

Could the Minister of Justice explain why the victims bill of rights has languished in his office for more than a year when it could benefit all Canadians? Why has that bill not received the same high priority he is giving to the anti-gang legislation?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I hope the hon. member heard the

Oral Questions

peals of laughter extending across the country from sea to sea to sea as he tried to change the lamentable position of his party at the last minute. His party is against gun control and always has been.

The hon. member asked about victims. I can do no better than to point to the record of the government time after time, whether it is through amendments to the code on sentencing or the gun control bill. I well remember the day when the victims came to this building, having lost loved ones to crimes of violence committed by firearms, guns in the hands of people who should not have had them. They asked us to pass Bill C-68 to provide for the registration of all firearms, a bill and a plea to which his party turned a deaf ear.

I say to him, his colleagues in the Reform Party, the Conservatives and the NDP that they will have to answer to the Canadian people in coming months why they did not listen to the pleas of victims and join with us to adopt meaningful gun control.

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, there is nothing wrong with asking the government to compensate people for confiscated property that was lawfully obtained. The minister can stand there and say people are laughing about that. People are upset the government would take their property without compensation.

In terms of the anti-gang legislation, if the minister would give the same priority to the victims bill of rights it would have much greater impact not just on gangs but on everybody across the country.

Why will the minister not admit he is playing election politics prior to the election and has no intention of ever passing the victims rights bill?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, what draws laughter is the pretence by members of the Reform Party that they are not against gun control. We all know they are and they are going to pay the price for it, as are the Tories and the NDP.

As for the hon. member's question, he talks about victims rights as though they are something that can be achieved by writing out something on a piece of paper and calling it a bill of rights.

Let me tell him something about victims and their rights. Last week I was in Montreal and I met a woman whose 11-year old son was killed by a bomb explosion on the streets of Montreal. The Reform Party does not like to hear this because it is truth and reality as opposed to rhetoric and superficiality.

That woman whose 11-year old son had been killed in the gang war asked me as the Minister of Justice to do everything I could to get Bill C-95, the anti-organized crime bill, through Parliament so

that the police would have more tools to try to find the people who killed her son.

• (1450)

That is what we should do to achieve victims rights and that is what the government has done to achieve victims right. We have passed meaningful legislation that makes a difference instead of just talking a good game.

* * *

[Translation]

SINGER

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, my question is for the Minister of Justice.

On December 3 of last year, the Minister of Human Resources Development made the following statement: "I would like to reassure the House that, if the former Singer employees take their case to court, our department will proceed with all due speed. I have asked my colleague, the Minister of Justice, to act accordingly, in order to facilitate matters". Notification of the lawsuit was given on December 13, and these pensioners continue to suffer from inhumane delays.

What has the Minister of Justice done, in concrete terms, to settle the situation of the former Singer employees?

[English]

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, that matter is in the hands of the Minister of Human Resources Development. I am sure everything possible is being done to carry the matter forward as quickly as possible.

[Translation]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, judging by the minister's response, it is perfectly clear that he is not up to date with the case in the least. Yet, four months ago, he said: "I will proceed with all due speed, as will my colleague". This is not the case at the moment. The average age of these people is 80 years.

When does the Minister of Justice intend to produce his defence? Normally, a defence takes a while to produce, and the federal government's lawyers have not yet produced one. When does the Minister of Justice intend to come up with it? How, once and for all, is he going to settle the case of the former Singer employees?

[English]

Mr. Robert D. Nault (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Mr. Speaker, as is normal in this place when former employees are in front of the courts presenting a lawsuit, it would be inappropriate for us to get into the lawsuit per se.

Oral Questions

We can say we are willing and we are aware. We are trying to minimize delays. Once we deal with the delays and the court case is through, we would certainly be willing to look at the results of the court case.

* * *

GRAIN

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, the Liberals have bungled their responsibility for grain transportation. Grain shipment delays have cost prairie farmers almost \$100 million this year alone due to demurrage charges and lost sales. The Liberals have created a cash crunch on the prairies.

Tragically the best the minister can do is announce he will merely start to probe the problem sooner rather than later, knowing that we are on the verge of an election call.

In light of his failure to create a more efficient and accountable grain transportation system, and given current world prices for wheat, does the minister intend to increase the interim prices paid by the Canadian Wheat Board?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, as the Canadian Wheat Board indicated a short time ago, it has made certain recommendations with respect to initial payments. Those recommendations are in the normal course under consideration at the present time.

The hon. gentleman will know that under this government we have dramatically shortened the response time to that kind of recommendation from the Canadian Wheat Board. Under our predecessors recommendations sometimes took several months to be acted upon. In the case of this government we have shortened the time to a matter of a few days when the consideration is completed.

The Canadian Wheat Board will announce the result in the ordinary course taking into account the very important consideration that one would not want to put the guarantees in jeopardy, which is a matter of very significant concern to the Minister of Finance.

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, in light of the fact the Liberal government is currently attempting to paper over 3.5 years of failures in a frantic pre-election flurry of deal making and vote buying the minister of agriculture has the cloak of secrecy around which the Canadian Wheat Board operates, allowing him to use the timing of increases and interim prices for political purposes.

The crop year is nearly three-quarters complete. Will the minister of agriculture announce any increases in interim prices prior to the pending election, probably this week? Or, is he saving his announcement as yet another Liberal election goodie for during the campaign?

Hon. Ralph E. Goodale (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. gentleman should know—he may have missed it in his dramatic search for hyperbole and overblown rhetoric—that I do not make these announcements. The Canadian Wheat Board makes these announcements in the ordinary course of events. As rapidly as the Canadian Wheat Board is in a position to do so and taking into account all relevant circumstances the announcement will be made, election or no election.

* * *

• (1455)

IMMIGRATION

Mr. Sarkis Assadourian (Don Valley North, Lib.): Mr. Speaker, my question is for the minister of immigration.

Considering the fact that we are approaching the 11th anniversary of the imposition of the visa requirement for Portuguese persons wishing to travel to Canada, considering the fact that the Portugal alone among European Union countries is subject to the restrictive visa requirement policy, and considering the policy's negative impact on business between our two nations, could the minister indicate to the House the government's position of visa requirements for Portuguese persons wishing to travel to Canada?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I am pleased to announce that on May 1 citizens of Portugal will no longer be required to obtain a visitor's visas to visit Canada.

We all know the Portuguese community has contributed enormously to the social and economic development of the country. We hope the decision of visa free access will improve business, economic and cultural exchanges, as well as promote tourism between the two countries.

* * *

[Translation]

CHINA

Mr. René Laurin (Joliette, BQ): Mr. Speaker, my question is directed to the Minister of Foreign Affairs.

Only a few months before Hong Kong is returned to China, the latter has announced that it intends to tighten up the regulations for public demonstrations, in addition to banning all contacts abroad in the case of political parties. The situation is disturbing, to say the least, as regards the freedoms the Hong Kong Chinese will enjoy after China takes over.

Could the minister tell us whether Canada intends to take action against China to prevent the erosion of human rights and fundamental freedoms of the Chinese living in Hong Kong after the changeover?

Oral Questions

[English]

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, we have made consistent representations. As late as today at lunch the secretary of state for Asia and myself met with Mr. Lu Ping, the Chinese minister responsible for the transition in Hong Kong. We brought to his attention our concern about the proposed changes. Those changes have not been made yet. They are still being considered by the Hong Kong legislature.

We have certainly made our views known. We think a maximum amount of consistency must be maintained in terms of freedom of the press, the right to demonstration and the right of political parties to maintain their autonomy.

We are making all efforts to ensure that both the Chinese authority and the Hong Kong authority know exactly where Canada stands.

* * *

TAXATION

Mr. Bill Gilmour (Comox—Alberni, Ref.): Mr. Speaker, the Liberals promised to scrap and abolish the GST.

Instead of scrapping the GST as it promised, the government has not only expanded the GST into the harmonized sales tax in the Atlantic provinces but is now charging Canadians outside Atlantic Canada the expanded tax as well.

Effective April 1 the new Liberal postal tax grab means that Canadians across the nation will now pay Atlantic Canada's harmonized sales tax, an additional 15 per cent surcharge, on parcels and courier mail sent to the three Atlantic provinces with the harmonized sales tax.

My question is for the minister responsible for Canada Post. Why are all Canadians being forced to pay the 15 per cent HST on parcels and courier mail sent to Atlantic Canada?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as the hon. member ought to know, a sales tax has always been paid by recipients in provinces where the tax is imposed. There is no change in this.

What change has been brought in is that Atlantic Canada has been given a tremendous opportunity to lower its costs so that its small and medium size business can create jobs. At the same time Atlantic Canadians have been given a lower consumer cost on a vast range of goods from refrigerators to automobiles. It is very clearly an important part of the rebuilding of the Atlantic Canadian economy.

That is why Atlantic Canadian premiers are going across the country. It is something Atlantic Canada and its premiers can be proud of.

● (1500)

CANADIAN BROADCASTING CORPORATION

Mr. Simon de Jong (Regina—Qu'Appelle, NDP): Mr. Speaker, my question is for the Minister of Canadian Heritage.

Later today I will be introducing a petition signed by over 1,700 people. This is part of a larger petition signed by over—

The Speaker: No props, please.

Mr. de Jong: Mr. Speaker, the government in the red book in 1993 promised multi-year funding. What kind of long term stable funding results in hundreds of millions of dollars in cuts? How can government members face voters and claim that the red book commitment has been honoured without at least blushing?

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Mr. Speaker, the minister announced recently that there will be stable funding for the Canadian Broadcasting Corporation. This is an opportunity for the CBC to start looking at how it fulfils its mandate, to look at how it does things more effectively and efficiently.

* * *

[Translation]

BULGARIA

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, my question is directed to the Minister of International Cooperation.

[English]

Some of my constituents are concerned about the lack of food, medicine and affordable energy in Bulgaria. The country recently elected a coalition government to replace the previous unstable communist regime. Can the minister tell me what Canada is doing to help alleviate the humanitarian instability in Bulgaria?

Hon. Don Boudria (Minister for International Cooperation and Minister responsible for Francophonie, Lib.): Mr. Speaker, since 1992 the federal government has provided some \$2 million of assistance to Bulgaria. As well, a few weeks ago Canada agreed to activate a \$10 million untied line of credit which can be used for the purchase of, among other things, Canadian wheat and other commodities. We feel this would be truly beneficial to the people of Bulgaria. Canada has also supplied election observers to Bulgaria and we intend to continue to do so.

As of yet the Government of Bulgaria has not made an international appeal for humanitarian aid. Nevertheless we have extended the line of credit I have just described.

PRESENCE IN GALLERY

The Speaker: Colleagues, that brings to a close our question period.

[*Translation*]

It is a pleasure to welcome to our gallery a group of young Canadians who have done so much for their country.

[*English*]

They are young men and women who have distinguished themselves in many fields. They are talented and very hardworking young Canadians who have made a difference and they are symbols of excellence.

Please welcome the winners of the 1997 YTV Achievement Awards.

Some hon. members: Hear, hear.

ROUTINE PROCEEDINGS

[*Translation*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, I have the honour to present the 64th report of the Standing Committee on Procedure and House Affairs, on the business of supply.

• (1505)

[*English*]

The work on the business of supply was undertaken by a subcommittee which I had the privilege of chairing. I want to thank the members of the subcommittee for their dedication and hard work on an issue which has very little public profile and not much more in this House but which touches on the very core of Parliament's responsibility to tell the government how and how much money it may raise and spend.

I also want to strongly recommend to the House that this report be brought to the attention of the members of the 36th Parliament for consideration. The procedure and House affairs committee has already agreed to ask House officials to draft amendments to the standing orders based on this report.

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CANADA ELECTIONS ACT

Mr. Chuck Strahl (Fraser Valley East, Ref.) moved for leave to introduce Bill C-407, an act to amend the Canada Elections Act.

Routine Proceedings

He said: Mr. Speaker, I am introducing a bill to amend the Canada Elections Act to address the situation I encountered last fall in which a private company tried to launder its corporate contributions to the Liberal Party by asking its employees to donate directly to the party and promising to reimburse the employees the full amount of their donations.

This practice hides the donations of companies which have a lot of influence with the government. It puts unethical pressure on employees who do not wish to support the political party of the company's choice and it rips off the taxpayer because donations from individuals receive higher tax exemptions than corporate donations.

Elections Canada agrees that this practice needs to be prohibited in the act and I hope to receive the support of all members for this proposal.

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

* * *

PETITIONS

TAXATION

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, I have two petitions to present on behalf of my constituents.

In the first the petitioners are asking for the federal government to remove the GST and other tax on reading materials. They urge Parliament to remove the GST from books, magazines and newspapers. They ask the Prime Minister to carry out his party's repeated promise to remove federal sales taxes from reading materials.

AGE OF CONSENT

Mr. Leon E. Benoit (Vegreville, Ref.): Mr. Speaker, the second petition is from constituents who are upset with some recent court decisions on the age of consent. They are asking that the age of consent be raised to 18. They say the majority of Canadians believe that the age of consent laws are designed to control adults who want sex with minors.

Therefore the petitioners pray that Parliament will amend the Criminal Code of Canada to set the age of consent at 18, with the exception of husband-wife relationships, so as to provide protection from exploitation and abuse.

TAXATION

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition from almost 50 people in the riding of Peterborough who are concerned about the immigration tax.

Whereas the federal government has imposed an immigration tax of \$975, whereas this tax is discriminatory with respect to perspective immigrants from developing countries where the average annual income is sometimes even less than the amount of the tax, and whereas this tax is particularly odious when it applies to refugees who are among the most destitute of our immigrants, the

Routine Proceedings

petitioners call on the government to appeal this immigration tax immediately, particularly in the case of refugees.

I know there have been changes in this tax very recently but even so I support this petition.

The Acting Speaker (Mr. Milliken): I caution hon. members not to refer to whether they support or oppose a petition.

• (1510)

EMERGENCY PERSONNEL

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the first petition comes from Delta, B.C. The petitioners draw to the attention of the House that our 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 that in many cases the families of firefighters and police officers killed in the line of duty are 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 killed in the line of duty.

TAXATION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition comes from my riding of Mississauga South.

The petitioners 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.

ALCOHOL CONSUMPTION

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the final petition is from Amherst, Nova Scotia.

The petitioners 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 all alcoholic beverages to caution expectant mothers and other of the risk associated with alcohol consumption.

CRIMINAL CODE

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, I am pleased to present a petition on behalf of my constituents in Calgary North requesting Parliament to affirm the duty of parents to responsibly raise their children according to their own conscience and beliefs and to retain section 43 of Canada's Criminal Code as it is currently written.

CANADIAN BROADCASTING CORPORATION

Mr. Simon de Jong (Regina—Qu'Appelle, NDP): Mr. Speaker, I have the privilege of introducing a petition with some 1,700 signatures.

The petitioners point out that effective April 1, 1997 about 33 per cent of CBC radio and TV programming, both national and regional, will be lost. This is because of insufficient financial resources due to the Liberal Party's failure to honour its 1993 red book commitments.

Therefore the petitioners call on Parliament to immediately restore CBC funding to the promised level of financial support which existed as of January 1, 1994 so that the cutbacks and the layoffs at the CBC can be rescinded.

TAXATION

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, it is my pleasure to present a petition on behalf of 60 of my constituents who are concerned about the GST on reading material.

The petition reads that the GST is the first federal tax in Canadian history to apply to the bible and other reading material.

Taxing reading material is unfair and wrong. Literacy and reading are critical to Canada's future. Removing the GST from reading material will help promote literacy in Canada.

Therefore the petitioners urge Parliament to remove the GST from books, magazines and newspapers.

CRIMINAL CODE

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, I rise today to present a petition dealing with section 43. I have in my hand petitions from over 175 individuals from Manitoba, 350 from the New Market—St. Catharines—Beamsville area, 25 from the Calgary area, 125 from Beamsville, Ontario, and another 25 signatures from Calgary.

These people draw to the attention of the House that section 43 recognizes the primary role of parents in raising and disciplining their children, that the federal government is under pressure from various sources including the UN to change section 43, that the removal of section 43 would strengthen the role of bureaucrats and weaken the role of parents, and that the government now continues to fund research by people opposed to its removal.

These petitioners request Parliament to affirm the duty of parents to responsibly raise their children according to their own conscience and beliefs and to retain section 43 in Canada's Criminal Code as it is currently worded.

AGE OF CONSENT

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, as well I have a petition regarding the age of consent.

This is from 185 individuals from Maple Ridge, Burnaby and White Rock in British Columbia. These citizens call on Parliament to amend the Criminal Code of Canada to raise the age of consent for sexual activities between a young person and an adult from 14 to 16.

