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OFFICIAL REPORT
(HANSARD)

Wednesday, April 29, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Wednesday, April 29, 1998

The House met at 2 p.m.

Prayers

● (1400)

The Speaker: As is our practice on Wednesdays, we will now sing the national anthem, which will be led by the hon. member for Saint John.

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

STATEMENTS BY MEMBERS

[*Translation*]

COLLÈGE SAINTE-ANNE IN LACHINE

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I rise in this House today with great pleasure to draw attention to the presence in the gallery of students from Collège Sainte-Anne in Lachine.

On September 2, 1861, this institution, which was known at the time as Villa Anna, opened its doors to 66 students aged between 6 and 18, 51 of whom were residents of Lachine.

It is also important to note that, from the very beginning, Villa Anna provided bilingual instruction and encouraged students to grow in truth, freedom and life skills.

The list of students who have gone through Collège Sainte-Anne is too long for me to read, but let me mention one of the most famous ones: the Hon. Senator Thérèse Lavoie-Roux.

Congratulations to Collège Sainte-Anne of Lachine, which—

The Speaker: I am sorry but I must now give the floor to the hon. member for Langley—Abbotsford.

[*English*]

VICTIMS BILL OF RIGHTS

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, today is the second anniversary of an agreement in the House of Commons to develop a national victims bill of rights.

Yes, it was April 29, 1996 when the Liberal government agreed with the Reform Party to put the rights of victims front and centre in this nation. Once again, however, the Liberal government did nothing. That is right, nothing. The Minister of Justice recently said that victims rights were just rhetoric.

Is the right to know the status of the criminal rhetoric? Is a person's right to know what their rights are rhetoric? Is the right to know when plea bargaining is taking place rhetoric?

I am ashamed to say that I sit in this House of Commons with those who are more concerned with the rights of criminals than the rights of victims. I am ashamed to be involved with those who say one thing and do nothing.

The fight for the rights of victims will continue and I am committed to be at the forefront of that battle, full time, now and when I leave this place of false hope.

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INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, I rise today to acknowledge the hospitality shown and the positive suggestions made by the International Association of Firefighters which has been meeting here in Ottawa at its seventh annual legislative conference.

Firefighters, as members know, are primary guardians of safety who are prepared to risk their lives in the performance of their duties. I would like to officially recognize them for their continuing dedication, sacrifice and service to this country.

Firefighters from across Canada have been to Ottawa to advance a number of very important issues. Among them is their request for the establishment of a federally regulated, third party investigative agency that would lessen the risk to firefighters who must deal with tragedies like the 1997 Plastimet fire in Hamilton.

They ask that we extend funding to complete the testing of Operation Respond, a program designed to ensure the safety of firefighters. I support these requests.

I call on my government to demonstrate its commitment to safety and its respect for firefighters. I urge it to implement—

The Speaker: The hon. member for Anjou—Rivière-des-Prairies.

* * *

[*Translation*]

ASBESTOS

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, we have learned in the newspapers of the decision made by the parliamentary assembly of the Council of Europe to completely ban asbestos.

Last week, as Canadian parliamentarians from the Liberal Party, the Conservative Party, the Bloc Quebecois and both Houses of Parliament, as well as observers at this interparliamentary assembly, we ran into a wall of misunderstanding and faced total rejection of the Canadian position, which is the same as the one held by the Russians.

Instead of a comprehensive ban on asbestos regardless of type or use, the Canadian position is based on the following consensus: asbestos may be a hazardous product, but its use can be controlled by putting workers' and public health first.

This consensus is shared by all levels of government, industry and labour in Canada. Unfortunately, the vast majority of parliamentarians in the Council of Europe have remained insensitive to any argument that might have softened their position.

It is therefore important that the Canadian consensus be put forth again before the Committee of Ministers of the Council of Europe, which will make a final decision on this recommendation.

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[*English*]

ONTARIO MINING WEEK

Mr. Réginald Bélair (Timmins—James Bay, Lib.): Mr. Speaker, this is Ontario Mining Week and I would like to pay a special tribute to the mining communities in the riding of Timmins—James Bay and, more specifically, to the city of Timmins, the largest gold mining community in Canada. I would also like to acknowledge the more than 3,000 individuals who work in the mining sector and contribute to this region's growing economy.

New mines are opening up in my riding, such as the Agrium phosphate mine near Kapuskasing. This means new jobs and economic opportunities for the area.

The value of production from metal mines in Timmins—James Bay has amounted to $836 million or 19% of the total value of output in Ontario. Exploration expenditures are up to $43 million. There is no doubt that mining is a vital contributor to my riding and to the country.

[*Translation*]

I am proud of the contribution made by the mining industry to our region's economy, quality of life and lifestyle. We must never forget—

The Speaker: The hon. member for Lethbridge.

* * *

[*English*]

HEPATITIS C

Mr. Rick Casson (Lethbridge, Ref.): Mr. Speaker, I have a grave message for this Liberal government and the health minister from a constituent.

I am going to read her words, expressing the pain suffered by her and her family:

> I received tainted blood during the course of surgery in 1985 and I was notified in 1996, by the blood bank.
>
> I have hepatitis C, and now understand the symptoms I have experienced for years.
>
> Added to the physical problems is the emotional and mental anxiety of passing this disease on to my husband, my children and my grandchildren.
>
> To only compensate victims between 1986 and 1990 is totally unfair. I battle the same health problems, the same outcome, possibly death and we are just as innocent as the ''window'' victims. Are we not just as deserving of compensation?

She ends by saying:

> Are politics and dollars worth more than people and lives?

Shame on the health minister. Shame on the Prime Minister. Shame on all the wimp Liberal MPs.

* * *

MANITOBA FLOODS

Mr. David Iftody (Provencher, Lib.): Mr. Speaker, the tragic floods that occurred in Manitoba last spring devastated the people of the Red River Valley.

One year ago today the town of Ste-Agathe was completely flooded, creating grief, family breakdown and attempted suicides.

Even today 100 families live in trailers or garages because their homes remain uninhabitable.

This is not a question of merely, as was stated in the House yesterday, flooded basements or having no lights. This is about people who are suffering. We have a duty in this House and I have a duty to say that we must continue to support the people of Provencher, the people of the Red River Valley, as this government has done.

[*Translation*]

MEMBER FOR YORK SOUTH—WESTON

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, I strongly condemn the comments made yesterday outside the House by the member for York South—Weston, who criticized the Canadian government for helping flood and ice storm victims.

We must deplore such demagoguery on the part of that member, who will definitely not gain any credibility by trying to get a segment of the population all worked up.

• (1405)

The member for York South—Weston chose the easy route by shooting at anything that moves. He may show his incompetence and lack of judgment if he chooses, particularly since we know his record on faithfulness to a party and on being a team person.

As for us, we will not evade our responsibilities. We would rather live with the consequences of our actions as members of a government team. I guess we all choose our own way, express our own convictions, and show our faithfulness to a team, a philosophy and a Prime Minister. We know where the independent member stands on these points.

I prefer by far my own philosophy, which is to make the difficult decisions that have to be made and to be faithful to my leader, my team and our agenda.

* * *

[*English*]

ISRAEL

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, tonight marks the 50th anniversary of the modern State of Israel. Born out of the ashes of the Holocaust and invaded by five countries on the very day of its independence, Israel has survived and thrived against all odds. Israel at 50 is a remarkable nation where Jews from all over the world go to live in freedom.

In recent years hundreds of thousands of Jews from the former Soviet Union and from Africa have immigrated to Israel, adding their own distinctive character to that growing country. In Israel, Arabs and Jews sit side by side in the Israeli Knesset and all citizens are allowed to practise their own religious and political beliefs.

Perhaps nothing speaks to Israel's spirit more than its national anthem, called ''Hatikvah'' which means ''The Hope''. I call upon all members of this House to join with me in expressing our hope that Israel's next 50 years will be peaceful and prosperous and that she will live in harmony with all of her neighbours.

[*Translation*]

MEMBER FOR YORK SOUTH—WESTON

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, I strongly disagree with the comments made yesterday by the independent member for York South—Weston, who criticized the compensation provided to victims of the disasters that occurred early in the year.

It would be hard to find someone who is more of a demagogue than this independent member, who betrayed his political party. I challenge him to come to my riding and my region and to repeat the same comments. I challenge him to try to withdraw the assistance provided by our government to those who suffered tremendous damage early in the year.

The independent member can go whichever way the wind blows, if he so chooses. Personally, I would rather stand up and support the decisions which we feel are best for the people in my riding and in my region.

* * *

[*English*]

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, talks on the MAI have broken down, been suspended—call it what you like. The fact is that all Canadians who have been campaigning against the MAI have something to celebrate. Our concerns regarding the current model of globalization have resonated with the public and trade ministers have been forced to listen.

We are not members of the flat earth society after all, as the trade minister recently alleged. Instead we are members of the society for global governance that is just, sustainable, participatory and accountable.

Let us bury the MAI once and for all and use the opportunity of its failure to create a global economy which puts the rights of workers, of the environment and of democratically elected governments ahead of the rights of investors and the global corporate elite.

The NDP salutes all those who worked with us on this issue. Let us be vigilant, but let us also briefly pause to celebrate a significant victory in our struggle to put forward a different view of globalization.

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[*Translation*]

MEMBER FOR ABITIBI

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, yesterday, during the debate on poverty, the member from Abitibi said, and I quote:

> I can say that, if women still stayed at home to look after their children, there would be less poverty.

I find this remark absolutely shocking and to top it all it is not true. In modern society fathers also take care of children.

I am dismayed that in 1998 it is still possible to use this sort of language to describe society. The member for Abitibi should be ashamed of reducing the problem of poverty to such simplistic terms. They are unworthy of a member of this House.

Certainly recognition of the unpaid work performed by women is vital, but this should not prevent women who choose to work outside the home to do so, regardless of what the hon. member thinks.

I hope this hon. member will change his paternalistic tune and join modern society.

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MEMBER FOR YORK SOUTH—WESTON

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, victims in the Montérégie, the Eastern Townships, the Saguenay region, others in various regions of Quebec hit by the recent ice storm and the victims in Manitoba are very upset by the remarks of the independent member, who is faulting them for receiving financial help in response to natural catastrophes.

If the independent member for York South—Weston has the courage to do so, let him visit the Saguenay, Manitoba and the other regions of Canada and tell them they should return the cheques they received from our government.

• (1410)

The hon. member can certainly shirk his responsibilities and he can let his party down as he did because he could not take the pressure, but he cannot insult victims who have received government assistance.

* * *

[*English*]

ISRAEL

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, Israelis must build with one hand while defending themselves with the other. That was the message of Chaim Weizzman, Israel's first president on the day the Jewish people re-established a homeland from which they were separated for thousands of years.

Tomorrow, by the Jewish calendar, the people of Israel will celebrate 50 years of statehood.

Today Israel is a diverse, vibrant and modern democracy. Israelis have transformed a tiny, barren land into an economic and technological power. Fewer than one million Israelis became six million. With all their differences they make the desert bloom and democracy work.

As Israel marks its 50th birthday, the PC Party of Canada extends its best wishes and its hope that the citizens of Israel will continue to move toward a just, comprehensive and lasting peace. Shalom, Israel.

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[*Translation*]

HEPATITIS C

Mr. Maurice Dumas (Argenteuil—Papineau, BQ): Mr. Speaker, this is a very sad day indeed for all hepatitis C victims.

It is a terrible thing to realize that the federal government is stubbornly refusing to free up funds to compensate all hepatitis C victims, while it is literally throwing billions down the drain at the same time.

According to the auditor general, $2.2 billion are being wasted by bad management in the armed forces, $750 million of that on used submarines. And if this were not enough, we now learn that the government would be receptive to subsidizing the millionaires in Canadian professional sport. At the same time, this same government is cutting $11 billion from health, education and welfare, with more cuts to come.

Where do the Liberal government's priorities lie, when it is abandoning innocent victims, while at the same time merrily embarking in all sorts of ridiculous spending? This is unacceptable.

* * *

[*English*]

MAY COURT CLUB

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, it is with great pleasure today that I rise in the House to pay tribute to the May Court Club on its 100th anniversary. The May Court Club of Canada was founded in 1898 by Lady Aberdeen, wife of then Governor General, the Earl of Aberdeen. Thirty-six of the 150 members and volunteers from Kitchener—Waterloo are on their way to Ottawa to take part in the 100th anniversary celebrations taking place May 1 and 2 with their current patron, Her Excellency, Mrs. Diana Fowler LeBlanc.

May Court provides a valuable community service. Through its tireless volunteerism and fundraising it operates a number of community service projects, including an afternoon day care centre for mothers and children, a special care committee providing weekly activities for ex-psychiatric patients and a food box program for school children.

In addition to these valuable services, through local fundraising efforts May Court provides financial aid to 39 community organizations servicing children, community needs, health care and counselling—

The Speaker: The hon. member for Souris—Moose Mountain.

* * *

WEYBURN RED WINGS

Mr. Roy Bailey (Souris—Moose Mountain, Ref.): Mr. Speaker, once again the Weyburn Red Wings of the Saskatchewan Junior Hockey League have captured the Anavet Cup. It took seven games to defeat the talented Winkler Manitoba Flyers.

The Weyburn Red Wings now advance to the Junior II National Championships to be held in Nanaimo, B.C.

Winning the national championship is not new to the Red Wings or their loyal fans.

Good luck, Red Wings, and bring home the national championship and the coveted Royal Bank Cup.

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NATURAL DISASTERS

Mr. Hec Clouthier (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, when I looked at the news today I was appalled to see the member for York South—Weston trivialize the damage and suffering caused by the ice storm and floods to millions of Canadians.

To say that their hardship consisted of the lights going out and the occasional flooded basement is as callous as it is uninformed.

Do I need to remind the member that families were without light, without heat, without water in the dead of a Canadian winter? Do I need to remind him of the human toll? The ice storm and floods caused damage to many of my constituents in the riding of Renfrew—Nipissing—Pembroke.

I cannot accept this type of cheap politics. Obviously the member is a dork—oh, I am sorry, Mr. Speaker, is in the dark.

ORAL QUESTION PERIOD

• (1415)

[*English*]

HEPATITIS C

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, I hope the Prime Minister is proud of himself today. Let us look at what he has done.

He has abandoned thousands of hepatitis C victims infected because of government negligence. He has driven some of his own backbenchers to tears by forcing them to vote against their best interests, against their own consciences and against their constituents.

My question is for the Prime Minister. Was it worth it?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have seen crocodile tears in my lifetime, but when I see the leader of the Reform Party wanting to cut billions of dollars from the programs of the natives of Canada, when I see the leader of the Reform Party asking the government to get rid of the CPP because he wants to transfer it to the private sector, when I see him opposing any measure that creates social progress in Canada and trying to score political points on the health of some people in Canada, it is very difficult for me to take him seriously.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the Prime Minister misses the point as usual.

Let us consider the situation of the MP for St. Paul's. She was a founding member of the hepatitis C society. She says she wants compensation for the victims. As a physician she swore an oath to make caring for the sick her number one priority, but she was forced to abandon her conscience, her friends and everything she believed in because of a political decree from the Prime Minister.

My question is for the Prime Minister. Why should some oath of political allegiance to the Prime Minister take precedence over that member's oath to care for the sick?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, because I know the member of parliament, who is extremely competent in the field, I know that she does not want to play politics with the health of people.

She understood very well that in voting with a responsible government she was showing to the others that they were just playing politics and being hypocrites with the health of the people of Canada.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, did the Prime Minister think the victims were playing politics yesterday? Apparently the Prime Minister achieved what he wanted to achieve. He proved that Liberal backbenchers can be browbeaten into violating every principle they believe.

The MP for Gatineau actually said he now wishes he never got involved in politics in the first place. The Prime Minister must be—

Some hon. members: Oh, oh.

The Speaker: I am sure we all want to hear both the questions and the answers. I go back to the hon. Leader of the Opposition.

Mr. Preston Manning: Mr. Speaker, since the Prime Minister has now lost all moral authority on this issue, is there anyone in the government who will take up the cause of the thousands of hepatitis C victims the government abandoned last night?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, an agreement was made with all the provincial governments of Canada. I just want to quote to the House of Commons the spokesman of the ministers of health said, Clay Serby, the NDP minister of health from Saskatchewan:

> But this, in my opinion, is not a political issue. This has never been a political issue and we should not be making it into a political issue.
>
> This isn't Saskatchewan's opinion only. This is a collective wisdom of all of the provincial ministers across the country, whether the provincial governments are Liberal, Conservative or NDP.

