



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 085 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Wednesday, April 1, 1998

Speaker: The Honourable Gilbert Parent

CONTENTS

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

All parliamentary publications are available on the
“Parliamentary Internet Parlementaire” at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Wednesday, April 1, 1998

The House met at 2 p.m.

Prayers

• (1400)

[*English*]

The Speaker: As is our practice on Wednesdays, we will now sing O Canada, and we will be led by the hon. member for Dauphin—Swan River.

[*Editor's Note: Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*English*]

GLENDALE COLLEGIATE

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, Tillsonburg's Glendale Collegiate was recently profiled in the *Globe and Mail*.

Glendale, under the leadership of Principal Martin Wylie, is pursuing educational opportunities with local businesses. Using funding from the federal and provincial governments and corporate donors, Glendale has invested \$200,000 in a makeover of its machine shop. This makeover allows high school and college students, as well as workers from corporate sponsors to retrain and to learn on state of the art computer assisted design machines.

Glendale has also used HRDC funding to set up a computer facility in the guidance department which provides high speed access to the Internet, not only for Glendale students but also for all of Tillsonburg's elementary school students through wireless links. Additional funding from private sources has been the result of a partnership between the school, the community and local businesses.

I congratulate all those in Tillsonburg, both at Glendale and in the community.

TAX FREEDOM DAY

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, each year Canadians across the country celebrate tax freedom day. This is the day when an average wage earner has earned enough to pay taxes for the year.

This year tax freedom day will occur in July and later than ever.

By contrast, as a result of the efforts of Canadian farmers we have a much more encouraging date to celebrate: food checkout day. This is the day when the average wage earner has earned enough to pay for food for the year.

Unlike tax freedom day which occurs in July, Canadians can celebrate food checkout day in February. It takes less and less of our income to pay for our food each and every year.

It is time the government learned a thing or two from farmers. If farmers mismanaged food production the way the government mismanages taxes, Canadians would all be starving.

* * *

INDUSTRY CANADA

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, I am pleased to report that next Saturday, April 4, my riding, Barrie—Simcoe—Bradford, and the riding of Simcoe North will host an Industry Canada information fair.

This is an excellent opportunity for Industry Canada to showcase its impressive array of products and services. Even more important, the fair offers one-stop shopping for small and medium size businesses to meet with the consultants and experts from Industry Canada. It is a good opportunity for them to check out the programs in one of the many booths at the fair, pick up program material and indeed discuss the issues with the Minister of Industry himself who will be honoured to be in our riding this weekend.

* * *

CAMP IPPERWASH

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, a small piece of history was made in my riding yesterday concerning Camp Ipperwash issues.

S. O. 31

A milestone meeting of the round table was held at Stony Point hosted by Kettle and Stony Point First Nation Chief Irvin George.

For the first time in decades the chief, the mayor of the town of Bosanquet and myself sat down at the same table to discuss mutual concerns with a spirit of trust, tolerance and understanding.

With the support and strong leadership of our minister of Indian affairs progress is being made at Ipperwash; progress through partnership and discussion, not blockades and cynicism.

By working co-operatively, Chief George, Mayor Bill Graham, myself and the federal government can achieve the future economic prosperity and social well-being of the community as a whole.

My thanks to all participants for setting a new and positive course.

* * *

NUNAVUT

Mrs. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, today marks the first day in the final leg of our long journey toward the creation of Nunavut which began many years ago. The dream of our people, through the tireless work and perseverance of numerous dedicated Inuit politicians with the help of many others, will soon become a reality.

We are now entering into the final stage of becoming an official territory of Nunavut.

[Editor's Note: Member spoke in Inuktitut]

[English]

One year from today an historic event for Canada will take place and I hope all Canadians will help us to celebrate the long awaited moment next April 1, 1999.

* * *

TAXATION

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Mr. Speaker, the Liberal government needs to be condemned for its relentless attack on the cornerstone of our society, Canadian families.

Our current tax system discriminates against families who choose to have one parent stay at home.

• (1405)

A one income family earning \$60,000 pays \$7,000 more in taxes each year than a family with the same total income but both parents in the workforce.

Despite the fact that the majority of parents prefer family care to day care, one parent cannot stay at home because of the huge tax hit they face.

My private member's motion, M-369, addresses this very issue and calls for taxation fairness for families. Clearly, Liberals do not

understand taxation fairness. They have raised taxes 37 times and hiked payroll taxes, all contributing to a \$3,000 annual pay cut for the average family.

By contrast, Reform policies are family friendly. Our priority is the well-being of families, not larger tax grabs.

* * *

[Translation]

LÉVIS SHIPYARD

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, an important decision has been made by the Canadian government on the issue of the shipyard in Lévis.

The dry docks in Lauzon are being sold to Davie Industries Inc. as part of the government's strategy to transfer assets to the private sector, which is in a better position to manage such facilities.

In this case, the facilities include the land, two dry docks and all the systems required to operate them. The Canadian government will pay \$20 million to cover the costs of urgent repairs and the forecast net operating cost.

Members should note also that the repairs will have a direct impact on job creation in this community. Payments for the dry dock repairs will be made according to the terms and conditions negotiated with Davie Industries, and the company is required to operate the facilities for the next ten years.

This is a step in the right direction to boost the economy in the city of Lévis and the Chaudière-Appalaches region.

* * *

[English]

ONTARIO CONSERVATIVES

Ms. Elinor Caplan (Thornhill, Lib.): Mr. Speaker, it must be April Fool's Day. Today in the Toronto *Star* I read that Mike Harris is telling members of his own Tory caucus to sign a candidate's agreement for the next election.

Conservative members of the Ontario legislature are being told they must sign or they cannot be a candidate for the next provincial election.

If they do not affirm statements on family values, ethical and accountable government and a commitment to not run if they lose a nomination battle, the members of caucus will disqualify themselves. Mike Harris and his cabinet must be paranoid.

I know the Tories do not trust the people of Ontario. I know they do not trust the unions. I know they do not trust the teachers and I know they do not trust the public service, but not to trust their own members is unbelievable.

Mike Harris is now trying to keep his caucus in line by using the same draconian, top down, heavy-handed measures that he used against the people of Ontario.

The members of the Ontario Tory caucus and the people of Ontario will not be fooled. They know—

The Speaker: The hon. member for Dewdney—Alouette.

* * *

XA:YTEM

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, I would like to recognize Xa:ytem in my hometown of Mission, B.C., which is one of the oldest habitation sites in North America. Xa:ytem is one of the first native spiritual sites in Canada to be formally recognized as a national historic site.

Today Xa:ytem conducts numerous tours and programs, and as a teacher I took my own classes to visit the site. This year over 12,000 school children are expected to visit Xa:ytem.

I would like to congratulate Linnea Battel, Gordon Mohs and the Sto:lo people for working to preserve Xa:ytem. I applaud the vision and drive of those who are developing the site with an eye to the future by focusing on a private and public sector partnership to develop the site.

Xa:ytem is an important spiritual and cultural landmark to the Sto:lo people of the Fraser Valley. I ask all members to join with me in congratulating the excellent work being done by the board and staff of Xa:ytem.

* * *

[Translation]

QUEBEC FINANCE MINISTER'S BUDGET

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, in delivering his budget yesterday evening, the Quebec finance minister chose to play petty politics. As a matter of fact, it was like attending a meeting of sovereigntist supporters.

The minister talked about everything but the kitchen sink: millennium scholarships, the health system, transfer payments and what not. He poured his heart out, as in a therapy session, to justify a dull budget, lacking in aggressive measures that would reassure economic stakeholders. Quebeckers need more than the Quebec finance minister's political therapy sessions.

They need lower taxes. They need economic conditions that are not tied to the political will of a government whose sole objective is to create insecurity. They need a government that will guide them in making their collective decisions by providing the optimum economic and political conditions to—

S. O. 31

The Speaker: The hon. member for Louis-Hébert.

* * *

● (1410)

BUDGET OF QUEBEC FINANCE MINISTER

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, yesterday, Quebec finance minister Bernard Landry tabled an excellent budget. With the little leeway available to him, he has shown the transparency and ingenuousness his federal counterpart has not.

The only fly in the ointment is that the President of Treasury Board's testy reaction to it was to call Bernard Landry petty and ungrateful. What next!

In 1996, the President of Treasury Board told us "When Bouchard has to make cuts, those of us in Ottawa will be able to demonstrate that we have the means to preserve the future of social programs." Then, a few weeks ago, the Prime Minister was boasting that the federal government would be assuming 90% of the costs of the ice storm, when in fact it will barely pay 40%.

Here we have a glowing example of the federal government's cynicism, pettiness and ingratitude. The President of Treasury Board had nothing to say about the Bernard Landry budget, and preferred a personal attack over congratulations for his excellent work under the circumstances. Now, that is pettiness—

The Speaker: The hon. member for Sackville—Eastern Shore.

* * *

[English]

THE ATLANTIC GROUND FISH STRATEGY

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, today representatives from the Canadian Council of Professional Fish Harvesters are meeting with all political parties to discuss the end of the Atlantic groundfish strategy in August.

Close to 25,000 people will be affected and the greatest impact will be on Newfoundland where two-thirds of the recipients reside.

The government refuses to say what will happen when the program ends in just four months.

With 3,000 people about to be taken off of TAGS in May and the rest in August these people need an answer now.

The government has two reports in front of it that emphasize support for early retirement and licence buy-out programs, self-employment assistance for younger fisher people, community economic development assistance and an extension of TAGS until at least the end of May 1999.

We need a financial commitment from the government today.

Oral Questions

This is Newfoundland's ice storm. The lights are still off and the need is just as great.

* * *

WORLD HEALTH DAY

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, next Tuesday, April 7, is World Health Day. It is a day that is observed by 191 member countries of the World Health Organization, including Canada.

World Health Day aims to encourage everyone to think globally and act locally on a specific issue of global importance for public health.

This year's theme is "Safe Motherhood". Around the world every minute of every day a woman dies of pregnancy related complications, nearly 600,000 each year. Every year nearly 3.4 million babies die within the first week of life. These women and babies die for the same reasons, poor health and inadequate care during pregnancy and childbirth.

As part of the campaign to build greater public awareness of maternal mortality the Canadian Association of Parliamentarians on Population and Development along with the Canadian Society for International Health and CIDA will be commemorating World Health Day with a forum on "Safe Motherhood" on Parliament Hill.

* * *

THE ECONOMY

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, as we welcome in the spring season I think it is time we join the government in celebrating this golden economic age.

Our unemployment figures are half those of the United States. Our youth unemployment rate is at its lowest in years. Young Americans are lining up at our borders to seek greater opportunities in Canada. Our neighbours in other G-7 countries are paying higher taxes than we are in Canada. Our hospitals are being flooded by doctors who are coming here from the U.S. seeking greater opportunities. Our Canadian dollar is trading at record high levels. There are fewer people on welfare than ever before.

This government should be commended on its stalwart economic record. Never before have Canadians seen such a golden age.

Oh yes, happy April Fool's Day.

* * *

[Translation]

BILL C-28

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, since February 5, the Bloc Québécois has been trying in every way possible to cast light on certain nebulous aspects of Bill C-28,

and on an apparent conflict of interest involving its sponsor, the federal Minister of Finance.

As everyone knows, the Minister of Finance is actively involved in this field, and owns an international shipping company which could take advantage of certain tax advantages contained in this new legislation.

In order to eliminate any doubts concerning the integrity of the Minister of Finance, we are again asking the Prime Minister to defer passage of Bill C-28 at third reading and to strike the special board of inquiry all opposition parties have been calling for.

ORAL QUESTION PERIOD

● (1415)

[English]

HEPATITIS C

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, tens of thousands of innocent Canadians contracted hepatitis C when they received transfusions from the government's blood system. Many are slowly dying.

The Prime Minister has authorized the health minister to compensate some of these victims but he has told the health minister to abandon the rest. He has created a two tier system for dealing with victims of government negligence.

Why will the Prime Minister not do the right thing and compensate all victims of poisoned blood?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as we said in the House, there was a period where the responsibilities of the government were well established.

We have been dealing with the provincial governments. The provincial governments of all political stripes and the federal minister of health have agreed to a scheme to compensate the victims of that period, as it is our obligation to do so.

The decision represents \$800 million from the federal government and \$300 million from the provincial governments. I think it is a very generous program.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, this is not an administrative issue. This is a moral issue. It is morally wrong for the government to abandon these victims of its own negligence.

The Prime Minister is concerned about his place in history. He wants the millennium fund to be a monument to himself and to his administration, but if he allows this decision to stand he will have his monuments all right, 40,000 of them in the graveyards of the country.

I ask him again. Will the Prime Minister do the right thing and compensate all the victims of poisoned blood?

Oral Questions

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, this terribly difficult decision was made by 13 governments in the country. All the provincial governments joined with the federal government in coming to the conclusion that for the period 1986 to 1990, when something could and should have been done, government should accept responsibility to compensate.

As a result, as the Prime Minister has said \$1.1 billion is being offered as assistance to the victims who were infected during that period, as well as those who were infected by those people.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we have heard this cold-hearted rationalization before. It does not address the moral issue that is involved here.

There is no excuse for doing the wrong thing. There is no legal excuse. There is no administrative excuse. There is no accounting excuse. There is no political excuse.

I ask the Prime Minister again why he will not do the right thing and compensate all the victims of this tragedy.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the Leader of the Opposition uses high sounding phrases but he does not come to grips with the dilemma facing governments in this situation, a very difficult dilemma.

We are dealing with a medical and health system in which there are sometimes risks. Before 1986 the risk of infections through the blood system was well known. After 1986 it was known and there was something that could have been done about it. That is the difference.

Where do governments compensate? Do they compensate women who have high risk deliveries and babies delivered with brain damage? Do they compensate the people who have anaesthetics and suffer adverse reactions? Mr. Speaker, this is—

The Speaker: The hon. member for Edmonton North.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the government used to use a high sounding phrase, that is it talked about universality. The Prime Minister used to say that he did not think it was right to have a two tier system in the country, but it has all changed now.

He has told the health minister that there is just not enough room in the lifeboats for everybody with hepatitis C. Only some of those who were infected will get any sort of compensation. The rest of them will suffer with nothing.

Why does the Prime Minister think there should be a two tier system in this instance?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, what all the governments of Canada have done, all governments of all political affiliation, is apply a single principle. That single princi-

ple is that public intervention to offer assistance is appropriate when it can be identified that at a point during the chronology something could have been done by those responsible to change the outcome.

The hon. member should think through the implications for the publicly funded health care system if we are to adopt the principle that everyone who is harmed, regardless of any circumstance, will be compensated.

• (1420)

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, I think it might be wise for the health minister to think through the implications for the victims who are suffering today.

For those who were infected it does not matter whether they were infected in 1985 or 1986. All they know is that they have the disease and that they are suffering. What difference does that make? It is still wrong. These people are still suffering.

The Prime Minister is morally responsible because it was a government regulated blood system that wrongfully infected all these people, regardless of when it happened.

Why is the Prime Minister allowing his health minister to have a two tier system set up for this problem?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member ignores distinctions that do not suit her purpose. She is slipping away from the difficult dilemma in confronting the difficult principle that has to be brought to bear in cases like this one.

For those before 1986 thank God we have a health system in the country that will care for them and a standard of excellence to look after them in their illness. Thank God they will be treated. Thank God they will be the beneficiaries of excellent research in the country.

For those before 1986 we have a medicare and a health care system to look after them in their illness. For those after 1986, in the period to 1990, we are acknowledging that—

* * *

[Translation]

BUDGET OF QUEBEC FINANCE MINISTER

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, Bernard Landry tabled his budget, a budget that came very close to being balanced but that was very tight, a budget that had no real room to manoeuvre because of the huge cuts imposed by Ottawa on the provinces in the areas of health, welfare and post-secondary education.

Is the Prime Minister not embarrassed that the federal government is literally swimming in money, when the provincial govern-

Oral Questions

ments are too strapped to ensure adequate delivery of the front-line services for which they are responsible?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there are several provincial governments in Canada. The great majority of them are able to balance their books. They were treated exactly the same as Quebec, but if Quebec had started a little earlier, it would have made it on time.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): The Prime Minister is perfectly right. If the Liberals had not left a deficit of \$6 billion and had started to work on it earlier, we would now have a budget surplus.

But the Prime Minister should remember that all the provinces feel the way Quebec does about transfer payments.

Does the Prime Minister not find it abhorrent that the federal government overestimated its deficit by \$17 billion, and that it is still going ahead and cutting billions from provincial budgets, all the while creating new programs in jurisdictions where it has no business, just for the visibility?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member should perhaps ask the PQ government whether it created a Quebec blood agency just for the visibility, thus creating duplication in an area affecting the health of Quebecers.

I think that we have done our job well here in Ottawa. We have balanced our books. If Quebec has taken a few years longer to do so, it is because Mr. Parizeau wanted to spend the money before the 1995 referendum.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, if there is a financial problem in Quebec, it is because Minister Bourbeau, a former Liberal finance minister, left the largest deficit in the history of our province. This is the reality.

The government can make all sorts of excuses, but one fact remains: the federal government is literally rolling in dough, while provincial governments, including those that have balanced their budgets, have difficulties making ends meet.

Does the Prime Minister agree that it is unusual and unhealthy to have in Canada a government—

The Speaker: I am sorry to interrupt the hon. member. The Minister of Finance.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the hon. member must know that the federal government achieved, with the help of Canadians from across the country, an incredible fiscal turnaround.

However, we still have a debt of \$583 billion. We have a debt-GDP ratio of 70%, compared to the provincial average of 30%. We spend 30 cents of every dollar in interest, compared to the provincial average of 14 cents.

That being said, I am very pleased—

The Speaker: I am sorry to interrupt the minister. The hon. member for Roberval.

• (1425)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we can certainly listen to the finance minister's explanations. However, we cannot help but wonder about a federal government that spends in order to increase its visibility, while the provinces are having a hard time providing the basics to people.

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, since we took office, the value of tax points, for Quebec alone, increased by \$2.1 billion, while equalization payments went up by \$1 billion.

Lower interest rates in Quebec have also resulted in a windfall of more than \$1.4 billion over the past three years.

* * *

[English]

HEPATITIS C

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, yesterday the health minister admitted to excluding 60,000 hepatitis C victims from compensation. That is like turning your back on every man, woman and child in Antigonish and Moose Jaw because it would cost money.

What will it take for the Minister of Health to finally admit that his decision to exclude so many victims was not based on compassion or humanity? Why will he not admit this policy was worked out with a calculator?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, thank goodness we live in a country in which the people who are infected, no matter when they were infected, have a wonderful health care system to rely upon.

For those who were infected during the period 1986 to 1990 all governments have come to grips with the question of when government should compensate those who are harmed by the system.

The hon. member knows that every day in every health care facility there are procedures carried out that involve risk. Is she saying that the public health care system should compensate everybody?

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, even Liberal caucus members are now indicating they cannot live with the package. They know that it is not fair or just.

Since the leaders in waiting have botched this compensation package, will the current Prime Minister now do the only just thing and implement Justice Krever's recommendation to compensate all victims with hepatitis C?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I just said that it is a difficult decision. The minister is explaining the situation very well.

We were not the government when that problem occurred. It was before us but We take the responsibility that faces the government.

I say to the leader of the NDP that the two provincial governments that belong to the same party are in complete agreement with what the Minister of Health has done.

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, the Minister of Health is caught between a rock and a hard place. The hard place is sitting right over there. He is called the Minister of Finance.

The government found \$700 million for the botched Pearson airport deal and \$500 million for the botched helicopter deal.