• (1515)

NATIONAL HIGHWAY SYSTEM

Mrs. Beryl Gaffney (Nepean, Lib.): Mr. Speaker, I have two petitions on the same topic. One petition has 54 signatures, the other has 28, and most of them come from the Ottawa area.

The petitioners state that the national highway policy study identified job creation, economic development, national unity, saving lives and avoiding injuries, lower congestion, lower vehicle operating costs and better international competitiveness as benefits. They call on Parliament to join with the provincial governments to make the national highway system upgrading possible.

TAXATION

Mr. Ted White (North Vancouver, Ref.): Mr. Speaker, I wish to present a petition on behalf of my constituent, Helen Hawthorne, and 24 others who are concerned that paying income taxes which go toward the Canadian military is an infringement of the freedom of conscience of those who object to participating in military activity.

The petitioners ask Parliament to establish peace tax legislation by passing into law the conscientious objection act which recognizes the right of conscientious objectors to not pay for the military but to apply that portion of their taxes that was to be used for military purposes toward peaceful, non-military purposes.

JUSTICE

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, pursuant to Standing Order 36, it is with great sadness that I table this petition.

The petitioners grieve that whereas Jacqueline Mariana MacLellan, born as a Canadian citizen, was kidnapped by her father on October 27, 1996 and taken to Bermuda; whereas the mother, Marguerite M. Kopaniak, holds a custody order awarded by the Supreme Court of Ontario which found that the father, Peter R. MacLellan, is in contempt of said court; and whereas Bermuda is not a signatory to the Hague convention, thus eliminating the generally adhered to rules to return abducted children to the country of original jurisdiction, the petitioners call on Parliament

Routine Proceedings

to take action to have the Bermuda authorities recognize and honour the Canadian jurisdiction over this child and cause for the child to be returned to Canada into the care and custody of the mother.

NORTH ATLANTIC TREATY ORGANIZATION

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, I have a second petition which I wish to present concerning NATO. The petitioners ask that central and east European countries be allowed to enter an enlarged NATO, excluding non priori.

HOUSING

Mr. Jesse Flis (Parkdale—High Park, Lib.): Mr. Speaker, I have a third petition which I wish to present concerning co-op housing. The petitioners call on the government not to cave into the Ontario government but to preserve co-op housing as it exists today.

NATIONAL PEDOPHILE REGISTRY

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, I rise to present petitions on behalf of hundreds of constituents and concerned citizens from across the country who have a number of issues which they would like Parliament to address.

First, over 600 petitioners pray that Parliament will enact legislation to establish a national pedophile registry.

VIOLENT OFFENDERS

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, other petitioners pray that violent offenders not be eligible for parole until their full sentence is served.

EUTHANASIA

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, another petition requests that Parliament make no changes in the law which would sanction or allow the aiding or abetting of suicide or active or passive euthanasia.

BREAST CANCER

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, another petition requests that Parliament provide core funding to ensure that all women diagnosed with breast cancer have access, through survivor list support groups, to information on the various treatments available in their community.

NATIONAL HIGHWAY SYSTEM

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, another petition requests that the federal government join with provincial governments to make the national highway system upgrading possible in 1997.

NATIONAL UNITY

Mrs. Jan Brown (Calgary Southeast, Ind.): Mr. Speaker, the final petition requests that Parliament declare and confirm immediately that Canada is indivisible.

*Government Orders***QUESTIONS ON THE ORDER PAPER**

Mr. Ovid L. Jackson (Parliamentary Secretary to President of the Treasury Board, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

• (1520)

[*English*]

CRIMINAL CODE

The House resumed consideration in committee of Bill C-95, an act to amend the Criminal Code (criminal organizations) and to amend other acts in consequence, Mr. Milliken in the chair.

The Deputy Chairman: House again in committee of the whole on Bill C-95. When the committee was interrupted at 2 p.m., clause 1 of the bill was under consideration. Is there a desire for further consideration of clause 1?

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Chairman, when the committee rose at two o'clock, questions had been put to me by the member for Fraser Valley East. In fairness to his questions, it may be best that I record my responses now. I can do so very briefly.

The hon. member asserted that the chiefs of police have been asking for this legislation since 1994 and here we are five days before an election call with the bill.

First, I do not think that any of us knows when there will be an election nor should our actions in the House be based on those calculations. We should act as we see it in the public interest, and that is what the government is doing.

Since at least 1984, the chiefs of police and the police community in general have been asking Parliament to give them more effective tools to deal with organized crime. The fact that the government has listened to the police community saying it needs more tools is evidenced by this legislation which has not been developed over the last few weeks, but rather emerges from the last 18 months of methodical preparation and consultation.

On March 21, senior ministers of the Quebec government invited me to a meeting at which they told me in the presence of some 14 municipal mayors that they wanted us to accelerate the work which was already under way to deal with organized crime. It was in

connection with that we completed the work we had started 18 months ago and produced Bill C-95.

The hon. member made reference to some newspaper stories about how law and politics may commingle. I dare say that these issues should not be determined on the basis of the volume of newsprint that is generated for one side or the other. Not only do I think that the hon. member might find that the volume is very much in favour of the government acting decisively to save lives through this legislation, I also think we should make our own judgment. As parliamentarians it is our duty to do so.

We are here today to consider in detail the clauses of the bill. I welcome the opportunity and I think we should use our time in that way.

The hon. member also made reference to some sections in Bill C-42, which he said had slipped through the House. I want to assure the hon. member that nothing slipped through in Bill C-41. Bill C-41 was a comprehensive reform of the sentencing laws in the Criminal Code. Among other things it provided for conditional sentences, another alternative available to sentencing courts in appropriate cases. It did not slip through. It was considered over many years and was the subject of broad public comment. It was concluded as a strategic decision by the Parliament of Canada to provide sentencing courts with a useful alternative.

The fact that the section has been amended through Bill C-17 ought not to discourage parliamentarians. A wide variety of legislation can be improved through amendment after experience is gained with it. That is exactly what happened with the conditional sentencing provisions of Bill C-41. We have now made it clear through an amendment, to which all parties agreed, that before the courts award a conditional sentence they should have regard not only to whether the person might be a danger to the community which was the original test, but also all of the principles that traditionally govern the determination of sentence, including re-pudiation, deterrence, denunciation and protection of the community.

Nothing has slipped through. Legislation was enacted by Parliament to achieve a purpose. I think it has now been improved with the amendment we all agreed on and which forms part of Bill C-17.

The hon. member then turned to the substance of Bill C-95, and he raised questions in relation to the definitions and whether the definitions are appropriate for the purpose we are trying to achieve with this legislation. I suggest that they are, that they have been designed and drafted to catch those who have dedicated their lives to the commission of serious crime as a career and who are acting in groups for that purpose. That is exactly what we are intending to achieve with the definitions that we have chosen.

Government Orders

• (1525)

The hon. member made reference to victims. As I said earlier today, if we really want to serve the interests of victims, not just talk about it with a so-called victims bill of rights—most of which deals with provincial jurisdiction anyway—but if we want to cut through the rhetoric and get to the results, if we want to set aside the slogans and get to the substance, if we want to go beyond the symptoms and deal with the sources of the problem, then we should look at what Bill C-95 does for us.

Last week I met with a victim, a woman who had lost her little boy to the gang wars in the Montreal area. He was an 11 year old whose innocent life was taken because he was at the wrong place at the wrong time, walking down the street on an errand for his mother. She is a victim. She is asking Parliament for help. She met with me last week and asked me to do everything I could to have this bill enacted so that the police would have the tools they could use in an effort to find those responsible for taking the life of her little boy.

Here is something we can do for victims that will mean something. It is not just an empty rhetorical flourish to capture the newspaper headlines but substantive action that will improve the criminal justice system so that we might have fewer victims in the future. That is a much more laudable objective and it is for that purpose we have introduced Bill C-95.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Minister, I find it very refreshing to hear you in the debate on this bill saying that your department has been working on it for 18 months.

However, I find that rather strange, because barely four weeks ago the Prime Minister was saying that it did not come under his jurisdiction and that he was washing his hands of it. I am very glad though that the government changed its position and agrees that it is within its jurisdiction to legislate in this area.

I would like you to convince me about one thing, because I heard you speak on a number of occasions, and when I look at the definitions and the wording of the bill, I see that we do not perhaps agree on an important point. I wonder if you would tell me clearly what clause in this bill applies to the leaders, since you say to the press that the bill deals with the leaders?

I must say, at the outset, that this bill is a step forward and the government is going to do everything it can to get it passed. The step you have just taken is something we have been asking for since 1995. What the government realized just now, we have known since 1995. However the government failed to act.

Had it acted in time, we would not be considering this bill one week before an election call, even though you say you do not know the date. Let us not bury our heads in the sand, we are adults and

we can see what is going on both in this House and outside it. I do not understand why the government did not act faster. That having been said, Mr. Rock, where exactly in the bill does it refer to the leaders, since, the way I understand it, according to the definitions in the bill, a crime has to be committed?

The Deputy Chairman: The hon. member will address the Chair, even if we are in committee of the whole.

Mr. Bellehumeur: Mr. Chairman, earlier the minister spoke directly to someone for 15 minutes and you did not call him to order. I will address my remarks to him through you, Mr. Chairman.

Mr. Bélair: It is because you are a member of the Bloc Québécois.

Mr. Bellehumeur: Yes, it is because we are in the Bloc Québécois that we are called to order as the Liberal member across has said. However, I will address the Chair, because I am pleased to do so.

An hon. member: How sad.

Mr. Bellehumeur: Earlier we listened to the Liberals, and we made no disparaging remarks. I would ask you, Mr. Chairman, to ask the members opposite not to make any disparaging remarks either, and we will get along just fine.

• (1530)

Mr. Chairman, I would like to have the minister tell me where in the bill the leaders are mentioned, because, according to the definitions in the clause under study and in the subsequent clauses, an individual must have committed an offence. We know perfectly well that the leaders are not the ones committing the crimes, but rather their subordinates.

I would like to know from the minister where the bill deals with the leaders and how he intends to implement these clauses, if it does.

Mr. Rock: Yes, Mr. Chairman. First, I must respond to the hon. member's comment that everyone has been waiting a long time for the government to take action on this matter. In fact, we have been working on it for a long time, for years. We have heard the views of chiefs of police and of police forces throughout Canada. We have studied the entire issue and we have acted in consultation with and with the backing of police forces.

A few days ago, here in the House of Commons, the Prime Minister said that responsibility for dealing with this problem did not rest solely with the federal government. The provinces also have a responsibility, under the Constitution, for the administration of the justice system.

Everyone knows that there is no miracle solution. People know that an answer will not be found overnight. We must all do our part.

Government Orders

With Bill C-95, the federal government has begun to do its part. Now, provincial authorities must ensure that they give police officers and counsel the resources they need, and do their part as well.

In my opinion, we will only be able to move forward if both levels of government work together. That is the position taken by the Prime Minister, to which the hon. member referred during oral question period here in the House.

The hon. member is asking me the following question: What clauses apply to leaders of gangs and of organized crime? My answer is that all the clauses in the bill have this objective. All aspects of the bill can be used to prosecute gang leaders. For example, we have suggested changes to augment and improve the methods of investigation used by police forces against leaders and members of gangs and of criminal organizations.

The same applies to the clauses dealing with the proceeds of criminal activities and the means used to carry out those activities. It also applies to the sentences proposed in the bill. They are tougher and are aimed at leaders as well as members.

Finally, one clause will deal with the order to keep the peace and will give the court authority to make an order limiting an individual's freedom if the court is convinced there is a reasonable fear that the individual might commit a crime described in the bill. This is a very valuable tool against leaders of organized crime.

• (1535)

We discussed this particular aspect with police forces and I can say today, in response to the hon. member's questions, that they found this a very useful approach, particularly with respect to gang leaders.

So, this bill provides for a whole range of measures, and concrete and specific stages for improving the Criminal Code, for giving police forces very useful tools against organized crime in general, but in particular against leaders of organized crime.

Mr. Bellehumeur: Mr. Chairman, I think the minister either did not understand my question or could not find the clause.

I realize that according to the bill—and now I am going beyond clause 1, because this goes further than clause 1—the individual must have committed a criminal offence. As for “possession without lawful excuse of an explosive substance”, we do not see the leaders going around with sticks of dynamite in the trunks of their cars. And as for “possession in association with a criminal organization”, the person who manufactures explosive substances or has them in his possession is not one of the leaders either.

Among all the offences the minister included in Bill C-95, not one has a direct impact on the leaders, not one, otherwise the minister would have told me which clause. Even if we consider the

definitions at the very beginning under “criminal organization”, it says “having as one of its primary activities the commission of indictable offence”—we know that the dirty work is not done by the leaders. We do not see the mafia bosses installing dynamite. Neither do we see the leaders of biker gangs installing dynamite and doing all these things that are harmful to society.

I do not understand the hon. member opposite who says it is not enough, who says he has the support of Canadian chiefs of police and all police forces in Canada and in Quebec and who tells me that in Quebec, people are very satisfied with this. Sure, we are very satisfied, but once the minister got going, he should have done more. It is not true that all chiefs of police and all police forces say that this bill mainly affects the leaders. This is a misrepresentation of the truth, because this is not what is happening in Quebec. It is not the opinion of the people who commented on this bill.

I realize this is a step forward, but that is not enough. I again want to ask the minister to show me which clause in the bill refers specifically to the leaders, to those who are responsible for the biker gangs, those who do the planning, who give the orders for jobs in Quebec or elsewhere in Canada.

The minister said in the House earlier that he met the mother of young Desrochers. According to this bill, the police is given additional powers to carry out investigations and to try and find out who installed the bomb and why. Unless I am mistaken, the person who ordered this particular job, the leader who was behind all this is not affected by Bill C-95, and correct me if I am wrong. So I am asking the minister where in Bill C-95 we can find the provisions that affect leaders.

Even so the bill is a step forward. Before, there was nothing. Thanks to the Bloc Québécois, the government decided to act. The minister says he has been working on this for 18 months, but we have been asking questions for at least two years about this issue. He said there was no problem, that the police had all the elements they needed to conduct their investigations, and so forth.

And then all of a sudden, he told us he had been examining this aspect for 18 months, probably very secretly, because he never told us he was looking into this. He even said that the Bloc Québécois was mistaken and that it wanted to make political capital with an issue like this. By the way, I think it is odd we are considering this bill one week before an election is called.

• (1540)

So again I want to ask the Minister of Justice who he is very knowledgeable on the bill before us, to tell me exactly where this clause is. I also have legal training. I am a lawyer, and I will understand. Let him say which clause it is. I see no clause that deals specifically with leaders. And this is one of the weaknesses of Bill C-95.

Government Orders

I am very anxious to hear the minister say specifically which clause concerns the leaders. Is it in a definition? Is it under a particular offence? Where is it? I wish someone would tell me exactly where we can find the clause that affects the leaders. After that, I may have another question for him.

Mr. Rock: Mr. Chairman, I do not claim that this bill represents everything we need to fight organized crime. It is just the first step. It is one bill to start things off. It is the first phase in our work. There is much yet to be done, but it is a very good start, a very valuable start.

The hon. member has asked which clause applies to leaders of organized crime. As I said, the entire bill can be used against them: wiretapping, search warrants, changes to regulations for obtaining search warrants, access to tax information—very important for the crime kingpins—the fruits and instrumentalities of crime, harsher sentences, reversal of the burden of proof for bail, recognizance to keep the peace. All of this can be used directly against the leaders. As I said, those on the front line, that is to say, the police forces, agree that these measures will be highly effective in attaining this objective.

Another important point is that these measures can be used indirectly against the leaders. In other words, if, using these investigative means, a person can be found who worked with a group in an act of gang violence or is associated with a gang and if that person can be accused of an offence under our bill, with a harsh sentence of 14 years to be served consecutive to all of the other sentences, we have an indirect means of obtaining evidence against the leaders. The police forces have told me that, with such a tool, they can get information out of an accused in exchange for a reduced sentence, if they act as an informant and help the police in their investigation.

Directly or indirectly, this bill gives us concrete and effective means to investigate and put an end to organized crime.

Mr. Bellehumeur: Mr. Speaker, what the minister just said about harsher sentences, bail and peace bonds clearly applies to gang leaders. That is not the issue.

The issue is: Where, in the bill, are the additional powers given police authorities so they can get to the leaders of these biker gangs or criminal organizations?

If it makes the other side react, it is usually because we hit a nerve.

• (1545)

Once these leaders are grabbed by police, they will indeed be subject to the provisions on harsher penalties, bail and peace bonds. I agree and I have no problem with that. However, the bill does not give police officers more power to go after these leaders.