There was no—

The Speaker: The hon. member for Macleod.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, it was instructive last night what the health minister did after the vote. He did not go out and say he was sorry to the victims. He did not even face them. He snuck out the side door. Then he said ''This file is closed''. That is how he treats and thinks of those victims and the suffering of those victims: just another legal file that he can close.

● (1420)

My question is for the Prime Minister. Why did he order this heartless lawyer to treat these victims just like a legal file that he could shove away?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to say that the Minister of Health was the first one to raise the issue in Canada and force the provincial governments to move on the matter.

All the ministers of health are facing the same problem. They are facing it responsibly because they look at the real issue. The minister of health from Manitoba said that if we are to get beyond the principle of compensating—

The Speaker: The hon. member for Macleod.

Mr. Grant Hill (Macleod, Ref.): Mr. Speaker, the health minister was the first one to raise it all right. He raised the expectations of those victims when he said that they would not have to go to court, and now he is forcing them to go to court.

My question is for the Prime Minister. Why has he let his heartless minister go on this way and treat these victims in a heartless, cruel manner? Why?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the health minister, for the people where there was government responsibility, was the one who moved first to offer them compensation so that they would not have to go to court to be compensated.

[*Translation*]

PROFESSIONAL SPORT

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the Prime Minister forced government members to vote against compensating all hepatitis C victims.

In the meantime, Liberal members were lobbying for government funding of professional sport.

How can the Prime Minister justify his government's priorities when, on the one hand, he is forcing all government members to vote against compensating hepatitis C victims and, on the other, he is allowing certain members to lobby on behalf of sports magnates?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as Lucien Bouchard pointed out yesterday in the National Assembly, members of the House voted in favour of compensating all victims of this illness for the period during which the government was responsible, as recommended.

Are we going to go beyond fault so that, even in the absence of fault, governments will have to compensate for damages? If the answer is yes, people need to know that this might diminish the quality and scope of services. There are therefore very serious consequences.

That is what a responsible government does.

The Speaker: The hon. leader of the Bloc Quebecois.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister should take note of what was said yesterday in the National Assembly.

Yesterday, a number of witnesses before the heritage subcommittee referred to the situation in the United States, where sports teams are heavily funded. While that is true, it is also true that the United States is not interested in having a universal health system. That is something the sports magnates did not talk about.

Rather than concluding a tax agreement with sports magnates, should the Prime Minister not return the money he took from the provinces for health care? That is a political choice. That is a socially responsible choice.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, on several occasions I have explained to the House that what this government is doing is ensuring that Canada's fiscal house is in order. When one looks at what actually happened, the Province of Quebec was cut less than the government of that province cut its municipalities.

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, my question is also for the Prime Minister.

Yesterday, the government flatly rejected the plea made by hepatitis C victims. On the other hand, it is receptive to the representations of sports millionaires.

• (1425)

Are we to understand that the government is about to invest in professional sports, and will do so with the $6 billion that it takes each year from the employment insurance fund, while 60% of the unemployed can no longer have access to employment insurance benefits?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): No, Mr. Speaker.

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, the government eliminated its deficit largely by cutting transfers to provinces for health, education and social assistance.

Now that it has managed to get some flexibility in this fashion, does it intend to invest in sports millionaires, instead of restoring funding for education, social assistance and health?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): No, Mr. Speaker.

* * *

[*English*]

HEPATITIS C

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

Liberal backbenchers are spinning hope today among hepatitis C victims by suggesting that additional proposals are in the works for those excluded from the current compensation package.

Will the Prime Minister tell Canadians what specific measures he is prepared to implement for the excluded hepatitis C victims? Is this government policy or just Liberal backbencher damage control?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I note in passing that in the legislature of Saskatchewan the members of the NDP Government of Saskatchewan voted down a motion to extend compensation to all victims. The NDP government refused to permit a free vote in that exercise.

The NDP Government of Saskatchewan and that legislature have reaffirmed the agreement reached by all ministers of health to provide cash payments to those who were infected as a result of the fault of those responsible for the system.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, unlike the Liberal Party, New Democrats have the honesty and the guts to disagree when the situation warrants it.

The health minister insists that the hepatitis C file is closed. It is not closed for the tens of thousands of hepatitis C victims and it will not be until they are fairly compensated. It is not closed for most members of parliament, not even for the government's own backbenchers. Hepatitis C victims do not want false hope.

My question is for the Minister of Health. Is there money to deliver the promises being pedalled by Liberal backbenchers—

The Speaker: The hon. Minister of Health.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, every government in the country, not just the federal government, looked at the history of this matter. They decided there was one period during which the harm could have been prevented.

We have offered compensation to people infected during that period. That is the right approach. It was the approach that was affirmed yesterday in the vote in the House of Commons.

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FISHERIES

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, thousands of Newfoundlanders and Labradorians are protesting. Government services have been disrupted because the government turned its back on thousands of Atlantic Canadians.

The economic and social devastation in Atlantic Canada has been caused by gross mismanagement of our groundfish stocks by the Government of Canada. The number of fishing vessels, harvesting technologies and fish quotas are all decisions of the government.

When will the government live up to its responsibility and provide continued income support to those thousands of Atlantic Canadians whose lives it has ruined?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we have been working very hard. We brought in a $1.9 billion program to help the people when we realized there was a cod crisis in Atlantic Canada.

We are looking at the post-TAGS environment as we realize the fish are not coming back. There is a problem. We realize it. We are addressing it and we are working very hard. When we are ready we will be making an announcement.

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, the minister of HRDC should have been ready. You have known for three years that this problem was coming to a head.

The Speaker: Would the hon. member please address the question to the Chair.

Mr. Bill Matthews: Mr. Speaker, the minister should have known.

The provincial governments in Atlantic Canada do not have responsibility over our groundfish stocks. The fishermen have no groundfish management control. The unions do not have any control. The processors do not have any control.

The minister has all the control. Will he do the honourable thing? Because of his gross mismanagement—

The Speaker: The right hon. Prime Minister.

• (1430)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to remind the member that the problem and the mismanagement of the fish stocks in that area happened when the Conservative government was in power.

After we formed the government in 1993 we offered compensation and a program of $1.9 billion for the first time to help them survive this change.

The member should remember that the Conservatives created the problem and this government has worked on the solution.

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HEPATITIS C

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the Prime Minister chose the vote over the victims.

I will never forget that young boy up in the gallery. I never will forget that 15-year old boy, Joey Haché. He had the nerve to stand up to the Prime Minister but his own Liberal MP did not. Hon. members may laugh but Joey Haché has to get blood transfusions every single week just to stay alive. We are blessed that we are not in that position but it does not change his.

Let me ask the Prime Minister, why is he forcing Joey and others like him to go to court for compensation?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to say to the hon. member that I travel in Alberta. When I visit rural parts of Alberta, there are native Canadians who live in difficult conditions, I realize that the hon. member wants us to cut the money that is going to the natives of Canada. I will never forget that they want to cut in this case—

Some hon. members: Oh, oh.

The Speaker: The hon. member for Edmonton North.

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, rural Albertans and Albertans in general have a sense of what is right and what is wrong. They would be ashamed to see the behaviour of the government right now.

Joey needs to go to court. Joey needs blood transfusions every week. Instead he is going to have to go to court and the minister said ''Oh, no, you won't have to do that''. He needs to spend time with his family.

The Prime Minister hopes this matter is over now but it is not. It will not go away. Does the Prime Minister really expect the victims to just go away and forget about his betrayal to them? Does he want them to just go away?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there is a national health care system and hospitals in Canada where this individual can go to receive the treatment he needs, paid for by the state.

It is not what the Reform Party would like to do. When I travel in Canada I see young people who are worried about pension benefits. At the time of retirement they will want to have a pension. I will always remember that the Reform Party does not want to guarantee to young Canadians that they will have a pension plan forever.

[*Translation*]

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, yesterday, the government successfully gagged those Liberal members who wanted assistance to be provided to all victims of hepatitis C.

What does the Prime Minister have to say to his members, including the hon. member for Gatineau, who stated again this morning that the fight for hepatitis C victims was not over?

Did he definitely close the door on this issue yesterday or did he suggest to his members in private that work was continuing to eventually provide assistance to hepatitis C victims? We want to know.

• (1435)

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we have come to an agreement with the Quebec health minister in this matter.

I too have a question. I noticed that today the opposition in Quebec moved a motion similar to the one we dealt with yesterday in this House. Will Lucien Bouchard and Jean Rochon allow a free vote on this motion?

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, they should be the ones paying compensation, not the National Assembly. They are the ones with the money. How dare the government reject out of hand—

Some hon. members: Oh, oh.

Mrs. Pauline Picard: Mr. Speaker, how dare the government reject out of hand the hepatitis C victims' claim, when the auditor general himself just reminded the government that the army has spent $2 billion on equipment that does not even meet its needs?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Now I have seen everything, Mr. Speaker. Members of the Bloc Quebecois are now advocating centralization.

Some hon. members: Oh, oh.

Right Hon. Jean Chrétien: They would have the federal government interfere in health because, unlike the PQ in Quebec, we can manage our finances in such a way as to produce a surplus.

[*English*]

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, the minister has been doubling and tripling the number of hep C victims he feels are infected. The minister uses a bogus number to bully his caucus members into turning their backs on hepatitis C victims seeking justice. He is simply making up numbers to scare people into believing that a fair compensation package jeopardizes our health care system.

I ask him to prove his claim. Table the documents in this House that show how many are infected.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, this month the Reform Party is cloaking itself in the cloth of compassion but it has a little problem. The problem is credibility. Canadians remember that it is the party that would gut medicare. Canadians know that they are the members who would eliminate the Canada pension plan. Canadians are not prepared to believe that the Reform Party is truly on the side of the victims. They know if the Reform Party were in power, the victims would get nothing.

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, I think the minister should read the newspaper. He will find out what the public is having trouble with right now and it is not the Reform Party.

For weeks the health minister has been exaggerating the number of hep C victims who were infected before 1986. He does this to scare Canadians, to make them think we had to throw these sick people out of the compensation lifeboat.

Will the health minister stop pulling numbers out of the air, table the documents in this House to back up his claim? Will he put up and shut up?

The Speaker: Let us quiet down a bit. Colleagues on both sides, I would ask you to be very judicious in your choice of words. I will permit the hon. Minister of Health to answer the question if wants to.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I will go half way. I am prepared to put up if he will do the other half.

* * *

• (1440)

[*Translation*]

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, officially the negotiations on the multilateral agreement on investment have been suspended for six months. However, we have learned that technical negotiations, as they are called, will continue in the meantime within the OECD.

Can the Prime Minister tell us whether or not negotiations have indeed been suspended for six months?

[*English*]

Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, I am able to refer to a ministerial statement issued by the OECD which states that the group will meet again in October of this year.

I should also point out that the Canadian Conference of the Arts has issued the following statement talking about my minister: ''Minister Marchi has done much to make the process of—''

The Speaker: The hon. member for Repentigny.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, the parliamentary secretary has just told us that negotiations will continue behind closed doors.

Canada was calling for negotiations to continue in the future under the aegis of the WTO so that developing countries could take part.

Since the other members of the OECD do not seem to agree with this, what will the Government of Canada do?

[*English*]

Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, now I can reply to the secrecy charge. The bulletin says ''The minister has done much to make the process of negotiating trade agreements much more transparent to the Canadian public. The CCA has been most favourably impressed with the ease of access to Canadian trade negotiators and information about the process itself. The minister has ushered in a new era for these negotiations where interested Canadians can inform themselves and participate in the shaping of ideas and positions of Canada—''

The Speaker: The hon. member for Fraser Valley.

* * *

HEPATITIS C

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, it is interesting that the backbench is good for asking those lobbed questions but I have a question for the Minister of Health.

A moment ago the minister said that he would come half way, that he would put up when it came to putting up the numbers on how many hepatitis C victims deserve to be compensated here in Canada. He has been using figures as high as 60,000. The centre for disease control says that there are probably only 15,000.

When he says he will put up, does that mean he will table those documents today in the House of Commons? Let him show how many hep C victims really deserve that.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, every health department in the country, every minister of every government in Canada worked together on this issue. We examined the history. We had estimates. Some provinces had looked at trace back programs. We operated on good solid information in coming to the position we developed.

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, he said he would put up. I take it that means he is going to put up the documents. He said he would come half way. We take the minister at his word on this one, I think.

Will he put forward today, table the documents today, to show how many hepatitis C victims were infected by hepatitis C contaminated blood before 1986? Will he put those numbers before the House today, like he promised, so we can get on with the debate on those numbers?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the hon. member has not kept his part of the bargain.

We also said that governments across this country had good information when they came to their position. They developed an agreement based on the assessment of the facts developed by departments of health across Canada. Indeed some provinces actually had trace back programs that identified specific numbers of people infected by bad blood.

We proceeded on good information in developing this policy.

* * *

[*Translation*]

NATIONAL DEFENCE

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

• (1445)

The auditor general was very critical of National Defence. He stated, with proof, that the military wasted over $2 billion on equipment it did not need and on products that failed to meet its safety requirements.

Will the minister continue to look the other way and try to make people believe that their money is well spent for the military or will he decide to take every means possible to correct the situation?

[*English*]

Hon. Arthur C. Eggleton (Minister of National Defence, Lib.): Mr. Speaker, many of the comments the auditor general made are very helpful to the Department of National Defence. I should point out that his comments deal with what has gone on in the past. Some of these purchases relate to things that were done by the previous government prior to our taking office in 1993.

We learn lessons from all these. We have made changes and we will continue to make changes in future to make sure that our military gets the equipment it needs and make sure it is cost effective and is money well spent in defence of this country.

* * *

[*Translation*]

FRANCOPHONE INFORMATION HIGHWAY

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, my question is for the Minister of Canadian Heritage.

What is the minister doing to assist with the development of a francophone information highway across Canada?

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I believe that everyone should be proud that Canada is the first country in the world to have a college that is accessed by computer. This Canadian francophone college is called Collège Boréal. It owes its funding to the support of parliamentarians.

Second, before long, I hope we will be able to announce that we in Canada have the first virtual university in the world. It too will be in French, here in Canada.

* * *

[*English*]

HEPATITIS C

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, I had a question prepared today but I am not going to ask it.

Thousands of Canadians are watching on these cameras, thousands of people infected by hepatitis C. The Minister of Health said he was going to put up for these people. Is he going to put up for those victims or is he going to tell them to shut up like he has told us?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, we have had ample occasion during the last four weeks in this House and elsewhere to discuss this difficult issue. Throughout the debate we have made it very clear this government, along with every other government in Canada, has taken a responsible approach to offer to pay cash to those who were harmed because of fault on the part of the people who should have run the system better. For all the others our most important moral duty is to make sure there is a health care system there to protect and look after them as they become ill.

We intend to respect both these responsibilities.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, nobody in the House disagrees that this is a difficult decision. Everybody on this opposition side and indeed most of the

people in the minister's party want to see a resolution for these people.

● (1450)

Watching today is Jennifer from my constituency who contracted hepatitis C after surgery. Once again, is the Minister of Health going to close the door on these people or is he going to give them a window of opportunity and some hope by providing compensation while they are unable to work, while they are unable to—

The Speaker: The hon. Minister of Health.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, our first and most important obligation to Jennifer and all the other victims referred to yesterday, including all the victims I have met in the last 12 months, is to make sure we have the best health care system in the world, to make sure our social programs, whether disability benefits or others, are available to them in their time of need.

This government, along with all other governments in this country, has come to a responsible decision on compensation so that we can preserve the things that Jennifer needs most.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the Minister of Health says the file on compensation for blood injured Canadians is closed. It is not closed for Darlene Nicolaas who got hepatitis C from a transfusion in 1985. It is not closed for Susan Wish whose husband is too ill to coach his children's sports teams.

The minister just said he is prepared to put up. I want to know from him what he is prepared to put up. Are there or are there not any specific measures for excluded hepatitis C victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the governments of Canada dealt with the file of compensation and it is closed.

There is a second file on the desk of every minister of health of every government in this country. It is called medicare. It is called quality health care for all Canadians.

For Darlene Nicolaas, for Susan Wish and for all the other victims we can bring to mind, our most important responsibility is to make sure that through medical research, through quality care, through innovations we have talked about like home care and pharmacare, we provide what those victims need most.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the minister in this House has many times made the incredible statement that compensation for blood injured Canadians would bankrupt the health care system.

I want to ask the Minister of Justice if she can tell the House today how much money she has budgeted for fighting hepatitis C victims in the courts. Why is there money for lawyers and not for blood injured Canadians?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, this $1.1 billion is offered to blood injured Canadians, Canadians injured by reason of fault on the part of those responsible for administering the system.