Why can this minister not stand in cabinet and come up with some money for these innocent victims, the 40,000 innocent victims of hepatitis C? Why can he not get some answers out of his own government and go in there and fight for these people?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the member should know that the governments of Canada are putting together \$1.1 billion in compensation for 22,000 people infected between 1986 and 1990.

The member should also know that those who are responsible for the health care system both federally and provincially spent months considering this very difficult decision.

The conclusion to which we came was that we would not put the public health care system at risk by putting in place a system that compensates everyone for every harm regardless.

Mr. Greg Thompson (Charlotte, PC): Mr. Speaker, the minister has the power to act unilaterally but he will not.

This question is for the Prime Minister. Last night the Liberal caucus exercised some power over the backbenchers when they voted on behalf of one of our motions. Now we are finding there are some cracks in the armour in the backbenches on this issue. Some of his own members are asking for a compensation package that includes all victims.

Will the Prime Minister now listen to his own caucus and do the right thing by exercising his moral leadership on this question? Would the Prime Minister please get up and explain?

• (1430)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, what the hon. member should know is that this decision was a government decision. It was a decision made by 13 governments.

It is a very unusual situation in Canada when our bipartisan intergovernmental bases come to one conclusion, and it is the responsible one.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, the minister keeps saying that this decision was made by 13 governments. It is still a wrong decision.

In 1977 Josephine Mahoney was infected with hepatitis C. Her life in tatters, just two years ago she received a fair and just compensation plan from her government. Luckily for her she does not live in Canada. She lives in Ireland.

Why has the Irish government looked after every single victim of hepatitis C when this Prime Minister is abandoning fully 50% of our victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member as a physician should know that across this country every day in clinics, in hospitals and in offices medical procedures are undertaken that involve risk.

Is the hon. member suggesting that anyone who is harmed, regardless of fault, as a result of the health care system should be compensated? That is the principle at issue here. Thirteen governments have made their decision and I say it is the right one.

Mr. Grant Hill (MacLeod, Ref.): Mr. Speaker, this is not about every harmful procedure. This is about a public system failing and the victims getting hepatitis C.

New Zealand has a no fault compensation package. Italy has a compensation package for every single victim of hepatitis C. They know what is right. Why has this Prime Minister chosen to do what is frankly wrong to those victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member should take care with his examples. There is not another country in the world that has the public health care system of the quality—

Some hon. members: Oh, oh.

* * *

[Translation]

BILL C-28

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, on February 19, the Prime Minister said we could obtain all the answers to our questions on the appearance of a conflict of interest involving the Minister of Finance and Bill C-28 by raising the issue in the Standing Committee on Finance. So far, however, all our attempts to do so have not succeeded.

Oral Questions

How can the Prime Minister explain the difference between his statements in the House and the action taken by the members of his party in committee? They have been doing everything, since then, to prevent us from getting to the bottom of this issue involving the shipowner-lawmaker.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member has been making these insinuations for two months and he is getting nowhere, because the members of my party and I have full confidence in the integrity of the Minister of Finance.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, for the sake of consistency and especially of transparency, would the Prime Minister tell us if he intends to postpone passage of Bill C-28 at third reading, and to refer the bill back to the Standing Committee on Finance to have this matter cleared up? If he has nothing to hide, he should let the committee do its job.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have had the opportunity to study this issue and, in my opinion, the hon. member, as well as other members, have been given a fully satisfactory explanation.

* * *

[English]

HEPATITIS C

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, the health minister keeps talking about the excellent research we have in this country. He should really acquaint himself with it.

I want to clear up a factual error the health minister keeps on repeating. He says there was no way to detect hepatitis C in the blood supply before 1986. So he will not compensate people who contracted the disease before then. That is not the truth.

Justice Krever noted that Dr. Moore of the Canadian Red Cross laboratory proposed a test as far back as May 1981. Shamefully, no tests would be implemented for nine more years.

Enough phoney excuses.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, in various places throughout the world various tests were proposed. Those who understand the history of this chronology recognize that it was in 1986 when Canada should have, indeed practically could have, put a test in place. That was the year when things changed internationally and the year accepted as the turning point.

That is why it was chosen as a turning point by ministers of health not just from this government but from provincial and territorial governments that all looked at these facts and came to the same conclusion.

• (1435)

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, that is an unacceptable answer. It gives no help to all these victims and it is still morally wrong to abandon them.

What is particularly painful is how the Prime Minister is picking and choosing favourites. He will compensate only the top tier of victims. Everyone who contacted hepatitis C before 1986 is being abandoned. This is a national disgrace.

Will the Prime Minister stand up and tell us that this is not a two tier system of compensation?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member speaks of victims being abandoned as though the medicare system in Canada did not exist and is not available for their benefit. Thank God we live in a country in which all those people who contracted hepatitis C are able to rely on the excellent public health system we have put in place.

As for those victims in the period 1986-1990, I have well explained the rationale that all governments in this country adopted in approaching this problem.

* * *

[Translation]

YEAR 2000 COMPUTER PROBLEM

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Industry.

In the Saturday issue of *La Presse*, the Minister of Industry was quoted as saying "If the year 2000 problem is not sorted out in time, it could trigger a recession". But the best the minister can come up with to encourage SMBs to tackle this major problem is Business Development Bank of Canada loans.

When it is so vital to bring SMBs on side, does the minister realize that suggesting they take out another loan may well prove to be unpopular and an exercise in futility?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, the member raises a very important question. The year 2000 problem is very serious, not just for the Canadian economy, but for all economies in the world.

Not only have we suggested loans, but the Business Development Bank of Canada has a 1-800 number that all businesses may call for immediate information to help them find solutions to their computer problems.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, if the minister is really interested in helping SMBs, and I certainly hope he is, why does he not suggest a tax credit for businesses that become year 2000 ready?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, the budget gave an explanation of the rules for SMBs making the

investment, but we must remember that this is a problem that businesses must sort out. Many have already done so. It is necessary to have a system in which businesses that want to stay in business take the decisions required to protect their interests.

* * *

[English]

HEPATITIS C

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, in 1989 the Liberals in opposition urged the Tory government of the day to compensate thalidomide victims. The Liberal health critic rejected arguments that compensating victims would set a legal precedent: "I do not argue on the basis of legal precedent. I argue on the basis of a moral responsibility that the government must have toward its citizens".

I ask the Prime Minister what has changed. What happened to those moral principles and the willingness to face up to a compelling responsibility?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as we said earlier, this is an extremely difficult problem. We have had discussions with the provincial authorities who have responsibility in this matter. After studying the problem we came to the conclusion that the period for which government had a responsibility was between 1986 and 1990. All governments agreed the program put forward by the Minister of Health is the best program that can be offered under the circumstances.

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, this is not about legal culpability but about compassion and moral responsibility.

The Tory health minister of the day followed through subsequently and delivered for those victims of thalidomide. Again, the Liberal health critic said: "I do not argue on the basis of legal precedent. I argue on the basis of a moral responsibility—".

When did the Prime Minister lose that ability to tell right from wrong?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Health has explained very clearly what the government's responsibilities are. A lot of people are suffering in the health system and the government cannot take responsibility outside the health care system in Canada for all the victims of every type of problem of this nature.

• (1440)

We had a responsibility starting in 1986, according to all the ministers of health, and they have discharged their responsibility in an effective way.

Oral Questions

[Translation]

FISHERIES

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

Last week, the minister indicated that, in replacing the TAGS program, it was his intention to implement new measures aimed at getting a certain number of fishers out of the industry.

Can the minister explain to us what principles and criteria will enable him to determine which people are to be deemed surplus to the fishing industry

[English]

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, there have been a number of changes to the overall number of people on TAGS over the last four years.

To go into all the various criteria used to put people on and then later the reasons they fall off the TAGS system would probably take much longer than I have to answer this question.

We will be bringing in, however, measures to deal with issues following TAGS in due course. The Minister of Human Resources Development is in charge of a cabinet committee to this effect.

* * *

CANADA PENSION PLAN INVESTMENT BOARD

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, my question is for the Minister of Finance.

The Senate banking committee has just released a report on the Canada pension plan investment board. What are the minister's views on this and how does he intend to react?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Senate has produced a very good report. It is largely supportive of the government's position.

Are there differences of opinion? Yes, there are. While there is not unanimity I can assure the hon. member that the report will be taken very seriously. I will be referring it to my provincial colleagues and I will be reporting back to this House.

* * *

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, maybe some day we will get an answer to our questions too.

The way the minister of Indian affairs is handling the tragic shooting of Connie and Ty Jacobs confirms all our fears. Instead of listening to grassroots aboriginals, the minister only consults the

Oral Questions

chiefs who have a vested interest in keeping things just the way they are.

Connie's brother and sister want an independent inquiry into conditions on the reserve but the minister is letting her friends over at the Assembly of First Nations take over.

Why is the minister doing exactly what Connie's family asked her not to do?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, let us remember what has happened here. Two people are dead and a community is in mourning.

In response to that there is a criminal investigation under way. There is an inquiry under the fatalities act of the province in which all parties, the federal government, the province and aboriginal people, will have some input.

I find it appalling that the opposition continues to use this tragedy to try to proceed with its agenda of undermining duly elected chiefs and councils in this country.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, quite frankly I find it appalling that this minister will not do what Connie's family wants.

Grassroots aboriginals know what is going to happen if the inquiry on the conditions on the Tsuu T'ina reserve is left to the Assembly of First Nations. It will be a whitewash, a glossing over of all the problems. The Assembly of First Nations is not a court. It is not an impartial government agency. It is a large organization, a political organization very close to the Liberal Party.

Why does the minister always side with the chiefs and never with the grassroots? When is she going to do what Connie's family has asked her to do?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the chief of this first nation has been in constant contact with the family of Connie Jacobs. These people are duly elected, as we are in this House.

These people opposite continue to undermine the democratic process that has built this great country and I find it an outrage.

* * *

• (1445)

FISHERIES

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Prime Minister.

Coho salmon have an importance to British Columbians which extends far beyond their economic significance. The coho is a powerful Canadian symbol as one can witness with the totem poles nearby in the Museum of Civilization's Haida village. The coho

could soon be extinct due to Alaskan overfishing and federal mismanagement.

Will the Prime Minister promise to reject any salmon treaty which does not specifically restrict Alaskan overfishing of the coho salmon?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I certainly welcome the leader of the fourth party's interest in this issue.

We have put out a number of papers recently containing statistical and scientific information relating to the position of coho salmon. There are a number of factors that are important, the most important being the impact of El Nino. I trust the hon. member will join with us on this side of the House in supporting the tough measures that will be necessary to protect this species in the years ahead.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, this government is eroding the measures that are necessary to protect the species. The coho salmon crisis is the focus of an open letter to the Prime Minister in today's *Globe and Mail*. In case he has not seen it, I have sent him a copy. This letter once again illustrates the government's indifference to the hardship its misguided policies have brought to B.C.'s coastal communities.

Is this dismissal of the coho salmon crisis the next installation of the Mifflin plan which has been so destructive to British Columbians?

The Speaker: Colleagues I would urge you not to use each other's name in question period.

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the problem of coho salmon is extremely difficult. I would point out that another issue has been raised here and that is the fleet rationalization plan which has the name of a former minister of fisheries, now the Minister of Veterans Affairs. Were it not for that plan, the fishermen on the coast of British Columbia would have had incomes one-third less than had he not put that plan into effect.

* * *

NATIONAL DEFENCE

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, members may be aware that a multimillion dollar government contract for CFB Goose Bay is being gift wrapped and presented by the Minister of National Defence today to a British company called Serco, a long shot bidder. In fact it is the only bidder that promised to cut jobs and kill investment in Goose Bay.

Can the minister shed some light on this rather shady deal?

The Speaker: Once again colleagues we are getting a little close.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member needs to be reminded that we

Oral Questions

inherited from his party a \$42 billion deficit. As a result of that, we had to cut expenditures in all of our departments and programs to get the budget in balance.

That meant a 23% reduction in the Department of National Defence. We had to implement that by looking for more efficient and effective ways of providing support services for the Canadian forces. We have been very humane and fair in our treatment of employees giving them incentive departure packages and finding other employment opportunities for them.

Mr. David Price (Compton—Stanstead, PC): Mr. Speaker, that is not really shedding light on the subject; rather it is closing the blinds on it. I will try again.

What knowledge did the Minister of National Defence have of Serco's multimillion dollar contract winning bid? Why did the British company that promised to cut jobs, benefits and salaries at Goose Bay beat out Canadian companies that promised not to cut jobs and to invest millions at the base? I ask the minister, why did Serco win the Liberal lottery?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, there was a full and open transparent process with guidelines that were published. Everyone was aware of what the rules were for the bid. Nobody because they had connections offshore were ruled out from bidding.

In fact the Standing Committee on National Defence and Veterans Affairs is going to have a full discussion this afternoon on the issue of alternate service delivery. The hon. member will have every opportunity to ask all sorts of detailed questions about it.

* * *

FRANCOPHONE GAMES

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, this week my good friend Don Cherry commented on federal funding arrangements for the 2001 Francophone Games.

Can the government house leader please tell this House if contributions will indeed be made toward these games? If so, will this money be used to bring foreign athletes to Canada? Why do we not fund similar events in the same way?

• (1450)

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I want to thank my hon. colleague for this question. I want all members of the House to know that the Government of Canada has made no decision yet with regard to the federal contribution toward the games.

In any case, if 100% of the amount sought was to be given, it would still be a tiny fraction of what is contributed now toward the Olympic games, the Commonwealth games or even the Pan

American games to be held elsewhere in Canada. A tiny fraction is what it would be if that amount was given.

* * *

ABORIGINAL AFFAIRS

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, if the chief of the Tsuu T'ina reserve is allowed to conduct his own investigation, we know we will not hear the full story. If the Assembly of First Nations runs the investigation, we know it will gloss over the problems as well. They will not answer the real questions, like why Connie and her family lived in shantytown conditions on one of Canada's richest reserves. The only way we will ever know is for an independent inquiry to look into the root causes of the tragedy.

What will the minister's response to these tragic deaths be? A real independent inquiry or a series of cover-ups?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I think these questions clearly differentiate that side from this side of the House.

We look at this tragedy and we look at the approach of this side of the House. We have government departments working side by side with people in the First Nation and with the province to find the solutions and answer the question.

What do those members do? They point fingers, create division, incite doubt. They insist on finding blame. These approaches do not work when what we are trying to do is to build strong communities, to find the answers and to do it together.

* * *

[Translation]

RAIL TRANSPORT

Mr. Antoine Dubé (Lévis, BQ): Mr. Speaker, on February 20, the Minister of Transport announced the planned closure of the Lévis intermodal station, renovated in 1984 at a cost of \$3 million.

We have recently learned that its replacement will be constructed in the Saint-Nicolas industrial park, which is 30 kilometers from the Lévis ferry and 35 kilometers from downtown Quebec City.

Does the minister really believe that construction of a new station so distant from the downtown areas of Lévis and Quebec City is going to do anything to help make VIA Rail operations any more cost-effective?

[English]

Hon. David M. Collenette (Minister of Transport, Lib.): Mr. Speaker, this is an issue that has faced not only this government but the previous government for a number of years.

Oral Questions

After evaluating all the data and looking at all the costs, it was judged that it was best to build a new station at a point south of Lévis. When I discussed this with the hon. member, and I know he has a great concern about it, he seemed to accept the decision. He was glad that other alternatives imposed by VIA in terms of reversing trains would not go into effect. I am rather surprised that six weeks after we announced the decision, he has come forward with this question.

* * *

NATIONAL DEFENCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, last week the employees of CFB Gagetown met with various levels of government to express their concern regarding the proposed privatization of Gagetown base. Today at noon these employees had a day of mourning to protest the privatization of Goose Bay base, the job loss and the reduction of wages that came with it.

Will the Prime Minister stand up for the civilian workers of the armed forces and stop this and any other further privatization immediately?

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as I indicated earlier, we are in the process of implementing the budget cuts that were announced two or three years ago.

In fact over 40,000 people have left the public service as a result of downsizing, but we did it with departure incentive packages that gave them early retirement. It gave them departure incentive. It gave them additional training. We are doing the same thing in all these cases as well. Because we have fewer resources, we need to keep them for the core functions of our Canadian forces and thereby cut the costs of the support services. However, we will do it in a fair and humane way.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, there was a rally today at CFB Gagetown in New Brunswick because the people there know what is happening at CFB Goose Bay. They are frightened.

It is hard enough to find a job today but if someone happens to work at CFB Goose Bay, this government tells them that they can take a pay cut, they can take a job outside their province or they can take a hike.

• (1455)

Will the minister of defence explain why he has given a contract to the contractor with the worst bid but he happens to be the best Liberal—

The Speaker: The hon. minister of defence.

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I got the impression she was about to give me a compliment when you cut her off.

There were no complaints about the companies that were bidding on this until after the bids were opened and the award was announced. Everybody understood the process and nobody complained about it. They just did not like the results.

The result is that it is going to save the taxpayers some \$20 million a year. Given that our department and armed forces have fewer resources, we need that kind of savings.

Goose Bay is used by our allies in terms of air force training. We would have lost this facility if we had not remained competitive. That is the reason—

The Speaker: The hon. member for Bourassa.

* * *

[Translation]

CANADA-QUEBEC AGREEMENT ON MANPOWER

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, the Canada-Quebec agreement on manpower takes effect today.

Could the Minister of Human Resources Development remind us of the importance for Quebecers of this historic accord the government has signed?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, indeed effective today the Government of Quebec takes over the responsibilities set out in the Canada-Quebec agreement on manpower.

The Government of Canada will pay the Government of Quebec more than \$2.4 billion over the next four years, enabling it to set up the programs and services most appropriate to the realities of the Quebec labour market.

The agreement is a specific and constructive response to Quebec's manpower needs and it testifies to our government's ability to modernize the Canadian federation.

* * *

[English]

ABORIGINAL AFFAIRS

Mr. Myron Thompson (Wild Rose, Ref.): Mr. Speaker, I will bet the minister of Indian affairs wishes someone would plant a mushy question like that for her.

We know part of the problem on the Tsuu T'ina reserve is that funding does not get to the grassroots. It does however end up strangely enough in some of the Liberal coffers. Maybe it is time for an audit.

Will the minister order a full independent investigation into the root causes of the economic, social and democratic problems that exist on this reserve?

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the hon. member has the gall to use the word democratic. When we listen to the questions that are coming from them, they are undermining the fundamental process

of democracy. They are challenging duly elected chiefs and councils. They are challenging men and women who come forward to represent the interests of their people in the best way they can.

I find this absolutely outrageous. They should do well to think about what these issues are all about which are the deaths of two people in the Tsuu T'ina First Nation.

* * *

[Translation]

IMMIGRATION

Mr. René Laurin (Joliette, BQ): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

For a second time since 1996, the Liberal Party of Canada passed a resolution at its convention in favour of abolishing the landing fee charged immigrants wanting to enter settle in Canada. I did say "a second time", because the Minister of Citizenship and Immigration has chosen to ignore up to now the similar resolution passed by her fellow Liberals in October 1996.

Could the minister tell us when she intends to abolish this hateful tax in order to comply with the wishes of her own party and the repeated demands—

The Speaker: The Minister of Citizenship and Immigration.

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, as the Prime Minister said at the convention, the Liberal Party of Canada has always been open to immigration in the past and will continue to be so.

The landing fee charged to settle new arrivals is in keeping with the financial efforts asked of all Canadians, including newcomers, in order to achieve the balanced budget we have today.

That said, we will look at what needs to be considered for the next budget among the government's priorities.