Let me go back to the example provided earlier by the minister himself, the case of the Desrochers boy. It is not the leaders who went out and put the bomb under the vehicle that exploded. The leader simply told one of his henchmen: "Mr. X is starting to get on my nerves. I want him out of the picture. Do what you have to do". The leader gives the order to his henchmen who then go out and set off the bomb. However, under this bill, it is the person who sets off the bomb who will face the harsher penalty, who will have more difficulty getting bail, who will be slapped with a peace bond or what have you. It will not be the leaders.

I will ask the question for the third time, and I promise it will be the last time. If the minister does not mention the specific clause, then it is because the clause does not exist. I will be convinced of that beyond a reasonable doubt. Will the minister tell me exactly where in the bill are these additional powers given the police to go after the leaders? Because if we do not go after the leaders, we may end up having more hit men in jail, but the leaders will always be able to find others to do the job for them.

For the last time, I ask the minister: Where, in this bill, are the provisions that specifically target gang leaders? All the provisions on offenses clearly stipulate that they must have committed the offence. So before the minister tells me which specific clause of the bill provides for such powers, he must answer this question: Does he agree that those who commit such offenses are usually not the leaders, but their henchmen?

If the minister answers yes to that question, maybe he can tell me where in the bill are the specific provisions targeting gang leaders.

Mr. Rock: Mr. Chairman, since the question was repeated, I have to repeat the answer. As I have already pointed out, we have taken all the measures needed to deal with gang leaders. Even in the question he put, the hon. member provided us with an example. He said that the explosive charges are not set by the leaders, but by those who help the gangs.

As the hon. member mentioned, it is necessary for gang leaders to communicate with others to let them know where to set the explosive charges. So they must be able to contact their members or their associates.

First of all, we improved the Criminal Code provisions concerning electronic surveillance to make it easier for the police to monitor and record communications between gang leaders and their members. So the changes relating to electronic surveillance can be used to catch the leaders.

Then we have a peace order that can prohibit a gang leader from contacting another person. If the leader does so anyway, he may be charged for violating the order. The bill provides for a prison term in such cases. So, all of these clauses and all of these measures can be used against gang leaders.

Government Orders

• (1550)

We do not need one specific clause dealing with leaders. All of the bill's provisions empower the police. So, I have to repeat myself, because I already have answered this question. It is the same question, so I have to give the same answer as before.

[*English*]

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Chairman, just before question period I posed a question to the minister and probably as a classic mistake gave him and his department all kinds of time to put together a long political type of an answer in which he charged back that the Reform Party was not interested in specifics. He knows full well that if the Reform Party had not agreed to go to this procedure of committee of the whole, if we had not agreed to fast track this bill, it would not have a snowball's chance of becoming law.

Of course we are interested in specific proposals. The minister knows that. I am interested to know how he picks one bill over another.

This bill will likely become law tonight. I am not thrilled with the process. I still think it is a lousy process not to have a day or two in committee to hear witnesses and consider amendments.

That being said, I am interested to know how the minister chose this bill for fast tracking. He has our agreement to do it. We are here today to do that. Why for instance did the minister not choose to fast track the DNA legislation also or instead of this bill? What was his criteria in picking this bill as the premier bill to get through before the election?

Mr. Rock: First, I undertake that the answers I give will be no more political than the questions I receive from the party opposite. Before two o'clock I had to listen to a question that was steeped, that indeed was suffused in partisan rhetoric and so it was necessary for me to respond by setting the record straight.

This bill will not be law tonight because it has to go to other place. It may be passed in this House today and if it is, I think we will have done a real service.

The hon. member asks about the priority of bills and why the DNA bill is not going forward at the same pace. As the solicitor general made clear when he tabled that bill, the DNA legislation, Bill C-94, covers some matters which are still truly controversial. There are real debates in policy and in law about the better course to pursue. The solicitor general has chosen to ask the committee to consider that bill after first reading and before adoption in principle by the House so as to leave open to parliamentarians the opportunity to question the basic approach suggested on the main issues in that legislation.

The Canadian Police Association has its own viewpoint as to how the bill should operate and when samples should be taken and

the rules of access to samples in the data bank. If we speak to civil libertarians or women's groups we receive very different responses. Questions arose the very first day when the bill was tabled that demonstrate the extent to which there is controversy on those subjects. In relation to the DNA legislation, Bill C-94, there are still important policy issues to be canvassed and resolved.

In relation to this legislation, the proposals are of a different order. Here we propose specific, concrete, practical changes to the Criminal Code that will take existing investigative techniques which have been part of our criminal law for generations and change access to those techniques in the unique circumstance of investigating organized crime.

We also have a definition of organized crime which has been carefully crafted to encompass the most serious offences committed over an extended period of time and a group which is dedicated to that serious kind of crime.

We have resorted to traditional criminal law techniques such as increasing sentences, providing that membership or association in organized crime is an aggravating factor in determining the sentence.

• (1555)

There is also an elaboration of an existing peace bond provision, through proposed 810.3 in a way that builds upon sections that are already in the Criminal Code and which have been tested for some time. The same can be said of the fruits of crime and the instrumentalities of crime.

Whereas in DNA we are embarking on a brave new world with a technique which has been in place in only three other countries that we know of, with Bill C-95 we are building upon existing mechanisms and existing laws, elaborating on them to meet a specific threat, the threat of organized crime.

I think this is far more appropriate for the disposition of the House. It could very well be that the other place will hold hearings. As far as I understand it, it intends to hold hearings. If the hon. member wants an occasion to hear other voices, I believe the other place will provide that.

Mr. Strahl: Mr. Chairman, this is a free question which the minister can bat out of the park.

Some people will say that once again this is a bill that is catering to the headlines: "Liberals under attack on Quebec". They must do something and therefore they are responding with this bill today because it is a Quebec issue and that is the reason for the bill coming forward now in its present format.

What does the minister say to those critics? Does he say that this bill is not a Quebec bill? Does he say that it is a Criminal Code bill? I am practically putting the answer in his mouth. Is that the answer? Is this a Quebec bill, or is this just a bill whose time has come?

Government Orders

Mr. Rock: Mr. Chairman, perhaps the best way to respond to that question is to use an example that the hon. member will find relevant from his own personal experience.

Three weeks ago I spoke with the chief of police and the mayor of Vancouver. I told them of our intensified work in seeking to craft legislation which would provide police with better tools in their fight against gangs and organized crime. Chief Canuel and Mayor Owen enthusiastically encouraged me in my work and asked for an opportunity to comment on the proposals we had under consideration.

Chief Canuel told me of incidents in Vancouver involving gang activity, involving organized crime. He reminded me that the need for this legislation is as great or greater in other parts of the country than it is in Quebec. The mayor of Vancouver took the same position. When I spoke to the Attorney General of British Columbia, the hon. Ujjal Dosanjh, he was most constructive and enthusiastic. He encouraged me in this work. He asked me to work quickly, as did colleague attorneys general across the country.

I received a letter from the Vancouver police department proposing specific measures to be included in this bill. We were able to include five or six of the specific proposals that the chief in Vancouver said he would find very important in his work.

This bill does not concern a specific province. It does not concern a particular place. The bill seeks to address a problem which can be found in various forms throughout this great country. It is an affliction which we have to deal with in every province and in both territories. One of the enduring values of the legislation is that it will put useful tools into the hands of police forces throughout Canada.

Let the headlines say what they will. Governments are always either before or after elections. If something is introduced within six months of an election, it is branded as a cynical ploy. I would rather remember the image I have in my mind of the mother with whom I met last week in Montreal who lost her son in a gang war. She said to me: "Put aside politics. Get this legislation in place. Give the police the tools. I want them to find the people responsible for taking the life of my son".

• (1600)

That has nothing to do with elections. It is doing something meaningful in criminal law to help a victim, to help police and to try to achieve a common objective, which is to rid the country of organized crime.

Mr. Strahl: I agree with the minister that the legislation needs to be passed. Of course we will support it. The minister knows that.

We are happy to do that, except for the reservations I mentioned earlier.

I am interested, however, in the motion the House passed more than a year ago regarding distinct society. It might be called the distinct society motion. All legislative branches would treat Quebec as a distinct society and keep that in mind when they are drafting legislation. That was the instruction that came from the House, or words to that effect.

When the minister is drafting legislation does he take the distinct society clause into consideration? Did he have it in mind when he drafted the bill? The minister has been instructed to do so. I would be interested to know what impact it had on the legislation.

Mr. Rock: This is not one of those ways in which Quebec forms a distinct society within Canada. This problem is not unique to Quebec. It is found throughout the country. The legislation speaks to a problem which is pan-Canadian. I wish sometimes the problem of organized crime was confined to a particular area but it is not.

In February 1996 the police sat the solicitor general and I down and took us through virtually a full day's briefing on the state of organized crime. We heard from the Criminal Intelligence Service Canada, the RCMP and the organized crime committee of the chiefs of police. They talked about the different forms in which organized crime is found whether it is in Atlantic Canada, in Ontario, on the prairies or on the west coast. It is remarkable the number of forms in which corruption, intimidation and violence can be found, all in a ruthless effort to squeeze profit out of innocent people and to victimize others.

This is not something distinctly associated with one province or one area of the country. It is a problem which is Canada wide and requires a Canada-wide solution if we are to deal with it. That is why the legislation is of general application.

I spoke with the chiefs of police in Halifax, Toronto, Ottawa and Winnipeg. I spoke with the attorneys general of Manitoba and Ontario. In all those conversations I was encouraged in this work. The methods we were looking at struck a responsive chord because all those law officers know we are not dealing here with a distinct Quebec issue but with a scourge that afflicts the country as a whole.

Mr. Strahl: I do not deny that. I confirm that. I affirm the minister's statements. I am sure he would have support for that.

I was merely trying to establish whether that distinct society clause the House passed more than a year ago had any effect on drafting legislation, especially when it was at the request of the Quebec government. I agree with the minister that it is a country-wide problem. Like most problems in the country it does not lend itself to the distinctiveness of any one province. It needs to be addressed in a Canada-wide way.

Government Orders

The question I left with the minister just before question period concerned a clarification that criminal organization means any group consisting of more than five persons. If I understood his argument before question period, persons are anybody over the age of 12. Is that what will be applied in this case, or when is a person a person in this law?

Mr. Rock: Person will have its usual and ordinary meaning.

• (1605)

As I said before in the first segment of this committee meeting, the definition and the measures contained in Bill C-95 apply to any group of persons consisting of those who have engaged in the commission of serious indictable offences over the last five years and where the group has as one of its primary activities the commission of those offences. There will be no exemption from the definition by reason of age.

The criteria are dependent upon offences in the code which are indictable and punishable by a maximum of five or more years imprisonment. That does not disqualify young offenders. Anyone who meets that definition will be covered. As I said in answer to the questions put by the hon. member for Crowfoot, it may be that a particular accused because of the Young Offenders Act will face the jeopardy governed by the Young Offenders Act. That does not mean that Bill C-95 does not apply.

Mr. Strahl: That is the point people want to know about. Young offenders are being used as mules in the drug trade. It is commonly done in the west. People want assurances in that regard. There could be a group of five of which only one is of legal age. However it would still cover that person.

We could call it a gang. We could get the guy who is living off the avails of and corrupting youth. We could charge him under all kinds of jurisdictions. Even if no one in the gang is of legal age, we could still use the legislation for enhanced wiretap accessibility and all the other good things the minister mentioned.

I assure the minister that out west organized crime is often made up of largely under age people. That is the shame of it. Two or three kingpins frequently use young people because they get off with lighter sentences or with immunity if they are young enough. That has been documented on the west coast and I am sure across Canada.

People need assurances that it will cover groups even if they are not of legal age.

Mr. Rock: That is exactly what we intend. In relation to my interpretation of the act, I invite the member to look at section 20 of the Young Offenders Act as an example of what I am talking about. It relates to young persons being found guilty of offences for which

the punishment provided by the Criminal Code or any other act of Parliament is imprisonment for life.

In other words, section 20 of the Young Offenders Act speaks about offences provided for in the Criminal Code for which the punishment may be more than that which can be given under the Young Offenders Act. It does not mean the offences do not apply to young people. They certainly do. It simply means that if a person of that age is charged, they are transferred and the maximum contained in the Young Offenders Act applies.

I know the situation described by the hon. member is true. I have spent evenings travelling with the youth gang section of the Winnipeg police force. I went out in their cars with them. I watched while they cruised the streets. I listened to their explanations of the kinds of crimes they investigate. I walked the beat with police officers of the Edmonton police force. I spent an evening on the streets of Vancouver with members of the Vancouver police force, sometimes driving and sometimes walking along the streets and the back alleys of downtown Vancouver. I saw for myself the extent to which young people are tragically caught up in crime and all too often at the direction of older people.

I spent time driving through the streets with the Calgary police force, seeing young people involved in unlawful activity and too often under the direction or encouragement of older people.

I well recognize the same could be said of Toronto, Halifax, Quebec City and Ottawa. In each of those places I have travelled with the police in their cars to watch them at work and to see for myself very troubling, very serious situations.

• (1610)

Our intention with this statute is to catch the kind of case to which the hon. member has referred. The investigative tools will be available to police officers looking into groups that involve people under the age of 18 to see if they are engaged in the commission of offences for which penalties are described under the Criminal Code. That is the intention and based on this wording I believe that is the effect.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Chairman, we are talking about serious offences, offences that carry a minimum penalty of over five years.

The minister has provided that kind of penalty in Bill C-68. That means a group of hunters or a group of farmers or a group of people who own firearms like .22 calibre gopher rifles and do not want to register them fall within that category. I suppose they could be designated as members of a criminal organization if there were five of them.

If their primary activity could be determined to be failure to register their firearms and challenging the gun law in court, it could

Government Orders

be considered to be a series of offences. Would they fall into the category of a criminal organization?

Mr. Rock: Mr. Chairman, it is remarkable, no matter what the subject, how the hon. member somehow finds a gun in it somewhere. Such is his dedication and his passion of commitment to opposing gun control in Canada. It is regrettable.

I happen to think the hon. member is completely out of step with the vast majority of Canadian people who want to see us take military type assault weapons off the street. I think the vast majority of Canadians support the fact that we banned the future sale and import of most cheaply made handguns called Saturday Night Specials that have killed so many police officers in the U.S. We do not want them in Canada.

The majority of Canadians support gun control which gives police officers the tools they need to take guns out of the hands of people who should not have them. It is regrettable that no matter what the subject, the bill, the measure or the objective, the hon. member will find some way to bring it back to his passionate commitment to oppose gun control which is so broadly supported in the country. It is odd and curious, but it is something I have to live with. In living with it let me do the best I can to respond to the question in which the hon. member has laboured to make firearms somehow relevant to anti-gang legislation.

I do not think the example given by the hon. member could possibly be. I suppose we could invent facts to make it happen, but he is talking about individuals acting on individual occasions and not respecting the law passed by Parliament. I hope all Canadians would respect the law passed by Parliament. He may know some people who do not or will not. That is interesting.

Let us get back to what Bill C-95 is all about. Let us get back to what the anti-organized crime bill is all about. It is all about those who band together in groups or associations to ruthlessly dedicate their lives and their efforts to profit at the expense of others and sometimes at the expense of the lives of others.

It is about giving police tools to deal with those who would put at risk the lives of families and of children by battling over turf for illegal drug distribution. It is about finding a way to deal with hardened criminals, career criminals who over the last five years have committed a series of serious criminal offences and are committing indictable crimes punishable by five years or more in prison.

This is the hard core of organized crime in Canada. They are at war right now in the province of Quebec. The cost has been measured in human lives, in the peace of mind of communities. I met people from towns and cities in Quebec who are not able to take their children for a walk down their own street, who tell me they are afraid to go to parks in their towns and who feel their communities are under siege.

• (1615)

[*Translation*]

They live in fear in their communities. This is unacceptable in Canada. The conditions described by the people who live in these towns and villages in Quebec cannot be tolerated. I met with the mayors of some of these communities. They told me straight off that these conditions were unacceptable, and I agree with them. That is why we took action. We have now done our share to amend the Criminal Code and to propose measures that will help our police forces fight these offences.

[*English*]

That is what this bill is all about. As much as the hon. member might use his creativity to imagine ways to make his opposition to gun control relevant to an organized crime bill, it is interesting, creative and mildly amusing. It is even charming in a way because the hon. member has made such a career out of it. However, it is hardly relevant, not helpful and it is broadly off the point.

Mr. Ramsay: Mr. Chairman, what is regrettable is that the justice minister, in creating that bill, placed the maximum penalty of 10 years for a person knowingly failing to register their .22 gopher rifle. That is what he has done. He has gone to great lengths in his answer to suggest that this is not an issue that should be raised and overlooks the fact that he has created such a severe penalty that it makes anyone who chooses to challenge that law in a court, like the three provinces and the territories are doing, come under at least the eaves trough of this bill.