There are 12 governments in this country committed to quality medicare, health care throughout the country for all victims of all illness and all harm, and medical research. That surely is the first and most important responsibility of government.

* * *

ROYAL CANADIAN MOUNTED POLICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, last fall the Conservative Party revealed a potential case of influence peddling within a ministerial office of the Government of Canada.

At that time the President of the Treasury Board denied that his office had any connection to the illegal activities going on. At that time it was still under investigation.

Today in a Montreal courtroom it was confirmed that Liberal Party worker and fundraiser Pierre Corbeil pleaded guilty to charges of influence peddling.

Can the minister repeat to the House today that no one in his office had any connection with the illegal activities of Pierre Corbeil?

[*Translation*]

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the RCMP has completed a full investigation of this matter. Today, the only person charged by the RCMP has made a court appearance and the case is closed.

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, today, Pierre Corbeil pleaded guilty of influence peddling. The crown attorney has released the document used in evidence against him.

According to our sources, it seems clear that this information originated with Jacques Roy, executive assistant to the President of Treasury Board in his Montreal office.

Can the minister still deny his office's involvement? Can the House have the real answer this time?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, the RCMP was alerted by a government minister who called for an investigation.

A complete investigation was carried out, including the allegation referred to by my colleague in the House. The investigation is now complete, the charge has been laid, and the judge has rendered his decision. The case is closed.

* * *

• (1455)

[*English*]

THE ENVIRONMENT

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, the ministers of energy and environment met last week in Toronto to approve a process to examine the impact, cost and benefits of implementing the Kyoto protocol. They agreed that climate change is an important global problem and that Canada must do its best to address it.

What is Canada doing to ensure it meets the commitment we made in Kyoto?

Mrs. Karen Kraft Sloan (Parliamentary Secretary to Minister of the Environment, Lib.): Mr. Speaker, I am pleased to announce that the Minister of the Environment has signed the Kyoto protocol at the UN today. I am also pleased to say that Canada is one of the early signatories of this protocol.

* * *

HEPATITIS C

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, this side of the House does not want to hear anything more from this health minister. The public does not trust him. We do not believe his statistics. He cannot even provide the numbers. We do not trust his excuses for abandoning the victims. If this minister had any principles he would have resigned weeks ago. This minister has lost the confidence of the House. He has lost the confidence of the Canadian people.

There is only one question left to ask him. When will he tender his resignation as Minister of Health?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, to all members of parliament who said that this was not a vote of confidence, the hon. minister confirmed that it was. We have confidence in the Minister of Health. He was the first in Canada to raise the issue and worked to make sure that all the provinces were involved in order to offer compensation to the victims of hepatitis C.

[*Translation*]

ATLANTIC GROUNDFISH STRATEGY

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 in Halifax, the Minister of Veterans Affairs said that the measures that will be implemented when TAGS ends will apply only to those still receiving benefits under TAGS next August.

Can the minister corroborate his colleague's statement and, if he can, under what principles will he exclude close to 20,000 fisheries workers, with no support? How? And under what criteria?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, when there was a crisis in the fishery in 1993 because of poor management by the government that preceded us, we set up a $1.9 billion program to come to the rescue of over 40,000 workers.

We are obviously fully aware that this contract had a certain number of conditions, which were implemented and which helped people in recent years.

Now that we see that the stocks are not returning as we had hoped, my colleagues and I are working very hard to make the decisions that will help people cope with the environment in which they will find themselves in August.

* * *

[*English*]

HEPATITIS C

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, my question is to the Minister of Justice and follows from my colleague's point.

The Minister of Health has said that if he were to compensate the pre-1986 hepatitis C victims it would bankrupt the health care system.

To the Minister of Justice, now that she has had a moment to think about it, how much money is available within the Department of Justice to defend against those cases? Why is there money for lawyers? Why is there not money for pre-1986 hepatitis C victims?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, while we are talking about fanciful calculations, maybe the minister could tell us how much money we saved in legal fees and how much time we saved by offering meaningful compensation to those infected between 1986 and 1990.

● (1500)

We have put the money where it should be, which is in meaningful compensation for those harmed by those responsible.

* * *

POINTS OF ORDER

QUESTION PERIOD

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, earlier the Minister of Health indicated that he would prepared to put up documents. We formally ask the House that the minister table those documents pertaining to hepatitis C victims prior to 1986 today.

The Acting Speaker (Mr. McClelland): With respect, I do not believe that is a point of order. I would seek the counsel of the clerk to find out whether that is indeed a point of order.

The minister is not required to table the document unless he has quoted directly from the document. He may be invited to do so, and we invite the minister to table the document, as requested. However, the minister is not required to do so unless he quotes directly from it.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, pursuant to Standing Order 109, I have the honour to present in the House, in both official languages, the government's response to the report of the Standing Committee on Foreign Affairs and International Trade entitled ''Canada and the Circumpolar World: Meeting the Challenges of Cooperation into the Twenty-First Century''.

On behalf of the government and especially the Minister of Indian Affairs and Northern Development, I would like to express our appreciation for the efforts of the standing committee in producing such a substantive report which highlights the importance of northern circumpolar issues in Canada's foreign policy agenda. These issues are of particular significance given Canada's current chairmanship of the Arctic Council.

* * *

[*Translation*]

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 a petition.

* * *

● (1505)

[*English*]

COMMITTEES OF THE HOUSE

AGRICULTURE AND AGRI-FOOD

Mr. Joe McGuire (Egmont, Lib.): Mr. Speaker, I have the honour to table the second report of the Standing Committee on Agriculture and Agri-Food which concerns Bill C-26, an act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act, and to repeal the Grain Futures Act. The committee studied the bill, which was referred to it on March 27, 1998 by the House, and has decided to report the same with amendments.

I take this opportunity to thank all members of the committee from all sides for their co-operation and a job well done. I also thank the officials and the witnesses who appeared before us and the committee itself.

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 30th report of the Standing Committee on Procedure and House Affairs regarding its order of reference from the House of Commons of Thursday, February 22, 1998 in relation to the main estimates for the fiscal year ending March 31, 1999, in regards to Vote No. 20 under Privy Council Chief Electoral Officer. The committee reports the same.

* * *

CANADA PENSION PLAN ACT

Hon. Lorne Nystrom (Qu'Appelle, NDP) moved for leave to introduce Bill C-395, an act to amend the Canada Pension Plan (early pension entitlement for police officers and firefighters).

He said: Mr. Speaker, this bill has been requested by police officers and firefighters for quite some time. It would amend the Canada pension plan to provide for early pension entitlement for police officers and firefighters. It would provide for reduced benefits at age 55 and for unreduced benefits at age 60. It addresses the special needs of these two occupations, namely that they are dangerous occupations and at times the lives of these individuals are on the line during the course of their duties.

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

* * *

PETITIONS

RIGHTS OF PARENTS

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I have quite a number of petitions. I am pleased to present

another petition with the signatures of 25 concerned Canadians, mainly from Kitimat, B.C. The petitioners believe the removal of section 43 would strengthen the role of bureaucrats while it would weaken the role of parents in determining what is in the best interests of their children and therefore would be a major unjustified intrusion by the state into the realm of parental rights and responsibilities.

These petitioners are suspect of the government's motives as it continues to fund research and court challenges by groups that advocate the removal of section 43.

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

BILL C-68

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the next major petition which I am presenting has 91 pages with 2,275 signatures. These citizens are concerned about violent crime and they want safer streets. They are concerned that the government is now implementing stricter gun controls despite the fact that in 1995 a Canadian Facts survey showed that 90% of Canadians do not believe that will solve violent crime.

These petitioners request parliament to repeal Bill C-68, the Firearms Act, and to redirect the hundreds of millions of dollars being wasted on registering legally owned guns to other more cost effective measures to improve public safety such as putting more police on the streets, having more women's crisis centres and more suicide prevention centres.

NUCLEAR WEAPONS

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36, I am pleased to present this petition which is signed by constituents living in Wallaceburg, Dresden and Tupperville. They request that parliament 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.

● (1510)

[*Translation*]

RAIL TRANSPORT

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, on behalf of over 5,000 residents of the town of Salaberry-de-Valleyfield, I have the honour to present a petition asking Parliament to regulate the passage of trains on tracks around Salaberry-de-Valleyfield to ensure greater safety for cars, pedestrians and children, who are at considerable risk when trains run through town.

[*English*]

CRIMINAL CODE

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, I am presenting a petition on behalf of Canadian residents who are deeply concerned and believe that the provocation defence as it is currently used in femicide and wife slaughter cases inappropriately and unjustly changes the focus of the criminal trial from the behaviour of the accused and his intention to murder to the behaviour of the victim who from then on is identified as the one responsible for the accused violence.

Therefore the undersigned request that parliament review and change the relevant provisions of the Criminal Code.

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, I have a petition signed by several people from Edmonton, Alberta who say that the Canadian Radio-television and Telecommunications Commission, the CRTC, on July 22, 1997 refused to license four religious television broadcasters, including one Roman Catholic service and three multidenominational services, but on the same day the CRTC licensed the pornographic Playboy channel for television service. They also say that the CRTC from its founding has systematically refused to license Christian broadcasters, but has consistently licensed sexually explicit and violent programming.

Canadians have a constitutional right to freedom of religion, conscience and expression. Therefore these petitioners pray that parliament will review the mandate of the CRTC and direct the CRTC to administer a new policy which will encourage the licensing of religious broadcasters.

I am pleased to present this petition in accordance with Standing Order 36.

THE FAMILY

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition on behalf of a number of Canadians, including Canadians from my riding of Mississauga South.

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

Also the petitioners agree with the National Forum on Health which stated that the Income Tax Act discriminates against families who make the choice to provide care in the home for preschool children because the Income Tax Act does not take into account the cost of raising children.

The petitioners therefore call upon parliament to pursue initiatives to eliminate tax discrimination against those families who choose to provide care in the home to preschool children.

FOOD AND DRUGS ACT

Mr. David Chatters (Athabasca, Ref.): Mr. Speaker, I would like to table a petition this afternoon containing 50 pages and a thousand names of my constituents. The petitioners ask parliament to amend the Canadian Food and Drugs Act to define herbal products and health food products as food rather than drugs and to protect their access to these products.

KIDNEY DISEASE

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I am pleased to present another petition, this time from 525 citizens of Peterborough and surrounding area who support the development of a bio-artificial kidney project in Canada.

They have signed their signature on behalf of 18,000 Canadians who suffer from end-stage kidney disease.

This petition was collected at the instigation of Ken Sharp, at such places of work as Rocky Ridge Drinking Water Limited; Lillico, Bazuk and Kent, barristers and solicitors; Howell, Fleming, barristers and solicitors; and Michael Davidson, a lawyers' office.

The petitioners call upon parliament to work in support of the bio-artificial kidney which will eventually eliminate the need for both dialysis or transplantation for those suffering from kidney disease.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I have many petitions to present, but all on the same theme. There are two different forms of the petition. They all have to do with the multilateral agreement on investment, the negotiations around which have broken down or have been suspended in Paris as a result of the efforts of many of the same people who have signed these petitions.

The petitioners call upon parliament to reject the current framework of MAI negotiations and instruct the government to seek an entirely different agreement by which the world might achieve a rules based global trading regime that protects workers, the environment and the ability of governments to act in the public interest.

Now that the current framework of the MAI has been rejected this petition from these particular petitioners becomes even more possible and hopeful.

• (1515)

The other petition I am presenting is also on the MAI. It calls on parliament to impose a moratorium on ratification of the MAI until full public hearings on the proposed treaty are held across the country so that all Canadians can have an opportunity to express their opinions about it.

One of the commitments made by ministers at the end of the negotiations in Paris was that there would be further public consultation. We also hope that this prayer on the part of the many hundreds of petitioners might also be met by the government in coming weeks and months.

NUCLEAR WEAPONS

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker I have two petitions. The first one concerns the abolition of nuclear weapons.

AGE OF CONSENT

Mr. Chuck Strahl (Fraser Valley, Ref.): Mr. Speaker, the second petition concerns the age of consent. It is one of a series of petitions I presented to parliament on this issue.

A further 142 petitioners from British Columbia call upon parliament to amend the Criminal Code of Canada to raise the age of consent for sexual activity between a young person and an adult from 14 to 16 years of age.

They list the reasons. They are very good reasons, and I am pleased to present the petition on their behalf.

YOUNG OFFENDERS ACT

Mr. Maurice Vellacott (Wanuskewin, Ref.): Mr. Speaker, I rise to present a petition signed by 530 people from the Saskatoon area of the constituency of Wanuskewin.

They want the Young Offenders Act to be repealed and replaced with measures that hold young criminals accountable for their actions, public safety to be put first and amendments brought in to the Young Offenders Act.

SENIORS BENEFITS

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, it is my honour to present a petition on behalf of a number of constituents who are in their 50s and are completely freaked out by the rumours we are hearing about the seniors benefit package.

They have a whole number of concerns which I will not read. They are simply saying ''Forget it. Don't proceed with any changes without complete consultation'', which is highly doubtful.

TAXATION

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, I have a petition on another issue. It is from a number of people from Kamloops who I suspect have been filling out their tax returns and feel they are getting gouged by the tax system.

They are calling upon parliament to undertake a fair tax reform process.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Nelson Riis (Kamloops, NDP): Mr. Speaker, the last petition I have to present is on the issue of the MAI.

The petitioners recognize that it is on hold until October. They point out a whole number of reasons why they do not like the MAI as they understand it.

They are calling upon parliament to reject the current framework and to instruct the government to seek an entirely different agreement by which the world might achieve a rules based global trading regime that protects workers, the environment and the ability of governments to act in the public interest, something rather unusual.

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Mr. Speaker, I have a petition signed by many Canadians from St. Catharines, Niagara Falls, Stoney Creek, Welland and a number of other communities in Ontario including Hamilton, Grimsby, and Lincoln.

These citizens are very concerned about the Liberal government negotiating the multilateral agreement on investment. They are very concerned about the Liberal government giving away the rights of Canadians, present and future.

They are calling upon the Liberal government to reject all the comments of Donald Johnston from the OECD, a former Liberal cabinet minister, who is saying the MAI may still be alive.

They are saying to the government that it must have an entirely different agreement based on a rules based global trading regime that protects workers, the environment and provides local governments with the ability to act in the public interest.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am very pleased to present a petition under Standing Order 36 on behalf of many Canadians.

The petitioners call upon the government to reconsider its position on the multilateral agreement on investment. They raise many concerns about the impact on our health care system, on social programs, on our culture, on the environment and on the health and safety of workplaces.

Now that discussions on the MAI have been suspended it is particularly relevant that these petitioners call upon parliament to seek an entirely different agreement by which the world might achieve a rules based global trading regime that protects workers, the environment and the ability of governments to act in the public interest.

• (1520)

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 82 could be made an order for return, the return would be tabled immediately.

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

Some hon. members: Agreed.

[*Text*]

Question No. 82—**Mr. John Duncan:**

For each year between 1985 and 1997 (inclusive), what was the total tonnage of fish caught by foreign vessels inside Canada's 200 mile limit, including allocated quota, traditional quota given under bilateral agreements or treaties, permitted by-catch quota, and quotas based on stocks delcared surplus to Canadian needs?

Return tabled.

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I rise on a point of order concerning the failure of the government to respond to Question No. 21 which was tabled in the House on October 2, 1997, seven months ago. I have regularly asked the government when it would reply.

The parliamentary secretary has constantly been vague, verging on stonewalling when asked questions about a response to this inquiry. The question concerns visits of ministers to the Drummondville-Trois Rivieres vicinity during a time that we now know—it has been confirmed—a Liberal fundraiser was engaged in criminal activity.

We keep hearing the words ''timely fashion'' and ''in due course''. There is every reason to believe that ministers of the crown were used as props in these nefarious activities. I invite the parliamentary secretary to outline for the House what actions he has taken during the time period when we have been repeatedly asking for this very basic straightforward information.

I want to know if the parliamentary secretary is refusing to come clean on this or if we will actually get some answers. There has been an admission of criminal involvement in this matter. We want a response and we want one soon.

Mr. Peter Adams: Mr. Speaker, with respect to Question No. 21, I looked into the matter previously and I will look into the matter again.

It is my understanding that it is a question which involves a number of departments and such questions take longer than those which involve one department.

Mr. John Cummins (Delta—South Richmond, Ref.): Mr. Speaker, this matter involves only one department. Question No. 33 was asked on October 28, 1997, with regard to the refusal of sport fishing lodges, in particular the lodges owned by the Oak Bay Marine Group, to provide catch data during the summer of 1995.