* * *

[English]

HEPATITIS C

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, it has been very difficult to understand this government's refusal to implement the recommendations of the Krever report. Certainly to hide behind the liability and legal issues does not make sense. It was very inhumane.

• (1500)

My question for the minister is one I raised with him on Monday. It is a very constructive suggestion. Will he at least show compas-

sion by compensating those who are sick today and will be sick tomorrow as a result of hepatitis C?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I have emphasized throughout this matter that the decision made by governments was a very difficult one. We had to apply a principle in distinguishing periods during this chronology, during this tragedy.

I have made it clear that whether those governments were NDP, Conservative or Liberal, we all thought that one principle should apply. If we are going to have a health care system publicly funded in which people are compensated regardless of fault, simply because there was risk and there was harm, then we cannot go on. That principle is terribly important and it is that principle that we have applied together in this very difficult circumstance.

ROUTINE PROCEEDINGS

[Translation]

ORDER IN COUNCIL APPOINTMENTS

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

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

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 14 petitions.

* * *

INTERPARLIAMENTARY DELEGATION

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian delegation of the Canada-Europe Parliamentary Association to the meeting of the Committee on Economic Affairs and Development of the parliamentary assembly of the Council of Europe with the European Bank for Reconstruction and Development, held in London, England, on February 23 and 24, 1998.

Routine Proceedings

• (1505)

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 25th report of the Standing Committee on Procedure and House Affairs regarding the selection of votable items in accordance with Standing Order 92.

This report is deemed adopted on presentation.

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 26th report of the Standing Committee on Procedure and House Affairs regarding the membership of the Standing Joint Committee on Official Languages and, if the House gives its consent, I should like to move concurrence at this time.

The Deputy Speaker: Is there unanimous consent for the parliamentary secretary to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

JUSTICE AND HUMAN RIGHTS

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I move that the fourth report of the Standing Committee on Justice and Human Rights, presented on Wednesday, December 10, 1997, be concurred in.

At the beginning let me indicate that I will be splitting my time with my colleague from Yorkton—Melville.

I rise today to concur with the fourth report of the Standing Committee on Justice and Human Rights in as much as it attempts to make the unacceptable firearms regulations somewhat palatable.

However I urge the House to vote against the fourth report of the justice standing committee. Valuable and insightful information regarding the legitimacy of the firearms statistics used by the former justice minister to support the regulations referenced in the committee's report have been called into question.

The competency of the Department of Justice and the current Minister of Justice to properly administer the firearms registry has also been questioned. The justice department's competency is being questioned by the police experts the former justice minister repeatedly referred to in the House to defend his ill-conceived firearms legislation.

• (1510)

To demonstrate the full extent of the apprehension expressed by the experts I would like to read directly from a letter addressed to the Minister of Justice dated March 30, 1998, signed by Mr. Scott Newark, executive director of the Canadian Police Association regarding "accuracy of departmental information concerning firearms related offences". The letter reads:

Dear Minister:

Recently our office was supplied with a copy of correspondence dated July 21, 1997 between Acting Commissioner Beaulac of the RCMP and your deputy, Mr. Thompson, in relation to the above noted subject.

As I am sure you can appreciate, the contents of the letter are deeply disturbing to those persons or organizations involved in the C-68 debate and far more importantly to all of us that interact or work with the department of justice on an ongoing basis.

It would appear that the most senior management of Canada's national police force has found it necessary to urge correction of grossly flawed and misleading firearms data prepared by the justice department in relation to RCMP reported statistics concerning firearms used in the commission of crimes.

What is worse, as the RCMP letter points out, when the error became known to the RCMP following a request for an affidavit in relation to the material in the C-68 reference before the Alberta Court of Appeal and an attempt to meet with the Canadian firearms centre of the department was suggested, the RCMP were rebuffed in their efforts to correct the public record which they knew to be false. So serious is their concern that the RCMP appears to have taken the view that no such further data can be produced for use by the justice department's firearms centre until such time as this basic question of system integrity is resolved.

Assistant Commissioner Beaulac is also entirely correct to note that the situation is severely aggravated by the fact that both the previous minister and the Canadian Association of Chiefs of Police relied on and made public use of this false data during the C-68 debate and subsequent discussion.

I must confess to wondering whether the Alberta Court of Appeal was notified of the fact that it had inaccurate information before it once that fact became known, which according to the letter took place in February 1997. Failure to have done so would of course be deeply problematic, especially for the department of justice.

Our organization, as you know, is asked on a frequent basis to comment on the Criminal Code and Firearms Act provisions pertaining to the overall regulation of firearms in Canada. We view it as nothing short of imperative that there be a source of accurate, reliable information available to Canadians on crimes involving firearms and that the two leading public institutions in this area be in a position to guarantee that this is so. Failure to meet these most basic requirements will result in a justifiable lack of confidence among Canadians that our government knows what it is doing when it purports to regulate firearms in the fashion chosen.

Routine Proceedings

Finally, and in our view equally seriously, an explanation from departmental officials as to how this massive discrepancy occurred is needed. Public policymakers have no choice at present but to rely on representations made to them by your departmental officials as accurate. In just the recent past our organization has felt compelled to seek independent legal opinions which were contrary to that put forward by the department. In addition, our warnings concerning the inevitable result of C-41's conditional sentencing provision and the victims evidence at 745 hearings and C-45 were ignored, only to be proven subsequently to be entirely accurate.

Both areas, as you recall, needed to be dealt with by amendments to "correct" what had been identified as unintended defects in the legislative intent of Parliament. This phenomena of unreliability, while annoying for us, is, of course, especially serious for the Minister(s) of the Crown who are called on for leadership in matters of criminal justice reform and who depend on the quality of information and advice given them by their officials.

Indeed, in light of the refusal of your officials to provide the legal basis for their position respecting the timing of taking of DNA samples in C-3, (despite independent legal opinion that they are wrong) and your apparent refusal to submit the question to the Supreme Court of Canada for constitutional reference, confidence in your department to properly design and administer a firearms registration system may be called into question.

In light of all of the above, we would seriously appreciate knowing what resolution, if any, has been reached concerning the matters raised in the acting commissioner's letter. We ask this as, like you, we are committed to ensuring that all of our decisions are based on accurate information.

Sincerely yours,

Scott Newark

Executive Officer

• (1515)

The contents of this are very serious. Its suggestion of the consequences of proceeding and relying on information provided by the justice department of Canada and its officials, when we are not completely satisfied as to the accuracy of that information, are a grave problem facing Parliament if not the people of this country.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, as my hon. colleague, the member for Crowfoot, has pointed out, the premise on which these regulations are based is false. They are before this House on false pretences.

Only recently we find out that the members of this House were presented with false and misleading firearms statistics during the debate of Bill C-68, the Firearms Act, by the Minister of Justice and the Canadian Association of Chiefs of Police.

It is not the Reformers or the gun lobby saying this. It is the commissioner of the RCMP saying this in a letter he wrote to the Department of Justice on July 21, 1997.

So Members of Parliament know exactly what the facts are and so there is no confusion from this day forward about firearms and violent crime, I want to read the entire text of RCMP Commissioner Murray's letter to the deputy minister of justice, Mr. George Thomson:

Dear Mr. Thomson:

I am writing to request that the Department of Justice correct its representation of the 1993 Royal Canadian Mounted Police (RCMP) statistics on firearms involved in crime.

Around June 1994, the Firearms Control Task Group requested information on all files investigated by the RCMP during 1993 where there was a firearm associated with it. Since the RCMP does not collect statistics on firearms in this format, a special software application was written to extract the data for the Department of Justice. The data was provided in electronic format with the coding information necessary to interpret the date. The Firearms Control Task Group tabulated the data and produced reports without consulting the RCMP staff on the accuracy of their interpretation of our data.

The RCMP became aware that there was a problem with the representation of the 1993 RCMP statistics on firearms involved in crimes in February 1997, as a result of the correspondence from Ms. Wendy Cukier of the Coalition for Gun Control, in which she requested an affidavit as to the accuracy of the data in Appendix "A", titled "RCMP (PIRS) Table 2. Firearms Involved In Crime: Type of Firearm Recovered According to Offence". Ms. Cukier required the affidavit for use in the province of Alberta's constitutional challenge respecting the Firearms Act. The Firearms Control Task Group created Appendix "A" from the statistics obtained from the RCMP in 1994.

Since the RCMP had not created Appendix "A", we extracted the 1993 data again and tabulated the number of firearms involved in a crime under the category of violent offences. We believe that most people would interpret the Appendix "A" caption: "Firearms involved in Crime: Type of Firearm Recovered According to Offence" to mean a firearm used in the commission of an offence. In some cases, without completing a more detailed review of the file, it was impossible to make a definite determination; therefore, we resolved some of the questionable decisions in favour of the Department of Justice findings. We determined that our statistics showed that there were 73 firearms involved in a violent crime compared to the Department of Justice findings of 623 firearms involved in a violent crime. A further analysis of the Department of Justice statistics had not been done due to the volume of work involved. However, a cursory review of the remaining 909 cases revealed that only a very small percentage of these would meet the definition of a firearm involved in a crime.

In order to mitigate damages, the Firearms Research Unit, the Department of Justice, and Ms. Cukier were notified that the RCMP could not provide an affidavit on the accuracy of the 1993 firearms statistics presented by the Department of Justice.

At a subsequent meeting with the Firearms Research Unit staff to discuss the release of similar 1995 RCMP statistics, they presented a report entitled, "The Illegal Movement of Firearms in Canada". This report contains the same statistics as those in Appendix "A", however, the RCMP statistics are combined with those of other major Canadian police forces. The Firearms Research Unit representatives believed that the firearms identified in Appendix "A" had actually been used in committing a crime.

It is of particular concern that the Minister of Justice and the Canadian Association of Chiefs of Police relied on these statistics while Bill C-68 was being processed in Parliament as evidenced by statements in the report "Illegal Firearm Use in Canada".

A quotation from page 2 of the report states that: "It can also be seen that rifles and shotguns were involved in 51% of violent firearm crimes, airguns were involved in 19%, and handguns were involved in 17% of violent crimes. The Firearms Smuggling Working Group was concerned with a significant number of long guns involved in crime." This statement is not significant when we consider that in 1993, the RCMP investigated 333 actual homicide offences, including attempts, but only 6 of these offences involved the use of firearms according to the statistics provided to the Firearms Control Task Group. Furthermore, the RCMP investigated 88,162 actual violent crimes during 1993, where only 73 of these offences, or 0.08%, involved the use of firearms. If we display the RCMP 73 offences in the same manner as the Firearms Control Task Group, we would say that rifles and shotguns were involved in 79.5% of violent firearm crimes investigated by the RCMP. This is not surprising when we recognize that rifles and shotguns represent 84.4% of all firearms in Canada. The

Routine Proceedings

difference between 623 violent firearm crimes credited to the RCMP, compared to the actual number of 73 is significant.

The Canadian Firearms Centre (CFC) staff were unwilling to meet to confirm where the problem occurred with the interpretation of the 1993 RCMP data. Their efforts were focused on producing a report on the 1995 firearms data. The CFC offered to make comparisons between the results of their current research project and other similar research conducted in the past. This proposal was not acceptable since there was no means to validate the 1993 data, only a possibility of some comments on differences between the findings of the two years. This would leave the 1993 data in circulation. The incorrect reporting of the RCMP statistics could cause the wrong public policy or laws to be developed and cause researchers to draw erroneous conclusions. Considering that the data is clearly marked as belonging to the RCMP, we must accept ownership and responsibility for the harm the data may cause. For these reasons, something must be done to correct the data or remove it from circulation.

Since the data in our Police Information Retrieval System (PIRS) and Operational Statistics Reporting (OSR) special reports is open to interpretation, it was necessary to suspend further release of similar firearms data pending an agreement on regulating this problem.

I am, therefore, requesting your assistance to resolve this issue. In addition, you may wish to inform the Minister of Justice about this issue to ensure that she does not refer to the RCMP statistics quoted in the Department of Justice report.

Sincerely,

J.P.R. Murray.

• (1520)

In light of that letter and the seriousness of it, and since the RCMP commissioner's letter was released to us in an access to information request, we have been made aware of the fact that these misleading statistics were also introduced six times in the Alberta Court of Appeal in affidavits filed by the federal Department of Justice and interveners supporting the government's position in the provincial court challenge of Bill C-68.

Mr. Speaker, do you realize the seriousness of what is transpiring here? The RCMP's analysis of its own firearms data was never introduced in the court by the federal government. I urge you to ask them to correct this oversight before alternative legal measures are considered.

• (1525)

It is clear that the standing committee on justice should have the opportunity to reconsider the regulations in light of this new evidence and in the light of a letter written by a senior research officer from the Canadian Firearms Centre. It is in the Ottawa *Citizen* today. In this article he says the RCMP is wrong.

We need to move the following motion and the hon. member from Cypress Hills—Grasslands will be seconding this motion. The motion reads:

That the motion be amended by deleting all the words after the word "That" and substituting the following therefor: the fourth report be not now concurred in but that it be recommitted to the Standing Committee on Justice and Human Rights with instruction that they amend the same so as to recommend the deletion of the Firearms Registration Certificate Regulations.

The Deputy Speaker: The Chair will consider the admissibility of the amendment.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it gives me real pleasure to speak on this matter. The motion put forward by the hon. member for Yorkton—Melville is a very important one and one that should cause a great deal of concern on all sides of the House.

Obviously there is a great deal of information that has come to light in recent days, the correspondence that has been read into the record, the references to the fact that the RCMP commissioner and members of the RCMP are questioning the validity and the accuracy of the statistics, the very statistics used for the justification of this bill.

This bill was contentious without any of this new information that has suddenly come to light. Equally troubling is that representations were made by the Department of Justice to the Alberta Court of Appeal. Four provinces and two territories are currently debating the constitutionality of Bill C-68.

I take the hon. member's reference to the six times these statistics were referred to in the pleadings at the Alberta Court of Appeal. The mere thought that members of the justice department may have knowingly made reference to these statistics alone is cause for us to slow down and take a second look before this proceeds any further.

This is an incredible revelation to think that this could have knowingly occurred. If the RCMP made reference back in July to the department, the commissioner took the time and effort to write to the minister or the deputy minister bringing this to their attention, telling them that he in fact did not in essence want the RCMP's name associated with these statistics.

• (1530)

Let's face it, the RCMP's name being associated with these statistics and the weight that was placed on that by the Department of Justice in justifying its position on Bill C-68 could be one of the biggest lies ever perpetrated on the Canadian people.

This is a very serious allegation and we cannot go any further until we get to the bottom of this.

The Minister of Justice has suggested that there is a methodological approach that would explain this difference and how these statistics were spun by the department and that this would somehow counteract the RCMP's contention that there is a real discrepancy here. It does not take a great deal of in-depth knowledge of criminal law to see that the discrepancy here cannot be accounted for by a minor methodological approach in the explanation of the use of long guns in violent crime.

Routine Proceedings

Statistics are available. The RCMP is questioning these statistics. It is now saying that it accepts the process that may have taken place, but the process is yet unknown. We have not heard from the Department of Justice on what has transpired specifically between the RCMP and its department to explain the difference in the figures. I believe this is where we have to go next before we proceed any further with this very contentious piece of legislation.

Mr. Garry Breitkreuz: Mr. Speaker, there was not a question there, but I have to make another comment in regard to this.

My colleague from Crowfoot has read a letter from Mr. Scott Newark, the executive officer of the Canadian Police Association, who has grave concerns in regard to this. We have the commissioner of the RCMP who has stated in his letter that incorrect reporting of the RCMP statistics could cause the wrong public policy or laws to be developed.

Mr. Speaker, what else do we need? That should be enough to cause unanimous consent in this House at this time to not concur with the regulations that have been tabled in this House.

It is a very serious matter. I think every member sitting here realizes that we have put into place some regulations that we should not have done on the basis of incorrect information.

The Deputy Speaker: The Chair is of the view that the amendment proposed by the hon. member is in fact in order. Accordingly, I will put the motion to the House.

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to participate in this debate if only to say that I am once again very disappointed that the opposition party manipulates or uses the rules in order to start a debate of this type. It is not only a waste of time of the House, it does a disservice to the subject matter.

The members know that if it is introduced suddenly in this way it is not possible for the other parties to participate properly in a debate, no matter how important the subject matter is.

Therefore, I move:

That the House do now proceed to the Orders of the Day.

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

Mr. Chuck Strahl: Mr. Speaker, I realize you are going to ask the question on this particular motion. I just want to make the point that the assertion by the deputy House leader that there is something wrong with what has gone on here today is completely out of line—

• (1535)

The Deputy Speaker: Order, please. I think hon. members clearly disagree. The member who spoke was on debate. He moved a motion which the Chair is under an obligation to put to the House. We are not free to debate it. I am sorry for the whip, but I think he knows that what he might want to say is something he could argue on debate and not on a point of order.

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:

The Deputy Speaker: Call in the members.

• (1540)

And the bells having rung:

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I think if you were to seek it you would find that the House would give its unanimous consent to pass the motion, on division, and then we could return to Routine Proceedings.

The Deputy Speaker: Is there unanimous consent?

Some hon. members: Agreed.

(Motion agreed to)

The Deputy Speaker: I declare the motion carried. The chief government whip proposes that we now return to Routine Proceedings. Is that also agreed by the House?

Routine Proceedings

Some hon. members: Agreed.

* * *

PETITIONS

GOODS AND SERVICES TAX

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, it is my pleasure to present a petition on behalf of 226 British Columbians. With the indulgence of the Speaker I will read their petition.

It states: "Taxing reading is unfair and wrong. Literacy and reading are crucial to Canada's future. Removing the GST from reading material will help promote literacy in Canada. 'Applying tax to books and periodicals discourages reading. The Liberal Party has passed a resolution calling for the removal of the GST on books and periodicals and that's what I will do'. Prime Minister Jean Chrétien, September—"

The Deputy Speaker: The hon. member knows that she cannot refer to members by name and she knows too that she cannot read from a petition, so she is really treading on very thin ice. That is one of the difficulties with reading from petitions. I invite her to summarize the petition and get to the point of it promptly.

Ms. Val Meredith: The petitioners urge Parliament to remove the GST from books, magazines and newspapers and I concur with this request.

The Deputy Speaker: The hon. member has gone through the ice. She knows that she is not to express her assent or dissent from the opinions expressed in a petition. I invite her to comply with the rules in every respect when she presents petitions.

SENIORS' BENEFITS

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton, Lib.): Mr. Speaker, pursuant to the Standing Order 36 I have the honour to present the following petition signed by 44 individuals.

The petitioners draw the attention of the House to the fact that they are calling upon parliament to encourage the government to maintain the pension and old age deduction or credit and to ensure that the seniors' benefit is based on individual spouse's income.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, pursuant to Standing Order 36 I am pleased to present the following petition which comes from concerned citizens in my riding of Lethbridge, Alberta and contains 68 signatures.

My constituents are very concerned that negotiations for the MAI have been conducted behind closed doors and that Canadians have been kept in the dark about the MAI, even though it will have a major impact on many areas of Canadian life.

• (1545)

The petitioners call upon Parliament to impose a moratorium on Canadian participation in the MAI negotiations until a full public debate on the proposed treaty has taken place across this country, so that all Canadians may have an opportunity to express their opinions and decide on the advisability of proceeding with the MAI.

BANKS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have a petition signed by hundreds of people who live in rural parts of the riding of Peterborough, particularly people of Keene who have recently lost their only bank.