That is what is regrettable as far as the justice minister's response is concerned. Some concerns were indicated in some newspaper articles about how the bill may be applied in such a way that it was not meant by the justice department or justice minister to be applied. We have good evidence of that kind of legislation going through the House and Bill C-41 is a good example. He, by his own admission, did not expect the conditional sentencing to be used in the manner that allows rapists to walk free.

We have to look at the minister's rationale in this when he suggests that we do not have to worry about this. Maybe he does not have to worry, but as representatives of the people of this country and as the guardians of their rights when it comes to legislation like this, it is very appropriate that not only do we examine this bill but its ramifications as may occur through the interpretation of the very clauses of the bill and the terms that lie undefined.

I would like to ask the justice minister the following question. There have been over 60 gang related murders in Quebec since October 1994 to 1995. Eighty gang members were arrested and charged for some 200 offences. Outside of the extension of the wiretap laws which may help the investigating peace officer to investigate a murder, how is this bill going to help those investigating police officers apprehend those responsible for these murders, including those who set the bomb off that killed the little 11 year

Government Orders

old boy? How is this bill going to help other than perhaps the extension of the wiretap laws?

Mr. Rock: Mr. Chairman, the hon. member has told me that he and his colleagues in the Reform Party support this bill. I hope he has a better understanding than he has indicated of how the bill is going to help.

When you have a medical problem you go to a doctor. When you have a legal problem you go to a lawyer. When you want to know what will help the police in what they are doing to combat crime on the streets you go to the police. That is what we did. We went to the police.

• (1620)

[*Translation*]

I spoke with Chief Duchesneau, the director of the Montreal Urban Community Police Department. I met with Chief Richard Renaud from Quebec. I met with a dozen chiefs of police and directors of police departments three weeks ago in Hull. I talked with police forces about their needs and about the changes that could be made to the Criminal Code to give them better tools to fight organized crime. Most of the measures contained in Bill C-95 were proposed by police officers. They have been working with us for months to find ways to deal with this problem.

The police themselves think that these measures will improve the law and help us arrest and prosecute those responsible for the murders referred to by the hon. member.

[*English*]

We did not develop these proposals in a vacuum. We did not develop them in the absence of practical advice from the police on the street. We worked very closely with the police community in devising these measures. We have given the police tools that will help them.

The hon. member asks how and he referred to wiretaps. Far more than that is given by this bill. It is permitted to seal up information on which warrants are obtained in order to protect the confidentiality of informants, in order to protect the lives of informants, in order to make it easier for police to derive information from third parties to help them in their war on organized crime.

It is provided that, under certain circumstances, with court order, investigating officers can get access to income tax information in the course of investigating organized crime. That is a rare event. To the present, Revenue Canada and Finance, because of the traditional confidentiality of income tax information, has permitted access to investigating officers only in a limited category of cases. We

propose to expand that to include the participation offence in organized crime.

The legislation will permit the seizing not only of the proceeds of crime but any property used to help commit organized crime, including real estate if it is fortified or modified to enable or facilitate the commission of those offences.

The legislation provides for stern, stiff prison sentences for those who engage in organized crime. Let me make that point clear so that the hon. member sees the full force and effect of these provisions.

Not only the leaders that the hon. member for the Bloc was asking about, but members and even strangers to the group who are enticed for cash, for example, to transport, to store or to place explosives on the part of a criminal organization, these stiff sentences will stand in the way of anyone who is complicit with organized crime.

The onus on bail applications for those arrested on organized crime offences are reversed. The court in sentencing for organized crime offences and for explosives offences committed in connection with organized crime are required not only to impose the stiff sentence but required that it be served consecutive to any other sentence the person is then serving or to which they may be required to serve as a result of other infractions.

The police, with the authority of the attorney general of the province, will be given the powerful tool of seeking a judicial restraint order where there are grounds on which a judge can conclude that there is a reasonable basis to fear that someone will commit an organized crime offence.

• (1625)

That is determined on the civil balance of probabilities and not the criminal beyond a reasonable doubt. The court will be empowered to make an order limiting the liberty of that person, requiring that person to comply with conditions that are appropriate, that may, for example, prohibit one member of such a group from communicating with others.

These are powerful and important tools that the police welcome. If the chiefs of police believe that these tools will assist in their efforts against organized crime, if those who are on the ground dealing with these problems day after day who have developed expertise, who have experience, believe that these tools are powerful and useful, to be a first step, to be the first phase, establishing a framework to which can be added more in the months and years ahead, then I say we should conclude that not only in our own judgment but based on the advice of those who know from their own experience that this bill is going to make a difference out where it belongs, in the real world.

Government Orders

Before I conclude, in answer to the hon. member's question, he referred to registering guns. In a pattern that has become all too distressingly familiar over the years, as he has returned with his remarkable attachment to his opposition to any form of gun control, the hon. member seeks to instil the hysterical reaction which he seeks in others by overstating his case.

The hon. member knows full well that if someone fails to register the garden variety .22, we have provided not in the Criminal Code, but in the firearms act, for a remedy which falls far short of the draconian consequences to which he has referred. The hon. member takes a hypothetical case and attaches to it the most extreme result.

I think the country is on to his pattern of activity by now. Just in case there is anyone out there who has not seen the hon. member at work in the past on this subject, for the record it should be noted that he has once again misstated the case in order to encourage over reaction to legislation that he has been opposed to from the outset because he just does not like gun control.

As I say, it is regrettable he is so out of step with the vast majority of Canadians. I guess that is something he is going to have to live with.

[*Translation*]

Mr. Bellehumeur: Mr. Chairman, first of all, I want to reassure Reform members. Everyone in the House knows that the distinct society motion agreed to has never been used to pass any legislation whatsoever. It is a meaningless motion, and Quebec as a distinct society is in no way at issue in Bill C-95. In this regard, I must say that the minister is right. The problem of gangs does not exist only in Quebec, but is spreading and is also very present in Ontario and in the other provinces of English Canada.

That having been said, my other comment concerns the answers the minister has given to a number of questions. Several times, he said it was unacceptable that people should be afraid to walk on the street in towns in Quebec, that, in Canada, mothers should be afraid to let their children go outside, and so on.

I am very pleased that the minister has said this in the House, and that he has also admitted that it was urgent to act in such a situation, given that, I remind you, we have been asking the minister to act for two years now. I congratulate him on having seen that what the Bloc Quebecois was calling for made good sense and on introducing legislation along the lines of what we have pointing out for at least two years.

But what strikes me is that the minister said several times that this is a first step. It is a step in the direction of what police forces have been calling for. It is a first step. He has repeated this at least ten times since oral question period.

My first question, and later on I will have another, is that, while they were drafting such a bill, why did the minister not take more than that one step?

• (1630)

Why did the minister not go a bit further regarding leaders, among other things, and regarding the demands made by Quebec City and certain mayors as well that the minister met with? I am very happy that he met these demands because, once again, it was the Bloc Quebecois that really backed him into a corner, so he decided to go to Quebec City. The air in that city did him good, because when he came back it was an urgent matter. Before he left for Quebec City, there was no rush. So this is an extremely important point. The air in Quebec City did the Minister of Justice a lot of good.

Given that he himself admits it is a first step, and it seems to be a small one because he has mentioned it so many times, why did the minister not decide to take more steps in the fight against crime?

Mr. Rock: First of all, Mr. Chairman, I would like to point out that, as a government, we have acted promptly and effectively in response to the demands, not only from the Government of Quebec, but also from police forces throughout Canada, with respect to organized crime.

Not only have we reacted with Bill C-95, now before us, but we have also passed Bill C-17. When I was in Quebec with my counterpart, Quebec Minister of Justice Paul Bégin, he asked me to act to fight organized crime in the Criminal Code, and also to get C-17 through rapidly, which we did. That bill is now in the other place.

We also passed Bill C-8 against the drug and narcotic traffickers. These are very valuable measures for the police forces, including the organized crime squads.

But with Bill C-95, we decided not to go with the option whereby mere membership in an organization would constitute a criminal offence. That proposal came mainly from Mr. Bégin and the Government of Quebec, who asked for an amendment to the Criminal Code making mere membership in a criminal organization a criminal offence. The idea, I presume, was to have a schedule to the legislation which would list the criminal groups and gangs.

We looked seriously at that option. We studied the consequences and concluded that such an approach would be unconstitutional; it was neither desirable nor necessary to go beyond the law or the legal framework to have an effective and durable bill. We therefore decided on other measures, which are now in Bill C-95.

We are convinced that our approach is valid and constitutional. It is very important to me to avoid raising false hopes. For us,

Government Orders

adopting a measure such as the one proposed by Mr. Bégin, only to have the courts toss it out in six months, would be an approach that would raise false hopes among Quebecers and Canadians. So we found a response or a valid approach to this situation.

• (1635)

The hon. member asks why we went no further. In my opinion, this bill is the start, the first phase in our legislative response to organized crime. Without a doubt, we are going to find the other approaches in the months and years to come. For the moment, however, the measures before the House are valid, constitutional and also, I believe, effective.

Mr. Bellehumeur: Mr. Chairman, what I understand is that they are introducing the first phase because they do not know what to propose in the further phases. The minister has just said so. I understand.

What I do not understand however is when he says that it was quick and effective. Again, I remind members that we have been asking the government to introduce this bill for two years now.

The same thing can be said about Bill C-17. The minister spoke about it three or four times. I remind him that this bill had been introduced back in 1994. The Bloc Québécois had to threaten the government to propose anti-biker amendments in order to get the minister to bring that bill back to the House and have it passed.

There is another point I want to raise with the minister. The government of Quebec and the Bloc Québécois raised on several occasions the issue of crime proceeds and money laundering in Canada. Again today, a newspaper mentioned that legislation on money laundering is very difficult to implement because there are so many loopholes. Reference is made to Canadian policemen; they must be the ones the minister says he has met several times. I also met several chiefs of police and policemen in Quebec, who told me almost the opposite of what the minister has been telling this House for the last little while, in particular about the legislation on money laundering, about which they were almost unanimous. I have even talked to judges and attorneys general of Canada. So, we read in the paper this morning that the police in Canada would love to have half or even one quarter of the measures that exist in similar legislation in the United States.

As for the whole issue of anti-biker or anti-gang or anti-crime in general, we in the Bloc Québécois have said repeatedly that stricter legislation is needed on money laundering.

I realize that Bill C-95 contains provisions concerning the seizure of real property or other property. I know that Bill C-95 is a step forward. However, this is nothing compared with what chiefs of police have been asking for years in the way of legislation on money laundering.

While the minister was at it, why did he not add some amendments on money laundering, in order to make this activity more difficult in Canada? Now we are known as the drug trafficker's paradise. We already knew that Canada was a tax haven for money laundering. The minister should realize there is some urgency in this case as well, and even the Bloc Québécois would have liked to see him pass legislation to deal with this.

As far as money laundering is concerned, when we talk to the police, they say that between 20 and 30 billion dollars are laundered annually. A judge of the Quebec Superior Court told me it could be as much as 50 or 60 billion dollars.

Again, considering the urgent nature of these demands which, I think, we made very clear to the government, the same way we did in the case of anti-biker legislation, I want to ask the minister why, when he was working on this bill, he did not introduce legislation to make it well nigh impossible to launder money, an activity that is today a disaster for the economy? And tomorrow it will be even worse for Quebec, for a sovereign Quebec, but for Canada as well.

• (1640)

Mr. Rock: Mr. Chairman, the hon. member mentioned his interest in the issue of money laundering. As I said before, we already adopted Bill C-17. In this bill, sections 27 to 39 deal with money laundering. Most of the improvements mentioned by the hon. member have already been passed in Bill C-17.

Of course we need more. As I said before, we do not see Bill C-95 as the last phase of our efforts but as an initial step. So let us start with the first step, and then in a few months or a few years we will propose other measures, but for the first time, this bill will provide a legal framework for dealing with organized crime.

[English]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I would move an amendment to clause 1:

That the word "five" be changed to read "three" in line 23 on page 2.

The Deputy Chairman: Is the committee ready for the question on the amendment?

Some hon. members: Question.

• (1645)

(Amendment negated: Yeas, 4; Nays 22)

The Deputy Chairman: I declare the amendment lost.

Shall clause 1 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 1 agreed to.)

(On clause 2:)

Government Orders

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Chairman, we have here another term that is not defined. Would the justice minister tell us what he means by the term explosive substance in clause 2.

Mr. Rock: Mr. Chairman, I believe the relevant section of the code is section 82 which provides for the original offence. The code also contains the definition of explosive substance. It includes anything intended to be used to make an explosive substance; anything or any part thereof used or intended to be used or adapted to cause or to aid in causing an explosion in or with an explosive substance; and an incendiary grenade, fire bomb, molotov cocktail or other similar incendiary substance or device and a delaying mechanism or other thing intended for use in connection with such a substance or device.

That definition has been in the code for some years. It has been the subject of jurisprudence. It is well known in the courts. We used it in this section, intending it to have the same meaning it always had for many years.

The Deputy Chairman: Shall clause 2 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 2 agreed to.)

(Clause 3 agreed to.)

[Translation]

The Deputy Chairman: Shall clause 4 carry?

Some hon. members: On division.

(Clause 4 agreed to.)

The Deputy Chairman: Shall clause 5 carry?

Some hon. members: On division.

(Clause 5 agreed to.)

[English]

The Deputy Chairman: Shall clause 6 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 6 agreed to.)

The Deputy Chairman: Shall clause 7 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 7 agreed to.)

[Translation]

The Deputy Chairman: Shall clause 8 carry?

(Clause 8 agreed to.)

The Deputy Chairman: Shall clause 9 carry?

Some hon. members: On division.

(Clause 9 agreed to.)

The Deputy Chairman: Shall clause 10 carry?

Some hon. members: On division.

(Clause 10 agreed to.)

[English]

The Deputy Chairman: Shall clause 11 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 11 agreed to.)

The Deputy Chairman: Shall clause 12 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 12 agreed to.)

The Deputy Chairman: Shall clause 13 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 13 agreed to.)

[Translation]

The Deputy Chairman: Shall clause 14 carry?

Some hon. members: On division.

(Clause 14 agreed to.)

[English]

(On clause 15:)

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I believe you will find unanimous consent for two technical amendments. I move:

That Bill C-95, in clause 15, be amended by replacing, in the French version, line 36 on page 10 with the following:

“les biens infractionnels soient confis-”

I also move:

That Bill C-95, in clause 15, be amended by replacing, in the French version, line 15 on page 12 with the following:

“un juge doit ordonner la contestation des”.

The Deputy Chairman: Are the amendments proposed by the parliamentary secretary agreeable?

Some hon. members: Agreed.

(Amendments agreed to.)

The Deputy Chairman: Shall clause 15, as amended, carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 15, as amended, agreed to.)

Government Orders

[Translation]

The Deputy Chairman: Shall clause 16 carry?

Some hon. members: On division.

(Clause 16 agreed to.)

[English]

The Deputy Chairman: Shall clause 17 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 17 agreed to.)

(Clause 18 agreed to.)

The Deputy Chairman: Shall clause 19 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 19 agreed to.)

• (1650)

The Deputy Chairman: Shall Clause 20 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 20 agreed to.)

(Clause 21 and 22 agreed to.)

The Deputy Chairman: Shall Clause 23 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 23 agreed to.)

The Deputy Chairman: Shall Clause 24 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 24 agreed to.)

The Deputy Chairman: Shall Clause 25 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 25 agreed to.)

The Deputy Chairman: Shall Clause 26 carry?

Some hon. members: Agreed.

An hon. member: On division.

(Clause 26 agreed to.)

(Clauses 27 and 28 agreed to.)

(Preamble agreed to.)

(Title agreed to.)

(Bill reported.)

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.) moved that the bill, as amended, be concurred in.

(Motion agreed to.)

The Acting Speaker (Mr. Milliken): When shall the bill be read for the third time? By leave, now?

Some hon. members: Agreed.

[Translation]

The Acting Speaker (Mr. Milliken): It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Davenport—Marine Protection.

[English]

Mr. Rock moved that the bill be read the third time and passed.

* * *

BUSINESS OF THE HOUSE

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a couple of brief points of order. If there is unanimous consent, I would dispose of these matters now. I move:

That, no later than fifteen minutes before the expiry of the time allotted for the consideration of Government Orders on April 22, 1997, all questions shall be put without further debate or amendment as are required at that time for the disposal of the third reading stage of Bill C-93, the report stages and third reading stages of Bills C-37, C-39 and C-40 and the second reading stage of Bill C-75.

The Acting Speaker (Mr. Milliken): Is there unanimous consent for the parliamentary secretary to move the motion at this time?

Some hon. members: Agreed.