I am fully aware that the minister may be reluctant to respond to this question because it concerns the actions of Velma McColl on behalf of the sport fishing institute at that time. She is now employed as his west coast assistant.

I have been asking about this question persistently and I would like to know when I can expect the answer.

Mr. Peter Adams: Mr. Speaker, with respect to Question No. 33, I looked into it very recently and it is my hope that the answer to this question will be presented in a timely fashion.

Mr. John Cummins: Mr. Speaker, this point of order concerns Question No. 56 which was asked on December 2, 1997. The question again concerns the failure of the B.C. sport fishing institute to provide timely catch data to the Department of Fisheries and Oceans.

I can understand perhaps the reluctance of the Minister of Fisheries and Oceans to respond to the question because shortly after the minister went fishing with Randy Wright of the Oak Bay Marine Group the charges which had been laid against the company were dropped. I can understand why.

I would like to know when I can expect an answer. I have been told countless times that I could expect it in a timely fashion and so on, but I would like to know when we can expect an answer to the question.

Mr. Peter Adams: Mr. Speaker, I note the concern regarding Question No. 56 as I did on the previous occasion when the member outlined the history of the particular question.

I will again look into the matter and do my best to see that the answer is delivered as soon as possible.

Mr. John Cummins: Mr. Speaker, this point of order concerns Question No. 51 which was asked on December 1, 1997 and the aboriginal commercial fishing in British Columbia.

I have been led to believe that an answer to the question has been provided, but the minister was not happy with the reply and sent it back to his officials.

● (1525)

I can understand why the minister is reluctant to respond to the question. He has been constantly misinterpreting to the public the response of the Provincial Court of British Columbia on this issue and ignoring the Supreme Court of Canada. He is again reluctant to answer this very important question.

We need an answer to the question. We want it now. We are getting stonewalled on it time after time.

Mr. Peter Adams: Mr. Speaker, I will also note Question No. 51 along with Questions Nos. 33 and 56.

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

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

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Mr. Reed Elley (Nanaimo—Cowichan, Ref.): Mr. Speaker, I ask that Motion for the Production of Papers No. 15 be called.

That an Order of the House do issue for copies of all documentation relating to compensation for Canadians who contracted hepatitis C from tainted blood products between 1978 and 1986.

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I propose that Motion P-15 be transferred for debate.

The Acting Speaker (Mr. McClelland): Accordingly Motion P-15 is transferred for debate pursuant to Standing Order 97(1).

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I ask that Motion for the Production of Papers No. 9 be called.

That an Order of the House do issue for (*a*) copies of all safety evaluations and inspections of NAV CANADA by Transport Canada; (*b*) any safety evaluation reports by NAV CANADA copied to Transport Canada; (*c*) all audits of NAV CANADA by Transport Canada; and (*d*) all minutes of the joint committees of Transport Canada and NAV CANADA on safety.

Mr. Peter Adams: Mr. Speaker, I propose that Motion P-9 be transferred for debate.

The Acting Speaker (Mr. McClelland): Accordingly Question P-9 is transferred for debate pursuant to Standing Order 97(1).

[*Translation*]

Mr. Peter Adams: Mr. Speaker, I ask that all Notices of Motions for the Production of Papers be allowed to stand.

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

COSTAL FISHERIES PROTECTION ACT

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.) moved that Bill C-27, an act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks and other international fisheries treaties or arrangements, be read the second time and referred to a committee.

He said: Mr. Speaker, it gives me great pleasure to rise in support of this bill which paves the way for Canadian ratification of the United Nations fisheries agreement. You have given its full title so I will not repeat it but will simply refer to it as the UN fisheries agreement.

The bill amends the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement certain provisions of the UN agreement. I cannot overemphasize the importance of this United Nations fisheries agreement and what it can accomplish in the cause of conservation of fish stocks for this generation and for future generations.

● (1530)

I begin my remarks by briefly outlining the background of the agreement and what it means to Canadians. I will elaborate on these points in greater detail but I would like to start with the overall picture.

[*Translation*]

The UN fisheries agreement was concluded in August 1995 at a UN conference arranged to discuss problems of conserving and managing straddling stocks and highly migratory species. The agreement was ready for signing in New York on December 4, 1995.

Straddling stocks migrate for much of their life cycle beyond the jurisdiction of the coastal states and in the high seas where they may be found on either side of the 200-mile limit. Highly migratory species migrate in high seas and in the marine areas of coastal states. Both types of stocks have been overfished in the high seas.

The problems with the straddling stocks occur in several areas of the world: on New Zealand's Challenger plateau, along Argentina's Patagonian shelf, along the coast of Chile and Peru, in the Barents Sea, along the Norwegian coast, in the heart of the Bering Strait, in the Sea of Okhostk and, as the hon. members are well aware, along the Grand Banks of Newfoundland outside Canada's 200-mile fishing limit.

[*English*]

What have been the effects of this unregulated fishing? The Food and Agriculture Organization told the grim story in its 1995 report ''The State of World Fisheries and Aquaculture''. I quote from that report:

> In 1989 world fish production reached a peak of 100.3 million tonnes. Marine catches subsequently declined as a result of significant overexploitation. About 70% of the world's marine fish stocks are fully to heavily exploited, overexploited, depleted or slowly recovering.

The Food and Agriculture Organization report identifies key causes of this global depletion of fish stocks. One is fishing industry overcapacity and the provision of subsidies to ensure continued operation of vessels. Another cause is the failure to take the precautionary approach to resource management. A third cause the FAO cites is inadequate control of fishing activity, resulting in widespread overfishing contrary to conservation measures.

Overfishing by foreign vessels outside 200 miles has been a major factor in declines in northwest Atlantic straddling groundfish stocks of cod, flounder and turbot. These declines have devastated hundreds of Canadian coastal communities. They have left more than 30,000 fish harvesters and fish plant workers unemployed in our Atlantic Canada region.

The 1982 United Nations Convention on the Law of the Sea allowed coastal states, that is, states which border on the oceans, exclusive rights to control fisheries within 200 nautical miles or 370 kilometres of their shores.

[*Translation*]

However, the UN Convention on the Law of the Sea does not specify what the states' legal rights and obligations are regarding straddling and highly migratory fish stocks in high seas. The new fisheries agreement fills this gap left in the Convention on the Law of the Sea.

Canada played a leading role at the conference on straddling and highly migratory fish stocks, which resulted in the UN fisheries agreement, and in the lengthy negotiations that led to it.

● (1535)

The agreement will come into force once the required 30 states have ratified it. These states will therefore help develop a new legal framework for high sea fisheries. This framework will ensure effective regulatory control and enforcement to protect straddling and highly migratory fish stocks in high seas.

[*English*]

When it is fully implemented, the United Nations fisheries agreement will provide a significant deterrent to unauthorized

fishing of straddling stocks on the high seas. The parties to the agreement will have to comply with management measures made by regional fisheries conservation organizations such as NAFO, the Northwest Atlantic Fisheries Organization.

The agreement will give coastal states such as Canada the power to take action outside 200 miles if the flag state is unable to control its vessels. The flag state is a state that licenses the vessel to fish.

Finally the UNFA will also provide for binding and compulsory settlement of fishing disputes among states. The UNFA is good news not only for Canada but for the whole world. Overfishing of these straddling stocks on the high seas deprives coastal states of legitimate catches and threatens the viability of this critical food source for future generations.

A word on the history of Canadian involvement. Canada can take great pride and a great deal of credit for this United Nations fisheries agreement. It is important that we understand the tremendous Canadian effort and the Canadian involvement in bringing us to where we are now. By recalling this effort, I also want to show how important it is that Canada continue its international effort. I also want to show how crucial it is that we show an example to the world by the way we manage our own fisheries.

Canada signed the United Nations fisheries agreement along with 26 other states on December 4, 1993. Fifty-nine other states have also signed. Seventeen, among them the United States, Russia, Norway and Iceland, have now ratified the agreement.

The UN fisheries agreement strengthens and supplements the high seas fisheries provisions of the 1982 United Nations Convention on the Law of the Sea. It does so through specific rules designed to ensure the long term conservation and sustainable use of straddling and highly migratory fish stocks.

Hon. members are well aware of the depleted state of our straddling Atlantic groundfish stocks. It was not always so. For almost 500 years fishers harvested from a seemingly limitless bounty of cod in the waters of the Grand Banks. From the earliest settlement of Canada, in fact even before, commercial fishing provided the economic base for many in the area in question. Cod and other groundfish stocks were once abundant but by the mid-1960s and in particular by the mid-1980s they declined sharply due to excessive fishing by both foreign and domestic fleets.

I would like to say a few words about the 200 mile limit and NAFO.

[*Translation*]

In 1977, new developments at the UN Conference on the Law of the Sea prompted Canada to declare a 200-mile exclusive fishing zone and to exercise strict control over this zone.

Canada was not the only state to take such action. Other coastal states also declared a 200-mile limit. In most cases, all major ocean resources were within national jurisdiction, but not in Canada.

The Canadian 200-mile zone does not include the Grand Banks southeast of Newfoundland. Approximately 10% of the area known as the nose and tail of the banks is outside the Canadian 200-mile limit. Important groundfish stocks like cod, sole, halibut and perch straddle this limit and have been harvested commercially in international waters outside Canadian jurisdiction.

• (1540)

In 1977, we drew a line in the ocean, but straddling stocks do not see it and do not stay within that line.

In 1979, the responsibility for conservation of fish stocks in the Northwest Atlantic outside Canada's 200-mile limit was given to NAFO, the Northwest Atlantic Fisheries Organization.

[*English*]

NAFO now has 17 contracting parties: Bulgaria, Canada, Cuba, Denmark for the Faroe Islands and Greenland, Estonia, France on behalf of St. Pierre and Miquelon, Iceland, Japan, Korea, Latvia, Lithuania, Norway, Poland, Romania, Russia, the European Union, and the United States of America.

NAFO's responsibilities include straddling stocks on the nose and tail of the Grand Banks and other fish stocks on the Flemish Cap, a part of Canada's continental shelf which lies outside our 200 mile limit.

In 1982 another breakthrough for conservation occurred when the United Nations Convention on the Law of the Sea was signed. Even though that convention did not come into force until 1994, some 12 years later, its fisheries provisions have been considered customary international law. I would like to cite two important articles of that convention.

Article 118 provides that states must co-operate in the conservation and management of the living resources of the high seas and use regional organizations such as NAFO to work toward that United Nations goal. Article 119 requires all states to work together to maintain or restore populations of harvested species at levels capable of producing the maximum sustainable yield.

The creation of NAFO and the signing of the United Nations Convention on the Law of the Sea did not save our straddling stocks. As is well known, in the mid-1980s the European Community used the objection procedure in the NAFO convention so as not to be bound by the quotas established for NAFO stocks. The

European Community catches were far above the quotas set by NAFO.

Then another problem arose. Vessels from states that were not members of NAFO, including Panama, the United States and Korea, began to fish in the NAFO area despite having no quotas.

At that time we began a major Canadian conservation campaign. In 1989 scientific evidence showed that there was a serious decline in fish stocks in areas where overfishing had been prevalent. Canada launched a comprehensive campaign at home and abroad aimed at ending overfishing by foreign vessels in the northwest Atlantic Ocean.

In 1990 Canada hosted the St. John's Conference on High Seas Fishing. There, experts from key coastal states joined together to launch a new initiative to develop more effective rules for high seas fisheries.

In 1991 in another advance for conservation the European Community adopted most NAFO quotas for the following year, 1992.

In May 1991 in Santiago, Chile, another significant step was taken in the quest for effective controls in the high seas fisheries. A meeting of experts was held on high seas conservation around the world. At that meeting three countries, Chile, New Zealand and Canada, developed a text of principles and measures based on the conclusions reached at the St. John's conference. The text of principles and measures became known as the ''Santiago text''.

In 1991 NAFO began discussions on improving surveillance and control in the regulatory area and eliminating non-NAFO fishing. Steps were taken by the European Community and other NAFO members to improve surveillance and control and to stop fishing by non-members. A European Community fisheries patrol vessel was assigned to the NAFO regulatory area for seven months of the year.

● (1545)

In 1992 the European Community took stronger steps to control fishing by vessels of its member states. The European Community patrol vessel was to be in the NAFO area for 10 months of the year. The European Community fisheries were closed when NAFO quotas were reached. Canadian surveillance and inspection confirmed that the European Community had complied with the closure and the NAFO fishing rules.

At its 1992 meeting NAFO unanimously accepted a ban on fishing for northern cod outside Canada's 200 mile limit for the following year 1993. NAFO also decided on improvements to the surveillance and control systems, improvements that were to go into effect for the 1993 season. The European Community agreed to all NAFO conservation decisions made at that 1992 NAFO annual meeting.

[*Translation*]

It was also in 1992 that the United Nations Conference on Environment and Development was held. During that conference, better known as the UNCED conference or Earth Summit, Canada got global support to organize an intergovernmental conference on high seas fisheries management, including that of straddling and highly migratory stocks.

During the long negotiations that led to Rio's Earth Summit, Canada took the lead in drafting the initial UNCED text on the problems associated with high seas fisheries. That document was eventually incorporated in the chapter on oceans adopted by the UNCED conference. That draft document basically included the Santiago text, to which I just referred.

UNCED participants had to deal with various issues and submit a series of non-binding recommendations. For these reasons, coastal states concluded that UNCED's recommendations should include the holding of a UN conference exclusively on the conservation and management of straddling and highly migratory fish stocks.

[*English*]

Also in 1992 as a result of strong pressure applied by Canada, the republic of Korea agreed to withdraw three of the six vessels it had in the NAFO regulatory area by April 1993 and to phase out the use of Korean crews on third country vessels which were operating in the NAFO area. Korea withdrew its vessels from the NAFO regulatory area at the end of April 1993 and became a contracting party of NAFO in the following year.

As a result of continued diplomatic pressure applied by Canada, Panama also agreed to impose sanctions on Panamanian vessels that violated conservation measures of NAFO. Those actions included fines and removal from the registry.

In May 1994 Canada became the first nation to become party to the United Nations Food and Agriculture Organization's compliance agreement regulating high seas fishing. Parties to that agreement must control high seas fishing by vessels flying their flags to ensure they do not undermine conservation decisions of international or regional fisheries management organizations such as NAFO.

Canada had participated actively in negotiating the FAO agreement. The agreement required acceptance by 25 nations to come into force. So far, 10 acceptances have been received.

It was also in May 1994 that Canada took another powerful step for conservation. Parliament passed new legislation. The amendments to the Coastal Fisheries Protection Act introduced as Bill C-29 enabled Canada to take action against stateless vessels and vessels flying flags of convenience outside the 200 mile limit.

The law had an immediate impact on all such vessels clearing off the nose and tail of the Grand Banks. Bill C-29 constitutes an effective deterrent to the return of these flag of convenience fishing vessels to the nose and tail.

• (1550)

One serious conservation issue remained, Greenland halibut or turbot which was not a stock initially managed by NAFO quotas. The Greenland halibut had been fished entirely in Canadian waters until the late 1980s. Then when other major groundfish stocks declined, the Greenland halibut became the object of a large scale foreign fishery outside 200 miles primarily by Spanish vessels. Abetting this development was the fact that more of the Greenland halibut stock had moved out of Canadian waters.

[*Translation*]

In February 1994, Canadian researchers surveyed Greenland halibut stocks along the Labrador coast and eastern Newfoundland. Their findings were surprising. The biomass had decreased by no less than two-thirds since 1991.

A still greater reduction was detected in the number of large fish. Their findings indicated as well that the population included a higher proportion of young fish, three or four years old. If they were to contribute to increasing the stocks, these had to be left to age and reproduce. Greenland halibut cannot reproduce before they are at least ten years old.

In June 1994, the NAFO Scientific Council re-examined the Greenland halibut situation, and warned that deep-sea fishing levels in all of the sub-zones were in excess of what stocks could sustain.

[*English*]

Canada immediately responded by reducing its domestic quota off Baffin Island, which is in division O of the NAFO charts, by more than half and by terminating a fisheries development program in area 2GH which is the area off the coast of Labrador. Canada also substantially reduced its quotas for divisions 2 and 3 and limited access to harvesters who had fished in those areas.

At its annual meeting in September 1994, NAFO agreed for the first time to establish a total allowable catch for Greenland halibut. That total allowable catch of 27,000 tonnes was a significant reduction from annual catches of more than 60,000 tonnes in previous years when NAFO had not set a total allowable catch for the stock.

I now come to the 1995 turbot dispute. At a special meeting held from January 30 to February 1, 1995—

Mr. Maurice Vellacott: Mr. Speaker, I rise on a point of order. Unfortunately there is not a quorum in the House for this very important piece of legislation.