They point out that rural Canada contributes substantially to the national economy. The Canadian agriculture and agri-food industry is the third largest employer in Canada. The tourism industry is also a large employer in many areas of rural Canada. Residents of rural areas often have difficulty in finding any incentive to support local initiatives and businesses due to the lack of banking facilities.

The petitioners call upon Parliament to work toward ensuring that the needs and concerns of residents of rural Canada are addressed and that their access to local banking facilities is maintained, thus encouraging businesses to remain a viable part of rural Canada.

BIOARTIFICIAL KIDNEY RESEARCH PROJECT

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I have another in a series of petitions signed by thousands of people in support of the bioartificial kidney research project. They hope that this project will eventually replace dialysis and transplantation as a cure for kidney disease.

The petitioners call upon Parliament to work and support the bioartificial kidney which will eventually eliminate the need for dialysis or transplantation for those suffering from kidney disease.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, the first petition is being presented by approximately 50 of my constituents on the MAI, the multilateral agreement on investment. They petition Parliament to impose a moratorium on ratifications and conduct full public hearings so that Canadians can have an opportunity to express their opinions about it.

NUCLEAR WEAPONS

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, I have a second petition from approximately 60 of my constituents. They are petitioning Parliament to support the immediate initiation and conclusion by the year 2000 of an international convention which will set out a binding timetable for the abolition of all nuclear weapons.

AGE OF CONSENT

Mr. Grant McNally (Dewdney—Alouette, Ref.): Mr. Speaker, I have a third petition with signatures from over 200 of my constituents. They ask that Parliament amend the Criminal Code of Canada to raise the age of consent for sexual activity between a young person and an adult from 14 years to 16 years.

MULTILATERAL AGREEMENT ON INVESTMENT

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present a petition on behalf of my constituents in Wallaceburg, Paincourt, Dresden and Bothwell. They urge Parliament to impose a moratorium on ratification of the MAI until full public hearings are held across the country.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I suggest that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I suggest that all notices of motion for the production of papers be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

JUDGES ACT

The House resumed from March 30 consideration of the motion that Bill C-37, an act to amend the Judges Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I rise on a point of order. There have been discussions among representatives of all the parties and I believe you would find consent for the following motion. I move:

Government Orders

That in the event a recorded division is requested later this day on the motion for second reading of Bill C-37, the said division shall be deemed deferred to the end of Government Orders on Tuesday, April 21, 1998.

The Deputy Speaker: Does the House give consent that the chief government whip may put this motion to the House at this time?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

● (1550)

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I am pleased to stand before the House and speak to Bill C-37 which is known as the Judges Act. Among other things this bill increases the number of appeal court judges from 10 to 13. It increases the number of unified family court judges from 12 to 36. It also increases judges' salaries retroactively from April 1, 1997 to March 31, 1998 by 4.1% and by an additional 4.1% the following year. That makes it 8.2%.

I am going to take a different approach in speaking to this bill today. I want to talk about some of the judges in our country who are basically making really stupid decisions. This motivates me to say that anybody in this day and age who is picking up 8.1% should really be doing a good job at all times and should be deserved of an 8.1% raise. I do not think anyone in private industry is getting that, so there must be something extraordinary about the judges in our land.

I want to talk about some of these stupid decisions. As well, I want to talk about the Canadian judicial council which makes recommendations about judges and things that should happen in judge land. Quite frankly, Bill C-37 does not address any of that.

I am very disappointed that the government tabled Bill C-37 and did not address some of the things that some judicial councils were asking for. It is typical of our country. We give a raise but we do not ask whether it is deserved.

I want to talk about three issues in my riding. I could name more from some of these witty judges. I first want to talk about Judge Harry Boyle. I have taken Harry Boyle's name and I have plastered it across the country because Judge Harry Boyle has made a dreadful mistake in my riding.

A young lady by the name of Diane was violently raped by a fellow by the name of Darren Ursel in my riding. As Darren Ursel went through the court system he went before Harry Boyle. He said "Judge, I am sorry for what I have done. I have been tender at times. Gee whiz, you know it is only the first time I have got caught". Judge Harry Boyle said "Son, that sounds like a pretty good reason to me". He gave Darren Ursel a conditional sentence, not one scrapping day in jail.

Government Orders

Members on the other side might say "Here comes that Reformer. He picked an isolated case in trying to justify his position and that is a terrible thing". I am going to go through a number of cases in my riding alone. I could talk here all day about hundreds of judicial decisions all across this land that are not only irresponsible but are absolutely preposterous.

I know Diane quite well. We fought together to try to get appeals. We tried to coerce the legal industry into acknowledging that this was such a terrible mistake. We profiled the issue. We profiled and profiled it again until we did get an appeal. The appeal worked. Under pressure this creep got two years in jail, minus I believe the time that he was running around in our community.

What do we say about Judge Harry Boyle? Judge Harry Boyle, do not come to me and ask for an 8.2% increase. I would have you off the bench, quite frankly.

Let us talk about Judge T. D. Devitt in Abbotsford, my hometown. There is a fellow by the name of William Gibson Brown who did a lot of time for violently raping a woman. He did about seven years out of the eleven he was supposed to serve. In this day and age I suppose that is a lot of time.

• (1555)

He got out into my community and was charged for molesting five young people. The lawyers got together and tried to do a little plea bargaining. They got it down to molesting a couple of children. The lawyers went before Judge T. D. Devitt and Judge Devitt said "It does not sound like you are all that bad. I am going to give you a conditional sentence", and so he did.

The man got no time in jail. The man walked away from molesting children in my community after he violently raped a woman. The judge said that he must be an okay guy, so he got no time in jail.

Very shortly after he walked out of the courtroom on his conditional sentence, he molested a five year old in my community. I talked to the mother. She does not believe in the justice system. She does not believe in judges. Quite frankly, I believe in her judgment that she should not believe in judges. It is hard to understand a judge's decision on something like this.

Let me read some statements about William Gibson Brown. This comes from the parole board. Although Brown presented a willingness to take counselling, prior parole board records show that Brown "appears totally normal, he remains a very cynical, angry man. He cannot or will not accept that he needs help. He would not guarantee that he would not offend again. Clearly the man is deteriorating and is more dangerous now than when I saw him two years ago". That is a man who got a conditional sentence from a judge and has now molested another child.

The 1994 National Parole Board report said that the risk to reoffend was very high and release would only put a community at risk. The board member was of the view that detention until warrant expiry was confirmed. And a five year old boy and a mother are wondering what the heck is wrong with this justice system.

For Judge Devitt in my riding who might some day come to me and ask for an 8.4% raise, I would say absolutely not. He does not even deserve to be on the bench. That is what I would say.

Let us look at Howie Slaunwhite. I talked to Howie the other day. Most of us in this country would say that if some criminal were to walk through our doors and molest our children or our wives, we would beat them or take a gun to them. Today, most of us say that we would protect our own land, our own families, our own rights and our own turf. That is what we would say. That is what Howie said.

What happened is that the perpetrator in Port Alberni molested Howie's 15-year old daughter. Howie took a bat to him and I am glad he did because the justice system does not work well. So Howie is guilty of assault. Bad guy, Howie. That is not right. I would admit that. So the man would go before a judge and in my mind the judge would say "That is wrong, we will give you a suspended sentence, perhaps". What actually happened was that the molester, Stephen Mack, was convicted and jailed for 10 months.

• (1600)

While in prison this molester took out a civil case and went to another judge, Judge Lathleen Downes. Judge Downes awarded the perpetrator, while in prison, \$42,000 out of Howie's pocket. Howie had to get a lawyer who of course whips out his own wallet and says it will cost him \$15,000. Now Howie is up to close to \$60,000 which he cannot afford.

I have to wonder in this land what is wrong with this system when the father of a molested child is treated worse than the criminal. Today he will very likely not spend 10 months, like the perpetrator, but 10 years trying to pay the bill.

If anyone asks me whether I would give Judge Kathleen Downes an 8.4% increase I would say absolutely not. I would debench her. That is what I would do.

Let me give a couple of other minor issues to what these Liberals have often said to me in this House, like Judge Peter Vanderhoof, while he described a three year old girl after sentencing her attacker to 18 months probation for sexual interference. Judge Vanderhoof called this three year old girl sexually aggressive in his defence of the criminal.

Government Orders

For these people on the other side, if Judge Vanderhoof asked for an 8.4% increase, the answer in Bill C-37 should be absolutely not. He should be debenched for such stupidity.

I have so many issues I do not know where to start. Here is a fellow who likes to tape me on the radio so that someday he might like to sue me. I welcome him because not being a lawyer I would love to defend my own case against this fellow. Would he ever have the spotlight on him. Port Hardy, B.C. provincial court Judge Brian Sanderson gave 57 year old Vernon Logan "an absolute discharge" even though Logan pleaded guilty to possessing child pornography. The judge said: "The law banning child pornography violates the charter of rights because it is an infringement of one's freedom of thought, belief or opinion, as unfettered access to reading material is necessary to exercise those freedoms". This is a judge who makes a decision that child pornography is okay.

I hope you are watching, Brian, because he listens to me enough. If Brian Sanderson comes to me and asks for an 8.4% increase I would say absolutely not. You, sir, are a disgrace and should be debenched.

David Snow was charged in Vancouver with kidnapping two women and trying to strangle a third. "I cannot conclude", says the judge, "that the placing of the wire around the neck of the victim and the placing of the plastic over her head are sufficient to establish intent to kill".

If this government has any idea of what a bill about judges should be all about, it only has to listen to this kind of stupidity. To insult the rest of us in Canada with an 8.4% raise for this fellow, the answer should be absolutely not. He should not be sitting on the bench.

• (1605)

These are disgraceful and I have piles of them mounting every day. It is sick. We cannot forget Howard Wetson, the judge in Manitoba. He is a federal court judge. A year ago he decided in another ridiculous ruling that federal prisoners have the right to vote under the Canadian Charter of Rights and Freedoms. Prisoners having the right to vote is absurd. If Howard Wetson would like a raise please, Howard, apply to me for your 8.4%. I would say, sir, you do not deserve a raise and you should not be sitting on the bench.

Let us look at what the judges of Canadian judicial organizations say. What should happen to the judicial system? They made a recommendation for open disciplinary hearings against judges to the public. Is that in Bill C-37? Absolutely not. Another recommendation is to limit the terms of chief justices in most courts to seven years. That came from the justice system itself. Is that in Bill C-37? Absolutely not.

There is something wrong with the mentality of this House today. There is a head in the sand approach. We want to disregard the obvious that the once proud justice system of Canada has deteriorated into a legal industry. Many judges are put in their position because it is who they know and who they work for. It is not necessarily for their relevance, decision making or their knowledge of the law. It is not about their integrity. It is all about this system of patronage which has become a national disgrace.

If this government really wants to do something useful why not take Bill C-37 and stick it on the desk of a bunch of lawyers and keep it there. Take it to the people and ask them what is wrong with the Canadian judicial system today. Ask them if they like the decisions of Howard Wetson. Ask them if they like Harry Boyle's decision and ask them what they would like to do with judges and how to react to a system that no longer works.

Why we do not examine lawyers before appointment to the bench, why we do not disclose their qualifications, skills and abilities to the public before they are appointed I do not know. I do not understand why we do not end political appointments. I do not know why we do not have more predictability in sentencing. Why we do not continuously test and time limited appointments I do not know. Why we do not have a national code of conduct for conflict of interest rules for judges as the Canadian Judicial Council recommended I do not know.

Bill C-37 is all about more bureaucracy and money in the pockets of judges. I would not give one scrapping cent to the judicial system until I was satisfied if worked properly.

Psychotic killer Michael Kueger was awarded \$2,250 for being inconvenienced during a labour dispute at Oakridge prison. He killed someone in 1991. The judge said: "He was inconvenienced for denial of showers, therapy and swimming pool". That is after he gave a class action suit award of \$45,000 to 11 prisoners. Just ask me if that judge would get one red cent out of my pocket. I would have him debenched like the others I spoke about.

• (1610)

The Acting Speaker (Mr. McClelland): It is a long held tradition, cited many times in Beauchesne's and other references, that when we as members of Parliament speak of others in high office, particularly when they are not in a position to defend themselves, we exercise extreme caution in doing so.

This is not a ruling I am making. This is a longstanding tradition in our Parliament that we be cautious when we attack individuals or groups, particularly in the judiciary, and those who are unable to come in here and have the same right of free expression as we enjoy with impunity here. I make that as a point of interest to all hon. members.

Government Orders

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, I rise on a point of order. I do not want to get into a row with the Chair but the fact of the matter is Bill C-37 is about judges.

If I come to the House of Commons with my colleagues to talk about issues that are relevant to a bill called the Judges Act, by the way, then we should have every right to stand in this House and talk about the real problems and not about the irrelevance put in the nature of that bill by the other side.

The Acting Speaker (Mr. McClelland): That is precisely the reason the member was not interrupted in debate.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, I am a little puzzled. There was no point of order raised. There was no one questioning the speech of the member for Langley—Abbotsford. There was no interruption. There was no point of privilege, order or anything else. I do not understand why Mr. Speaker chose to read to us from Beauchesne's when no one has protested or found anything wrong with the speech just made.

I do not think it is a good precedent for the Chair to be instructing members when no one in this place has found anything wrong with the speech was just made. I urge the Speaker to remember that he can rule on points of order. He can interpret precedents for us. But to try to instruct members of the House and members of the opposition on what kind of speeches to make or when to make them, I think Mr. Speaker should be very careful about setting that kind of precedent.

The Acting Speaker (Mr. McClelland): I take the hon. member's point under advisement.

Mr. Bob Kilger (Stormont—Dundas, Lib.): Mr. Speaker, I listened attentively to the intervention from the official opposition and the House leader. I know from time to time Speakers have traditionally advised the House wisely in such matters and I certainly do not concur or agree for one moment with my respected colleague opposite, the whip of the—

An hon. member: You were not even in here.

Mr. Bob Kilger: The member is correct in reminding the House that I was here. I was sensitive to the approach taken in the speech by his hon. colleague who I know has very strong views and feelings on this issue. His commitment to judicial issues and his passion to the topic is well documented.

Notwithstanding the strong feelings any of us might have on an issue such as this, when we are dealing with other people of integrity and people in offices such as the judiciary, I believe we are well to be reminded by the Chair to respect the traditions of this House.

While I did not rise during his speech in the same fashion as the Chair chose to act, I was certainly as sensitive to the issue. I am

pleased that the Chair did raise this to remind us. We should keep this in mind when dealing with an issue such as this.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, I wonder if you could perhaps provide a little further advice because I am slated on the Speaker's list to speak next to this bill and I am fairly concerned. Obviously I do not want to run afoul of your ruling, Mr. Speaker. I want to be very cautious in my approach.

• (1615)

The Acting Speaker (Mr. McClelland): Let us just take it from here then. It is understood that because of the nature of the debate and the topic that is being debated, in general terms, it is fair ball. If members refer to a specific individual who does not have the same privilege to defend himself or herself with the same impunity in the Chamber, that is where we get into the problem.

In general terms it is quite appropriate because what we are talking about is the remuneration of the judiciary. What we are not talking about is the individual conduct of a particular member of the bench.

Mr. Jay Hill: Mr. Speaker, I would like to make two quick points on this. One is that Reformers were sent here to try to set some traditions of their own. How are traditions set?

Second, when we came here we could not even refer to the other place. There have been a lot of issues raised about a certain senator, Mr. Andrew Thompson, who has been mentioned by name here. I do not recall the Speaker shutting down the official opposition when we were questioning—

Mr. John Harvard: Mr. Speaker, I rise on a point of order. I can speak to the point of order or I can go on to questions and comments, whatever you choose.

The Acting Speaker (Mr. McClelland): Questions and comments, the hon. member for Scarborough Southwest and then we will go to the hon. member for Charleswood—Assiniboine.

Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, just for the benefit of Canadians who might be watching, in terms of my comments and my question to the hon. member, he mentioned at the tail end of his last remarks what in fact we are debating.

We are not debating a revamping of the Judges Act. We are debating amendments to the Judges Act. The summary of those amendments is as follows: to provide changes to salaries and in respect of eligibility for an annuity; to make additional changes to the judicial annuity scheme; to establish a Judicial Benefits and Compensation Commission; and to provide authority to pay additional appeal court and unified family court judges.

We are talking about compensation for judges. In this bill we are not talking about the removal of judges. We are not talking about conditional sentencing under the Criminal Code. That has nothing to do with Bill C-37.

I want to make a couple of comments to the hon. member and then ask him a couple of specific questions.

First I want to say that, as usual, his speeches are entertaining and easy to listen to. He makes good points. He is also perhaps a little bit loose with the facts.

He mentioned a number of judges. I was wondering how many of those judges are provincial court judges, appointed by various provincial governments across the country. The reason I am wondering this is because after each of the horror stories that the hon. member mentioned he blamed the people on this side of the House.

He answered his own question when he referred to Brian Sanderson. He indeed is a provincial court judge. That has nothing to do with the federal government. It has nothing to do with Bill C-37. It has absolutely nothing to do with an 8.5% pay increase.

Are all of the judges that were mentioned by the hon. member federal appointments? If they are—

The Acting Speaker (Mr. McClelland): I am sorry, we have to keep going. The member for Langley—Abbotsford.

Mr. Randy White: Mr. Speaker, I can read a list of hundreds of decisions like this from federal court judges. There is no question about that.

What I tried to express to the member and to all of those listening is that the issue of judges and their decisions is important in our society today. I am really not interested in which court they are. Some of them are federal, yes. They may even be supreme.

Here is the real issue. I think the member missed the whole point. There were numerous recommendations made by the Canadian Judicial Council to change the system that has gone astray.

• (1620)

Those recommendations were made after numerous studies and yet this government tables a bill called Bill C-37, the Judges Act, which will give judges an 8%-plus increase. My message, therefore, is if we cannot get the judicial system corrected, why on earth would this government bring in a raise for judges? There is something wrong with the mentality of this thought. This is not brain surgery, it is reality.

I started my debate off by expressing some serious concerns about judicial decisions in my riding. These decisions, whether they are provincial, municipal, supreme court or federal court, are just plain stupid. Judges should beware. There are hundreds of thousands of people today who are concerned.

Government Orders

People are appalled to hear that this government has brought in a bill concerning a pay raise for judges.

For somebody to tell me, quite frankly, that I cannot refer to judges in my riding, I do not accept that. I am here to represent the people of my community. They know what and who I am talking about. That is the bottom line here, is it not?

Mr. John Harvard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member just said that the people listening to him right now know who he is talking about. The problem is that they do not know. He is singling out criminal court judges, yet there are all kinds of judges in this country who work not only in criminal courts but in civil courts. This hon. member smears all of them with his irresponsible remarks.

He says that the work of the judges is important. He then turns around and sullies every single judge, whether provincially appointed or federally appointed in this country. I would expect a lot more responsibility from a member of the Reform Party who is constantly talking about responsibility.

The comments he has made in the last few minutes absolutely leave me abhorred.

The member said that he would not give any judge one red cent until he knows that the system is working properly. Based on what this gentleman says, does anyone really think that the judicial system will ever work well in his eyes?

Let me just say a couple of things—

The Acting Speaker (Mr. McClelland): The hon. member for Langley—Abbotsford.

Mr. Randy White: Mr. Speaker, if this member does not like what I say, that is just too darn bad, is it not?

The fact is, I made it abundantly clear in each and every case that if that specific judge asked me for an increase the answer would be no.

This thick Liberal mind over here says I smeared every judge. He does not understand. I can appreciate that because it is his party and probably a lot of work from himself which has put this bill in front of us rather than a bill to change the judiciary as even the judicial council would like it to be changed.