The Acting Speaker (Mr. Milliken): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to.)

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have another motion to move, if the House is so predisposed:

That on Friday, April 25, 1997, until members return from a ceremony granting the royal assent to a bill or bills, the House shall not adjourn for any reason except pursuant to a motion by a minister of the crown provided that, if no such ceremony has occurred by the ordinary time of adjournment, the sitting shall be suspended to the call of the Chair which may come for the sole purpose of attending such a ceremony, after which the House shall be adjourned to the next sitting day.

Government Orders

• (1655)

The Acting Speaker (Mr. Milliken): Does the parliamentary secretary have unanimous consent of the House to move the motion?

Some hon. members: No.

The Acting Speaker (Mr. Milliken): There is no consent.

ROUTINE PROCEEDINGS

[English]

INFORMATION COMMISSIONER

REAPPOINTMENT OF JOHN GRACE

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I believe you would find unanimous consent for the following motion. I move:

That, in accordance with subsection 54(3) of the act to extend the present laws of Canada that provide access to information under the control of the Government of Canada, Chapter A-1, of the Revised Statutes of Canada 1985, this House approve the reappointment of John Grace as Information Commissioner, to hold office until December 31, 1997.

Mr. Ray Speaker (Lethbridge, Ref.): Mr. Speaker, the Reform Party is prepared to accept the motion of the parliamentary secretary on the basis that the Information Commissioner is approved not only by the House of Commons but by the Senate. That process being in place is a good precedent for other persons appointed by government into a variety of positions.

Mr. Grace was appointed on July 2, 1990 and his term will expire on July 1, 1997. Certainly it would be of benefit to extend it to the end of the year.

In principle the other 2,000 appointments that are often considered as patronage appointments by government should receive some kind of scrutiny just like this appointment. That certainly would make for a better understanding by the general public and would most likely bring forward a better quality of person.

John Grace, the current Information Commissioner, has been extremely fair and diligent and has served Canadians well. We are prepared to move and support the extension of his term for six months.

The Acting Speaker (Mr. Milliken): Does the parliamentary secretary have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Milliken): The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to.)

GOVERNMENT ORDERS

[Translation]

CRIMINAL CODE

The House resumed consideration of the motion.

Hon. Allan Rock (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, first of all, I would like to thank all the members of this House, my colleagues from all parties, for agreeing to pass this bill today. The Reform Party, the Bloc Quebecois, all the parties have co-operated in allowing the government to pass this bill today.

[English]

It is a reflection of the importance all members of the House place on the effort to give police forces the important tools they need in combating organized crime.

The House has joined together today to clear the way for the adoption of legislation which I believe and contend is both valid and effective in helping the police achieve the objectives we all share.

[Translation]

Finally, we believe that all our proposals will help the police achieve their goal, which is to stop criminals.

• (1700)

[English]

We believe that these proposals to fight organized crime will help police put out of business those whose business is committing crime in this country.

[Translation]

We have proposed a new approach to fighting gang activity by criminalizing participation in a criminal organization and adding to the Criminal Code a new definition of criminal organization offence. But this new offence does not outlaw membership in a criminal organization. In fact, combined with the new definition, it provides the basis for the implementation of new investigative procedures and Criminal Code provisions.

[English]

We propose this new approach to fighting gang activity by creating the offence of participation in a criminal organization; not criminalizing mere membership, but rather creating a new framework by establishing a new category of crime, allowing police access in that category to exceptional methods of detection and investigation, providing for tougher penalties and sending the message that we are devoting specific efforts to battling organized crime.

Government Orders

[*Translation*]

We have proposed giving the police new powers to seize the proceeds of crime in relation to a criminal organization offence and, with prior judicial authorization, have access to tax information regarding the activities of criminal organizations.

We are adding to the Criminal Code new offences and new sentences regarding the use of explosives as part of a criminal organization's activities.

We are adding to the Criminal Code new sentencing provisions, especially with respect to parole eligibility as relates to certain criminal organization offences.

We will allow measures to be taken in support of police surveillance of gang activities.

Concerning criminal organization leaders, a new power is being given to sentencing tribunals to preserve peace by preventing them from engaging in their illicit activities.

To us, this is a first step in the right direction, and more will have to be done to put organized crime out of business and put an end to gang activities.

I want to emphasize that, although the pace has picked up these past four weeks at Justice Canada, these proposals were in fact nearly two years in the making. During this past year, the Solicitor General of Canada and myself had discussions with the police community and held a national forum on organized crime eight months ago. These proposals are the result of this thorough and systematic review.

I also want to say that, even though biker wars have been raging primarily in Quebec, this phenomenon is also a problem in other regions of the country. According to the RCMP, biker gangs are active everywhere in Canada.

I had long discussions with police chiefs from various Canadian cities, with officials from the Canadian Association of Chiefs of Police, and with my colleagues, the provincial attorney generals. In my opinion, the proposals in Bill C-95 are an initial commitment to fight organized crime across the country, and not only in Quebec.

[*English*]

In my conversations with chiefs of police and attorneys general throughout the country in this past period and particularly while we have been drafting and preparing Bill C-95, I have been impressed at the unanimity among law enforcement officials throughout Canada about the need for specific legislation to deal with organized crime.

• (1705)

I spoke with the president of the Canadian Police Association who urged me to deal with this as a national issue requiring a national solution. I spoke with the chief of police in Vancouver who told me that there are motorcycle gangs active on the criminal side

in that city. I spoke with the chiefs of police in Halifax, Ottawa, Winnipeg and Toronto, and to a person they have urged us to proceed with this legislation so that they may have these tools available to confront issues that arise in their own communities.

I have spoken with the mayor of Vancouver. I have spoken with the mayor of Winnipeg. I have spoken with the attorney general of British Columbia, the attorney general of Manitoba, the attorney general and the solicitor general of Ontario to discuss these measures with them. In each case I have found only enthusiastic encouragement for us to pursue this course.

This is not an issue that exists only in one province. Organized crime is a scourge that afflicts this country from coast to coast to coast. We must through legislative means as well as by all other means available see that we treat it with the seriousness that it merits.

[*Translation*]

Of course, improving the legislation is only one weapon in the arsenal that we must deploy to fight violence associated with criminal organizations and organized crime. All the provinces have a major role to play, since the Constitution provides that the administration of justice comes under their jurisdiction. The provinces must allocate adequate resources, so that police officers can do their job, and so that, when people are arrested, they are prosecuted by specialized crown prosecutors expressly mandated for that purpose.

At the federal level, there is a need to co-ordinate the fight led by police forces across the country. Organized crime is a national concern which requires national measures. That is why the solicitor general agreed to table in Parliament an annual progress report on the fight against organized crime, and on the situation across the country. The solicitor general also announced that he will set up a national committee and five regional co-ordination committees to address police concerns regarding the need to co-ordinate measures to enforce the act.

[*English*]

I must say that I am very much indebted to those who consulted and worked with us in the preparation of this legislation. I am speaking first of all about those mayors of municipalities in Quebec who met with me.

[*Translation*]

In the past three weeks, I met with the mayors of Quebec to listen to their concerns, discuss various approaches, and assure them that the federal government intends to take action.

I also met with Quebec's chiefs of police, who worked with us to identify concrete and efficient measures, which we included in Bill C-95. I also want to mention the Barreau du Québec, which co-operated with us by reviewing our bill and expressing its

Government Orders

concerns about certain clauses. We listened and we sometimes changed our approach in order to deal with these concerns.

I also want to thank officials from the Société des avocats de la défense de Montréal and, finally, my Quebec counterparts, Paul Bégin and Robert Perreault, the Minister of Public Security.

• (1710)

I truly enjoyed co-operating with the Quebec ministers and their officials. We worked constructively and we welcomed ideas and proposals. We accepted a number of them, but it was not possible to include every suggestion made by Mr. Bégin. However, the various levels of government worked together to make sure we have legislation that will help police forces do their work.

As I said earlier, the province has a responsibility to make sure adequate resources are provided to police officers and to crown prosecutors.

[*English*]

I have also to thank the Canadian Bar Association, representatives of the Criminal Lawyers' Association and representatives of the Canadian Civil Liberties Association who worked with us in our preparation of this legislation.

I do not pretend for a moment that we have addressed all the concerns that they have expressed. I know there are many among the groups that I have mentioned who have concerns about some of the aspects of this legislation. They were good enough to give us their commentary and to react to some of the proposals that we were considering. Because of their commentary and their reactions, our reference has to that extent been enriched. I am grateful to them for the time they took in that consultation.

I commend to the House this legislation which the government believes will improve the criminal law of Canada, will give the police the tools they need to fight a particular, a specific and a most difficult scourge, that is organized crime. Difficult to investigate, tough to prosecute, but one of the greatest challenges we face in the criminal justice system is to take on organized crime in a serious minded way. This legislation represents a good first start in that regard. I commend it to the House, expressing all the while my gratitude to colleagues for collaborating with the government in this effort.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I really feel that today we are experiencing the British parliamentary system at its best, with the opposition co-operating and the government taking action.

You will recall that, in August 1995, a tragic and totally unexpected event—there had been no warning sign—happened in the riding of Hochelaga—Maisonneuve when an 11-year-old boy walking back from the toy library, a very popular place in my

community, was killed for being in the wrong place at the wrong time.

I must say that since that event, people have been mobilizing, first in my community, and then throughout Quebec and Canada. I am very grateful to the minister; I recognize that when dealing with an issue such as this one, there is no room for partisanship among MPs.

I thank the justice minister and his assistant, David Rodier, as well as Yvan Roy, who bent over backwards to keep the dialogue going on a number of legislative measures we thought had to be looked at in order to come up with concrete solutions to fight organized crime.

Before going any further, I would also like to thank my colleague, the member for Berthier—Montcalm, our justice critic, who has been very active and perceptive in supporting the need for an antigang law.

We must be very clear with our fellow citizens. Nobody in this House claims that Bill C-95 will solve all the problems. None of us believes that passing this piece of legislation will eradicate organized crime. But what we are saying is that today we are sending a very strong message to the community as a whole to the effect that neither the official opposition nor the government will give up on this scourge.

• (1715)

One could ask what is organized crime and how come that phenomenon has grown so much over the past few years. I would like to propose a definition that is commonly used by police forces and to remind viewers that whenever we speak about organized crime, we are referring mainly to four elements.

First, there are the proceeds of crime. Naturally, the purpose of organized crime is to make money. The second element is power, control over a specific territory. Then come fear and intimidation. The fourth and final element is corruption.

You could say that organized crime does not exist in every society and you would be right. Some specific, precise conditions are required for organized crime to thrive in a society. There are at least four conditions which make cities like Montreal, Toronto, Calgary and Winnipeg, and the maritimes, good locations for organized crime.

For organized crime to thrive, it needs a wealthy community where it can make money. That is why we talk about corruption in the third world, but in those countries, organized crime is quite different from its usual manifestations in urban environments.

In order for organized crime to take root somewhere, it needs convenient access to major routes. Since it is an import-export trade, organized crime in Canada is concentrated in major centres

Government Orders

across the country. For organized crime to prosper, it needs a free society, a society without dictatorial powers and oppression.

Fourth, and probably the most important, is that, to prosper, organized crime needs a society where there are rights, charters and bureaucracy. We know full well—that is what police officers told me, and probably told the Minister of Justice also—that the greatest ally of organized crime is the charter of rights and freedoms, which has given it some immunity. It has been a powerful tool for organized crime.

Once these conditions are met, organized crime proceeds in phases. Operations of organized crime and its representatives have three different phases. The first one is control of a territory. Control of a territory is gained by intimidation, by generating fear. Such a territory becomes the exclusive turf of a particular group.

After you control a territory, you get into money laundering. I will come back to the importance of money laundering for organized crime. I should mention that money laundering in Canada accounts for about \$20 billion, invested in legal or illegal activities.

Once money has been laundered, it can be invested in legal enterprises. In Montreal, to give you an example that I know very well, organized crime has invested mostly in restaurants, bars and the like, although I do not think this is unique to Montreal. I know it is the same in other communities.

So, we welcome the minister's bill. We agree that, as hon. members and as legislators, we cannot give up, that, we must assume our responsibilities and take action on such an important issue.

Of course, we would have preferred to have this debate much earlier, because, as Bloc members, we have been pleading with the Minister of Justice for two years to look into what is going on in Canada's big cities.

Today, we have a bill and we will co-operate. I say to the Minister of Justice that, if I can be of any help, wherever he wants me to speak or whatever he wants me to do, he can count on my full co-operation, because, once again, partisanship has no place in such an issue.

• (1720)

I would like to mention an extremely troubling fact. We have known for three months now that organized crime has changed the way it operates. Criminal organizations must not be underestimated, they are intelligent, well organized, and they have many means at their disposal to carry out their activities.

In the past, these organizations used to limit their operations to 60 days. They were active in counterfeiting and they could detect wire tapping devices, and they were aware that, when their lines were being tapped, the warrant could not go beyond 60 days.

In that sense, I find the measure the minister is providing in the legislation most appropriate, making it not only easier to get warrants to authorize wire tapping, but also not necessary to prove that it is used as a last resort and the only investigative tool available to the police. It will be a lot simpler and easier to get such a warrant.

However, I must say that the way bombs are made now, the way explosives are handled by both major gangs, and I am referring of course to the Rock Machine or the Hell's Angels, is that these people now put in devices to make sure that the bombs will explode. The police had come to be able to identify which gang the bomb came from by the way it was made, and the way the explosive device was put together, the way the bomb was assembled often gave an indication of which group was responsible for it.

To counter that, criminal organizations began to equip explosive devices with a timer so that no bomb ever misfire.

The reason I am telling you this is obviously not to scare people but to make them understand that organized crime and its various manifestations are not something transitory that will go away and that we will not have to worry about a few weeks down the road. The justice minister is right to put forward such a bill because organized crime is a permanent fixture.

Even though we passed Bill C-61 on the laundering of the proceeds of crime, organized crime has prospered.

I think the measures being proposed here will be relevant and effective in helping police forces conduct investigations more quickly and produce much stronger evidence. Ultimately, attorney generals will be able to dig up evidence and initiate legal proceedings. Criminals will stand trial and we will be able to dismantle or at least shake up the higher echelons of organized crime.

This bill contains 10 specific provisions I would like to explain to the people listening to us.

First of all, the essence of this bill is that it creates the new offence of participation in a criminal organization. The bill provides that any offence for which the punishment is five years in prison or more will be deemed a criminal organization offence. Indeed the minister has cast a wide net. The bill covers drug offences, possession of stolen goods, influence peddling, and all other criminal organization offences.

This is a judicious bill that defines criminal organizations as any group consisting of five or more persons. I tend to agree with this number. I know that Reform members have suggested that this number be reduced to three. But I think that, given the way organized crime works, we will be able to meet the objectives of this bill while maintaining this number at five.

Government Orders

• (1725)

So a new offence has been created. The minister did not agree to the request made by the Quebec government to add a provision on crime by association. Since the beginning of this debate, the minister has been extremely reluctant to create a crime by association. I do respect the legal arguments behind his position.

I think we could have created a crime by association, which would have been in compliance with both section 1 of the Charter and the legal guarantees in sections 7 to 14 of same. What is important however is not to determine if I was right, if the minister was right, or if the Quebec government was right, but to dismantle any known criminal gangs.

So, a new offence is created. New provisions concerning explosives have also been added. That was also something the Government of Quebec had requested. The bill says that any person who possesses, uses, or handles an explosive substance for the benefit, in total or in part, of a criminal organization is guilty of an offence, under aggravating circumstance, and liable to imprisonment for 14 years.

I think it is very important to understand how crucial this provision is, because as we know, explosives are very often used to commit crime, especially by biker gangs.

This will now constitute an aggravating circumstance. This notion of aggravating circumstance is already included in the Criminal Code, since, a few years back, we had section 718.9 modified to add a number of factors that, taken into consideration by the judges, lead to tougher sentencing.

If a criminal offence is committed by an organized gang, this will be considered an aggravating circumstance, especially when explosives are used. I think this is an extremely positive measure.

Judges will also be given the possibility of deferring or postponing parole, or restricting eligibility to parole. It will be possible for them—and this is quite clear in the bill—when an individual is sentenced for gangsterism, to order that 50 per cent of the sentence must be served before the individual can be eligible to parole.

I think this measure is extremely important because it encourages informers. One of the extremely modern ways to fight organized crime is to encourage informers to come forward. Nobody in organized crime will ever confess, agree to testify or co-operate if he or she knows that three, four or five months down the road, the person he or she informed against will be free to make trouble for them.

Measures like postponing parole or aggravating circumstances are very important measures because they favour informers, which is a key weapon, often used, to track down organized crime.