The Acting Speaker (Mr. McClelland): Is the hon. member calling for a quorum count?

Mr. Maurice Vellacott: I am calling quorum.

The Acting Speaker (Mr. McClelland): Do we have a quorum?

An hon. member: We do not have it.

The Acting Speaker (Mr. McClelland): Call in the members.

And the bells having rung:

• (1600)

The Acting Speaker (Mr. McClelland): We have a quorum. The hon. Minister of Fisheries and Oceans.

Hon. David Anderson: Mr. Speaker, I appreciate the opportunity of getting my voice back.

I am actually getting to an interesting part, which is the turbot dispute of 1995.

At a special meeting held from January 30 to February 1, 1995, which marked a substantial discord, a majority of the NAFO members agreed on a sharing arrangement for the total allowable catch of turbot, or Greenland halibut as it is also known.

These decisions divided the total allowable catch in this way: Canada, 16,300 tonnes; the European Union, 3,400 tonnes; Russia, 3,200 tonnes; Japan, 2,600 tonnes; and 1,500 tonnes for other NAFO members. However, that was not enough to save the stocks of turbot.

Shortly thereafter the EU lodged an objection and set its own unilateral quota which was five times higher than the allotted quota of NAFO. Therefore, on March 3, 1995 the then minister of fisheries and oceans, my predecessor, the hon. Brian Tobin, now premier of Newfoundland, announced that the Government of Canada had amended its coastal fisheries protection regulations so that Canada could protect Greenland halibut on the Grand Banks from the Spanish and Portuguese vessels of the European Union. Until that date the regulations had applied only to flags of convenience and stateless vessels.

Hon. members know what happened next. Canada took action under the legislation and on March 9, 1995 seized a Spanish fishing vessel, the *Estai*, and charged its master under the Coastal Fisheries Protection Act. Fisheries' patrol vessels also cut the net of another vessel.

The inspection of the *Estai's* hold when it was brought into St. John's showed that the vast majority of the product on the vessel was processed from undersized turbot. The net which the master had cut loose and which Canada later recovered had a mesh size of 115 millimetres, but it had a liner with a mesh size of 80 millimetres, which was 50 millimetres smaller than the NAFO requirement of 130 millimetres for Greenland halibut.

Canadians everywhere, in every province, applauded the action and so did the people of other countries. Canada's strong stand in defence of fish stocks struck a sympathetic chord in other fishing communities right around the world. Especially strong support came from communities in other coastal states that had suffered from foreign overfishing.

We had thousands of telephone calls, faxes and messages of support from outside our borders. In fact, some other European Union countries, such as Britain, France, and of course the Irish, started to fly the Canadian flag as a mark of support.

● (1605)

British parliamentarians urged their government to stand with Canada in the dispute and the British government did take a public stand on the need for tougher enforcement of conservation measures.

The British government also blocked several attempts by other members of the European Union to impose trade sanctions on Canada.

By April 15, which was some six weeks after the seizure of the *Estai*, Canadian and European negotiators reached a new conservation agreement. Under that agreement a new mandatory fishing enforcement regime would govern all Canadian and European Union vessels fishing in the NAFO regulatory area. The agreement included: independent, full time observers to be on board vessels at all times; enhanced surveillance by satellite tracking; increased inspections and quick reporting of infractions; verification of gear and catch records; timely and significant penalties to deter violators; new minimum fishing size limits; and improved dockside monitoring.

In May 1995 Spanish authorities ordered a Spanish vessel to return to a Spanish port after officials of the Canadian Department of Fisheries and Oceans retrieved an illegal net suspected of coming from that vessel. That enforcement action gave us reasons for cautious optimism that the agreement with the EU would be effective.

[*Translation*]

September 1995 marked another important step. At its annual meeting, NAFO adopted the control measures of the agreement concluded between Canada and the European Community as control measures for all contracting parties effective 1996. They were welcomed as the most rigorous series of measures of any fisheries management organization in the world. At this meeting, NAFO decided to continue its moratoriums on dangerously weakened straddling cod and turbot stocks.

In Saint John's, Newfoundland, in October 1995, Canada hosted the very first meeting of North Atlantic fisheries ministers. This meeting brought together representatives of Canada, the European Union, Ireland, Russia, Norway, the Faeroe Islands, and Greenland.

All participants agreed to implement the cautious approach to fisheries management. They agreed to manage resources with respect for ecosystems. They agreed to restore resources in order to attain optimum yields. They agreed to work together in fisheries sciences. Finally, they agreed to ratify the new UN agreement and to encourage others to do the same.

[*English*]

At the September 1996 NAFO meeting in St. Petersburg, Russia, Canada won the right to effectively determine the total allowable catch for northern cod, that is, cod in NAFO regulatory area 2J3KL. The total allowable catch will govern the level of catches both inside and outside the Canadian 200 mile limit.

When the fishery in the NAFO regulatory area is resumed, the NAFO decision will limit catches in the NAFO area outside 200 miles to a maximum of 5% of the total allowable catch. This arrangement must be renewed in the year 2005. This measure ensures that no fishery can commence until Canada sets a total allowable catch.

Unregulated catches of northern cod outside of Canada's 200 mile limit were a contributing factor to the serious depletion of this vital stock.

At the 1996 meeting and again in 1997 NAFO confirmed the moratorium on northern cod as it had for most of the other straddling stocks of cod and flounder on the Grand Banks. This is vital to continue the process of rebuilding these resources. When the northern cod stock rebuilds to the point that fishing can again take place safely, the threat to foreign overfishing will no longer be there as it has been in the past.

In September 1995, following the Canada-EU turbot agreement of the previous spring, NAFO, with the aim of eliminating foreign overfishing, adopted new conservation and enforcement measures.

● (1610)

These measures took effect in January 1996, including a two year pilot program for independent, full time observers on board NAFO member vessels, satellite tracking on 35% of a fleet's vessels in the NAFO regulatory area, as well as mandatory dockside inspections and quick reporting and follow up on infractions. These measures were hailed as the toughest measures of any international fisheries management organization in the world.

Since the new conservation and enforcement measures have been put in place there has been a sharp decrease in the number of infringements by NAFO member vessels. This decrease is an obvious sign that the NAFO enforcement regime has become significantly more effective.

NAFO's implementation of new conservation and enforcement measures was the cornerstone in the recovery of Greenland halibut and other flatfish stocks currently under the NAFO moratorium.

We are now seeing a glimmer of hope for a modest recovery of the 3LNO yellowtail flounder stock which had been under a NAFO moratorium for the last three years. At the 1997 annual meeting NAFO agreed to reopen, subject to a number of conditions, the yellowtail fishery. The TAC, the total allowable catch, was set cautiously at 4,000 tonnes, 97.5% of which was to be fished by Canada. Recovery of that stock is good news for Canadian fishers. I hope that this limited opening signals the beginning of recovery for other NAFO managed stocks.

NAFO's observer program, with 100% coverage in a NAFO regulatory area, is a key element in ensuring the conservation and rebuilding of important groundfish stocks in the northwest Atlantic.

At the September 1997 annual meeting in St. John's, NAFO members agreed to extend 100% observer coverage for another year. It has again been extended and NAFO members will consider implementing 100% observer coverage on a permanent basis effective January 1, 1999. This decision, however, is subject to amendments to improve the current scheme which may reduce cost without compromising the effectiveness of current conservation efforts.

[*Translation*]

I would like to outline how the UN fisheries agreement, once fully implemented, will act as the main tool to protect from overfishing straddling fish stocks in the waters of Atlantic Canada.

The fisheries agreement contains strict provisions regarding regulatory enforcement on the high seas by member states of the organization responsible for the management of regional fisheries or subregional organizations, such as NAFO.

It states that coastal states and states that fish on the high seas must work together to develop measures to ensure the conservation and management of straddling fish stocks and highly migratory fish stocks by applying a number of general principles.

[*English*]

Those principles include a requirement to adopt measures to ensure the long term sustainability of such stocks, an obligation to apply the precautionary approach to management and a requirement that conservation and management measures for straddling and highly migratory fish stocks on the high seas and those coastal states in their exclusive economic zone for the same stock be compatible.

Once these provisions come into effect Canada will be able to implement conservation and management measures in its 200 mile zone secure in the knowledge that a significant deterrent is in place to ensure the effectiveness of these measures and that they will not be undermined by fishing on the high seas by vessels from states party to the UN fisheries agreement.

In order to ensure that the conservation and management measures for straddling and highly migratory fish stocks on the high seas are respected, the UN fisheries agreement imposes strict obligations on the various parties.

States whose vessels fish on the high seas are required to take such measures as may be necessary to ensure that their fishing vessels comply with the regional conservation management measures and that they do not engage in any activity which undermines the effectiveness of such measures.

Furthermore, the flag state is required to take very specific measures for compliance and enforcement, including the immediate investigation of any suspected infraction and the application of effective penalties for breaches of its laws and regulations concerning conservation.

● (1615)

What if parties are unable or unwilling to enforce high seas conservation management measures against vessels flying their flag? In such cases the UN fisheries agreement authorizes an inspecting state to take enforcement action against those vessels.

The agreement provides that in any high seas area covered by a subregional or regional fisheries management organization or arrangement a party that is a member of such organization or a participant in such arrangement may board and inspect fishing vessels flying the flag of another state party to the UN agreement whether or not the latter is a member of the organization or participant in the arrangement. In practice this means that Canada as a NAFO member could board and inspect a vessel of a NAFO or non-NAFO member that is party to the United Nations fishing agreement.

If evidence of an infraction is found, the flag state will be notified and must respond within three working days and either investigate itself or if the evidence so warrants take enforcement action or authorize the inspecting state to investigate.

[*Translation*]

When there are reasonable grounds to suspect that a vessel has committed a serious offence, as defined in the agreement, and that the flag state has failed to act or take the necessary action, after three working days, the inspecting state may take steps, including bringing the vessel to port to pursue the investigation.

In such cases, the inspecting state shall advise the flag state of the name of the port where the vessel must go and forward the findings of any subsequent investigation.

At any time, the flag state may decide to take steps to meet its obligations under the agreement. If and when it does so, Canada, as the inspecting state, must return the vessel to the flag state, along with any information available concerning the conduct and conclusions of the investigation.

[*English*]

For Canada this means these provisions will permit Canadian enforcement action in the NAFO regulatory area against vessels flying the flags of states parties to the United Nations fisheries agreement whether or not they are also members of the Northwest Atlantic Fisheries Organization.

The UN fisheries agreement also makes provision for compulsory and binding dispute settlements concerning the interpretation or application of the UNFA itself. At Canada's initiative the UN fisheries agreement provides for compulsory and binding settlement in any dispute concerning the interpretation or application of subregional, regional or global fisheries agreements related to straddling stocks or highly migratory fish stocks such as the NAFO convention.

This provision establishes a mechanism that could be used to settle future disputes arising out of the future use of the NAFO objection procedure unless NAFO adopts its own dispute settlement procedure in the meantime.

If a dispute is not settled by the state parties concerned by means of their own choice the UN fisheries agreement mandates recourse to the provisions set out in part 15 of the United Nations Convention on the Law of the Sea whether or not the state parties concerned are also parties to that convention. Where a state, party to the United Nations Convention on the Law of the Sea, has chosen a compulsory or binding settlement procedure under that convention that will also apply to dispute settlements under the UN fisheries agreement.

Under both the United Nations Convention on the Law of the Sea and the UN fisheries agreement state parties may choose at the time of signature ratification or accession or thereafter from among the international court of justice, the international tribunal for the law of the sea and either general or special arbitration.

The amendments before us will enable Canada to ratify the fisheries agreement. The amendments will enable Canada to implement new high seas enforcement provisions. They will enable Canada to authorize foreign state enforcement authorities to take enforcement steps against Canadian vessels suspected of committing a violation outside our waters.

● (1620)

The bill when adopted will repeal the Canadian Fisheries Protection Act definition of straddling stocks which refers to fishing occurring in Canadian waters and adjacent areas. Why? Because the United Nations fisheries agreement straddling stocks can occur anywhere in the world.

The bill also creates new offences to enable Canadian enforcement authorities to take action against the vessels of participating states. It will provide regulation authority under the Coastal Fisheries Protection Act to include implementation of the UN fisheries agreement.

I think there are many good reasons for us to ratify this agreement. It is a further step in the development of the protection of our fish stocks on the east coast, stocks which straddle both the Canadian area and the international area.

I believe this agreement should meet with the approval of all members of the House and I urge them all to support this bill.

[*Translation*]

The Acting Speaker (Mr. McClelland): It is my duty, pursuant to Standing Order 38, to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Yukon—Multilateral Agreement on Investment.

[*English*]

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, I rise today on behalf of the constituents of Saanich—Gulf Islands and my colleagues in the Reform Party to speak on Bill C-27. This bill is the enabling legislation that will implement the United Nations fisheries act.

I find it hard to stand here today and speak about this although I do agree with the minister that it is important. However, I had to make my way through groups of protesters from Newfoundland this week whose livelihood has been devastated by the collapse of our fishery and who will see their TAGS benefits expire in a couple of days. What is the minister's response to them? Why are we going to ratify the UN fisheries agreement, UNFA?

This government is asking Canadian fishermen to forget about the fact that it has taken over three years to bring this legislation to the House.

The government is asking fishermen to forget about the fact it promised TAGS benefits to them until May 1999. The government has reneged on this promise and is now about to cut them off in a few months. The government is asking the fishermen to forget about the fact that they have been provided with no real long term solutions. We are going to talk about this at length.

There are no solutions to resolving the crisis that this government has created except throwing money at it and hoping it will go away; $3.4 billion and we are no better off today than we were when this government took office in 1993. This government is asking Canadian fishermen to forget all these facts because today we are debating Bill C-27.

That was quite a technical speech the minister gave and I am not too sure how many viewers, unless they are really involved, understood what was going on. I will try to put this in terms they will understand.

The United Nations fisheries agreement will ensure long term conservation and sustainable use of straddling fish stocks such as flounder and turbot. These stocks go back and forth across the 200 mile line off the coast of Newfoundland. I agree completely that we need control of these stocks. We need rules and regulations in place.

I am going to criticize this legislation because it does not do that. This is an issue we heard at length when we were travelling in our committee. Let us go back a little and look at exactly what this legislation does.

I think it is important to point out to all the people listening that it requires 30 signatures, 30 countries to adopt this legislation, to ratify this legislation in their own country before this takes effect. I think there are 16 or 17 countries to date that will have ratified that.

● (1625)

This is really going to do nothing for a long time. We are years away from this ever taking effect.

This actually started way back in 1982, 16 years ago. That was UNCLOS, the UN convention on the law of the sea. When that agreement was negotiated, and ironically it was a Liberal government in power in 1982, the agreement was full of holes. Nothing ever became of it. It was brought back before the UN in 1995 under the UN fisheries agreement in order to plug some of the holes and do something with it.

Brian Tobin was the minister at the time. I am reading from a news release dated August 4, 1995: ''Tobin foresees permanent end to foreign overfishing when new UN convention is implemented''. I will read a few paragraphs from the press release because I do not believe that is what is going to happen today.

> Canada played a leading role in the conference, which approved new international controls on high seas fishing. Canada's major concern was to end foreign overfishing of cod, flounder and turbot on the nose and tail of the Grand Banks.
>
> The new UN convention provides for binding and compulsory dispute settlement. As well, for the first time, international law will prohibit any unauthorized fishing of straddling stocks, thereby making fishing by flag of convenience vessels illegal. To ensure that vessels abide by the new international rules, the new UN convention authorizes Canada to take action outside 200 miles where the flag state fails to control its vessels.

In fact this is not going to do that. I think the intention was there but our government has watered down this enabling legislation. It will not be able to enforce it.

> ''This new UN convention, when fully implemented, will protect straddling stocks better than Bill C-29'', Mr. Tobin said.

Bill C-29 was brought in by this government in 1994, the Canadian Fisheries Protection Act, and that was the legislation the Government of Canada used to seize the *Estai*, to bring that ship back to port, to press charges against the captain and the vessel.

He went on:

> ''Until the new UN convention is fully implemented, the Government of Canada will stand ready to exercise powers granted to it by Parliament under Bill C-29. These powers will no longer be needed to protect straddling stocks once the new UN convention is fully implemented''.

What he is saying is that we are going to get these new laws by this international agreement and we will not have to rely on the former legislation, the Canadian Fisheries Protection Act.

Let us go to the bill. We can have all the legislation we want but if we cannot enforce it, it is not much good to us. There are two sections that are quite troublesome.

Section 16.2(1) says:

> After boarding a fishing vessel of a participating state, a protection officer who believes on reasonable grounds that the vessel has contravened section 5.3 shall without delay inform that state.