If the members on the other side do not like what is happening in the judicial system, then they should change it. If they are not going to listen to the judicial council in this country, then I guess they should go on their merry way and allow stupid decisions like this to continue. After all, this is a Liberal government, is it not?

I will say once again that the bottom line is that they may not like what I have to say, but one day they are going to darn well listen.

Government Orders

• (1625)

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, correct me if I am wrong, but I believe we were elected by the people of Canada, who are the rightful employers of civil servants in the country.

Judges are civil servants. What other recourse do the people of Canada have to hold the judiciary accountable except through their elected representatives? If we in this House do not have the freedom to be able to criticize the judiciary of this country, then who does?

I would like—

The Acting Speaker (Mr. McClelland): The hon. member for Langley—Abbotsford has a minute to respond to a question that may or may not have been directed to the member for Langley—Abbotsford.

Mr. Randy White: Mr. Speaker, it is too bad we did not allow that fellow over there to speak again because I would like to have at him for a couple more.

We know the Liberal government does not understand where we come from because it is out of touch with some of these issues.

I have read about some very profound issues that are happening in or near my riding. They are happening in every riding, except his of course, every day, all day long and people are just darn sick of it.

I have one piece of advice to give this government. Do not bring in bills like Bill C-37, the Judges Act, to give judges a raise until the system is fixed. What is so hard about that?

The Acting Speaker (Mr. McClelland): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Waterloo—Wellington, Organized Crime; the hon. member for Delta—South Richmond, Fisheries.

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, you would think the number of times I rise to speak in the House, and the number of times you happen to be the Speaker in the chair, that we would be working a little bit closer together on my riding, and some other issues of course.

It is indeed a pleasure for me to rise and speak to Bill C-37, despite the acrimony we have just witnessed in the Chamber. It is a piece of legislation that certainly needs to have a number of points of view brought forward on it. It is an act to amend the Judges Act and to make consequential amendments to other acts.

I would like to refer to some remarks that were directed at my colleague for Langley—Abbotsford during the question and comment period following his presentation. In speaking to this bill or any justice bill we have to address the issue of accountability.

I believe the question was asked by the representative for Nanaimo—Cowichan that if we cannot raise these specific cases in the Chamber where we have immunity from prosecution, as sensitive as they are and perhaps as insensitive as it appears we are in raising them, then where can we raise them? I think that is a valid question to ask.

What I think my colleague from Langley—Abbotsford was referring to is the growing resentment across this nation. It is frightening, quite frankly. There is a growing resentment on the part of grassroots Canadians toward our legal system.

• (1630)

Part of it is the issue of decisions made by judges. If we are doing our job properly as representatives of the people, we have to raise these issues on behalf of Canadians who are crying out for justice, those thousands of Canadians who appear every day in court perhaps as victims or perhaps as family or friends of victims and fail to see justice done in the decisions made by judges.

A couple of nights ago in our shadow cabinet we had the advantage of having a police chief from one of the larger communities in Canada appear before us to speak about some of these issues.

One point came home to me as I listened to this police chief who has been involved for a number of years, far too many years, in trying to raise the issues of gang related violence, youth crime and the drug problem in Canada today. I could sense his frustration as a chief of police.

I could speak about members of the police force in my riding of Prince George—Peace River who have conveyed that same frustration to me which they face on a daily basis, not only as they go about doing their job but when they appear in court before the judges to whom Bill C-37 is to give a raise. We are to reward them and give them a raise. That frustration is growing not only on the part of police officers and crown prosecutors who work diligently every day to try to put some of these horrendous criminals behind bars but on the part of the average citizen.

One of my colleagues said “and keep them there”, a very important point. It is not enough to go through the process of the police doing their job collecting evidence, catching the criminal and bringing him before the judge and of crown prosecutors doing their job if it means nothing in the end, if the person either walks scot-free because of a technicality or because a judge for whatever reason decides to hand down some lenient sentence and the victim sitting in the court that day does not see justice done.

Some of these decisions cannot be defended. I believe that is what my colleague from Langley—Abbotsford was trying to show. Despite the intervention of the member opposite, I do not believe the member in his speech was trying to smear all judges. Certainly

Government Orders

that is not what I got from the speech. Maybe the member opposite heard a different speech from what I heard.

It is terribly important that we as representatives of the people raise these issues in doing our job. How can we do this if we have to talk about them as was said by the hon. government whip, in generalities and not cite some specific examples?

How do we make the case for the viewing audience at home that we understand and have seen the reports in newspapers about a decision that was rendered but we as the official opposition, as Reformers, do not agree with those decisions and think they are bad decisions? They are not only bad decisions for us as official opposition but they are bad decisions, more important, for the Canadian people and for the justice system. That is what brings all judges and all justices into disrepute, not something my colleague from Langley—Abbotsford could possibly say in the Chamber. It is the stupid decisions, to use his term, that have been made from coast to coast about which the average citizen reads in his daily newspaper. Those are the things that bring the justice system into the greatest disrepute, not what we say here.

• (1635)

One of the gravest injustices would be if we as Reformers and as the official opposition ever felt muzzled to the point where we could not raise such issues in the Chamber. It would be a grave injustice for every single victim that every felt betrayed by the system.

Perhaps, Mr. Speaker, you will grant me a bit of leniency; I seem to have strayed a bit from Bill C-37, as did my colleague. Justice issues are near and dear to the heart of not only members of the official opposition but I am sure to ever member of Parliament on all sides of the House. I believe all members in the House care very deeply about justice or injustice in our country. Although we obviously do not share the same points of view on how to fix the system, there is an awareness that something needs to be done.

It is our view that to bring forward Bill C-37 at this time to give judges raises—and we can argue on a individual basis whether or not it is deserved—is an insult to Canadians when so much needs to be fixed in the justice system. It is not just our saying it. We hear it every time we go back to our ridings.

The current justice minister has been talking about making changes, for example, to the Young Offenders Act ever since she was given that portfolio. We have yet to see legislation tabled in the House dealing with the very serious problems of youth crime in Canada. This was another one of the other issues the police chief discussed with the official opposition shadow cabinet the other night.

What is Bill C-37 all about? It increases the number of appeal court judges from 10 to 13. It increases the number of unified family court judges from 12 to 36. I do not have a problem with

that. There is certainly a case to made for more resources in certain areas. The official opposition has noted that there is a need for more resources in the system.

I will get back to the point by one of my colleagues during questions and answers on the issue of accountability. I raised the question with the police chief the other night. Referring to the issue of organized crime, he said that they had the people to do the job but did not have enough resources. It costs a lot of money to investigate criminal activity. Some of these investigations take years.

• (1640)

I asked him what good it did. I am not opposed to seeing more judges in certain areas because there is a need. What good does it do in the case of organized crime if we allocate more resources, spend more money, get more investigators, go after them, get them in court and a judge rules on a technicality and they walk? What message does that send?

It is worse than doing nothing. It is incredibly frustrating to police, prosecutors and everyone involved in the case. Why I say it is worse than doing nothing is that once again it sends the wrong message. It sends a message to the criminals that they can get away with it, that crime does pay.

A criminal can do some of the most horrendous things and be hauled into court perhaps after years of intense investigation by the police or special investigators who have done a superb job on a case put together over months by a prosecutor. The criminal goes before a judge and the judge rules on a technicality or on precedent and gives a slap on the wrist. A drug dealer who makes hundreds of thousands of dollars gets a fine of a few thousand dollars, walks out of the court and laughs in the policeman's face. What message is that sending?

I am referring to accountability. By all means more resources should be put into it, but let us ensure that judges themselves are held accountable for the decisions rendered. There has to be some way in which they can be held accountable.

Right now the only way to hold them accountable is in the court of public opinion. If enough people from coast to coast get fed up with the system and hold rallies, including tens of thousands of people on Parliament Hill, then maybe the government will wake up and bring in the necessary changes instead of bringing forward Bill C-37 to increase judges' salaries retroactively.

Several members have used various figures: 8.2% combined over two years and 8.4% or 8.5%. I am not a mathematician but I am told it would be about 8.3%. I will take the middle ground. I want to compare it to the RCMP officers on the ground who are doing a real tough job. On Friday, March 27, 1998, RCMP officers secured a pay raise of 2% retroactive to January 1. They will

Government Orders

receive a second increment of 1% on April 1, 1998 and an additional .75% on October 1.

Something is wrong with this picture. Currently judges on average are making about \$140,000 a year and are to get 4.1% retroactive to last April and another 4.1% for April 1, 1998 to March 31, 1999. From talking to members of the RCMP in my riding I find that many of them are moonlighting right now. I do not know if members across the way are aware of this fact. They are finding it really tough to raise their families and make a go of it on an RCMP constable's wage.

• (1645)

People might ask what this has to do with the judges bill. We are talking about one segment of the justice system, the judges, getting a substantial increase to what I would consider to be a pretty fair wage now of \$140,000 on average, whereas the starting salary for a third year constable is going to go from \$50,508 to \$52,423, about a \$1,500 increase. Under this government's tax policy, I would question how much of that is actually going to remain in their pockets to help them feed their wife or husband as the case may be, and their families.

I know of a female RCMP officer in my hometown who is waitressing on the side to try to make a few extra bucks. I know of another one who lives just down the block from me who runs a bulldozer in the oilfield on his days off to try to make enough money. Yet we are giving judges an 8.3% increase.

What I am saying about this bill is not so much whether the bill is good or bad but that we have to address the issue of accountability. I want to make it perfectly clear for the members across the way I am not saying that all judges should be tarred with the same brush. There are some excellent judges. I believe the vast majority are excellent judges, doing a fine job and working long hours. It is those other judges. It is just like people in this Chamber. It is the same old story. It is the few bad apples who spoil the reputation of all. We can certainly use that same analogy when it comes to politicians, can we not?

The real failing here is not this legislation but the fact that it has been brought forward instead of a victims bill of rights, instead of amendments to the Young Offenders Act and instead of changing the fact that conditional sentencing is still being used by some judges to release violent offenders into our communities after they have been found guilty and have served no jail time. Those are the types of laws the official opposition is looking for from this government.

Mr. John Harvard (Parliamentary Secretary to Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I would like to say to the hon. member that we on this side do not want to muzzle him or members of the Reform Party when it comes to talking

about judges or any other particular issue. We just want to have them show some responsibility.

The hon. member suggested that judges across the country should be made more accountable. It sounds good. I think we are all in favour of accountability but what does that really mean? For example, if a judge renders a sentence that is unpopular to the hon. member from Prince George or anybody from the Reform Party, does that mean the judge should be fired? We have to think this through. If we say that to judges, it is a measure of intimidation. Are we going to get the kind of independence from judges if that is the kind of accountability the hon. member is suggesting?

Let me make one other point. The hon. member from Prince George stumbled upon what I think is a very good question. He asked what is justice. It is a pretty profound question. I would like to ask a question in return. Does the Reform Party suggest that unless we have the death penalty we cannot have justice? Does the Reform Party suggest that if we do not abolish the parole system we cannot have justice? Does the Reform Party suggest that if we do not put people away in jail and throw away the key that we cannot have justice? Is that what the members of the Reform Party are saying?

The question of what is justice is very profound. However at the end of the day we need a justice system that serves the entire populace. All of us. The entire community. It includes those who have been victimized and those who are responsible for protecting our society. And yes, it includes even those who commit a crime. If they are young, 9 or 10 years of age, it is not in the interests of the population to put them away for 30 or 40 years. We want them changed so they will lead a productive life eventually.

• (1650)

Mr. Jay Hill: Mr. Speaker, that was quite a rant. I will try to respond to some of the issues the hon. member raised.

At the outset when he rose to speak in response to the speech made by my hon. colleague from Langley—Abbotsford, he suggested that my colleague was smearing all judges. I think I dealt with that fairly extensively in my presentation.

The hon. member indicated what he was getting at was that the official opposition, the Reform Party, should show some responsibility. I would contend that we are being responsible for the reasons I gave in my speech.

If we cannot raise these types of issues here, what does he want? Does he want us to sweep it under the carpet? That is what the Liberals have been doing for many years. They have been turning a blind eye to these things. They say "We cannot raise that. We cannot criticize judges. Who are we to criticize the decisions made by judges?" Well, if not us, then who?

Government Orders

The hon. member said I stumbled upon the issue of justice during my speech. I think I laid it out quite clearly.

My colleague talked about the death penalty. Obviously that does not sit well with the hon. member. We Reformers have communicated our position on the death penalty very well, ever since the party was formed. We believe, unlike the government, in bottom up democracy. We believe there should be a national referendum held at the time of a national election so there would be a very small cost to it. Then we would have the will of the people on the issue of the return of capital punishment. I personally support that. Ever since I have been an MP I have brought forth private members' legislation to reinstate capital punishment. The Reform Party's official position is that the people should make decisions on moral issues such as this, not the politicians.

Mr. Gordon Earle (Halifax West, NDP): Mr. Speaker, the hon. member mentioned that he believes all members in this House are in favour of justice. I would concur that all members indeed should be in favour of justice. It is for this very reason that I have difficulty supporting Bill C-37. There is a very serious injustice being discussed here.

We are discussing a bill which would in effect give to judges raises of approximately 8.4%. With no disrespect to any judges or any group of people which the government might consider giving a raise to, I find it difficult to consider giving a raise to people when the government has failed and continues to fail to settle the pay equity concerns of over 200,000 current and former employees of the Public Service Alliance of Canada.

There are numerous people to whom the government owes money, yet the government fails to come to grips with this. It is the result of a law that was introduced by the same Liberals 20 years ago. We have a complaint that has been outstanding for about 14 years and today we are debating a bill that would give others a raise.

People in my constituency question me daily regarding what we are doing about their pay equity. They want to know when the government will pay them what they are due. And then I am expected to support the government giving an increase to another group when it fails to look after people to whom money is already owed. I see that as a very serious injustice, one which I think should be addressed. Until that kind of justice prevails, it will be very hard to support a bill which gives a raise to any group of people.

• (1655)

Mr. Jay Hill: Mr. Speaker, I did not hear a question in my hon. colleague's remarks. He raises a valid point, although his remarks

about pay equity I do not think apply specifically to Bill C-37 which we are debating today.

The member has raised the issue of equity. I tried to deal in a small way with that issue as well in my presentation. I referred to the fact that why have we singled out the judges and said that they deserve an 8.3% increase compounded over two years but not the RCMP officers or that the RCMP officers get a fraction of that amount. What about the crown prosecutors? What about the people who are in the trenches slogging it out trying to make this justice system work?

I said in my presentation that a lot of judges are trying hard to make the system work. Despite the comments made by myself and others, there are judges who have made a lot of good decisions. We could run through a list of them and name them too. But when we want to raise the issue of what is wrong with the system, we want to raise the decisions that do not garner the support in the real world.

In this Chamber what we are supposed to talk about when we are debating legislation is how it impacts in the real world outside these walls, this hallowed hall of Parliament. That is what we are supposed to be talking about. That is what my colleagues and I when we are talking about Bill C-37 are going to be trying to bring to the attention of the government and of the viewers watching in the real world. It is, what are the failings of this legislation?

As my colleague from the NDP remarked, he sees the failings as the mere fact that the government is bringing forward this legislation instead of addressing issues he feels are vitally important. I respect that, as I respect what Reformers are trying to bring forward, the long list of changes to the criminal justice system that we have been pushing ever since we formed the party back in 1987.

Yes, I recognize that the police, the prison guards, the crown prosecutors, every single person involved in our justice system is frustrated. We are frustrated here too. Reformers are frustrated. We have been beating on the doors of government for 10 long years and we do not have the changes that people are crying out for in Canada. Are they awake over there?

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, as I rise to address Bill C-37 I assume that the debate will end on this bill sometime today. The bill will then go to committee where we will be able to examine it through the eyes of those with vested interests and concerns in this area.

As I listened to the debate today in the House and I listened to hon. members from both sides raising concerns and answering questions put to them by one another, the first point which came to my mind and which I think should be addressed is to whom should judges be accountable. We talk about accountability. To whom are they accountable?

Government Orders

Judges are supposed to be accountable to the law that we pass here on behalf of the people of Canada. As representatives of the people, we are supposed to listen to what they are saying, bring their concerns here and pass legislation that will address those concerns. Then we appoint judges, and we pay them pretty well but apparently not well enough, to do what? To interpret that law.

We tell the judges what to do by the law we pass in this place. The problem is that certainly since I have been in this House and for far too long before that, the legislators of Parliament have failed to tell the judges clearly what the people are telling them they want done.

• (1700)

We see open ended legislation where judges are allowed to decide. Judges do not like minimum sentences. Why? It tells them they must at least give a minimum sentence if a person is convicted of an offence carrying a minimum sentence. We are told that judges do not like this. They want greater flexibility and I understand their rationale.

We look at the minimum sentence that we have prescribed by law in Bill C-68. If anyone is convicted of a criminal offence wherein they used a firearm, they are sentenced to jail for four years. We hear the rationale that there are some circumstances where that would be cruel and unusual punishment. We look at that. I am sure the government, the elected representatives of the people, has to weigh that. How serious is it for someone to use a firearm in the commission of a criminal offence? Should it carry a minimum four year sentence?

If we look at the offender from the viewpoint that the offender is a victim of society, a victim of his upbringing, a victim of whatever, and not accountable for his actions, then of course we will feel sorry and say that it is not fair, that it is not just.

On the other hand, if we look only at the victim and at what has happened to the victim, we will say that four years perhaps is a fair and just minimum sentence.

What we have to do is draw a balance. Legislators should be doing that. We should not be allowing judges to tell us what to do. Yet that is what is happening.

The greatest reason for this, of course, is charter of rights and freedoms that came into effect in 1982. The courts now have the right to weigh all legislation against whether it violates the charter rights of an individual.

We could talk for hours about charter rights. People arriving in Canada illegally immediately have the protection of the charter, criminals fleeing another country. Murderers like Mr. Ng appeared in Canada and immediately received the protection of the charter of rights and freedoms.

It took our justice system almost six years to get him out of the country and back to where he would be able to face the charges of murder levied against him in the United States.

When we look at the proper manner in which to hold judges accountable, we have to look at a number of things including judicial independence.

My hon. friend opposite spoke about intimidation and said that it is a measure of intimidation. Again, we look for a balance. If we look at what happened in Alberta when Premier Ralph Klein, in an attempt to get spending under control, asked all civil servants including teachers and so on to take a 5% rollback, he also asked the judges to do that.

My goodness, we saw what happened there. Judges took that to themselves by way of a case. It was ruled that would be considered interference into their judicial independence.

What do we have here? There is a supposed a raise in pay involved in this statute to the courts. Are we to assume that if federal court judges across the country make a request to Parliament for a raise and that raise is denied, it could be construed as an interference into their judicial independence?

• (1705)

Can defence counsels walk into their court room and ask the judge to dismiss the case because their independence has been interfered with by the state? Is that what we are getting to? Is that what we are arriving at? When this bill comes before the committee we are going to be calling witnesses. I eagerly await their answers to those kinds of questions.

That is the direction it appears we are going in. If a benefit or a remuneration is demanded or requested by the judges and it is turned down by the government of the land, provincial or federal, it could be construed as violation of their judicial independence. We have to weigh that.

We look at the fairness of the 8.5% increase or whatever it is. We had the Kim Hicks family in Parliament before Christmas. This is a family of six, a man, a wife and four young children living on \$30,000 a year. Judges are making approximately \$140,000 a year now. If this raise goes through some judges will be making \$150,000 or more. That is the income that five families in the position of the Hicks family would have to live on. Is it fair?