Another extremely important measure I talked about a little earlier is that it will be easier to obtain a warrant for electronic surveillance. Nowadays, electronic surveillance is a last resort measure. One has to demonstrate to the satisfaction of a judge that this is the ultimate way to conduct investigations.

Thanks to the provisions of this bill, it will be easier to not only get authorization to proceed with electronic surveillance but also to extend the warrant as much as up to one year. This is extremely important.

• (1730)

Another clause will make it easier and faster to obtain search warrants, for which one needs evidence, of course. The judge will always have to be satisfied. The bill contains an extremely interesting and original provision which provides for the forfeiture not only of the proceeds of crime, but also of vehicles used to commit offences. For example, if a truck is used to commit a crime, it could be confiscated. If a building is used—because the bill also applies to buildings—it could be confiscated.

At present, there are provisions in a number of laws which allow for the forfeiture of property, but it is always done by a court order and it always pertains to property deemed to have been used in laundering of proceeds of crime. We will now be able to confiscate not only property used for the laundering of the proceeds of crime, but also property, such as a vehicle, used to commit a crime.

Another extremely interesting provision is that the judge will be able to issue an order to keep the peace, to refrain from seeing certain persons, from leaving the country, a judicial order against a person if there is sufficient evidence that that person will take part in the commission of a crime by a criminal organization. In other words, it is a preventive measure. The price of not keeping the peace could be an offence punishable by fine or imprisonment.

The final measure the minister referred to concerns information and provides that the solicitor general will table an annual report on organized crime, on what progress has been made, where organized crime is active and, obviously I hope, on suggestions for fighting it.

It is overall an interesting bill. It combines a number of measures called for by police and the Government of Quebec, particularly with respect to explosives.

We must nevertheless realize today that we as parliamentarians have become aware of what is going on in organized crime because people have taken action. Some of them are fellow residents in my riding of Hochelaga—Maisonnette, including the mother of young Daniel Desrochers, Josée-Anne, who circulated a petition and who used every public forum to awaken parliamentarians.

Government Orders

I think that whoever we are and wherever we sit in this House we owe a debt of gratitude to Josée-Anne Desrochers. The police also acted and created CAPLA, the Comité d'action politique pour une loi anti-gangs. There was all sorts of pressure. As well, there was my colleague, the member for Berthier—Montcalm, who took the lead in this matter and very early on spoke to the minister on a number of occasions. He was very stubborn, obsessive and persevering, I would say. It helped, because his efforts were not in vain. The proof is that today we have legislative measures.

• (1735)

Here are a few indications of the scope of organized crime, showing how its effects are felt throughout society, and how important it is for us, as legislators, to be extremely vigilant.

In 1992, the underground economy was estimated at 5.2 percent of the gross national product, some \$36 billion. That is in 1992 dollars. In today's dollars, those numbers would be a lot higher.

The Insurance Bureau of Canada estimates that annual losses associated with unrecovered stolen vehicles—which is also one aspect of organized crime—amount to \$293 million; \$293 million per year for stolen vehicles. A pretty considerable sum.

In 1994, Canadian chartered banks estimated their losses due to fraud at \$143 million. Within organized crime, there is a sort of specialization. Some groups have become expert in what we call counterfeiting bank notes and putting them into circulation. I think this is a specialty of Asian groups, who have become quite expert at it. In 1994, the banks reported they had lost \$143 million because of fraud.

The most interesting number comes from very knowledgeable people in the field—the police forces—and concerns the income generated by organized crime, which is estimated at \$20 billion. The figures for revenues from crime are close to the figures for the Canadian deficit. How much is the Canadian deficit? My colleague for Berthier—Montcalm, who follows these issues closely, could tell me the exact amount, but I believe it is \$19 billion. The Canadian deficit is about \$19 billion while revenues from crime total \$20 billion per year. Is it possible, as legislators, to remain idle when confronted with this fact? I think not.

However, despite all the good things I said concerning the government—and believe me, this is extremely circumstantial—the fact remains that it could have done much more. We made representations to the government. So did other groups, that is police forces and other people involved. We know perfectly well that the next step will certainly be the laundering of money. We know that. The fact that Canada is a money laundering paradise is very well known. Canada is extremely liberal on that matter. This cannot go on.

I must tell you the police community made a very important demand, that is the obligation for the major chartered banks to report any suspicious transaction over \$10,000. This is extremely important for those who investigate to be able to trace back the origin of suspicious transactions. Right now, chartered banks must keep a record of all operations that they think are suspicious, but they are under no obligation to report them.

I think it would have been worthwhile to include a legal provision specifying that failure to report such operations may be a punishable offence. I am convinced that banks would have co-operated, because the Canadian Bankers Association has taken some internal measures to detect dubious transactions, but all this must become an obligation.

• (1740)

Police officers had also asked that \$1,000 bills be taken out of circulation. Is there anyone in this House naive enough to think that ordinary people walk on the street with \$1,000 bills in their pockets? Mr. Speaker, if I you were to do a survey in this place, I am sure that very few of us—including yourself, the pages, the members of this House and the people in the gallery—would have a \$1,000 bill in their pockets.

We know full well that the \$1,000 bill makes it possible for some people to carry large amounts in their pockets and we know for sure that the \$1,000 bill is a boon to organized crime. The Canadian Police Association has asked that the \$1,000 bill be taken out of circulation, and that is something that will have to be considered.

Here is another extremely important demand: I was telling you earlier about the need to have banks divulge dubious transactions of more than \$10,000, and I think that must not be restricted to the banks. Casinos could also be included in that list, as well as travel agencies and all those businesses trading in luxury items that may eventually be infiltrated and help us trace the criminal chain of command.

These are some measures we are suggesting. I think the justice minister will welcome them. I want to remind him that the reality of organized crime is not temporary. It is a huge threat. To this day, organized crime has managed to poison the life of entire communities, and I am thinking of course about the eastern part of Montreal with what happened in the riding of Hochelaga—Maisonnette, but it is not only the eastern part of Montreal that is deeply affected by this reality.

This reality is also a daily concern for the people of Saint-Nicolas, who have mobilized to fight this problem. Is it acceptable that bunkers can be built in urban centres, near residential areas, and that people can openly and publicly make money through illegal means and disturb the peace within our communities? I think not. As parliamentarians, we have a responsibility to do everything in

Government Orders

our power to stop these people, to hold them accountable, to send them to prison and to launch investigations.

Too often, over the past few years, I heard people say that it was the police's fault, because they did not build good cases. I took part in public debates, open lines and television shows where the easy argument that was used was: "If the police did a better job, it would be easier to fight organized crime".

I think this argument does not withstand scrutiny because each time a police force wants to press charges, there are prosecutors and lawyers who study these cases to see how well the evidence would stand up in court, to determine if it could be challenged or not. It is not just about police resources; it is also about the Criminal Code and giving the courts the interpretation tools they need.

I am not saying that adding police resources is not a good thing. I am thinking of course about the Carcajou squad, in Montreal, and GRICO. It is indeed a good thing. When, in a special squad, you have the means to shadow individuals, the more people you have in your squad, the easier it is not just to build solid cases but to act quickly.

• (1745)

There is something that must never be forgotten. You know how devious the whole field of law is. You know the effect one decision can have on case law and how it can change the course of law. I know that my colleague, the member for Berthier—Montcalm, who is a lawyer, one of the best I would say, but not a criminal lawyer, is aware of the 1992 Stinchcombe ruling. How did this affect case law? It meant that, with respect to disclosure of evidence, the public prosecutor is obliged to file, before the trial, all the elements that contributed to the evidence.

This means that all information regarding a trial, personal notes, videotaped material, everything that contributed to the evidence must be handed over to the defence. This is fraught with consequences, because it forces those building cases to be extremely imaginative, extremely innovative in order to outwit their opponents from one trial or investigation to the next.

On the whole, I think this is a bill that deserves our support. As the opposition, we are going to co-operate. We did so today. We have acted very expeditiously.

I say again to the minister that, whatever we can do, whatever forum he would like to send us to, whatever demonstration we can take part in to ensure that this bill is passed before the imminent election that you know will see us back here as the official opposition, just as we are now, we will co-operate.

If the minister wants us to make representations to the other House to help things along, we are prepared to do so because we

have known for several months that partisanship has no place in this issue of organized crime. All my colleagues in the Bloc Québécois agree with me that, when public safety is at stake, when the tranquillity of entire sections of the community are threatened, we have a responsibility to act quickly, not to be complacent.

That is what we have done as the official opposition and that is what we will continue to do in the coming days.

[English]

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, we heard quite a bit about this bill today in committee of the whole. I would like to point to something that was not discussed. Underlying the whole question of the new authorities and powers granted in the bill is the fact that the government and the justice system have failed to deal adequately with the trafficking of drugs. They have failed to deal with it to the point where it is now so lucrative that the biker gangs are warring over who will control it.

What has happened over the last 30 years? Our laws have become too soft. The tools have been taken away from our law enforcement agencies to the point where drug trafficking is so absolutely lucrative that gangs are killing one another over the turf. That is what the turf war is all about, the right to control drug trafficking.

What does that say? That is something that has not been discussed. It is a sure indication of the failure of the justice system to protect our families and our children, to protect every Canadian citizen from that kind of influence.

• (1750)

If we go into any public school in this country, particularly high schools, we can see evidence of what the justice system has failed to do, which is to protect our children against those people who would kill in order to make a profit from drugs. They are turning our society into bedlam.

There is drug trafficking in my little city of Camrose. The children in the high schools are becoming addicted because the government and those before it have eroded the criminal justice system. Laws have been changed. The tools have been denied to law enforcement agencies to the point where we are not fighting what we should be fighting, we are fighting the fact that two groups of criminals are fighting over who is going to control the \$20 billion drug industry in Canada.

It is a shame. It is a disgrace. That has not been touched on in this debate. It is something people across the country know about. They are talking about it. They are sending petitions to their members of Parliament about it. They are writing to us about the general climate which allows crime to flourish.

When this bill was introduced we knew it could not be passed with the election looming. We knew it could not be brought before

Government Orders

committee and have witnesses come forward on both sides of the issue so that we could understand if there are flaws and weaknesses in the bill. Those weaknesses are on both sides: weaknesses concerning the police and weaknesses in that it might encroach on the rights of innocent people. We knew that we would not have the time to do that, so we had to agree in order to give the police some degree of enhancement of their operations against criminals. We had to rush the bill through.

I talked to some of the police chiefs and others in criminal justice enforcement. They told me that they need this bill, not because it contains such powerful tools for them, but because for the first time we are introducing into the criminal justice system laws dealing with organized crime.

I asked them if this legislation would enable them to solve the offences which are occurring, the bombings and the murders, they were not sure it would. When I asked that question at least one of them quickly changed the subject and pointed to some of the positive aspects of the bill with which I agree.

The extension of wiretapping could have been done two, three, four or five years ago. It should have been done 10 years ago. Then there could have been investigations into drug trafficking and organized crime. It would have given the police the tools they needed to prevent the spread of drug trafficking.

The peace bond is a good idea. That could have been brought in years ago as well. It could have been brought in to deal with organized crime for the very purpose for which it is being brought in now. It was not brought in. Why? I do not know.

The access to income tax records could have been brought in years ago for the specific area of organized crime.

Then we have offence related property. In other words, we are enhancing the powers of the police and the state to seize the avails of crime, but that will only come after an accused has been convicted of a criminal organization offence. Let us look at the possibility of anyone ever being convicted under this new offence that will allow the police and the state to seize the avails of crime. How easy is it going to be?

• (1755)

First, someone has to be convicted of an indictable offence carrying at least a maximum five year penalty. Then the crown has to establish that the individual was part of a crime organization. Four others will have to be brought into the picture to show that they were associating and one of their primary objectives was to commit this kind of crime and that there had been a series of crimes committed by one or more of the group.

Mr. Speaker, you understand the law. You are a lawyer. You understand exactly what I am talking about when I say to Canadians: Do not hold your breath expecting reams of convictions under this new offence. It is not going to happen.

I hope my prediction is wrong. It reminds me a little of Bill C-27 where we passed this wonderful law that is going to discourage pedophiles from going to other countries to have sex with young children. How is the child sex tourism bill going to be enforced?

We had legal minds appear before the committee on Bill C-27 and they told us that it is a wonderful looking bill and that part of it sounds good and might make people feel safer and more assured that the state is doing something about what is happening in other countries by the pedophiles from Canada, but how is it to be enforced?

When I look at the enforceability of this new section, I have grave concerns. Those concerns were not alleviated as a result of my discussion with the police chiefs to whom I spoke. They pointed to other aspects of the bill and the fact that for the first time legislation was being introduced into the Criminal Code dealing with organized crime and they hoped in the years to come it would be expanded on.

The fact of the matter is former governments were supposed to stand on guard for this country. Every Wednesday we sing our national anthem. We promise in that anthem that we stand on guard for thee, Canada and for the citizens who live in this country.

But have they stood on guard? No, they have not. As I said earlier, drug trafficking is so widespread and the police so unable to deal with it, now we are hoping for laws that will be able to deal with the consequences of our laxness in this area. Murders are being committed, innocent people are dying, the criminals are killing one another off in order to gain control over an illicit traffic that should never have developed to the extent that it has. It has and we are facing that now.

I listened to the debates, as short as they were, on this bill. No one, neither the justice minister nor anyone on the government side nor from the Bloc side addressed the underlying cause of the situation that has brought about Bill C-95. Why not?

Have we embraced it? Have we given up? Is the next step to legalize hard drugs? Is that the next step? We see some people advocating the decriminalization of soft drugs. Is that what we are coming to? We have taken powers away from the police over the years, lightened the offences. Why? People say too many people are incarcerated. The jails are full.

The justice minister attacks us and criticizes us for not supporting some of his bills. We support this bill. We do not know everything about the bill that we should know but we are

Government Orders

supporting it. We support good, sound initiatives by this government.

• (1800)

We support it today and we have in the past. The justice minister has attacked us and criticized us for not supporting some of his bills such as Bill C-41.

We are going to go across the country telling the people in the forthcoming election why we did not support Bill C-41. That is because of the alternative measures that are being extended to violent offenders, the conditional sentencing that is now being used by some judges to allow rapists and violent offenders to walk free.

That is why we did not support Bill C-41 and will not support it. We have asked over and over again for the justice minister to bring in a simple amendment that would deny the courts the power, the tools, to allow violent offenders to walk free through this conditional sentencing clause. He refuses to do it.

Therefore we will not be taking this to the people in this forthcoming election, we are taking it to them now and we are showing very clearly that we are prepared to support good legislation but will not support legislation like the Bloc does that allows violent offenders to walk free. We will not support that.

A Reform government will repeal that bill and we will plug the hole that allows the courts in this land to send rapists back on the street after they destroyed the lives of their victims. When we look at this bill and we look at the whole gamut of the justice system and where we have arrived, the justice minister has become so partisan in his answers today that I saw no reason to go any further.

In the forthcoming election the people will be examining his laws. They will be examining his attitude. They will be examining his response to victims and they will vote accordingly.

This government will be weighed and it is going to be found wanting. Certainly anyone who examines the bills that have come through this House over the last 25 or 30 years knows that something has gone wrong. They do not have to examine the bills at all, they simply have to see the consequences of what has happened to our society where two gangs of thugs are fighting over the turf of the illicit drug trafficking that has occurred in this country.

Our criminal justice system has allowed that to happen. If it did not happen, we would not be asking for this kind of a bill. We should have had these tools in the hands of the police years ago. We brought in a charter of rights and freedoms that now can be used as a shield by many of these people in this illicit trafficking that is destroying the lives of our children, destroying the undergirdings of society.

Therefore we have asked the justice minister and we have asked this government to protect the rights of victims, to protect the lives

of our children by bringing in reasonable, common sense laws, by giving back to the police the powers and the discretion to use those powers in a manner they think is in the best interests of society.

I do not know why we do not see a proper response or a better response by the Liberal government and this justice minister. I cannot understand that. We came to the House in 1993 with a promise from the government that it was going to work more co-operatively, it was going to change the way we did business here, more free votes and that kind of thing. We were willing to give it a chance and we have supported every measure we thought was for the benefit of society. Yet the justice minister will stand in this place and accuse us of not supporting a bill like Bill C-41 which allows rapists to walk free.

I do not understand that. It seems the only thing some of the people on the other side understand is a message in neither of the official languages; it is an X on a ballot at election time. We will see.

We will let the people judge whether they feel society is safer than it was before, whether they are better off economically than they were before and whether this government deserves another mandate. Will we see. It will be up to the people.

• (1805)

I heard today from the Prime Minister on television, from the justice minister, and it bothers me so much, the pretence that they do not know when the election is going to be called.