That says that once the protection officer boards that vessel he has to inform the flag state. If we have a Spanish vessel out there in violation, he has to inform Spain.

Section 16.2(2) says:

> A protection officer may, with the consent of the participating state, exercise the powers as provided for in section 16.1.

Before he can board this vessel he has to get the consent of the flag state of that vessel. That is arguable. Some will say not but the way the bill is worded it is left open for interpretation.

Let us say he gets permission of the flag state. Then section 7.01(1) comes into play:

> A protection officer who believes on reasonable grounds that a fishing vessel of a participating state found in an area of the sea designated under subparagraph 6(e)(ii) has engaged in unauthorized fishing in Canadian fisheries waters may, with the consent of the participating state, take any enforcement action that is consistent with this act.

● (1630)

The frustrating part of this legislation is that if they go outside the 200 mile limit on the nose and tail or the Flemish Cap of the Grand Banks and find a foreign vessel in violation of our laws or in violation of an international agreement, the Government of Canada or the enforcement officers must first go to the flag state of that

vessel and get permission to board it. If they get permission to go on board and they find that the vessel is in violation and there are charges which can be laid they have to go back—and this is absolutely true and is in the bill, I read it word for word to the House—to that flag state and ask for permission to press charges against the vessel.

Let us go back to March 1995. I will read a paragraph or two from the book *Lament for an Ocean* by Michael Harris. It is subtitled ''The Collapse of the Atlantic Cod Fishery: A True Crime Story''. I will start on page one. This will set the scene for what happened in March 1995 when the old legislation, the Fisheries Protection Act was used to press charges against the *Estai*. This is the scene our fisheries officers were up against.

> It was the other shot that was heard around the world. The 50-calibre machine gun bursts from the *Cape Roger*, three in all, marked the first time since Confederation that Canada had fired on another country in defence of the national interest. When the order came to open fire, the officers aboard the fisheries patrol vessel were so taken aback, they asked that the command be repeated. The fateful words crackled once more over the ship's radio: an initial burst was to be fired over the bow of the Spanish trawler *Estai*, the next rounds into her screw 60 seconds later if she refused to stop. After warning the Spanish captain to move his crew forward, Captain Newman Riggs nodded to Bernie Masters, who adjusted the sights on the *Cape Roger*'s heavy gun and sucked in a deep breath as his finger squeezed the trigger.

This was when a Spanish vessel was illegally fishing straddling stocks off our coast. Our enforcement people went to take control of that vessel. There was a four hour pursuit, a very tense moment. We were engaging in an ''act of war'', as the book goes on to tell. We had the right to do so. We had the laws at that time to suggest that we could go out. They boarded the vessel and brought the vessel back to port. They held that vessel until appropriate charges were laid. The captain of that vessel was detained and we are proceeding and prosecuting on that.

If that same incident occurred today, if a foreign flag state vessel was out there fishing illegally, that is the very thing for which this legislation is supposed to be the saviour. I agree that we do need some international agreements. What would happen today is our control boats would go out. Their observations would be that the *Estai* was fishing illegally. Then they would have to ask our government to get permission from the Spanish government and ask if it would be okay for them to board the vessel.

I agree it is open for debate. There is some inconsistency in the way it is worded. It is arguable. I do not know how long that would take. It took four hours of hot pursuit. The vessel actually cut its nets, dropped them to the bottom of the ocean and tried to run away.

Let us say they got permission to board after they observed what was being done. They knew the vessel was fishing illegally and they wanted to bring the vessel back to port. No sir. They could not do that. They would have to stay onboard and inform the flag state, which was Spain in this case. They would have to get permission first to lay charges. Then the vessel would go back to Spain. We would never see it again. We would never be able to follow it up.

• (1635)

The minister of fisheries at the time stated that this new UN fisheries agreement would be the saviour, that it would give us some teeth. We have taken the teeth out of it. My research has shown that of the 15 countries that have ratified the UN fisheries agreement, not one has clauses like the ones Canada has put into its legislation which take the teeth right out of it. I find it unbelievable.

There are members in this House who travelled with me and the rest of the fisheries committee and who have great interest in this matter. They are listening today. We travelled to Newfoundland and we heard these concerns. They want somebody to stand up and fight for the fishermen out there.

We heard the minister for about 40 minutes today. He told us of all the wonderful things the government has done over the last 10 years. He went over a chronology of all the great things. We heard words like major conservation program and when the stocks recover.

I suggest that the minister look at the record. I ask him to look at the record of this government with respect to the Department of Fisheries and Oceans and the management of the fish. I have never seen such a dismal failure.

There is no confidence from the fishermen. There is no confidence from the people of Newfoundland. I understand that the federal government buildings in Newfoundland have been taken over by frustrated fishermen. I do not blame them. When I went there these fishermen told me that they want to work and pay taxes. They told that to the Liberal government prior to the Tory days, but all we hear from this government is that it took over this mess.

The government does not accept responsibility for what it has not done over the past five years and even before that. Back in the eighties these fishermen were telling that Liberal government that there was something wrong, that the fish were not there, and nobody listened. We have heard this over and over again in committee. We have heard evidence from scientists who were ordered to be silenced.

I have talked about this legislation and that they have to get the consent of the flag state to board the vessel and get the consent of the flag state to lay charges. Imagine that a police officer sees a young person committing a crime. Then he discovers he has to call the young person's parents before he can talk to him. After the police officer talks to the parents, he has to get their permission to arrest the young person. This is the same type of scenario. We have to take control of these straddling stocks and we have not done so. There should be an agreement but we should be putting some teeth into it so we can actually enforce and take control.

I am sure that as this day proceeds the minister or somebody from the government will tell us that they had no option, that these

clauses were agreed upon in the agreement negotiated at the UN in 1985. I am sure they will say that they had no other option, that this is what was agreed upon and they had to put this in the enabling legislation.

It is ironic. Bill C-96 died on the Order Paper last April. It was brought before the House about 10 days before the last election. Bill C-96 has exactly the same title as this legislation, an act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, and it goes on. It is exactly the same. Section 1 is the definition of straddling stocks and in section 2 the Coastal Fisheries Protection Act is repealed.

● (1640)

Let us get to the sections I am talking about. This is the same government. This enabling legislation is for that very same agreement.

Looking back, Minister Tobin went out with our navy and 50-calibre guns and took charge. At that time the current Minister of Veterans Affairs was the minister. This is what he put in the enabling legislation:

> A protection officer may, subject to subparagraph 6(e)(iii), in respect of any fishing vessel found within Canadian fisheries waters, the NAFO Regulatory Area or an area of the sea designated under subparagraph 6(e)(ii),
>
> (a) for the purpose of ensuring compliance with this Act and the regulations, including any measure incorporated by reference under subparagraph 6(e)(i), board and inspect the vessel.

They are just saying that they can board it. Then it goes on to the placing of arrests:

> A protection officer may, subject to any regulations made under subparagraph 6(e)(iii), arrest without warrant any person who the officer suspects on reasonable grounds has committed an offence under this Act.

It allows the custody and seizure of vessels, the seizure or delivery into the custody of such person the minister may direct. The minister retains control.

The problem with this enabling legislation is that it has no teeth in it. The government has taken all the teeth out of it. They have to ask for permission. This is absolutely ludicrous. How long is that going to take? Is it really practical?

I would like to support this, but we need to go back to enabling legislation much like what we had a year ago which had some teeth in it. The government could actually do something.

The other frustrating part of this whole agreement is that the minister brought this legislation in for first reading in December. He has been the minister for almost a year. Our fisheries on both coasts are in a state of crisis. The government comes in here and is proud of the situation when there are thousands of people in Newfoundland who have occupied federal offices out of frustration.

The Standing Committee on Fisheries and Oceans has tabled reports. I can read some of the recommendations. I agree that foreign overfishing is a problem. We made nine specific recommendations.

One, the committee recommended that Canada withdraw its support for any turbot quotas assigned to foreign nations, and it goes on.

Two, the committee recommended that Canada cease giving permission to Canadian companies to hire foreign vessels and foreign crews to catch fish in Canadian waters. We heard all of these concerns. These are real concerns.

Three, the committee recommended that Canada withdraw its support for the redfish quotas given to foreign nations. It goes on and on.

I could read the entire report. I am not sure if the government has read it, because it is not acknowledging it. It is not adopting it.

The government has come in with enabling legislation for an agreement that was negotiated three years ago. The first agreement was back in 1982. I do not know if it is just going to go to sleep and say that it has fixed the problem with fishery.

This is a disgrace. There are so many problems out there, starting with the foreign nations. Some nations have four times the quota on certain species that Canadian fishermen have. An example is tuna. Somewhere in the neighbourhood of 120 to 125 tonnes go to Japan and Canada's quota is 30 tonnes. One fish is worth $30,000.

This government will not put its people first. The bureaucracy. I have asked the minister in this House if he will move the management of the fishery from Ottawa closer to the resource. Right now there are 1,100 bureaucrats in Ottawa. I am sure there are a lot of good people but I cannot believe that we are managing the fishery from Ottawa.

● (1645)

We have to move the management of the resource out to where the resource is on the coast. That makes sense. That is what the fishing community is asking for. We need to bring the provinces in as partners in trying to get this issue back on track.

I am not suggesting that the government can divest its responsibility but it definitely needs to include the provinces at the table, which it is not doing right now. I would ask the government to look at issues like this one.

When I raised these concerns with the minister, he suggested that I should be aware there are more taxpayers in Ontario than there are in British Columbia. This is not about Ottawa versus B.C. or

Ottawa versus St. John's. This is trying to put the interest of the fishery first.

This report was written by 16 members of parliament. The first nine recommendations I am referring to with respect to foreign overfishing were supported by every person on the committee—nine members of the Liberal government including the parliamentary secretary—and we have had no response from the minister. In fact he stood in the House earlier and stated that no fish were given to foreign nations unless Canadian fishermen had first crack at them. We know that is not true. That is absolutely false. We have heard this from fishermen after fishermen when we travelled out there and in committee. It is absolutely wrong.

I find incredibly frustrating what the government is not doing. We need Bill C-27 with some changes, I might add. Enabling legislation the way it is worded now will not amount to a hill of beans. We have to do something about that before we can support the legislation. We have to amend it.

The government has to do a lot more. It promised the TAGS program to all people in Atlantic Canada until May 1999, and it is about to cut them off. In the coming days about 3,000 people are to be cut off. These people were given letters, went to the banks and relied on the program. The government has gone against its word. It has not come through. It is absolutely terrible.

With respect to the agreement let us go off on another vein. All the minister talked about was the Flemish Cap and the nose and the tail of the Grand Banks. To a lot of listeners out there there is another straddling stock, although it is not technically a straddling stock, and that is the salmon out in British Columbia.

We know the coho is facing extinction and again the government is doing nothing. The minister has been in power for almost a year and we are no better off today than we were four or five years ago. It is terrible. Fishermen out there are in a crisis situation. They are losing their livelihoods.

Some would argue that we are really talking about the salmon which would fall into that category. They swim in and outside the 200 mile limit. They are highly migratory species. What was negotiated was straddling stocks and highly migratory species. However the legislation is silent with respect to that.

I will go out on a limb. At the time Minister Tobin was negotiating I would suggest his interests were primarily Newfoundland and Atlantic Canada. British Columbia was put somewhere on the back burner.

Salmon are considered an andromous species. The act only applies to highly migratory species and straddling stocks. An andromous species is one which begins its life cycle in fresh water, lives in the oceans but returns to fresh water to spawn, for example salmon and trout. The agreement is silent on that.

Why is the minister not in New York or at the UN fighting for British Columbians and for Canada? We are on the eve of another fishing season in British Columbia and absolutely nothing is being done.

● (1650)

We saw the frustrations last time. We have been constantly after the minister not to wait until the night before this fishing season starts but to do something about it now.

The government appointed a new negotiator, the one person it has who stood up and fought for the people of British Columbia. Mr. Fortier. I suggest he resigned out of frustration because he was not getting any backing from the government. He worked very hard. He was the one person that we had who actually fought for the people of British Columbia on the American fishing dispute. He is gone. We have a new negotiator. We are back to square one. Where is the minister on that? I did not hear one word from him on that.

It says in the act that it only applies to highly migratory species and straddling stocks and the definitions are to come under the UN convention. These definitions were arrived at in the conference on straddling stocks.

The UN fisheries agreement does not apply to salmon. Why not? Where is the minister? He has lost the confidence of the people of British Columbia. I represent his neighbouring riding and, believe me, the people of his own riding are frustrated. They want action. They want something done and the government is not doing anything.

I ask the minister to start doing something in these other areas. He has an opportunity to look at the interest of the fishery as the committee did. Ten of the sixteen members of the committee spent a week to 10 days travelling throughout Atlantic Canada and spent a little better than a week in British Columbia.

Right now that committee is travelling through other parts of the country where there are fishery concerns. They are listening to the people. They are listening to fishermen. They are listening to provincial representatives from the legislative assemblies of those provinces. They are listening to the fisheries ministers of those provincial legislatures.

However there was nobody from the government's department on the Atlantic trip. They did come on the Pacific trip. They did not come to listen to the people of Atlantic Canada. They did not come to listen to the people of Newfoundland. This is an absolute disgrace.

Some would way I am digressing from Bill C-27, but the minister spoke on this wonderful bill saying that it would solve the problem. First, it has no teeth. Second, it needs approximately 14 countries to ratify it before it takes effect. Is that the best the

government can do for the last three years and this minister for the last year? Is that the best he can do?

I would be embarrassed if I had to come into the House and say that is all I have done in the last year as minister of fisheries and oceans. Why is he not fighting for Canada with the United States on the Alaskan fishing dispute? We have heard his comments on newscasts down there that he may have to cut Canadian quotas in half in the name of conservation if the Alaskans continue. That is what he is telling the Americans when he goes there.

We need somebody who can stand up and fight for fishermen. The government should be here announcing that it will not go back on its word, that it will honour its commitment to continue to pay recipients of TAGS until May 1999 who are now overtaking federal offices in Newfoundland out of frustration.

I have met with these fishermen. They have said to me ''We read in your report that you were against TAGS''. I explained to them that we should be giving them TAGS until May 1999. That is what my colleagues and I believe. The government has to honour its commitment. Fishermen want to go to work. That is what they have been telling us. They do not want truckloads of money. They want to go to work.

We need to move the management of the resource out to the coast. We have to instil confidence in DFO. We have to get rid of the politicization. We have to get rid of the corruption. We have to get rid of some of the regulations in the sealing industry which prohibit the export of seal products. These are all things the people of Newfoundland want to do. We have to get rid of foreign quotas and make sure that our Canadian fishermen have access to the quotas first.

I have heard arguments from the department saying that it is not economically feasible for our guys to do that and that it will be given to Cuba because it would cost our fishermen 21 cents per pound to catch them and they can only sell them for 19 cents.

● (1655)

Why are we not investing in the infrastructure? Why are we not finding some way to put these guys back to work? Why are we not looking at the fishery of the future, identifying what species are there and ensuring that our people have access to them? Then we could look at what we could do to make sure the industry will be sustainable and viable in the years to come?

What do we have? Bill C-27 is what we have. It is pretty impressive for the minister, is it not, to bring in enabling legislation on something that was negotiated three years ago after being in the House for a year as Minister of Fisheries and Oceans?

If the government and the minister do not get off their butts and do something they will have a crisis, a revolt in Newfoundland. They will have a revolt in British Columbia. These people are frustrated beyond imagination and what they are doing in Newfoundland is evidence of that. They are very frustrated. There is no confidence in the government.

I have written a note on my speech on the positive side and I am not sure I have found a positive side in the last 10 or 15 minutes. On the positive side of coming to parliament has been being able to work with the fisheries committee, to sit down with 16 members from five political parties, to leave our political baggage outside the door, to try to bring forward witnesses and to make recommendations for the benefit of the fishery.

It is interesting to note there are eight members of the government on that committee. There has been a few exceptions but generally that is what we try to do. Sixteen members of parliament from five political parties are in agreement. We know how hard it is to get 16 members of parliament from the same party to agree. We have witnessed that in last few days. It is difficult to get 16 members of parliament from five political parties to agree.

We did that in the east coast report, and the government is not even looking at it. There are good recommendations in there that look at foreign overfishing. There are suggestions in there about moving resources from Ottawa to the fishery. The minister is just brushing it off.

I ask the government to take a hard look at the report. There needs to be some more work done on Bill C-27 so that it will have the teeth it needs for our enforcement officers to actually do something with it. We need international agreements. I am in full support of that. However we have to go a long way before we solve the fishing crisis. This is not a drop in the bucket.