I hear people say we have to provide a good salary, otherwise we will not attract competent judges because they can make much more in the private sector. Is greed really the motivation to accept an appointment to the bench? Is \$140,000 not reasonable for a man or a woman, a family, a head of a household? Is that not

Government Orders

reasonable? Ask Kim Hicks that question, if \$140,000 is not reasonable and we should be going to the lengths we have to in order to grant federal court judges greater benefit and remuneration.

The question of fairness and balance must enter into this. We know that many civil servants, including RCMP members my colleague spoke of, have had their salaries frozen for years. What about them? Why are we making an exception in this case? Do we start at the top when it comes to responding to salary demands? We have some of our grassroots military people living on \$17,000 or \$18,000 a year. What about them? I have often wondered what judges do when they have people appear before them accused of crimes of theft or whatever who are destitute. How do they feel when they look at the economic conditions, some of which produce crime? How do they feel? They want another 8%.

One of the judges from the Supreme Court of Canada made reference to the greed that is all too evident in our legal system. Should we not look for those individuals who are competent, who understand and know the law and who have an aptitude and a willingness to serve on the bench, to serve Canada without the thought of remuneration beyond which many people can only dream? Should we not be looking for men and women of such calibre where they are prepared with their skills and abilities to serve Canadians? They have a lifetime job. Their remuneration is guaranteed.

• (1710)

Mr. Speaker, it is not like you or I where we might be bumped off at the next election. Their employment is guaranteed, assured. Their remuneration as well is guaranteed, assured. Is it fair what they are asking for and what this bill is designed to give them?

I want to see what the witnesses have to say when they appear before the committee and we ask them some of these questions. We do have a degree of responsibility. We do have a sense of responsibility in this area. We must guard the independence of our judiciary. We must do that.

Case after case we can recite in the House leaves the Canadian people dissatisfied with the decisions of some courts. Over 50% in an Angus Reid poll last July indicated that they have little faith not in our justice system but in our courts.

Chief Justice Lamer appeared before a group of lawyers requesting them—to me it was a plea—to defend the court system. The defence of the court system should come from the people as a result of feeling well served. The honour we bestow on the courts should come as a result of the people feeling well served, that the laws are there to protect them and their protection is derived from the interpretation of the law from judges who have a keen sense of what their duties and responsibilities are not only to the law but to society at large.

I will look forward to the further examination of the bill. There are many elements of the bill that must be brought forward and fleshed out so that we have a clear understanding of what we are doing.

The bill does not provide for the appointment of additional judges. Why? Because we have a court system that is clogged. Why do we have a court system that is clogged? We are not intending to increase the judges in the area of criminal law, from my understanding. If we look at the criminal justice system it is being clogged. There are 40,000 cases backlogged in B.C. alone.

Members should ask themselves why and what is the judges' role in this at those levels, those provincial court judges. Perhaps in most cases as they go up the line to the levels of appeal it is federal court judges who deal with that. Why do we have a backlog? Because in legislation after legislation that we have examined just since I have been here, which is only four and a half years, we see where there are additional levels of appeal being instituted into the system.

The only amendment that was brought to the Young Offenders Act was Bill C-37 under the former justice minister and we introduced another level of appeal there. Now young offenders can be transferred automatically to adult court but they have a level of appeal where they can appeal to have their hearing held in youth court.

We saw 745, the faint hope clause. What did we have there? Instituted another level of appeal. So there are levels and levels of appeal and what do they do? They slow down the court cases.

• (1715)

I have a newspaper article on my desk about cases on the east coast. It is now being questioned as to whether or not the cases will make it through court because of the longevity of the cases, and the Supreme Court of Canada's decision that if a case drags on too long it is an injustice to the accused. Cases are being thrown out. One case was thrown out recently in British Columbia. Why? Because this government has been bringing in pieces of legislation that simply create a traffic jam by allowing more and more time to be wasted or used up by appeal after appeal. That is wrong.

I want all members to take a very close look at this bill. The honouring of our judges should be automatic. It should come as a result of our being well served. We should always seek out the wisdom of our judges to interpret the law that is in the best interest of society. But when our provincial court judges across the land allow convicted rapists and other violent offenders to walk free through conditional sentencing, a piece of legislation never intended to be used in that manner, then we had better believe we have reason to be concerned and we have reason to question the judgment.

Government Orders

We cannot expect that the honour we should bestow upon judges will come forth as a result of decisions like that.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, I was actually thrilled by the kinds of comments my colleague made. There is one area I would like him to address.

The member talked about the judges' responsibility to interpret the law, the judges' responsibility to apply the law fairly and with equity and that the punishment somehow be related to the crime, all of these kinds of things. They are very significant and important matters.

I wonder whether my hon. colleague could say not only is that the case but judges, in rendering honest, righteous, fair and equitable decisions, inherently have a leadership role that will tell the community and young people there is a way to prevent further involvement. There is the role of leadership to society. Does our society not look toward the judges who interpret the law and who are upholders of righteousness, that they will in fact provide some leadership to our community? Would he comment on that?

Mr. Jack Ramsay: I want to thank my colleague for his question.

Back in the days when I was a youngster we looked with awe and respect to our judges. They were bestowed with a wisdom we thought few people had. As a result of that wisdom and their common sense, knowledge and skills, we relied upon them. We placed our trust in them to not only understand the law but to understand procedure so that when an accused appeared before them, a fair trial for that individual was assured. We looked upon judges for that.

It is a special quality of leadership which we have in this country. We have had it in the past. That kind of leadership has helped build this great nation. When we find that more than 50% of Canadians are beginning to lose faith in that kind of leadership, then we have to look at why.

I heard the debate earlier on and it was rankled and so on. It is unfortunate but we do have to maintain the right as elected representatives. Why do we have immunity in this place? Why? It is so that we can examine those sensitive issues without fear or apprehension. When something is going wrong in a former hallowed area of our system, we can examine it on behalf of the people. We can examine it openly, fairly and honestly in order to arrive at a balanced judgment as to what should be done.

• (1720)

I am hoping that we do arrive at a balanced judgment in terms of this bill and whether or not someone making \$140,000 deserves a raise today when so many people are struggling to keep body and

soul together on a salary that is a lot lower than \$140,000. I hope we can strike that balance.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, I would like to ask the hon. member if this is another case of legislation from the government side that has some aspects in it which might be acceptable and could be supported, but also includes other things which make it difficult for us to give the government our support on in its efforts to amend the justice system.

Is this again one of those situations where there is some good but there is a lot of stuff in it that is not acceptable?

Mr. Jack Ramsay: Mr. Speaker, yes, this is another one of those bills where we can put one foot on one side and the other foot on the other side. It gives rise for concern. On the addition of the judges, we must support that. If I could put it this way, it is supportable.

However there are aspects to this bill which suggest that if the judges do not receive this remuneration, it could be considered as improper interference in the judicial independence of our judges. If that is true, we will find out when this bill is sent to committee. There is the example in Alberta. It is a reverse example because they wanted to reduce by 5% the pay of all civil servants, including judges. It was ruled that it appeared to constitute a political interference into the judicial independence of our judges.

If that is a part of this bill, then what does it ultimately mean? It means that our federal judges, with respect to them, can make a demand upon the public purse. Even if it is considered to be unreasonable, it is almost like a gun is being held to the heads of the elected representatives of the country. If they deny it, they will then be in a position where they can be accused of interfering with the judicial independence of the courts. Any defence counsel can then come into court and say "My Lord, I want you to dismiss the case because your judicial independence has been interfered with and you cannot render a fair and just hearing to my client".

We as a committee want to look at that. I will certainly be asking questions about it.

Yes, this bill contains aspects I can personally support but it contains aspects that I have real concerns about as well.

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, I would like to ask my colleague a question. He alluded to his background. I too in various capacities served in this area. I served for 25 years as a justice of the peace in different areas of the province of Saskatchewan. At one time, if the judge was not travelling, he would actually have me conduct court and so on. I am quite used to that procedure.

• (1725)

Is it not true in the member's opinion that in recent years not only the public but those who would like to bring charges are afraid to bring charges on any given case because they feel there is no hope of getting a verdict? Is that—

The Acting Speaker (Mr. McClelland): The hon. member for Crowfoot has 30 seconds for a response.

Mr. Jack Ramsay: Mr. Speaker, just at the time the member was posing his question he was interrupted. I do not know if I can address his specific question.

My view is that generally speaking our judges, including our JPs and everyone who is called upon to interpret the law and render a decision in a situation such as in the courts must have the support of the people—

The Acting Speaker (Mr. McClelland): The member's time has expired.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I see by the clock that I will not have time to complete my intervention today, but I would like to say a few words about the judicial system in this country. I am going to cater my remarks to the supreme court.

I want to give an example of how our judicial system has a profound influence not only in criminal matters but in civil matters and in civil matters that have widespread consequences to Canadians and, in this particular case, to British Columbians.

I am going to talk about the Delgamuukw case in British Columbia. It was a case where an Indian band, the Gitksan and Wet'suwet'en decided some 13 years ago that it was going to lay legal claim to about 58,000 square kilometres of land in the north central part of the province.

In the initial case that was heard by Justice McEachern, the learned justice heard over 378 days of testimony. This is a judge from the Supreme Court of British Columbia. He heard arguments put forward by the Gitksan and Wet'suwet'en people, by the province of British Columbia and by Canada.

Incidentally, the justice for much of this sitting was actually in Smithers, British Columbia, in my riding, where the Gitksan and Wet'suwet'en people live. This was so that he could better understand them, their claim, the other non-aboriginal people and the other aboriginal people for that matter in the area.

In his reasons for judgment, the learned judge pointed out that he not only sat on the bench in Smithers to hear arguments, but he also took the time in the evenings and on weekends, rented a car and drove around visiting many of the communities. He visited the Gitksan communities and the non-aboriginal communities so that he would understand to the best that he possibly could what the case was all about.

Private Members' Business

After more than two years, after more than 375 days on the bench, he rendered a decision. The learned justice's decision was overturned after the supreme court heard arguments for a day and a half. This case now throws a cloud of uncertainty over whether British Columbia as a province has the right to assert sovereignty and has control over the crown lands of that province.

This case has profound implications. It is a good thing I have parliamentary immunity because I am going to say something harsh about the court. Nine justices from the supreme court, politically appointed, largely from Quebec and Ontario, decided British Columbia's future. This is unacceptable.

• (1730)

The Acting Speaker (Mr. McClelland): The hon. member for Skeena will have approximately 16 minutes remaining in his time when the bill comes back to the House again.

It being 5.30 p.m. the House will proceed to the consideration of Private Members' Business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[Translation]

CRIMINAL CODE

The House resumed from February 17 consideration of the motion that Bill C-247, an act to amend the Criminal Code (genetic manipulation), be read the second time and referred to a committee.

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, I am particularly pleased to speak today in connection with Bill C-247, because my hon. colleague for Drummond is its sponsor, and also because I am a member of the Standing Committee on Health.

Public awareness was suddenly aroused around the world when the news was released that an adult ewe had been cloned by a team in Scotland.

I would like to start with a definition of the word "clone". The popular definition is that it is an organism, a person, an animal or a plant that is a completely identical or nearly identical copy of another organism in terms of appearance or function.

On the biological level, it refers to a population of organisms, cells or genetically identical DNA molecules resulting from the asexual reproduction of a single organism.

The concerns world-wide about cloning human beings are justified. First a brief historical overview is necessary.

Private Members' Business

The first government inquiry into the new reproductive technologies was the 1989 Baird Commission. Its mandate was "to look into current and foreseeable progress in science and medicine relating to reproductive techniques, their repercussions on health and research, their moral, social, economic and legal consequences, and their impact on the general public, and to recommend policies and protective measures to be adopted".

The Baird Commission tabled its report only in November 1993. The main conclusions and recommendations were broadly similar to the foreign studies on this topic.

So the federal government announced in January 1996 the creation of an interim advisory committee with a mandate to put the moratorium into effect, to follow developments in new reproduction technologies and to advise the minister.

So, on June 14, 1996, the federal Minister of Health at the time, David Dingwall, introduced Bill C-47. There was no provision for the application of the Criminal Code.

The federal government's proposed second stage involved amending Bill C-47 to include a regulatory framework for all reproduction and manipulation technologies.

Despite its approval in principle of Bill C-47, the Bloc vigorously opposed the establishment of a new national agency and deplored the fact that the Criminal Code was not applied.

During the hearings of the Standing Committee on Health, witnesses expressed a number of reservations about the content of this bill.

Clearly, at this point in time, there is no justification for cloning human beings, regardless of the process used.

I should mention that one of the clauses in Bill C-47 prohibited human cloning. This clause is found in Bill C-247. It criminalizes human cloning, without prohibiting scientific research in genetics, which may be beneficial at several levels.

Clauses 2 and 3 of this bill also make liable to punishment anyone who deliberately offers to carry out or requests experiments in human cloning.

The Bloc has repeatedly called for government intervention to prevent practices related to new reproduction technologies.

• (1735)

The Bloc Quebecois called for criminalization of the sale of ova, embryos and foetal tissue. In May 1994, the then Minister of Justice stated that the bill was slated for introduction in the fall of 1994. The moratorium followed only in 1995, and Bill C-47, which merely makes the moratorium law, was introduced in June 1996.

It is clear that the use of these technologies challenges our values, because it involves the very definition of the foundations of our society, our descendants. Limits must be set, but what should those limits be? We see that the entire world is concerned by this problem.

In March 1997, the following comment by Dr. Joseph Ayoub appeared in *La Presse* "France has thus played a role by creating, in 1983, a national advisory committee on ethics in the life sciences and health. It advises on the ethical problems raised by the progress of knowledge in the fields of biology, medicine and health, and publishes recommendations on these topics".

After 10 years of work, the parliamentary assembly of the Council of Europe recently approved a draft agreement on human rights and biomedicine. The approved document allows research on in vitro embryos under two conditions: if it is in the interest of their development or if it is related to the diagnosis of serious diseases.

But any creation of embryos for research continues to be prohibited. Now, what remains to be done is to obtain an international consensus on the human genome and human rights from the UNESCO international bioethics committee.

The British parliamentary inquiry on science and technology called for international regulation of cloning, in order to prevent any deviation into eugenics.

As far back as March 1996, the Collège des médecins du Québec launched a commission to examine the practice of medicine in the year 2000. Its mandate was to examine the future prospects of medicine, the changes it will have to face, and the steps to be taken to deal with these new realities in relation to the major ethical issues of the day, which mainly affect the beginning and end of human life.

One of the commission's recommendations to the Collège des médecins was to ensure that human integrity and dignity takes precedence over technical progress. It also recommended that surveillance systems be put into place in order to avoid any deviations, and to create a standing committee on ethical issues.

Obviously, cloning raises a number of ethical and legal problems. Cloning does not seem to be a solution for ensuring the survival of our planet. Consequently, the Bloc Quebecois supports Bill C-247 introduced by the hon. member for Drummond.

[English]

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I would like to compliment the hon. member for Drummond for introducing this bill to ban human cloning. It is unfortunate, is it not, that a private member has to be introducing this important and urgent initiative when in fact the government should be making it one of its highest legislative priorities?

How come the government thinks the Judges Act, raising the pay of judges, is more important than this? Give me a break, Mr. Speaker. I cannot see how that can be.

Despite the qualified support and several requests for amendments made by various members during the first hour of debate, I will be voting in favour of this bill.

If an omnibus bill like Bill C-47 which was introduced in the last Parliament is not introduced soon then it will be up to individual members of this House to take legislative action, even if it is in a step by step fashion. We should not wait any longer for the government to implement a ban on human cloning.

• (1740)

Considering the morale and ethical questions involved with each and every aspect of prohibiting and regulating reproductive technologies, I think it may be better to debate each and every issue separately in this House. That is how important this is.

For example, the vast majority would probably support a ban on human cloning, but to prohibit or restrict the use of technology to help an infertile couple conceive a child of their own would probably seem unreasonable to most. The question is where to draw the line. The line is right here before us today: ban human cloning.

During the last hour of debate on February 17, the member for Drummond explained the purpose of her bill and how it would work. I agree with her approach, making human cloning a criminal offence, although I think a lengthy jail term should be a sentencing option for the courts.

Bill C-47, the government bill on reproductive technologies from the last parliament which died on the order paper last year when the election was called, called for a maximum penalty of a \$500,000 fine and 10 years' imprisonment.

For everyone's information, here is a list of practices that were prohibited in Bill C-47:

Sex selection for non-medical purposes.

Buying and selling of eggs, sperm and embryos, including their exchange for goods, services or other benefits, but excluding the recovery of expenses incurred in the collection, storage and distribution of sperm, ova and embryos for persons other than a donor.

Germ-line genetic alteration: Manipulation of the genetic material contained within the eggs, sperm or embryo. Any changes to the germ-line which may be passed on to the next generation.

Ectogenesis: Maintaining an embryo in an artificial womb.

The cloning of human embryos.

The creation of animal-human hybrids.

Private Members' Business

Retrieval of sperm or eggs from cadavers or fetuses for fertilization and implantation, or research involving the maturation of sperm or ova outside the human body.

Commercial pre-conception or surrogacy arrangements.

Transfer of embryos between humans and other species.

The use of human sperm, eggs or embryos for assisted human reproduction procedures or for medical research without the informed consent of the donors.

Research on human embryos later than 14 days after conception.

Creation of embryos for research purposes only.

The offer to provide or offer to pay for prohibited services.

I was impressed when I read the member for Drummond's words "new reproductive technologies raise an extremely serious and worrisome problem for the very future of our society as we know it". She went on "the use of these technologies challenges our values because it involves the very definition of the foundations of our society, our descendants".

Her warning about the scientist who said "cloning and reprogramming DNA is the first real step toward taking his place beside God" was particularly alarming for me. When scientists start playing God, everyone ought to be alarmed. Parliamentarians should be doing something about it now.

In November 1993 the Royal Commission on New Reproductive Technologies released its final report. I do not think it was an accident that the report was titled "Proceed with Care".

The hon. member for Thornhill spoke on behalf of the government during the last hour debate. She informed the House that the Minister of Health was in fact planning to table legislation that would address many of the issues regarding reproductive technologies, including the issue of cloning.

I suggest the government proceed with care and not try to lump issues that have widespread public support with ones that are highly controversial. This is a trick that has been used in the past and we should not tolerate it.

I disagree with her contention that the banning of human cloning should be in health legislation and not in the Criminal Code. Failing to register a firearm, which is regulation of private property, is a Criminal Code offence punishable by up to 10 years in jail. Why cannot something far more serious like cloning of human beings not be in the Criminal Code? This is another example of the misplaced priorities of the government.

• (1745)

I disagree that we should wait for the government to introduce comprehensive legislation. I think we should pass this bill and immediately move amendments to strengthen it as suggested by members during debate.

My hon. colleague from Wanuskewin spoke in favour of this bill. He outlined a number of dangers associated with the cloning of

Private Members' Business

human beings, including unknown health risks, considerable psychological and emotional risks and the moral and ethical dilemmas that would inevitably flow from it.

I suggest that these are dangers our society cannot control by a voluntary moratorium. They are dangers that require a clear and unequivocal statement by Parliament that in Canada human cloning will be a criminal offence. If scientists want to play God, they will have to play it in another country.

As I mentioned, I agree with my hon. friend's position that fines are not a sufficient deterrent to rich multinational companies. Prison terms for owners, officers and directors of these companies will be a deterrent.

It was also mentioned that 19 countries in the European Union have moved to officially ban human cloning. I suggest this is a list to which Canada should be proud to add its name.