If an election were not evident or imminent we would not be rushing this bill through without having witnesses. All the people the justice minister suggested to us he has consulted we should have heard from. We should have had their opinions. The members of the House, through our committee, should have had those opinions placed on the record so we could determine whether this bill should have been amended and if so in what areas. We should have had that opportunity.

The justice minister pretends that he does not know when the election is going to be called. When they have their war rooms all rented and up and running, when they have everything on the move and he says to this House, as the Prime Minister said on TV two days ago, he does not know when the election will be called, it sounds to me like their GST promise again.

We will be asking the people of this country in the election that will be called within a week or so to weigh the legislation and weigh their own circumstances as to whether they feel safer in society, whether their economic situation has improved or deteriorated. If they feel that the government has done a good job, it deserves another mandate. If they do not then we are asking them very clearly to look at an alternative that will listen and will be guided by the will of the majority so that our Minister of Justice can go to Saskatchewan and can talk to the gun owners, the

Government Orders

law-abiding, hardworking taxpayers, stand in front of a crowd and not be concerned.

He can come to Dauphin, Manitoba where I was last Saturday, where 450 people turned up to learn what? More about Bill C-68. Imagine that, after two years. They are still punching holes in the air out there over what they consider to be a horrible injustice. It is a piece of legislation directed at them rather than at the criminal use of firearms.

We will support this bill. I am hoping that we are not missing anything. The justice minister heard from people on both sides of this issue. I am hoping there is nothing that has been held back from us in terms of their cares, their worries or their concerns. I am hoping that this bill will do the job we all want it to do.

It is really unfortunate that we would allow the drug trafficking situation to get so well entrenched in this country and so expansive. We feel it now in every school. We feel it in every community across this country. The absolute proof of that fact is we now have two bands of thugs fighting over the turf to control this.

I lay the responsibility clearly on the shoulders of past justice ministers, past Liberal and Tory governments that had an opportunity to do something about it but did nothing. Now the wolf is at our door and we think this bill is going to solve it. I hope it does but I am not holding my breath in the expectation that reams of convictions under this new bill will occur.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am extremely pleased to speak at this stage on Bill C-95. As my hon. colleague for Hochelaga—Maisonneuve has just said, we have co-operated throughout the day and the Bloc Quebecois proposals are what accelerated the process of getting Bill C-95, an Act to amend the Criminal Code (criminal organizations) and to amend other Acts in consequence, passed as quickly as possible.

• (1810)

For us in the Bloc Quebecois, this is not just a matter that has been debated here for the past week. It is a very important subject. From the start, the Bloc Quebecois has been highly aware of the problem, because it is very much present in Quebec. As far back as 1995, we tried to convince the minister of the importance of legislation on gangs, of anti-biker gang legislation, of legislation to fight the scourge of organized crime.

You will recall that the Bloc Quebecois had to question the government on several occasions since 1995, that we in the Bloc Quebecois, the official opposition, had to make speeches in this House in order to convince the minister. Press conferences had to be held.

On several occasions, the hon. member for Hochelaga—Maisonneuve met with the police chiefs. He even played a lead role in a pressure group lobbying for action to finally be taken in this area, for the passage of legislation against the biker gangs.

You will recall, as well, that we even applied to the Speaker of the House for an emergency debate to be held on the whole matter of motorcycle gangs, organized crime and money laundering. You will recall that we were told there was no emergency. In 1993, the Bloc Quebecois promised its electors to give them real power and to defend their interests and it kept asking the federal government to take action, to do something that would put an end to this scourge.

Though we are not responsible for introducing legislation, because we do not have the millions of dollars and the hundreds of lawyers who work in the Department of Justice—our means are very limited—we proposed in 1995 and later in private bills some definitions and means that would allow us to really go after organized crime and gang leaders. We proposed that in good faith to the government. We tried to force it to do what it is expected to do, and that is to legislate in its own jurisdiction.

But that was not enough. We had to have bombs. How many bombs went off in Quebec before the minister decided to take action? There had to be murder attempts. We had to find dynamite across Quebec. There had to be murders. There were marches in Saint-Nicolas, demonstrations by mayors and public pressure. Some innocent people were injured. Members will also recall that young Daniel Desrochers was killed in that gang war.

I remember very well that one day I asked the minister what he was waiting for to legislate. He kept saying there was no rush and that no legislation was necessary. The same day, we had six incidents connected with the biker war. Bombs exploded, someone was killed, a Molotov cocktail was thrown into a restaurant in Quebec City. Dynamite was found in Longueuil. There was a shooting in Saint-Nicolas. And the minister said there was no rush.

Do you know what convinced the minister that perhaps he should do something? It was when we threatened to amend Bill C-17 which been languishing in the House for at least two or three years, to amend it and include anti-biker provisions. The minister decided to act.

More than that, after repeated questioning in the House, the minister decided to go and see for himself the problems they had in Quebec City. Fortunately, the air in Quebec City had a very salutary effect on the Minister of Justice, since he came back saying there was some urgency. There are those who fell from their horse on the road to Damascus and there are others who went to Quebec City to realize that action was urgently needed on the whole issue of the biker gang war in Quebec.

Government Orders

• (1815)

So the minister came back from Quebec City saying this could not go on, a situation where people stayed home because they were afraid of being shot, because they were afraid of the biker war that was going on in a number of municipalities in Quebec.

The problem is not recent. Back in 1982, a municipality, I think it was Sorel or Tracy, asked both levels of government to intervene, to pass legislation to help them fight what was starting to come to a head, in other words, all the bunkers being built and all the organized crime connected with all this.

The government of the day failed to act, and today's government, the Liberal government opposite, was not doing anything either. It took the members of the Bloc Québécois, who are here solely to look after Quebec's interests, to make them understand that there was a problem and that immediate action was required.

As I said earlier, we worked together to help the government get the bill passed as quickly as possible, in view of the fact that everyone knows elections are in the wings. We need only listen to the Prime Minister and his wife if we have any doubt at all. However, what surprises me today is that the Minister of Justice says this is just a first step.

We are delighted the Minister of Justice has taken this course, as we have been pointing it out since 1995. We would have liked a bill that went further in fighting crime, but we accept the bill as it is. We will pass it in the hope that we can someday amend it as we would like in order to reach the goal we set ourselves.

The Minister of Justice says it is a first step, a first stage. I asked the minister why, since he said that it was a first stage, a first step, he did not decide to go further. Quite candidly he told me that he will continue to look into this matter and see what he can do. Finally, he does not know what to do as the second, third and fourth stages.

I encourage him to reread the entire private member's bill my colleague from Hochelaga—Maisonneuve introduced. I also suggest he reread the letters I wrote him in 1995 providing certain definitions in order to get to the leaders. Perhaps then the Minister of Justice will include a second stage, which we will soon have in another legislature. I hope that the Bloc Québécois will be as strong then in order to defend Quebec's interests. I expect the minister will continue to move in the direction of the claims we made in this matter.

I can tell you right off two points the minister should consider for the second stage: the leaders and money laundering. On three occasions today, I asked the justice minister, who says that his bill goes directly after gang leaders, to show me where in Bill C-95 I could find something that dealt directly with gang leader. On three occasions he answered that it did so in a global way, that the bill had to be looked at in a global way. The minister never told me precisely where to look, and I will tell you why. It is because there

is nothing in this bill which really deals with gang leaders. True, it is a step forward; true, it gives greater powers to the police; true, these are things the Bloc Québécois had been demanding; true, we are satisfied and happy, but this bill does not go as far as we would have liked it to go.

I would invite the minister not to misinform the public, but to tell what is truly in the bill; one thing that is definitely not in it is provisions dealing directly with gang leaders.

• (1820)

Among the definitions that the minister has put in this bill, there are certainly good ones. This is the first time that a criminal organization and an association have been defined. These are things that we have been asking for in the House since 1995, and we were told that it was not appropriate, that it could not be done.

Of course, we are very happy to find that in a bill. This is a step forward. The Bloc Québécois has helped the government, has contributed to the drafting of a new provision that had never been seen in Canada. Thanks to the Bloc Québécois and its repeated representations, the government was convinced to proceed. We are very happy about that.

However, although a gang and an association have been defined, the provision is drafted in such a way that it is still related to an individual, to the committing of a crime. We know full well that it is not the gang leaders who do the heavy work. It is not the leaders who set the bombs that exploded. It is not the leaders who gunned down an individual. It is not the leaders who threw a Molotov cocktail in the restaurant in Quebec City or who hid the dynamite sticks in Longueuil. It is not the leaders, but people who work for them and who get orders from them. How can we catch the leaders if the bill only helps us catch those who do the work and not those who order it?

On three occasions, the minister has been unable to answer this question, simply because the Bloc Québécois is right. This bill does not reach all the way up to the leaders, and something will have to be done about that very soon. If we are to put an end to this plague, we must deal not only with the ordinary members, but also with the leaders.

Another issue that would have been very easy for the Minister of Justice to address in the bill, as we repeatedly asked him, is money laundering. As you know, Canada has the dubious honour of being the G-7 country where the most money is laundered every year.

According to the statistics and to judges and law enforcement officers, it is estimated that between \$30 billion and \$60 billion is laundered in Canada every year. Some judges say \$60 billion, while law enforcement officers say between \$30 billion and \$40 billion, based on how much they have seized, which represents about 10 per cent of all the money laundered in Canada. Given that they seize approximately \$3.5 billion, \$4 billion or \$5 billion per year,

Government Orders

they estimate money laundering to represent approximately \$30 billion, \$40 billion or \$50 billion.

But regardless of the exact amount, even it were only \$20 billion per year, as my hon. colleague said earlier, this is about as much as Canada's annual deficit. It is a awful lot of money.

To cover all the bases and provide a comprehensive solution to the problem of biker gangs, organized crime and money laundering, provisions dealing with these specific issues could have been included in Bill C-95. For instance, the production and distribution of \$1,000 bills could have been prohibited. Canada may be the only country in the world where such large denominations are used. According to our information, no country in the world has banknotes worth as much as \$1,000. As we know it is not every John Doe that walks around with a wad of \$1,000 notes in his pocket.

My notebook, here, has less than 30 pages, but if it were a wad of \$1,000 notes, I would have \$30,000 in my hand. It is easy to carry, to pass from hand to hand. Money laundering is easy. We could simply prohibit that. It would have been very easy to include in Bill C-95 a provision about that. It would have been easy also to include in Bill C-95 provisions requiring financial institutions to report any dubious transaction of \$10,000 and more. It would have been easy also to require casinos, travel agencies or any other groups which are paid or see carried about huge sums of money of \$10,000 and more, to report such facts.

• (1825)

One judge told me that, because of the current state of the legislation, he was unable, despite the bank's co-operation, to find guilty of fraud an individual who went to the bank to deposit a hockey bag full of money. He came in with the bag which he put on the counter saying he wanted to deposit some money. The bag held about \$1 million in \$50, \$100 and \$1,000 notes.

Even if the bank did co-operate and even if the police did its work, there are so many loopholes in the Canadian legislation that the judge was not in a position to convict this man. Everybody goes around with bags full of dollars. Everybody does that in Canada. Oh, sure.

It is total nonsense. It makes so little sense that on the very day when we are dealing with Bill C-95, we read this headline in a newspaper: Thanks to the weakness of our legislation, Canada is a paradise for traffickers. This news report says exactly what we have been repeating for two or three years: our legislation is ineffective.

The report says that the Canadian legislation on the laundering of money has so many loopholes that it is extremely difficult to enforce. The Canadian police, and even those the justice minister

brags about meeting a couple times, are dreaming of the day when they will have half or even only the quarter of the provisions existing in the United States.

In Canada, we have to prove beyond any doubt that the money is the proceeds of criminal activities. In the United States, the onus is on the accused. Why did the minister not take the opportunity, with Bill C-95, to amend this legislation, when the government can count on the co-operation of all parties in the House to have legislation with teeth, and legislation that would meet the demands of many groups and political parties, like the Bloc Quebecois or the police association?

I will conclude by saying that this is a step in the right direction, but I would have liked the minister to listen more to the official opposition, the Bloc Quebecois. He did not agree 100 per cent with the Bloc, which would have been hard for him to do in this election period. However, I think the Bloc Quebecois made some remarkable progress here and will continue to fight and will still be here, after the next election, to ask the government for some amendments to this legislation, in order to meet the needs and the demands of Quebecers in this area.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

The Deputy Speaker: I declare the motion carried on division.

(Motion agreed to, bill read the third time and passed.)

* * *

[English]

INCOME TAX BUDGET AMENDMENTS ACT, 1996

The House resumed from April 18 consideration of the motion that Bill C-92, an act to amend the Income Tax Act, the Income Tax Application Rules and another act related to the Income Tax Act, be read the third time and passed.

The Deputy Speaker: It being 6.30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at third reading stage of Bill C-92.

Call in the members.

• (1855)

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

Private Members' Business

(Division No. 327)

Strahl
Tremblay (Rimouski—Témiscouata)
White (North Vancouver)—35

Taylor
White (Fraser Valley West/Ouest)

YEAS

Members

Adams
Anderson
Assadourian
Barnes
Bélaïr
Bertrand
Blondin-Andrew
Brushett
Caccia
Catterall
Chan
Comuzzi
Cullen
Dhalwal
English
Finlay
Fontana
Gaffney
Gerrard
Graham
Harb
Hickey
Hubbard
Irwin
Jordan
Keyes
Kirkby
Kraft Sloan
Lincoln
Maloney
McCormick
McWhinney
Milliken
Murphy
O'Brien (London—Middlesex)
Peters
Phinney
Reed
Richardson
Ringuette-Maltais
Robillard
Serré
Sheridan
St. Denis
Stewart (Northumberland)
Telegdi
Thalheimer
Ur
Wood
Zed—99

Alcock
Assad
Augustine
Beaumier
Bellemare
Bethel
Boudria
Bryden
Calder
Chamberlain
Collins
Culbert
De Villers
Duhamel
Fewchuk
Flis
Fry
Galloway
Goodale
Guarnieri
Harvard
Hopkins
Iftody
Jackson
Karygiannis
Kilger (Stormont—Dundas)
Knutson
Lastewka
Loney
Marleau
McGuire
Mifflin
Mitchell
Murray
Parrish
Peterson
Pillitteri
Regan
Rideout
Robichaud
Scott (Fredericton—York—Sunbury)
Shepherd
Simmons
Steckle
Szabo
Terrana
Torsney
Valeri
Young

NAYS

Members

Ablonczy
Bellehumeur
Brien
de Savoye
Fillion
Gilmour
Guimond
Harper (Simcoe Centre)
Hermanson
Langlois
Marchand
Meredith
Nunez
Ramsay
Solberg

Asselin
Benoit
Crête
Epp
Gagnon (Québec)
Guay
Hanrahan
Hayes
Johnston
Laurin
Ménard
Morrison
Picard (Drummond)
Sauvageau
Speaker

PAIRED MEMBERS

Anderson	Arseneault
Bachand	Bakopanos
Bélisle	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Brown (Oakville—Milton)	Campbell
Canuel	Cauchon
Chrétien (Frontenac)	Cohen
Collenette	Crawford
Dalphonf-Guiral	Davault
Debien	Dion
Dubé	Duceppe
Dumas	Dupuy
Easter	Finestone
Gagliano	Gauthier
Godfrey	Godin
Gray (Windsor West/Ouest)	Lalonde
Landry	Lebel
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lefebvre
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Loubier	Manley
Marchi	Martin (LaSalle—Émard)
Massé	Mercier
O'Reilly	Pagtakhan
Paré	Patry
Pomerleau	Proulx
Rocheleau	Rock
Tremblay (Lac-Saint-Jean)	Tremblay (Rosemont)
Vanclief	Venne
Walker	Whelan

The Deputy Speaker: I declare the motion carried.

(Bill read the third time and passed.)

* * *

BUDGET IMPLEMENTATION ACT, 1997

The House resumed consideration of the motion.

Mr. Kilger: Mr. Speaker, I believe you will find consent to apply the results of the vote just taken to report stage and second reading of Bill C-93.

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

[*Editor's Note: See list under Division No. 327.*]

The Deputy Speaker: I declare the motion carried.

(Bill read the second time.)

PRIVATE MEMBERS' BUSINESS

[*English*]

PARLIAMENT OF CANADA ACT

The House resumed consideration of the motion that Bill C-250, an act to amend the Parliament of Canada Act and the Canada Elections Act (confidence votes) be read the second time and referred to a committee.

Adjournment Debate

The Deputy Speaker: The House will now proceed to the taking of the deferred division on Bill C-250.