I ask the minister to listen to what I have said. It is time he started acting instead of giving us smoke and mirrors.

* * *

BUSINESS OF THE HOUSE

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, there have been consultations with regard to the notice of motion in my name with reference to the 29th report of the Standing Committee on Procedure and House Affairs.

I understand that there would be unanimous consent for an order that this motion be deemed to have been put and a division thereon demanded and deferred to Tuesday, May 5, 1998, at the expiry of the time for the consideration of Government Orders.

The Acting Speaker (Ms. Thibeault): Does the hon. parliamentary secretary have unanimous consent of the House to move the motion?

Some hon. members: Agreed.

(Motion agreed to)

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

NATURAL RESOURCES AND GOVERNMENT OPERATIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I think you would find unanimous consent for the following motion:

That one member of the Standing Committee on Natural Resources and Government Operations be authorized to travel to Calgary, Alberta, from May 3 to May 6, 1998, in order to attend a conference on climate change.

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the motion?

Some hon. members: Agreed.

(Motion agreed to)

• (1700)

[*Translation*]

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I think that you will find unanimous consent in the House for the following motion. I move:

That six Members, or Associate Members acting as their designated substitute, of the Standing Committee on Natural Resources and Government Operations be authorized to travel to Prince George, B.C. from May 7 to May 10, 1998 to attend the Forest Expo Conference.

The Acting Speaker (Ms. Thibeault): Is that agreed to?

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*Translation*]

COASTAL FISHERIES PROTECTION ACT

The House resumed consideration of the motion that Bill C-27, an act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements, be read the second time and referred to a committee.

Mr. Yvan Bernier (Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok, BQ): Madam Speaker, I am rising this afternoon to speak to the famous Bill C-27 which, I will remind those who have just joined us, is the act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act.

I must begin by admitting that I am somewhat disappointed to have to speak to this bill today, With all the problems there are with the fisheries, I do not think I would have started with this one, if I were the minister.

I will give one example of what is going on in Newfoundland today. The people of Newfoundland are out in the streets protesting to let the government know they have a problem and need financial support under TAGS. In response, the government pulls Bill C-27 out of a hat, to amend the Fisheries Protection Act. However, does that really solve their problem?

I will try to review the situation in the time I have at my disposal today. I will try to trace the history of this bill. I have said that this bill amends the Coastal Fisheries Protection Act and the Canada Shipping Act. However, I should also describe its intent. It is intended to implement the agreement to apply the provisions of the UN convention, which came into effect on December 10, 1982.

The subject chosen for discussion today is the conservation and management of groundfish stocks. So there were provisions in the United Nations fisheries agreement, or UNFA.

This bill started with the December 10, 1982 convention on the law of the sea. Between the two, there was the famous Bill C-29, which we voted on in this House and which was the legislation on the protection of the straddling stocks, in which the Bloc Quebecois participated with pride, because protection of the stocks was important.

We were aware we were writing international law with the former Bill C-29, because the other provisions did not exist. There were no treaties or arrangements between countries. In other words, all the member countries fishing in the Atlantic agreed on the principle, but few of them agreed on how to honour it.

Third, after the famous Bill C-29, there was the UN fisheries agreement, UNFA, which has just arrived and which contains provisions drawn from the convention on the law of the sea.

I would first like to say that no one opposes the principle. In general terms, the Bloc will support Bill C-27. We naturally have some reservations about the bill and we will have the opportunity

to speak at report stage in the House and in committee before third reading and passing of the bill.

I would mention two reservations today, and some of my colleagues will have an opportunity to speak. The first reservation concerns measures for monitoring and boarding vessels at sea.

• (1705)

If they say they want the means to ensure respect for these principles, what will those means be? What I want to point out, first of all, is the lack of transparency of these so-called measures.

We had the same problem during debate on Bill C-29, an act to amend the Coastal Fisheries Protection Act. The government decided to establish these measures by order-in-council. In other words, cabinet decided behind closed doors.

It must not be forgotten that the public in Canada and throughout the world will have to live with these measures. If the government wants its legislation to be complied with by the whole world or by all Canadians, it is only fitting that it be debated by the 301 members of the House.

The second aspect of Bill C-27 about which the Bloc Quebecois has reservations is the UNFA management philosophy that the government is trying to introduce in Bill C-27. I know that this is not easy for those listening at home, so I will try to explain.

Not only does the bill contain measures to board and inspect vessels suspected of contravening our Canadian legislation, or NAFO's legislation, but it contains a management philosophy.

I do not wish to contest the management philosophy set out in general terms in this policy, but I have some questions. What is Canada's management policy? What does it have as a management policy?

I was elected in 1993. We already had moratoriums on fishing back then. In the spring of 1994, Mr. Tobin, then fisheries minister, introduced the program known as TAGS, or the Atlantic Groundfish Strategy. A strategy implies having an active tool, but is it the case?

At least, Mr. Tobin had the political courage to give a figure. He expected he would have to reduce by 50% the size of the industry, of the catch. Again, at least he gave a figure and, in doing so, he got the debate going.

What has happened to that debate? What has happened since 1994? The Prime Minister was obsessed with reducing the deficit. Because of a lack of funds, the government opposite was penny wise and pound foolish. Indeed, four years and $1.9 billion later—although that money was needed to provide financial support to fishers and plant workers—the government still has no idea, no vision about the future of fisheries. Worse still, I do not think it has even started working on the issue. This is very serious.

The Bloc Quebecois does make criticism, but it is constructive criticism. I want to talk about the most recent report of the Standing Committee on Fisheries and Oceans. My colleague from the Reform Party alluded to it earlier.

The report includes unanimous recommendations. One way to define an approach is to first identify the problem. Then, together we can look at the solutions that each one of us puts forward.

The Standing Committee on Fisheries and Oceans—and I have not yet blamed any party in this House—identified one problem, among others. It blamed the federal government—regardless of the party in office—for the poor management of fisheries in Canada and in Canadian waters.

Many members opposite refuse to believe or to hear this.

• (1710)

Why? We did not blame any one party in particular. But what can we do now to try to correct the situation, again thinking in terms of constructive criticism?

After indicating that the problem was poor management by the federal government, the committee recommended, among other measures, that the department review its management procedures and its ways of setting quotas and determining the total allowable catch.

So far, regardless of which party we represent in the House, this issue does not present any real problem. Why do we not discuss it? It is serious because they are preparing to pass a bill that imply the existence of management measures and approaches, whereas Canada has none.

All representatives of the Canadian fishing industry have said, some more crudely than others, ''We do not trust the Minister of Fisheries and Oceans any more.'' That is the main point.

In the meantime, the Minister of Human Resources Development and the Minister of Fisheries and Oceans are lobbing the ball back and forth in an effort to come up with a way to provide financial support to workers and fishers. Neither has specified any criteria, set up a committee or consulted the public. There are lots of avenues to explore.

I have a lot to say, but I am afraid of running out of time. Time is rushing past.

What are we going to do to get around this? We explain the basis and they come back with the potential result of the work begun—Bill C-27—which is supposed to contain management measures and approaches.

The other point I would like to raise, still in connection with the report of the Standing Committee on Fisheries—

[*English*]

Mr. David Price: Madam Speaker, I would like to call for quorum. There seems to be a lack of respect on the other side of the House for people speaking.

The Acting Speaker (Ms. Thibeault): Call in the members.

• (1715)

[*Translation*]

And the bells having rung:

The Acting Speaker (Ms. Thibeault): We now have quorum. Resuming debate.

Mr. Yvan Bernier: Madam Speaker, I was saying that Bill C-27 showed a lack of vision and management philosophy. I indicated my sources with respect to the public.

The Standing Committee on Fisheries and Oceans has pointed out that the main problem is that the federal government is to blame for poor management. In its report, the committee also indicated a way of restoring this credibility, which consists in reviewing management methods and ways of establishing total allowable catches.

I would like to cite article 5 of the United Nations Fishing Agreement or UNFA. This document was written in general terms.

I also want to look at the purpose of Bill C-27. What is its real purpose? We do not have to pass a bill to allow a participating country, such as Canada, to ratify the agreement. It is therefore false to say that the bill is being introduced in order to implement the international agreement.

We will look at the specific purpose of the bill. Does it help us provide better protection for our straddling stocks? Bill C-29 already does that. Does it sort out British Columbia's problem, as the Reform member said. No.

The first conclusion I come to today is that Bill C-27 serves primarily to introduce a red herring. All the while the government is urging the House, when there is a quorum, to debate the fishery, it is trying to give the illusion that it is doing something about the fishery problem. The real problem sits across the way and the real impact can be seen in the streets of Newfoundland and it will soon be seen in the streets of New Brunswick and the Gaspé.

There are a number of problems facing the few remaining small fishing operations—it is too bad I did not think to bring the list with me—the plan for managing the crab fishery in zone 12 for example, which the Minister of Fisheries and Oceans has yet to resolve. This concerns Quebec, particularly the Gaspé Peninsula, and New Brunswick.

Instead of having us believe that Bill C-27 is incredibly important, why does the minister not try to resolve the crab management problem? That is something he could do. It would have a direct, immediate impact. This would put bread and butter on the table for many families.

Life in the regions follows the seasons. When the ice starts to melt, it is time to go fishing. Wait too long and the water gets too warm; there will be strawberries in the fields but crab shells will be soft and their flesh white. So, what is the minister waiting for?

It is fair to say that there is no crab fishery plan. I think there are temporary ones for the shrimp fishery. We are hearing complaints from crab fishers in the Sept-Îles area as well. What is the minister waiting for to look into it? These are issues that need to be resolved and which would have an impact in the short term.

Let us get back to Bill C-27 now that I have let off some steam. As far as I could see in perusing it, Bill C-27 sets out some general management principles. Canada has not yet developed its own policy, as I said earlier.

I would like to quote a section—section 5 and its five paragraphs—stating general principles for managing fisheries.

• (1720)

In article 5(a) one of the wishes contained in the United Nations Fisheries Agreement is to promote optimum utilization. What is the department's or the minister's opinion on this? Most of all, what is the industry's opinion? Nobody has asked, and I believe they are entitled to have the first say.

In article 5(f), still in that international agreement which Canada would like us to sign with Bill C-27, reference is made to fishing gear. I will spare you all the details, but it ends with mention of ''environmentally safe and cost-effective fishing gear and techniques''.

What is the meaning of this? Did anyone ask the industry what this represents? What are they thinking about, when we see Canada preparing to commit to such a thing? This can be interesting.

It is true that, if the government wants MPs to pass a bill to help it sign an international agreement, it needs to go first to the grass roots. It could sign it directly, I tell you. If it can, let it not bother us with it.

Still under ''general principles'', I have another little question. It will be a good exercise at the same time. We will see whether the Minister of Fisheries himself has read the famous agreement he wants so badly for us to adopt.

Article 5(i) states ''take into account the interests of artisanal and subsistence fishers''. Here is another good question. Does this mean that Canada is prepared to allow artisanal fishing when the fishery starts up again? So, we no longer have offshore or midshore

fishers. What is Canada's position on this issue? What is the industry's attitude? What will fishers think? What will the processors who will receive the resource think? There is an impact, but we do not talk about it.

We are told ''Pass this bill and all our problems will be solved. That is how we managed to stop that Spanish boat, the *Estai*''. This has already been done with Bill C-29. The minister does not know what he wants.

These questions will have to be answered. And I only read three paragraphs of clause 5. Already, if the minister was willing to have a debate, we could get some idea as to whether Canada hopes to have an industry that will more or less operate in this or that fashion. But we do not know that and the government is introducing legislation to protect our stocks. It is tabling a bill that will confirm a management philosophy, but we still do not know what it thinks. We still do not know what this implies.

The main problem is that we need to answer these questions to deal with the fate of those who are concerned about TAGS.

The Minister of Human Resources Development seems like a nice guy. I am taking this opportunity, since he is sitting across from me. While he may try to show a great deal of compassion in the House when we put questions to him during oral question period, his job as human resources minister is to help people retrain, after they have been declared surplus.

But who will declare them surplus in the fishing industry, if not the Minister of Fisheries and Oceans? I hope the latter will assume his responsibilities and not leave them to the parliamentary janitor, even though I have a lot of respect for him. Someone must be in charge. Someone must get the debate going on this issue, but it is not being done right now.

I am very concerned by what the government opposite is doing. I do not know who will sit on the committee to be set up by the Minister of Human Resources Development. First, the members of this committee must have some idea of what our industry will look like, before determining what must be declared surplus.

• (1725)

Something else is not included. The government is trying to regulate the fate of the industry and protect our stocks, but under the Canadian Constitution, the federal government is responsible for the catch. Processing, once the fish is landed, is a provincial matter. Everything is related.

The image is distressing: a live fish is federal and a dead fish is provincial. It is not because I come from Quebec that I underscore this point and say there are problems. If I am the first to say so, it does not matter because others will say the same thing.

There is an impact on the provinces. The Minister of Human Resources Development knows full well the number of workers involved on land. He knows a lot of people are involved. In the Gaspé we have always said that one fisher provides work for five people on land. Everything is connected.

I want to say, in relation to article 5, that Canada has not had discussions with the fishing community—those who catch and process—on the general principles of management in the UN fisheries agreement. I wonder what provincial ministers are waiting for before initiating discussions with them?

Before Christmas, the Minister of Fisheries and Oceans, during an opposition day debate on a Progressive Conservative motion dealing with an eventual fishing policy, recognized that one reason the Atlantic groundfish strategy did not work was that the provinces may not have been sufficiently involved. To my way of thinking, that does not mean they were not involved enough financially, but that they were not involved enough in resolving the problem.

This is the sort of debate we need. There is a little time yet before the House adjourns and before the ministers take their holidays, which are perhaps justified. But I do not want them to leave on holiday without providing some security for the public, which will be faced with the end of the Atlantic groundfish strategy in August 1998. The people of Newfoundland and the Gaspé have got the message and that is why they are in the streets today. It is their only recourse. They say they have no choice.

I see time is passing, please tell me at the end of the day how much time I will have tomorrow morning, because I have a lot more to say.

That is the start and that is what needs to be done. Tomorrow morning I will be back and will carry on. I will suggest other approaches, but the message the public is waiting to hear is that we at least agree on what the problem is and that, once it admits there is a problem, the government agrees on a timetable for trying to do something about it.

The public also expects the government to be transparent in its approach and share its criteria, to be sure that it has not forgotten anything. Nobody will be hurt because there are not yet any names attached, but we can agree on wording and objectives. That will give us enough to go ahead with. Later on, after we have looked at it together, figures can be added and responsibilities assigned, if that is what we are asked to do.

I am all for decentralization to the provinces. I would like those who are not to adopt the approach I have just outlined, which is to define the problem and seek a solution, and not to rule out any solution a priori, but to consider them all.

Bill C-27 does not address the problem, and that is what I would like to continue to do. It is also a way of improving Bill C-27, because management philosophy comes up in this agreement. If the members opposite have not seen it, it is time they went back and

read the United Nations Fishing Agreement and did their homework. Then we can talk.

The Acting Speaker (Mr. McClelland): The hon. member for Bonaventure—Gaspé—Îles-de-la-Madeleine—Pabok will have 13 minutes in which to conclude his speech.

• (1730)

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

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL CODE

Mr. Jim Abbott (Kootenay—Columbia, Ref.) moved that Bill C-262, an act to amend the Criminal Code (probation order), be read the second time and referred to a committee.

He said: Mr. Speaker, there are times in this Chamber when one realizes the responsibility that we have as members of parliament, indeed the privilege, of being able to come to this place where laws are made in Canada and have direct input such as I have at this point.

The bill I have brought to the attention of the House has arisen from a situation that is not unique in my constituency but which was drawn to my attention in 1996. It is not unique in my constituency that when we have crimes committed the presiding judge has the opportunity, at the time of sentencing when the sentence is two years less a day, to include in the file, indeed in the sentence, terms of probation. In the case of giving a sentence in excess of two years less a day unfortunately that provision does not exist in criminal law.

From time to time governments come forward with omnibus legislation in particular in the area of justice. Omnibus legislation is simply a gathering together of all the bits and pieces of improvements that can be made to Canada's Criminal Code and moving this forward through the House of Commons to clean up a number of details.

There is no way this bill is inspired by any partisan interest whatsoever. This is a bill that I am sure would receive the support of all members of this Chamber. It is a simple piece of fine tuning on existing legislation that would improve Canada's justice system.

I confess I am not a lawyer. In some circles that would be seen as a bonus. However, we will leave that one where it sits. I am a simple layman who went to a lawyer and said what is the improvement that should be made, and it is from that that this legislation flows.