I read with interest the comments of the hon. member for Charlotte on this issue. I plan to talk to him to learn more about the prior political experience he had and the discussions in the House in 1989 surrounding the creation of the royal commission new reproductive technologies.

I have noted my reservations about this omnibus bill and others, how members are often forced to accept some bad in order to get something good. Why should this be? Why can the government not just introduce a bill which, with open and honest debate, will eventually gain the support of the majority of the public and the majority of parliamentarians? These omnibus bills should not be brought to Parliament. I think the bill before us today would be supported by the public and by members of the House.

Finally, I wish to comment on the statement made by the Parliamentary Secretary to the Minister of Health in response to this bill.

Rather than issue platitudes to the hon. member who introduced the bill and rather than just make vague promises of some bill the government will be introducing in the future, he should be supporting this bill now.

The government needs to send a clear message that, regardless of the bill to be introduced in the future to deal with a myriad of issues, in Canada human cloning will be a criminal offence right now.

This is the message Canadians want to hear from their government. I encourage the government to support this bill. Further, when it is passed, the government should propose amendments to strengthen it. When this is done, the government should communicate to everyone in Canada that human cloning and playing God is banned in Canada.

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, I rise to speak to the issue of the criminal law power in prohibiting reproductive and genetic technology such as human cloning because it is very important.

Bill C-247 proposed by the hon. member from Drummond, Quebec proposes an amendment to the Criminal Code of Canada to add after section 286 a section that would prohibit genetic manipulation leading to human cloning.

The two practices covered in proposed Bill C-247 were prohibited in Bill C-47 which was tabled in this House in June 1996 and which passed second reading in November 1996.

In March 1997 the subcommittee of the Standing Committee on Health approved the bill with minor technical amendments. Unfortunately the call for the federal election came on April 27 and Bill C-47 died on the order paper.

It is interesting to note that the wording used in Bill C-247 is exactly the same as that used in Bill C-47 pertaining to human cloning. One major difference is that the hon. member proposes Bill C-247 as an amendment to the Criminal Code of Canada.

The 1996 proposal by the federal government was for health legislation which relied on the criminal law power to protect Canadians' health and safety and to uphold our common values. This government does not take the use of criminal law power lightly as its means of prohibiting certain uses of technology.

• (1750)

Our Constitution divides jurisdiction over health matters between federal and provincial governments. The federal government has the power to make laws when issues relating to public health and safety are at stake or to maintain peace, order, security and morality.

This legislation lies squarely within the Canadian tradition of using criminal law to protect Canadians' health, safety and values. Most federal health law is based on the use of this criminal law power and the courts have recognized this as a valid exercise of the federal government's authority.

In the case of human reproductive and genetic technologies legislative action by the federal government is not only valid, it is necessary. The federal government has a duty to establish the basic perimeters of public health, safety and morality on which Canadians may rely.

To ensure adequate protection for all Canadians in the area of reproductive and genetic technologies there must be uniformity across the country with respect to what practices are prohibited, what practices are allowed and what safeguards apply. As with all criminal legislation provinces would be free to take as active a role as they choose in prosecuting the offences which were set out in Bill C-47.

Parallel provincial legislation in the field of reproductive and genetic technologies is welcome. Even if several provinces were to enact such legislation this would not diminish the need for a federal law to ensure that no region of Canada becomes a haven for unregulated practice of these technologies. To date no province has comprehensive legislation dealing with reproductive and genetic technologies.

The courts have traditionally recognized the protection of public health and safety and the maintenance of peace, order, security and morality as valid exercises of Parliament's exclusive authority over substantive criminal law. Most federal health legislation relies on the criminal law to protect Canadians' health and safety and to uphold our common societal values, for example the Tobacco Products Control Act, the Narcotics Control Act, the Food and Drugs Act and the Hazardous Products Act.

It is a constitutionally valid exercise of the criminal law power to define a crime not only by defining what acts are prohibited but also by exempting from criminal sanction certain acts when they are not carried out under prescribed conditions.

The government has already recognized the need for some form of regulatory regime for reproductive and genetic technologies, to regulate those practices which are considered acceptable to Canadians. In one respect, the hon. member's bill is admirable. However, Bill C-247 covers only two specific procedures out of the 13 which Bill C-47 would have prohibited and does not address the need for regulation of acceptable practices.

While the hon. member's bill does address one of the major areas of concern with reproductive and genetic technologies, we would like to reiterate that human cloning is indeed only one of the issues. There are many other aspects of equal concern which must be addressed which include sex selection for non-medical purposes, the buying and selling of eggs, sperm and embryos, germ line and genetic alteration, maintaining an embryo in an artificial womb, the creation of animal-human hybrids, the retrieval of sperm or eggs from corpses or fetuses and commercial surrogacy arrangements.

The final report of the royal commission on new reproductive and genetic technologies in November 1993 recommended both prohibitions of certain practices and a regulatory component to the legislation to manage those reproductive and genetic technologies which are considered acceptable.

The hon. member's proposed amendment to the Criminal Code would deny the possibility of regulations which would make certain technologies available to Canadians under certain and carefully monitored standards.

Bill C-47 dealt exclusively with absolute prohibitions but it was always intended that the regulatory component or conditional

prohibitions would be added. Indeed much of the support from key stakeholder groups was premised on the understanding that this would be so.

The Minister of Health is sensitive to the concerns of Canadians regarding the need for comprehensive legislation. The minister remains committed to introducing a bill which will accommodate the reasonable concerns that are and have been expressed. The overwhelming response to Bill C-47 from virtually all quarters was for the addition of a regulatory regime to absolute prohibitions to form comprehensive legislation. The proposed additional components outlined in the white paper include the establishment of a regulatory agency and its powers of operation, licensing to permit acceptable practices, information registry and equivalency agreements with the provinces.

• (1755)

These proposals would ensure that acceptable technologies and practices are delivered in an ethical and socially responsible fashion and in a way that solicits the input of all sectors of society concerned with the issues raised by reproductive and genetic technologies.

This government intends to introduce in the near future legislation which will enhance Canadians' well-being by permitting them to make choices about their involvement with reproductive and genetic technologies, secure in the knowledge that their choices do not include any that are unethical or harmful to their health or to that of the children they bear.

It will balance the need to protect the interests of vulnerable women and children with the aspirations of individuals to become parents and the need of the research that will help them attain that goal. It will set the boundaries within which reproductive and genetic technologies can be regulated for the good of all Canadians.

Bill C-247 proposed by the hon. member is likely to draw criticism from many quarters. Canadians have clearly shown us during the consultations following the royal commission's report that there are many issues involved in reproductive and genetic technologies which require control, and not just human cloning.

Health Canada's overriding goal is to protect the health and safety of Canadians. We also seek to ensure the appropriate treatment of human reproductive materials and to protect the dignity and security of all persons, especially women and children.

Canadians have told Health Canada, as they told the royal commission, they want the federal government to act to manage reproductive and genetic technologies in a way that protects those most affected and which reflects our collective values. Canadians want unethical practices prohibited by law, and so does this government.

Private Members' Business

In an environment such as this Canadians would criticize passage of an amendment to the Criminal Code which merely prohibits human cloning. They have a concern to be answered about the total spectrum of reproductive and genetic technologies, and this government is committed to such legislation.

I believe it is necessary to wait for the introduction of new legislation by this government to encompass all the aspects of reproductive and genetic technologies which we have seen through the consultation process. They are of great concern to all Canadians.

I also believe proposed Bill C-247, an amendment to the Criminal Code, is premature and would be viewed as being heavy handed and failing to address the greater part of concerns of Canadians on this matter.

[*Translation*]

Mrs. Maud Debien (Laval East, BQ): Mr. Speaker, last February, my colleague, the member for Drummond, introduced Bill C-247, an act to amend the Criminal Code (genetic manipulation).

This bill builds on the report tabled by the Royal Commission on New Reproductive Technologies created in March 1989, commonly known as the Baird commission. The primary purpose of this commission was to analyze the impact on our society of genetic manipulation, pre-selection of sex, the phenomenon of surrogate mothers and artificial insemination. This study had long been demanded by a Canadian coalition of feminist groups.

It was another four years, and millions of dollars, before the commission tabled its report, and then only after going through some rough patches, as the House will recall. The government then imposed a voluntary moratorium in July 1995 and subsequently introduced Bill C-47, which died on the Order Paper when the election was called.

That government bill contained an important flaw, however. It did not criminalize human cloning. Today, we therefore find ourselves in a legal vacuum where only the voluntary moratorium applies.

The bill now before us deals with a very important issue, because its purpose is to prohibit human cloning, that is to say, the replication of human beings, in Canada. The chair of the royal commission, Mrs. Baird, also called on the federal government to bring in legislation in this regard. However, since the election, the government has been slow to take action.

It is therefore urgent, and if it is the pleasure of the House to pass this bill, Canada will follow the example of many countries, including the United States, Italy, Norway, Australia and France, which have already passed legislation prohibiting human cloning.

• (1800)

Many international bodies have passed similar resolutions. They include the Council of Europe, the British parliamentary commission on science and technology and UNESCO's Universal Declaration on the Human Genome.

Finally, the World Health Organization has declared that the techniques that produced Dolly the sheep cannot be used on humans.

It is interesting to note that the World Health Organization did not want to prohibit commercial ownership of cloning techniques. It protested only against the use of cloning in human reproduction.

In Quebec, consideration of the subject continued too. The commission set up for the task by the college of physicians proposed respect for the absolute precedence of human integrity and dignity over technical success, especially at the beginning and the end of life.

As you can see, the various experiments at the frontiers of science and life have given rise to a major ethics debate.

Recently, the successful cloning of Dolly the sheep by a group of Scottish researchers has revived the debate. What makes Dolly the sheep such a special case and why has it attracted so much attention?

Dolly is not the result of traditional fertilization involving the combination of the genetic material of two creatures of opposite sex. Rather, Dolly is the result of asexual laboratory reproduction of a single parent. In other words, Dolly was created from a single cell, that of the mother.

We have to admit that, from a purely scientific standpoint, this discovery is quite extraordinary. Professor Charles Thibault, a French specialist in biological reproduction, said that understanding nuclear fission and then fusion meant a better understanding of matter. Mastering cell division meant better understanding the living, in his opinion.

Great scientific discoveries have improved the lives of men and women. They have also enabled us to kill one another. Does the new race to clone mean progress for humanity by separating it into two species—the natural and the reproduced, the real and the false, the weak and the strong? This is what the bill introduced by my colleague from Drummond is attempting to answer.

It has the advantage of making cloning a criminal act, without prohibiting scientific research in genetics, which must also be closely monitored. For some researchers, for instance, animal cloning and its application to human beings is of particular interest to the pharmaceutical companies, needless to say, for the manufacture of drugs, organ transplants, and research into hereditary diseases and cancer.

Animal application of cloning would make it possible to rear perfect animals or to save endangered species. To quote *Libération*, “the race to clone all species is on. Now it is international, with the British and Americans in the lead, and commercial, of course. What is involved now is improving techniques for fast and efficient transgenic cloning—in order to provide humanized organs and drug-proteins. A major industrial and medical undertaking”.

There is no denying it, successful cloning is now part of our reality. Yet it is opening the door to the cloning of all superior animals, up to and including man. This is where the bill of my hon. colleague for Drummond fits in, and this is where the question arises: are they going to be cloning men, women and children?

According to the French publication *Libération*, American clinics already have in hand “catalogues of sperm donors and egg donors, with the physical and intellectual characteristics of each, so that a genetic cocktail may be concocted which will come as close as possible to producing the ideal baby”.

• (1805)

The same newspaper also reported the implantation of frozen embryos and the “terrifying image of supermarkets where one would go and choose one’s ready-to-wear baby like a frozen hamburger”.

We must not fall into the trap of considering human beings merely based on their genomes. Are we prepared to live in a society in which it would be possible to create armies of identical individuals, for a specific purpose, such as to ensure a stock of livers, hearts or lungs to be transplanted into other individuals born as a result of true fecundation?

The newspaper goes on to say that this would lead to “a society in which the most incredible scenarios would become reality: a dictator duplicates himself *ad vitam aeternam*, a dead child is reborn in her mother’s womb, a woman delivers a baby that is her husband, her father, even herself”, and so on.

We are fascinated by science and technology, by irresistible challenges and incredible achievements. But there is also a human being, with a body and a mind, whose genes are only the foundations.

This major debate has to do with ethics, with the reversal of the natural order, with individual freedom and with values.

While all major discoveries bring about significant benefits, they also present potential dangers. According to the same newspaper, there is already a disturbing split. “The rich already send their children to the best schools. Tomorrow, they will want genetic improvement, better health and more advantages to help their children succeed”. Yet, democratic societies have always used science and technology to try to reduce the perverse effects of these inequalities.

Private Members’ Business

Is this the type of society we want? I do not think so. We must reflect on this. Where do science and medicine stop? Where does the temptation to legitimize a eugenist project begin? It is a fine line.

To adopt this bill is to refuse to cross that line, which is so fine but which can have huge consequences for our own mutation and that of human beings in general.

[English]

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, this is obviously a fascinating and interesting subject.

One of the members of the Bloc said that party is not in support of one of the proposals that was in the government’s Bill C-47 which would establish a new national agency. I understand why they would not be in support of a national agency. They are not in support of the national government. They would like to do away with it all. If the bill had included a suggestion that a provincial agency be established perhaps there would have been more acceptance.

It is fascinating. This bill is almost an anomaly. It is a private member’s bill based somewhat on the model of a government bill that was introduced in the last parliament. Basically the same government is now in power and is saying that it is prepared to bring forward a government bill that will address more of the issues of concern that are talked about by members opposite. Yet they want to ignore that and go ahead with this particular bill which seems to be a halfway solution to the concern.

The member for Waterloo—Wellington made a very good point that this bill only deals with two issues of concern that were addressed in Bill C-47. It does not go nearly far enough.

• (1810)

There is an opportunity, if members opposite would just have a little patience, to have a government bill which would have substantially more significance. It could go to committee. We need to hear from Canadians, rather than just presume they are going to accept the changes that exist in a bill. The way to do that is to have the Minister of Health, not the Minister of Justice, bring in a full, properly researched bill that would deal with all areas of the selling of sperm, eggs and embryos, and the reproductive processes that are being discovered through science. Let us do our homework on this.

It is interesting. Normally we would have the reverse scenario where opposition members would be demanding that the government bring forward a bill. Instead they are saying we should support this particular bill, even though it does not go far enough. It is just opposition politics.

Private Members' Business

I have not heard anyone in this place say they support the cloning of human beings. Everyone is basically saying that the member's bill is the right way to go, but it does not go far enough. We think it should go further.

I quite agree with members opposite that the voluntary moratorium is not sufficient. It does not go nearly far enough.

This bill would indeed amend the Criminal Code. That is really the crux of the problem and the concern that we have on this side.

Rather than deal with the merits of the proposed prohibitions in the bill, I want to compare this bill to Bill C-47.

Similar prohibitions were contained in separate legislation, as was mentioned by other members, back in 1996. If it was not for the fact that the election came about that bill likely would be in place today. It was a dramatically more comprehensive bill than the one that is before us.

The Criminal Code contains provisions for general application. They apply to everyone and are aimed at keeping the peace and ensuring individual conduct is not a threat to the maintenance of a civilized society. However, what we are trying to do here is use the Criminal Code in an inappropriate way.

From the perspective that I have outlined, the code is not the appropriate vehicle for the prohibitions component of a comprehensive management regime in the complex area of scientific and medical procedures and research. The proper place, in my submission, is for all of this to be wrapped up and put into a principal piece of legislation that could then go to the health committee. It would then be taken across the country for input, for discussion, and parliament could then enact the bill.

Perhaps some of the amendments I have heard other members talk about should be in the bill. Perhaps there should be a way of addressing those concerns. But by simply passing a half-baked private member's bill that does not go far enough we will lose the opportunity that is before parliament.

The real opportunity here is to set the direction for the moral infrastructure of our society. Do we really want to cross that line that I have heard other members mention? Everyone says no, but let us make sure that no means no, that in this particular case we are indeed dotting the *i*'s, crossing the *t*'s and going far enough to ensure that we have covered all areas of the human reproductive system and all areas of scientific study of the human reproductive system.

When separate legislation containing these prohibitions against certain practices related to the new reproductive and genetic technologies was introduced in this place the intention was expressed to introduce further legislation to add to the regulatory

controls. I would suggest that is very critical. The bill does not deal with the regulatory controls that I think will be so necessary to make this effective.

• (1815)

Those controls would provide a comprehensive management regime for many years for NRGTs. That made it clear at that time that it was not an appropriate subject for a Criminal Code amendment.

I have to ask hon. members opposite why the push all of a sudden. Is it just because it happens to have wound its way back to the surplus of the legislative agenda that they see fit to push this through? Or, would they not agree that it would be more appropriate to take a step back, to make sure that we are indeed dotting the *i*'s and crossing the *t*'s.

I would suggest that this ongoing management regime is a critical issue for the future of all Canadians. A major component of that regime was to be the issuance of licences for acceptable practices when it came to these reproductive technologies.

There are also health and safety issues which were to be prominent in the principles guiding the issuance of those licences. I think all Canadians would understand it is important that the scientific community has an opportunity to have input in a direct way with the parliamentary community through the health committee to deal with the issues of health and safety. It is absolutely critical that takes place. Under the bill that would not occur.

We believe this regulatory structure would also maintain information registries and help surveillance systems on various aspects. The bottom line, from what I can see and what I have said here, it seems clear to me, is that any proposed prohibition would find its proper place in the integrated structure of separate principal legislation sponsored by the government and containing a comprehensive management regime for the NRGTs rather than being put inappropriately in the Criminal Code.

For that reason I will be opposing the bill and hopefully looking forward to the government introducing a bill that we will all be able to support.

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, I rise today to address an issue that is part of a much larger body of interrelated questions pertaining to new reproductive technologies.

In examining the question surrounding medically assisted reproductive technologies, we start to see how complex the whole body of issues really is. Questions of human dignity, rights and freedoms, genetic engineering and make-up, in vitro fertilization, consent for medical research, profiting from financial gain of the use of the human body and organ transplants, rights to private life

and information, and the need for public debate and consultation are only some of the issues on the table.

As we know many of these issues were touched on and analysed through the Royal Commission on New Reproductive Technologies which reported in November 1993.

My colleague, the hon. member for Drummond, introduced legislation that specifically addresses one aspect of the realm of complex questions, that of cloning and genetic manipulation.

The Liberal government claims that it will introduce its own legislation on reproductive technology, but it has also indicated that the government's legislation will not amend the Criminal Code. In a debate in the House, the Parliamentary Secretary to the Minister of Health indicated that the government would treat reproductive technologies as a health issue and just a health issue.

However, a consideration of some of the complex issues that I just listed reveals that increasingly the domains of health and medicine, science, law, ethics, safety, human rights and privacy are all interwoven. We cannot easily distinguish how these issues are connected to the realms of business, society and government as the lines blur and the relative roles of the players constantly adapt and change.

There are social, legal, economic and human rights and scientific and medical interests at stake when we start talking about new reproductive technologies. It is naive to think that a clear distinction can be made so that these questions could only be classified as being health related.

Thus we cannot hope to adequately address the risks and concerns related to human cloning without also addressing the need to amend the Criminal Code to explicitly prohibit a practice which cannot be justified by any ethically acceptable motive.

• (1820)

In 1996 the government introduced Bill C-47, the Human Reproductive and Genetic Technologies Act, which did not make practices or techniques an offence under the Criminal Code. Bill C-47 was also to include a regulatory framework on all techniques of reproduction and genetic manipulation.