Telegdi
Thalheimer
Wood
Zed—97

Terrana
Torsney
Young

• (1900)

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

(Division No. 328)

YEAS

Members

Ablonczy	Bellehumeur
Benoit	Brien
Crête	de Savoye
Epp	Fillion
Gagnon (Québec)	Gilmour
Guay	Guimond
Hanrahan	Harper (Simcoe Centre)
Hayes	Hermanson
Johnston	Langlois
Laurin	Meredith
Morrison	Nunez
Picard (Drummond)	Ramsay
Sauvageau	Solberg
Speaker	Strahl
Taylor	Tremblay (Rimouski—Témiscouata)
White (Fraser Valley West/Ouest)	White (North Vancouver)—32

NAYS

Members

Adams	Alcock
Anderson	Assad
Assadourian	Asselin
Augustine	Barnes
Beaumier	Bélaïr
Bellemare	Bertrand
Blondin-Andrew	Boudria
Brushett	Bryden
Caccia	Calder
Catterall	Chamberlain
Chan	Collins
Comuzzi	Culbert
Cullen	De Villers
Dhaliwal	Duhamel
English	Fewchuk
Finlay	Flis
Fontana	Fry
Gaffney	Galloway
Gerrard	Goodale
Graham	Guarnieri
Harb	Harvard
Hickey	Hopkins
Hubbard	Ifody
Irwin	Jackson
Jordan	Karygiannis
Keys	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lastewka
Lincoln	Loney
Maloney	Marleau
McCormick	McGuire
McWhinney	Ménard
Mifflin	Milliken
Mitchell	Murphy
Murray	O'Brien (London—Middlesex)
Parrish	Peters
Peterson	Phinney
Pillitteri	Reed
Regan	Richardson
Rideout	Ringuette-Maltais
Robichaud	Robillard
Scott (Fredericton—York—Sunbury)	Serré
Shepherd	Simmons
St. Denis	Steckle
Stewart (Northumberland)	Szabo

PAIRED MEMBERS

Anderson	Arseneault
Bachand	Bakopanos
Bélisle	Bergeron
Bernier (Gaspé)	Bernier (Mégantic—Compton—Stanstead)
Brown (Oakville—Milton)	Campbell
Canuel	Cauchon
Chrétien (Frontenac)	Cohen
Collette	Crawford
Dalphondu-Guiral	Daviault
Debien	Dion
Dubé	Duceppe
Dumas	Dupuy
Easter	Finestone
Gagliano	Gauthier
Godfrey	Godin
Gray (Windsor West/Ouest)	Lalonde
Landry	Lebel
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Lefebvre
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Loubier	Manley
Marchi	Martin (LaSalle—Émard)
Massé	Mercier
O'Reilly	Pagtakhan
Paré	Patry
Pomerleau	Proud
Rocheleau	Rock
Tremblay (Lac-Saint-Jean)	Tremblay (Rosemont)
Vanclief	Venne
Walker	Whelan

After the taking of the vote:

The Deputy Speaker: The Chair assumes the hon. member for Carleton—Gloucester did not vote both ways, that he intended to vote the second time.

Mr. Bellemare: Mr. Speaker, I am voting with the government as usual.

The Deputy Speaker: I declare the motion lost.

• (1905)

Mr. Strahl: Mr. Speaker, the member for Carleton—Gloucester mentioned that he voted with the government, but of course this is a free vote and I would think that he would understand that under a supposed free vote one has to vote one's mind.

ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

MARINE PROTECTION

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, on April 7, I asked the Minister of Fisheries and Oceans whether he would move swiftly to designate an area near Sable Island off the east coast known as the Gully as a marine protected area under Canada's new oceans act.

Adjournment Debate

The minister replied that the passing of the oceans act by Parliament makes the establishment of marine protected areas possible. In good part the oceans act is based on what we have learned from our environmental mistakes. The collapse of the cod fishery on the east coast and the salmon fishery on the west coast reveals the urgent need for a fishery conservation plan for our oceans founded on the principle of sustainability.

Within this context, the importance of applying the precautionary principles cannot be stressed enough. Canada has the longest coastline in the world, yet we lag behind other countries in marine conservation.

The oceans act provides the means to remedy this situation. If we are to conserve our marine biodiversity we need the political will required to establish marine protected areas such as the Gully.

The United Nations food and agriculture organization estimates that nearly 70 per cent of the world's conventional fish species are fully exploited, over exploited, depleted or in the process of rebuilding as a result of depletion.

The situation is very serious. It is the result of factors including overfishing, habitat destruction, pollution, new harvesting technologies and climate change.

In part, Canada foresaw this crisis coming in the 1970s and in an effort to conserve the world's ocean resources became an advocate in drafting the law of the sea convention and one of the first countries to sign it in 1985.

Unfortunately Canada has lost momentum and has yet to ratify it even though it came into effect in 1994. Like the oceans act, the law of the sea is another important conservation tool because it brings together the world community in a common goal, the conservation of ocean resources for the benefit of all and future generations.

If the minister will make the Gully Canada's first marine protected area under the new oceans act, he will send out a clear message that even though the law of the sea remains to be ratified, Canada is willing to play a modest role in helping preserve the biological diversity of the Atlantic Ocean.

The future sustainability of our fisheries will depend on how well we protect fish habitat and the biodiversity of our oceans.

Will the Gully become the first protected fish habitat for Canada, Canadians and the global community?

Mr. Ted McWhinney (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I wish to thank the hon. member for Davenport for his very valuable question. The hon. member is well known in the House and outside Canada for his work in the pursuit of international and local protection of the environment.

The new oceans act of the Government of Canada received royal assent on December 18, 1996 and came into force on January 31, 1997. This new legislation reaffirms Canada's role as a world leader in oceans and marine resource management and confirms our country's rights and responsibilities regarding our three oceans, the Atlantic, the Pacific and the Arctic. It provides for the integrated management of our oceans and ocean resources and provides the legal authority to take steps to conserve and protect ocean resources and habitats through establishing marine protected areas, MPAs.

In keeping with the collaborative spirit in the oceans act, the Department of Fisheries and Oceans is developing an approach for the establishment of MPAs which relies on public participation in both the process to identify potential MPA sites as well as in the evaluating and decision making process.

As a first step, DFO has released a discussion paper entitled "An Approach to the Establishment and Management of Marine Protected Areas". This was done on February 13, 1997. The discussion paper is currently half way through a 90 day public review and comment period.

Public input to date indicates that Canadians support the establishment of marine protected areas under the oceans act and that the new instrument could be used to protect a number of sites including the Gully off shore of Nova Scotia, Gabriola Passage on Canada's west coast and a number of other sites.

It is good that these candidate sites are being identified and that stakeholders are indicating to fisheries and oceans what kind of process they would like to see developed to take into consideration the interests of all stakeholders when evaluating sites for special protection.

In addition to the work outlined earlier, the department is compiling information on areas such as the Gully to determine whether additional protection is required and whether the area should be considered as a candidate marine protected area.

The designation of marine protected areas will be an important conservation and protection initiative for Canada's ocean ecosystems. We can all appreciate the need for careful consideration to be given to the development of the establishment and management process as we receive requests to evaluate proposals for marine protected areas.

Based on the work going on internally and the input being received from those who have an interest in this new initiative there is no doubt that a firm legal base for the protection of sensitive marine environments has now been provided.

The Deputy Speaker: A motion to adjourn the House is now deemed to have been adopted. Accordingly we stand adjourned until 10 a.m. tomorrow.

(The House adjourned at 7.12 p.m.)

CONTENTS

Monday, April 21, 1997

PRIVATE MEMBERS' BUSINESS

Parliament of Canada Act

Bill C-250. Consideration resumed of motion for second reading	9961
Mr. Strahl	9961
Mrs. Tremblay (Rimouski—Témiscouata)	9962
Mr. Silye	9964
Mr. White (North Vancouver)	9965
Mr. Solberg	9966
Mr. Gallaway	9967
Division on motion deferred	9968
Suspension of Sitting (The sitting of the House was suspended at 11.52 a.m.) ...	9968
Sitting Resumed The House resumed at 12.02 p.m.	9968

GOVERNMENT ORDERS

Budget Implementation Act, 1997

Bill C-93. Report stage	9968
Motion for concurrence and second reading	9968
Mrs. Robillard	9968
Division on motion deferred	9968

Criminal Code

Bill C-95. Consideration resumed of second reading	9968
(Motion agreed to, bill read the second time and the House went into committee thereon, Mr. Kilgour in the chair.) ...	9968
On Clause 1	9968
Mr. Ramsay	9968
Mr. Rock	9968
Mr. Strahl	9969
Mr. Silye	9973
Mr. Ménard	9980
(Progress reported.)	9984

STATEMENTS BY MEMBERS

Grantham Lions Club

Mr. Lastewka	9984
--------------------	------

Natural Health Products

Mr. Gilmour	9984
-------------------	------

National Textiles Week

Mr. Cullen	9985
------------------	------

Government Expenditures

Mr. Crête	9985
-----------------	------

Canadian Broadcasting Corporation

Mr. de Jong	9985
-------------------	------

YTV Achievement Awards

Ms. Augustine	9985
---------------------	------

Responsible Drinking Campaign

Mr. Dhaliwal	9986
--------------------	------

Prime Minister of Canada

Mr. Guimond	9986
-------------------	------

Trail, B.C.

Mr. Gouk	9986
----------------	------

Sir John, Eh?

Mr. Milliken	9986
--------------------	------

Parkinson's Disease

Mrs. Hickey	9987
-------------------	------

Manpower Training

Mr. Duhamel	9987
-------------------	------

Justice

Mrs. Hayes	9987
------------------	------

Montfort Hospital

Mr. de Savoye	9987
---------------------	------

Red River

Mr. Alcock	9988
------------------	------

Bill C-95

Mr. Béclair	9988
-------------------	------

ORAL QUESTION PERIOD

Manpower Training

Mrs. Tremblay (Rimouski—Témiscouata)	9988
Mr. Gray	9988
Mrs. Tremblay (Rimouski—Témiscouata)	9988
Mr. Gray	9988
Mrs. Tremblay (Rimouski—Témiscouata)	9988
Mr. Gray	9989

Anti-smoking Legislation

Mrs. Picard	9989
Mr. Dingwall	9989
Mrs. Picard	9989
Mr. Dingwall	9989

The Economy

Mr. Solberg	9989
Mr. Martin (LaSalle—Émard)	9989
Mr. Solberg	9990
Mr. Martin (LaSalle—Émard)	9990
Mr. Solberg	9990
Mr. Martin (LaSalle—Émard)	9990

Decontamination of Military Sites

Mrs. Guay	9990
Mr. Young	9990
Mrs. Guay	9991
Mr. Young	9991

Quebec

Mr. Strahl	9991
Mr. Rock	9991
Mr. Strahl	9991
The Speaker	9991

Child Abduction

Mr. Sauvageau	9991
Mr. Axworthy (Winnipeg South Centre)	9992
Mr. Sauvageau	9992
Mr. Axworthy (Winnipeg South Centre)	9992

Gun Control	
Mr. Ramsay	9992
Mr. Rock	9992
Mr. Ramsay	9992
Mr. Rock	9992
St. Hubert Military Base	
Mrs. Venne	9993
Mr. Young	9993
Mrs. Venne	9993
Mr. Young	9993
Manpower Training	
Mr. Assad	9993
Mr. Nault	9993
Rights of Victims	
Mr. White (North Vancouver)	9993
Mr. Rock	9993
Mr. White (North Vancouver)	9994
Mr. Rock	9994
Singer	
Mr. Bachand	9994
Mr. Rock	9994
Mr. Bachand	9994
Mr. Nault	9994
Grain	
Mr. Hermanson	9995
Mr. Goodale	9995
Mr. Hermanson	9995
Mr. Goodale	9995
Immigration	
Mr. Assadourian	9995
Mrs. Robillard	9995
China	
Mr. Laurin	9995
Mr. Axworthy (Winnipeg South Centre)	9996
Taxation	
Mr. Gilmour	9996
Mr. Martin (LaSalle—Émard)	9996
Canadian Broadcasting Corporation	
Mr. de Jong	9996
Ms. Fry	9996
Bulgaria	
Mr. Flis	9996
Mr. Boudria	9996
Presence in Gallery	
The Speaker	9997

ROUTINE PROCEEDINGS

Committees of the house	
Procedure and House Affairs	
Ms. Catterall	9997
Canada Elections Act	
Bill C-407. Motions for introduction and first reading deemed adopted	9997
Mr. Strahl	9997

Petitions	
Taxation	
Mr. Benoit	9997
Age of Consent	
Mr. Benoit	9997
Taxation	
Mr. Adams	9997
Emergency Personnel	
Mr. Szabo	9998
Taxation	
Mr. Szabo	9998
Alcohol Consumption	
Mr. Szabo	9998
Criminal Code	
Mrs. Ablonczy	9998
Canadian Broadcasting Corporation	
Mr. de Jong	9998
Taxation	
Mr. McGuire	9998
Criminal Code	
Mrs. Hayes	9998
Age of Consent	
Mrs. Hayes	9999
National Highway System	
Mrs. Gaffney	9999
Taxation	
Mr. White (North Vancouver)	9999
Justice	
Mr. Flis	9999
North Atlantic Treaty Organization	
Mr. Flis	9999
Housing	
Mr. Flis	9999
National Pedophile Registry	
Mrs. Brown (Calgary Southeast)	9999
Violent Offenders	
Mrs. Brown (Calgary Southeast)	9999
Euthanasia	
Mrs. Brown (Calgary Southeast)	9999
Breast Cancer	
Mrs. Brown (Calgary Southeast)	9999
National Highway System	
Mrs. Brown (Calgary Southeast)	9999
National Unity	
Mrs. Brown (Calgary Southeast)	9999
Questions on the Order Paper	
Mr. Jackson	10000

GOVERNMENT ORDERS

Criminal Code	
Bill C-95. Consideration resumed in committee of the whole	10000
Mr. Rock	10000
Mr. Bellehumeur	10001
Mr. Strahl	10004
Mr. Ramsay	10006
Amendment	10010
Mr. Ramsay	10010
(Amendment negatived Yeas, 4; Nays 22)	10010
(Clause 1 agreed to.)	10010
(On clause 2)	10010
Mr. Ramsay	10011
(Clause 2 agreed to.)	10011

(Clause 3 agreed to.)	10011
(Clause 4 agreed to.)	10011
(Clause 5 agreed to.)	10011
(Clause 6 agreed to.)	10011
(Clause 7 agreed to.)	10011
(Clause 8 agreed to.)	10011
(Clause 9 agreed to.)	10011
(Clause 10 agreed to.)	10011
(Clause 11 agreed to.)	10011
(Clause 12 agreed to.)	10011
(Clause 13 agreed to.)	10011
(Clause 14 agreed to.)	10011
(On clause 15)	10011
Amendments	10011
Mr. Kirkby	10011
(Amendments agreed to.)	10011
(Clause 15, as amended, agreed to.)	10011
(Clause 16 agreed to.)	10012
(Clause 17 agreed to.)	10012
(Clause 18 agreed to.)	10012
(Clause 19 agreed to.)	10012
(Clause 20 agreed to.)	10012
(Clause 21 and 22 agreed to.)	10012
(Clause 23 agreed to.)	10012
(Clause 24 agreed to.)	10012
(Clause 25 agreed to.)	10012
(Clause 26 agreed to.)	10012
(Clauses 27 and 28 agreed to.)	10012
(Preamble agreed to.)	10012
(Title agreed to.)	10012
(Bill reported.)	10012
Motion for concurrence	10012
Mr. Rock	10012
(Motion agreed to.)	10012
Motion for third reading	10012
Business of the House	
Mr. Zed	10012
Motion	10012
(Motion agreed to.)	10012

Mr. Zed	10012
---------	-------

ROUTINE PROCEEDINGS

Information Commissioner

Reappointment of John Grace

Mr. Zed	10013
Motion	10013
Mr. Speaker (Lethbridge)	10013
(Motion agreed to.)	10013

GOVERNMENT ORDERS

Criminal Code

Bill C-95. Consideration resumed of motion for third reading.	10013
Mr. Rock	10013
Mr. Ménard	10015
Mr. Ramsay	10019
Mr. Bellehumeur	10022
(Motion agreed to, bill read the third time and passed.)	10024

Income Tax Budget Amendments Act, 1996

Bill C-92. Consideration resumed of motion for third reading	10024
Motion agreed to on division: Yeas, 99; Nays, 35	10025
(Bill read the third time and passed.)	10025

Budget Implementation Act, 1997

Bill C-93. Consideration resumed	10025
(Bill read the second time.)	10025

PRIVATE MEMBERS' BUSINESS

Parliament of Canada Act

Bill C-250. Consideration resumed of motion for second reading	10025
Motion negatived on division: Yeas, 32; Nays, 97	10026

ADJOURNMENT PROCEEDINGS

Marine Protection

Mr. Caccia	10026
Mr. McWhinney	10027

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