We have waited long enough for the Liberal government to act. Voluntary co-operation is simply not enough in an area that so drastically affects the life, security and safety of Canadians and the integrity of the value of health and justice that we hold dear.

My colleague, the hon. member for Mississauga West, asked members in opposition to wait. He wants members to wait. I ask him how long he wants Canadians to wait for legislation in this area. Does he want us to wait until after human cloning has begun?

Private Members' Business

I commend my hon. colleague from Drummond for taking action, for she has seen something that needs to be addressed. She has gone ahead with the bill and has asked other members to support it. She has seen inaction on the government side, and we in opposition are taking action in this area. That is why we are addressing this concern today.

The whole issue of timing is important. How present is the danger and fear about the possibility of cloning humans? In *Nature*, the scientific journal published the Dolly paper to which we are all now referring, indicated that "cloning humans from adult tissues is likely to be achievable any time from one to ten years from now". That is why my hon. colleague is bringing the bill forward. There needs to be action on this issue and we do not see any action coming from the government.

While there have been many concerns and risks raised related to the cloning of humans from adult cells, none has been able to offer any ethically acceptable reason for cloning humans. The suggestion that humans might be cloned to provide spare parts for their progenitors has been widely condemned by individuals and groups all around the world.

It is interesting to note the premise of convention considering what we are debating today. The convention that is happening in Europe around this same topic starts from the premise the interests of human beings come before those of science or society.

I conclude by saying that in Canada we take pride in being an international leader in areas of health, safety and quality of human life. It is important that we take action on this issue and set the ethical basis for further biological and medical developments both now and in the future.

Certainly questions of this nature will continue to permeate our social, legal, ethical and medical institutions. It is critical to address the issue now. As we see in the European example, criminal penalties are included as stipulation for state legislation. This same logic should be applied to our own consideration as we face larger issues in bioethics and law.

In its final report the Royal Commission on Reproductive Technologies concluded:

We have judged that certain activities conflict so sharply with the values espoused by Canadians and by this commission and are still potentially harmful to the interests of individuals and of society that they must be prohibited by the federal government under threat of criminal sanction.

The list of activities specifically mentions cloning. It is time that we in Canada follow suit with the initiatives of other members of the international community and explicitly prohibit this practice. That is why I will be supporting the bill and encouraging all other members of the House to do so.

Adjournment Debate

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Madam Speaker, let me begin by saying that I do not support the bill, in case you did not know.

[Translation]

This private member's bill amends the Criminal Code to prohibit the manipulation of a human ovum, zygote or embryo at various stages of the development of a fertilized ovum for the purpose of producing a cloned zygote or embryo. It will also prohibit altering the genetic structure of an ovum, sperm, zygote or embryo if the altered structure is likely to be transmitted to subsequent generations, which is commonly known as germ-line genetic alteration.

• (1825)

These prohibitions come straight out of a Health Canada bill on the new reproductive and genetic technologies, which contained other prohibitions and which died on the *Order Paper* during the last Parliament.

[English]

There has been evidence that cloning of human embryos is technically possible. However, there is no evidence that germ-line genetic alteration is being carried out.

The Royal Commission on New Reproductive Technologies recommended that cloning of human embryos be illegal. The royal commission did not support the practice of germ-line genetic alteration since it was at odds with the commission's guiding ethical principles.

Before the Health Canada bill was introduced in the last House, a member asked that prohibitions dealing with new reproductive and genetic technologies take the form of amendments to the Criminal Code. She considered that a separate federal statute on new reproductive and genetic technologies would be invasion of the provincial jurisdiction over health.

An official of the health legal services met with this member and explained that the relevant prohibitions were properly the subject of separate federal legislation and that there was no intention to amend the Criminal Code for this purpose. This is still justice's position and that of the government.

[Translation]

In introducing the bill on the new reproductive and genetic technologies, the then Minister of Health indicated it was the government's intention to bring in a second bill setting out a regulatory framework, which would affect the first one, dealing with prohibitions. The purpose was to establish a comprehensive management regime for new reproductive and genetic technologies. However, the second bill was never introduced.

I will not discuss the merits of the proposed prohibitions. I understand that there were similar prohibitions in a separate bill introduced in this House in 1996. The document entitled *New Reproductive Technologies: Setting Boundaries, Enhancing Health*, published under the authority of the Minister of Health, outlines the government's intentions at the time.

[English]

The Criminal Code contains provisions of general application, that is they apply to everyone and are aimed at keeping the peace and ensuring that individual conduct is not a threat to the maintenance of a civilized society. From this perspective the code is not an appropriate vehicle for the prohibition component of a comprehensive management regime in a complex area of scientific and medical procedures and research. The proper place for such prohibitions is in the principal legislation.

When separate legislation containing prohibitions against certain practices related to new reproductive and genetic technologies was introduced in the House, the intention was expressly to introduce further legislation to add the regulatory controls that would provide a comprehensive management regime for new reproductive and genetic technology. That made clear that this was not an appropriate subject for a Criminal Code amendment.

[Translation]

Licensing should be a major part of the management regime for new reproductive technologies—

The Acting Speaker (Ms. Thibeault): I must interrupt the hon. member at this time, but when the bill returns to the House, she will have approximately five minutes to conclude her speech if she so desires.

The time provided for the consideration of Private Members' Business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

• (1830)

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

ORGANIZED CRIME

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Madam Speaker, as the former chairman of the Waterloo Regional Police, I was disturbed by recent reports which suggested that some police officers and prosecutors have backed away from investigating motorcycle members fearing for the safety of their families. I do

not know if this is accurate or not. What I do know is that threats, harassment and intimidation have long been used as favourite weapons of bikers.

It is understandable how this can have an impact and a chilling effect on police officers and prosecutors. It is especially understandable because of the pressure it places on their spouses and their children.

There is a lot at stake here. This is not about bikers riding around on their motorcycles. This is about money. This is about big business which is illegal. This is about the sale of illicit drugs.

As a society and as a country we need to ensure that our police officers and our prosecutors can continue to carry out their duties without fear of threats, harassment or intimidation.

I again ask the solicitor general to fully outline what exactly the federal government is doing to protect our police officers and our prosecutors from these kinds of threats, harassment and intimidation by motorcycle gang members. We owe them our full protection.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Madam Speaker, I would like to thank the member for Waterloo—Wellington for his question. I praise him for the interest he has shown in the field of organized crime and protection of Canadian citizens.

The government has done numerous things. In 1996 we implemented the Witness Protection Act. In 1997 we implemented the Criminal Law Improvement Act. The most recent thing we did was implement the anti-gang legislation.

These are tools that we feel have gone a long way to help police attack gang activity and criminal activity. The RCMP as well as all the other law enforcement agencies throughout the country have one goal and that is a unified approach with a national strategy to combat outlaw and motorcycle gangs. However the responsibility and the jurisdiction for enforcement falls with the local authorities.

We consider all threats to the safety of police officers a very serious matter. I can assure the hon. member that all threats, whether made to the police or to a prison guard for example, are investigated fully and acted upon fully.

We need to deal with the problem of motorcycle gangs and more specifically with organized crime in a very organized way. I would like to inform the hon. member that to that end the Ministry of the Solicitor General on April 24, 1998 will be bringing together all law enforcement agencies from across Canada to assist in developing a national strategy against organized crime.

We have done some good work. There is still some work to do.

I want to thank the hon. member again for his question.

Adjournment Debate

FISHERIES

Mr. John Cummins (Delta—South Richmond, Ref.): Madam Speaker, on February 9 I questioned the minister of fisheries on his response to a British Columbia provincial court decision which ruled that aboriginal communal fishing licence regulations were invalid.

In granting me an absolute discharge for participating in a protest fishery that challenged the legality of the minister's regulations, Judge Thomas noted that I had acted in good faith and served notice that the courts of British Columbia will not enforce the minister's program of racially based commercial fisheries.

Judge Thomas' words are clear and unambiguous. The regulations allowing for an aboriginal commercial fishery "have no legal validity and are therefore null and void". Judge Thomas stated "the fishery was not lawfully open to anyone".

Once the courts have ruled a set of regulations to be invalid, it is not open to the minister to say the regulations are valid. Yet the minister has done just that. Within an hour of the conclusion of my sentencing hearing, the minister issued a statement saying "I appreciate the views of the judge in this case. However, opinions are opinions. Such opinions are not binding on superior courts of British Columbia".

• (1835)

The minister stated further that this decision does not suspend or nullify the aboriginal communal fishing licensing regulations. He noted that it does not preclude the department from authorizing aboriginal commercial fishing under the existing regulatory regime.

The minister is right when he says that the decision does not bind the Supreme Court of British Columbia. But it does bind the minister. The Supreme Court of British Columbia can overturn a lower court decision, but the minister of fisheries cannot. That is the rule of law.

It is up to the courts to decide if regulations established by the government are consistent with an authorization given by Parliament. When the court decides that regulations were not authorized by Parliament, it is not open to the minister or the government to ignore the clear and unambiguous words of the court. The government may write regulations, but it does not have the last word on their validity or legality.

Judge Thomas challenged the government on February 6 stating that if it was not happy with his decision, then it must appeal it to a higher court. Judge Thomas concluded his remarks to the court on February 6 with the following admonition. He said "It is, I think, appropriate to note that the rule of law does exist, not just for individuals but also for the government".

Adjournment Debate

This country and this Parliament is founded on the rule of law. The crown made much of that at my sentencing hearing on February 6.

On February 23, 1998 the minister was quoted in the *Hill Times* as saying "it would be a strange impression for a minister to give, to break the law". On March 6, 1998 the minister was quoted in the *Globe and Mail* as saying "but you have to recognize that everyone has to obey the law, or the law breaks down".

I challenge the minister to live up to his words, to obey the law and respect the decisions of our courts.

If the minister believes that the judge has erred in law, then he must find a way to take the matter to a higher court for a ruling on the issue. Until that is done, the law in British Columbia is clear. The aboriginal communal fishing licences regulations are invalid and have no legal authority.

It is now time that the minister acknowledged that the government is not exempt from the rule of law. It is now time for the minister to stop using the courts to harass fishermen who protest fisheries regulations already found to be invalid by the courts.

Currently 30 fishermen are before the courts on trumped up charges. Such a flagrant abuse of power smacks of jackboots and the KGB, not the fisheries minister in a democratic society.

The Acting Speaker (Ms. Thibeault): Order. The time has expired.

Mr. Wayne Easter (Parliamentary Secretary to Minister of Fisheries and Oceans, Lib.): Madam Speaker, the hon. member alleges that the minister is defying the courts and that the policy of pilot sales should be dropped.

DFO is not defying the court. The judge offered opinions, only opinions, on the validity of the aboriginal communal fishing licensing regulations. Those comments were made in obiter, in passing so to speak, and had nothing to do with the case before him, which was the hon. member's prosecution for illegal fishing.

This decision does not cancel the aboriginal fisheries strategy. It does not nullify the aboriginal communal fishing licensing regulations. It does not preclude DFO from authorizing aboriginal commercial fishing, including pilot sales arrangements under the existing regulatory regime.

In short, there is nothing in Judge Thomas' decision that alters the minister's authority to allocate and manage fisheries resources in the interests of all Canadians.

The judge's comments were taken seriously by the minister. He asked for a review of the regulations and the legal basis for pilot sales.

During the week of February 2, 1998, based on expert advice, he concluded that the current regulations provide a sound legal basis for the pilot sales fisheries.

The minister intends to continue with the pilot sales program in 1998. Pursuant to this decision, DFO officials are currently discussing with all affected parties how to refine and make improvements to the fisheries that will be acceptable to all parties in the fishing community.

The Acting Speaker (Ms. Thibeault): The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6.39 p.m.)

CONTENTS

Wednesday, April 1, 1998

STATEMENTS BY MEMBERS

Glendale Collegiate	
Mr. Finlay	5633
Tax Freedom Day	
Mr. Benoit	5633
Industry Canada	
Ms. Carroll	5633
Camp Ipperwash	
Mrs. Ur	5633
Nunavut	
Mrs. Karetak-Lindell	5634
Taxation	
Mr. Pankiw	5634
Lévis Shipyard	
Mr. Drouin	5634
Ontario Conservatives	
Ms. Caplan	5634
Xa:ytem	
Mr. McNally	5635
Quebec Finance Minister's Budget	
Mrs. Jennings	5635
Budget of Quebec Finance Minister	
Ms. Alarie	5635
The Atlantic Groundfish Strategy	
Mr. Stoffer	5635
World Health Day	
Ms. Augustine	5636
The Economy	
Mr. Brison	5636
Bill C-28	
Mrs. Tremblay	5636

ORAL QUESTION PERIOD

Hepatitis C	
Mr. Manning	5636
Mr. Chrétien (Saint-Maurice)	5636
Mr. Manning	5636
Mr. Rock	5637
Mr. Manning	5637
Mr. Rock	5637
Miss Grey	5637
Mr. Rock	5637
Miss Grey	5637
Mr. Rock	5637
Budget of Quebec Finance Minister	
Mr. Duceppe	5637
Mr. Chrétien (Saint-Maurice)	5638
Mr. Duceppe	5638
Mr. Chrétien (Saint-Maurice)	5638
Mr. Gauthier	5638

Mr. Martin (LaSalle—Émard)	5638
Mr. Gauthier	5638
Mr. Martin (LaSalle—Émard)	5638
Hepatitis C	
Ms. McDonough	5638
Mr. Rock	5638
Ms. McDonough	5638
Mr. Chrétien (Saint-Maurice)	5639
Mr. Thompson (Charlotte)	5639
Mr. Rock	5639
Mr. Thompson (Charlotte)	5639
Mr. Rock	5639
Mr. Hill (MacLeod)	5639
Mr. Rock	5639
Mr. Hill (MacLeod)	5639
Mr. Rock	5639
Bill C-28	
Mr. Loubier	5639
Mr. Chrétien (Saint-Maurice)	5640
Mr. Loubier	5640
Mr. Chrétien (Saint-Maurice)	5640
Hepatitis C	
Mr. Elley	5640
Mr. Rock	5640
Mr. Elley	5640
Mr. Rock	5640
Year 2000 Computer Problem	
Mrs. Lalonde	5640
Mr. Manley	5640
Mrs. Lalonde	5640
Mr. Manley	5640
Hepatitis C	
Mr. Vellacott	5641
Mr. Chrétien (Saint-Maurice)	5641
Mr. Vellacott	5641
Mr. Chrétien (Saint-Maurice)	5641
Fisheries	
Mr. Bernier	5641
Mr. Anderson	5641
Canada Pension Plan Investment Board	
Mr. Shepherd	5641
Mr. Martin (LaSalle—Émard)	5641
Aboriginal Affairs	
Mr. Scott (Skeena)	5641
Mrs. Stewart (Brant)	5642
Mr. Scott (Skeena)	5642
Mrs. Stewart (Brant)	5642
Fisheries	
Ms. McDonough	5642
Mr. Anderson	5642
Ms. McDonough	5642
Mr. Anderson	5642
National Defence	
Mr. Price	5642

Mr. Eggleton	5642
Mr. Price	5643
Mr. Eggleton	5643
Francophone Games	
Mr. Mahoney	5643
Mr. Boudria	5643
Aboriginal Affairs	
Mr. Konrad	5643
Mrs. Stewart (Brant)	5643
Rail Transport	
Mr. Dubé (Lévis)	5643
Mr. Collenette	5643
National Defence	
Mr. Godin (Acadie—Bathurst)	5644
Mr. Eggleton	5644
Mrs. Wayne	5644
Mr. Eggleton	5644
Canada—Quebec Agreement on Manpower	
Mr. Coderre	5644
Mr. Pettigrew	5644
Aboriginal Affairs	
Mr. Thompson (Wild Rose)	5644
Mrs. Stewart (Brant)	5644
Immigration	
Mr. Laurin	5645
Ms. Robillard	5645
Hepatitis C	
Ms. Wasylycia—Leis	5645
Mr. Rock	5645

ROUTINE PROCEEDINGS

Order in Council Appointments	
Mr. Adams	5645
Government Response to Petitions	
Mr. Adams	5645
Interparliamentary Delegation	
Mr. Caccia	5645
Committees of the House	
Procedure and House Affairs	
Mr. Adams	5646
Procedure and House Affairs	
Motion for concurrence	5646
Mr. Adams	5646
(Motion agreed to)	5646
Justice and Human Rights	
Motion for concurrence	5646
Mr. Ramsay	5646
Mr. Breitkreuz (Yorkton—Melville)	5647
Amendment	5648
Mr. MacKay	5648
Mr. Breitkreuz (Yorkton—Melville)	5649
Mr. Adams	5649
Motion	5649
Mr. Strahl	5649
Mr. Kilger	5649
(Motion agreed to)	5649

Petitions	
Goods and Services Tax	
Ms. Meredith	5650
Seniors' Benefits	
Mr. Malhi	5650
Multilateral Agreement on Investment	
Mr. Casson	5650
Banks	
Mr. Adams	5650
Bioartificial Kidney Research Project	
Mr. Adams	5650
Multilateral Agreement on Investment	
Mr. McNally	5650
Nuclear Weapons	
Mr. McNally	5650
Age of Consent	
Mr. McNally	5651
Multilateral Agreement on Investment	
Mrs. Ur	5651
Questions on the Order Paper	
Mr. Adams	5651
Motions for Papers	
Mr. Adams	5651

GOVERNMENT ORDERS

Judges Act	
Bill C-37. Second reading	5651
Mr. Kilger	5651
Motion	5651
(Motion agreed to)	5651
Mr. White (Langley—Abbotsford)	5651
Mr. White (Langley—Abbotsford)	5654
Mr. Strahl	5654
Mr. Kilger	5654
Mr. Hill (Prince George—Peace River)	5654
Mr. Harvard	5654
Mr. Wappel	5654
Mr. White (Langley—Abbotsford)	5655
Mr. Harvard	5655
Mr. White (Langley—Abbotsford)	5655
Mr. Elley	5656
Mr. White (Langley—Abbotsford)	5656
Mr. Hill (Prince George—Peace River)	5656
Mr. Harvard	5658
Mr. Hill (Prince George—Peace River)	5658
Mr. Earle	5659
Mr. Hill (Prince George—Peace River)	5659
Mr. Ramsay	5659
Mr. Schmidt	5662
Mr. Ramsay	5662
Ms. Meredith	5662
Mr. Ramsay	5662
Mr. Bailey	5662
Mr. Ramsay	5663
Mr. Scott (Skeena)	5663

PRIVATE MEMBERS' BUSINESS

Criminal Code	
Bill C-247. Second Reading	5663

Mr. Dumas	5663
Mr. Breitzkreuz (Yorkton—Melville)	5664
Mr. Myers	5666
Mrs. Debien	5668
Mr. Mahoney	5669
Mr. McNally	5670
Mrs. Jennings	5672

ADJOURNMENT PROCEEDINGS

Organized Crime

Mr. Myers	5672
Mr. Discepola	5673

Fisheries

Mr. Cummins	5673
Mr. Easter	5674

MAIL  POSTE

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

03159442

Ottawa

If undelivered, return COVER ONLY to:

Canadian Government Publishing,
45 Sacré-Coeur Boulevard,
Hull, Québec, Canada, K1A 0S9

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à:

Les Éditions du gouvernement du Canada,
45 boulevard Sacré-Coeur,
Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :
<http://wwwparl.gc.ca>

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9

On peut obtenir la version française de cette publication en écrivant à Travaux publics et Services gouvernementaux Canada – Édition, Ottawa, Canada K1A 0S9.