What was the situation? Unfortunately back in 1996 a 34 year old man was convicted of beating his own 28 day old son, a very despicable crime. The judge at the time of sentencing noted this individual had a prior record of doing this kind of thing. It was the judge's contention that if there had been some sort of provision in the sentencing in either the first or second instance the wife of this man, the woman who bore this child, would have been aware that she would have to be more protective of her own child. There would have been the possibility that such a union would not have taken place in the first place

This is a very difficult case. I am not trying to tack on to this sentencing by this judge. I am not trying to make a mountain out of a mole hill. I am simply saying that the judge was right. This is as good an indicator as any. Judges should have exactly the same opportunity as they have in sentencing two years less a day to affect the outcome and the considerations at the time of probation.

• (1735)

I read from a news report at the time:

> At the time of the sentencing the judge criticized the federal laws from preventing him from attaching a probation period to the sentence.

I now hope that [my] proposed legislation will take into account the conditions at the time of sentencing to allow judges to attach probation periods to federal sentences.

It is this kind of fine tuning that allows all hon. members of the House to come to this place and say here is a problem, what can we do to fix it. However, as private members we are thwarted by the system within the House. As I said at the beginning of my address I am very pleased and privileged to have the opportunity to come to the House to make a plea for this change on behalf not only of my own constituents but all Canadians and to improve the justice system. At the same time as a private member I am really constrained as to how far I can take this.

I brought the bill to the House following that instance in 1996. We are already in 1998. This is a two year process. In the intervening period of time there has been an election where the people of Kootenay—Columbia chose me to come back to the House so again I presented the same bill to the House.

The bill then goes into a lottery. I have three bills in this hopper at this time. My name was drawn and I had to choose one of the bills. I considered this bill to be the most important of the three I have presently in the system.

We then go before a committee that makes a judgment as to whether these bills are going to become votable. If it is votable it will be able to move from this Chamber after second reading to committee.

I am fully aware that the justice committee is exceptionally busy at this time. There is a tremendous amount of pressure on the committee. There is no intent with this minuscule change that we are talking about to add to this already onerous workload. It is a simple matter of saying here is an improvement, could we get this small improvement included in a future omnibus bill that will be brought forward containing many other bits and pieces of improvements to the legal system. That is my direction.

I went before the committee and said could we make this votable so that the House could move the proposed bill to the committee. That committee in its wisdom said, for whatever reason, it is not important enough and that it will not permit this to be votable.

Therefore it seems logical that with the committee's having arrived at that decision I should ask for unanimous consent of this House to permit this to become a votable bill. I do not expect a tremendous amount of debate on the bill but at the end of the day that the House allow this to move forward to committee work. I ask for unanimous consent.

The Acting Speaker (Mr. McClelland): Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Jim Abbott: Mr. Speaker, I am sure there is some good reason why the government would not want to see this moved to committee in its present form. I would ask for unanimous consent for the intent of this bill, the wording, to be drawn to the attention of the justice committee to become part of what it is doing in terms of improving Canadian law.

• (1740)

The Acting Speaker (Mr. McClelland): I do not really know how the intent of a bill could be taken to a committee. Perhaps if during the intervening debate the hon. member is able to put the intent into words it could be presented. Perhaps the committee could read the transcript of these proceedings and derive the intent from that.

With respect, I do not believe this is a motion I am able to present to the house.

Mr. Jim Abbott: Mr. Speaker, I will listen to the perspectives of the government and the other parties. As I make my wrap-up comments I will do that for you.

[*Translation*]

Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to rise to speak to Bill C-262, an act to amend the Criminal Code (probation order), introduced by the member for Kootenay—Columbia.

This bill has only one clause. It is intended to replace paragraph 731(1)(*b*) of the Criminal Code with the following:

> (*b*) In addition to fining or sentencing the offender to imprisonment, direct that the offender comply with the conditions prescribed in a probation order.

The provisions of sections 731 and 731.1 of the Code currently deal with probation orders. They were updated and modernized with the in depth reform of sentencing, which was completed in Bill C-41, a bill the House passed in the first session of the last Parliament. It became chapter 22 of the 1995 Statutes of Canada and currently is included in part XXIII of the Criminal Code of Canada.

Section 731 enables the sentencing judge to subject a delinquent to a probationary order. Under paragraph 1(*a*) the court may defer sentencing and order probation if no minimum sentence is provided for the offence at issue.

[*English*]

It is this last limitation which the hon. member proposes parliament remove from the section. Judges would then be allowed to attach a probation order to any sentence of imprisonment no matter how long.

There are a few other related provisions to which I draw the attention of the House. Section 732.2(1) describes when a probation order comes into force:

> A probation order comes into force
>
> a) on the date on which the order is made;
>
> b) where the offender is sentenced to imprisonment under paragraph 731(1)(b) or was previously sentenced to imprisonment for another offence, as soon as the offender is released from prison or, if released from prison on conditional release, at the expiration of the sentence of imprisonment; or
>
> c) where the offender is under a conditional sentence, at the expiration of the conditional sentence.

Section 732.2(2) provides that no probation order shall continue in force for more than three years after the date on which the order came into force. Section 732.1(2) sets out the mandatory conditions which must be contained in a probation order and section 732.1(3) provides a list of optional conditions.

It might be useful for hon. members to be reminded of some of these conditions:

> (c) abstain from:
>
> (i) the consumption of alcohol or other intoxicating substances, or
>
> (ii) the consumption of drugs except in accordance with a medical prescription;
>
> (d) abstain from owning, possessing or carrying a weapon;
>
> (e) provide for the support or care of dependants;
>
> (f) perform up to 240 hours of community service over a period not exceeding eighteen months;

(g) if the offender agrees, and subject to the program director's acceptance of the offender, participate actively in a treatment program approved by the province; and

(h) comply with such other reasonable conditions as the court considers desirable, subject to any regulations made under subsection 738(2), for protecting society and for facilitating the offender's successful reintegration into the community.

● (1745)

That final reference, the so-called basket clause, underlines the fundamental purpose of probation which is to protect society, but also to facilitate an offender's successful reintegration into society.

That is also the purpose of parole or conditional release. It is parole which provides that reintegration for offenders sentenced to sentences of over two years. I will have more to say about that later.

Let me give two examples of the span of control that probation can provide. It is quite common to see a conditional sentence, for example two years less a day, accompanied by a three year probation order containing similar conditions to those found in the conditional sentence order.

This protects society by providing a five year period of control and supervision over the offender with conditions that can be tailored and indeed changed over time to reflect changing circumstances and needs.

An offender sentenced to, say, 18 months in provincial custody could be under a period of probation supervision for up to three years. This, too, is commonplace and a sensible societal response to crime.

It may be useful to give some historical perspective on the use of probation in Canada. Probation started in this country in 1889 under the authority of an act to permit the conditional release of first offenders in certain cases.

Our first Criminal Code, passed in 1892, provided that first offenders convicted of offences punishable by not more than two years' imprisonment could be released on probation of conduct under a recognizance.

Subsequent 1921 legislation provided for the supervision of probationers in the community and thereafter most provinces enacted legislation creating probation services. There is no federal probation service.

If the hon. member's proposals were carried through, there would be potential for conflict with the role and understanding of parole and other forms of conditional release for federal offenders.

Penitentiary sentences already incorporate an appropriate range of supervised releases which have been carefully put in place for the safe and controlled reintegration of offenders into the community.

As recently as late August the government introduced a new sentencing category to the Criminal Code called long term offender. A court which designates an offender as a long term offender can sentence the offender to a penitentiary sentence followed by a period of long term supervision of up to a maximum of 10 years which begins when the period of incarceration, including parole, expires.

This is only one example of the measures that have been implemented to ensure the protection of society. There are many more. To illustrate, there is work release, escorted and unescorted temporary absences, day parole, full parole, statutory release and long term supervision.

Let me take a moment to describe these supervised releases in more detail so that members of the House can appreciate the comprehensive range of release mechanisms that are in place at the present time for the safe reintegration of federal offenders into society.

First, there is work release which is a release program allowing a penitentiary inmate to work for a specified duration in the community on a paid or voluntary basis while under supervision. Generally, an inmate is eligible for work release when he or she has served one-sixth of the sentence or six months, whichever is greater.

The institutional head has authority to grant a work release of up to a maximum period of 60 days under specified conditions which always include supervision.

Correctional authorities grant work releases to carefully selected inmates who perform work and services of benefit to the community, such as painting, general repairs and maintenance of community centres or homes for the aged. Work release is one of the first steps in the safe, gradual reintegration of offenders into society.

Then there is the escorted temporary absence. This is a short term release to the community under escort. Most inmates are eligible for such an absence at any time during the sentence. The duration of an escorted temporary absence varies from an unlimited period for medical reasons to not more than 15 days for any other specified reason.

The institutional head may authorize an escorted temporary absence. In certain instances involving lifers, National Parole Board approval is required.

For example, escorted temporary absences are granted to allow inmates to obtain treatment that is unavailable in a penitentiary, to attend critically ill family members and to prepare for other types of conditional release.

● (1750)

[*Translation*]

Then there is parole. This is a form of conditional release which enables some offenders to serve part of their sentence out in the community, provided they comply with certain conditions.

Since most offenders will eventually be released, the best way to protect the public is to help them to reintegrate with society through a gradual and supervised release mechanism.

Parole is a privilege, not a right, and the National Parole Board has the power to grant or deny it. In order to reach that decision, board members carefully examine the information provided by the victims, the courts, the correctional authorities, and the offender. A number of factors are taken into account, but protecting society is foremost.

This is followed by statutory release. Generally speaking, the offender is entitled to be released into the community once he has served two-thirds of his sentence. As is the case for parole, offenders who have been given statutory release serve the final third of their sentence in the community under supervision, provided they comply with certain conditions.

[*English*]

Every long term offender is subject to standard conditions such as keeping the peace. Special conditions can be added to ensure close supervision of the offenders, such as electronic monitoring and monetary participation and counselling. Correctional Service Canada provides the supervision.

In conclusion, the hon. member's proposal would create a potential conflict with the role of parole and other forms of release appropriate for federal offenders.

Mr. Peter Mancini (Sydney—Victoria, NDP): Mr. Speaker, it is a pleasure to rise in the House to speak to this bill. I am encouraged that the hon. member has brought forward this legislation. It is an interesting reflection of what he has experienced in his own constituency. I commend him for that.

I am glad to hear him recognize how busy the justice committee is. In fact, I came here tonight from the justice committee where we have been meeting for most of the day. We had the opportunity to question the commissioner of correctional services, a timely witness given the bill that is currently before the House.

As the government member pointed out, the bill would seek to replace a section of the Criminal Code and provide judges with the power to provide a probationary period for an individual who is convicted and sentenced to more than two years less a day. For those who are not familiar with the reason for that distinction, it should be made clear that offenders who are sentenced to two years less a day serve their time in a provincial correctional facility, while those who are sentenced to two years or more serve their time in a federal penitentiary. There is a difference. There is a distinction.

Having been a legal aid lawyer for some time I am aware of the many different programs available in the different jurisdictions to assist offenders in reintegrating into society. Those are all calculations which any defence counsel will make in discussions with the crown. They are all calculations made in the sentencing process.

The Parliamentary Secretary to the Minister of Justice talked about the potential conflict between different programs. I appreciate that, yet I fail to see reasons for not supporting this legislation which is a common sense approach.

The member for Kootenay—Columbia said he is not a lawyer. He is, in fact, a lawmaker. I understand how confusing it can sometimes be to read through these sections for those who are not schooled in the law. Those of us who practise law on a regular basis are familiar with them. I will not refer to the Criminal Code too much, but I think there are some provisions worth noting in addition to those noted by the parliamentary secretary.

Part of the reason people argue against this kind of bill is that the court cannot foresee what will happen to an offender in two years. The reason the court has the power to place the probationary conditions referred to on an offender of two years less a day is because the court still maintains some control over that offender. Realistically, if the offender is sentenced to four or five years, the court cannot gauge what kind of progress that individual will make in an effort to rehabilitate himself or herself to re-enter society.

● (1755)

I think that while that is a compelling argument, it is not one that necessarily stands in the way of this proposed change because the code also provides at subsection 732.2(3):

> A court that makes a probation order may at any time, on application by the offender, the probation officer or the prosecutor, require the offender to appear before it and, after hearing the offender and one or both of the probation officer and the prosecutor,
>
> (a) make any changes to the optional conditions that in the opinion of the court are rendered desirable by a change in the circumstances since those conditions were prescribed,
>
> (b) relieve the offender, either absolutely or on such terms or for such period as the court deems desirable, of compliance with any optional condition.

I think that is in favour of the legislation proposed.

There are those who would say we do not know where the offender is going to be in three years. If an offender is sentenced to a period of time, accepts the help offered in a facility to rehabilitate himself or herself, they can come back to court and ask that the conditions in the probation order be lifted. If in the opinion of the court they are no longer a threat to the public, the court has the power to lift the order.

I find myself commending this piece of proposed legislation because I think it provides the court more remedies to try to rehabilitate an offender.

I find it heartening that the hon. member sees value in providing offenders with a period of probation. It is heartening to see that the hon. member recognizes that greater options for probation and parole are mechanisms to reintegrate the offender into the

community. The system is not simply restricted to sentencing him to time.

This bill will give the judge the option. Instead of having to say that the offence is serious, but there are compelling circumstances for the offender and, therefore, he does not want to sentence him to five years, he can sentence him to three years with a period of probation for two years.

It will allow the judge to have more flexibility in sentencing the offender to less time with a probationary period. I must say that it comes as a surprise to me that this would come forward to allow the court to do that, but I see some merit in it.

There are some problems with it. It is too bad it is not being referred to the justice committee, but our plate is full right now with a number of pieces of legislation that have been referred to us. It is an interesting piece of legislation which would provide the court some flexibility and I thank the member for presenting it to the House.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I will indicate at the outset that I am in support of Bill C-262 which was first introduced in October by the hon. member for Kootenay—Columbia.

It is not often that we in this House have an opportunity to debate a piece of legislation that, while brief in detail, could have a very important impact on protecting the public at large.

As mentioned by previous speakers, and in particular my colleague from Nova Scotia, we have an opportunity in the House to impact directly on our criminal justice system. The Minister of Justice has stood in this House many times and in response to questions from the opposition benches has said there are no simple answers. That may be partly true but at times there are simple answers. This bill in its present form is a very straightforward and simple answer to a problem that exists in our Criminal Code.

● (1800)

My colleague from Nova Scotia has already spoken about some of the nuances that exist when it comes to sentencing, the principles of sentencing and the difference between a provincial and federal sentence and the designation of two years plus or minus a day. I will not go into detail on that.

There is an opportunity here to allow judges to have greater discretion in the sentencing process, that is, judges who in the first instance place sentences on offenders and put in place conditions in the instance of a provincial sentence. Judges are in a unique position to assess the circumstances of the offence. They would have the benefit of the input of defence and crown counsel. They would have potentially heard a trial and made rulings of fact. Therefore the judge in the first instance has the unique opportunity to craft a sentence that is best aimed at meeting the principles of sentencing which are reformation and rehabilitation, not to mention the protection of the public and society's denunciation of certain criminal acts.

This bill allows judges to become more involved in the process for sentences that go beyond the two year mark. I would like to commend the hon. member as well. This is a unique and straightforward bill he is bringing before the House.

I want to make a few comments with respect to the Reform Party's position on this. In the past we have heard derogatory remarks in this House from members of the Reform Party about judges generally. I am not going to get into the details of that.

It is important to note that this bill gives judges more discretion. It is very important that we in this place do not stand up and be overly critical of a certain institution, such as judges, and then turn around and want to empower them with greater discretion in what I would interpret as a means to give judges greater respect and control within the justice system.

Bill C-262 clearly gives judges additional power. With that comes additional responsibility. Although judges have been given greater discretion by this legislation, I caution Reform members about some of their comments about judges generally. When members of Canada's Parliament refer to judges in this institution I do caution them.

As referred to earlier, the justice committee has a great deal on its plate. I would like to inform the hon. member that I took the opportunity today, because I knew this piece of legislation was coming forward, to ask the director of Correctional Service Canada what his reaction would be to this initiative. I was interested by his response.

The director felt that it was not necessary. He felt that there were sufficient safeguards in place and that Correctional Service Canada and the parole board had the ability and were in a better position to craft the conditions of release when a prisoner had served his or her time or, as we have come to know it, a portion of his or her time prior to being released. I was somewhat surprised that he responded so quickly with that. As I indicated earlier in my remarks, I think this opportunity to have judges craft a sentence in the first instance early in the process might have long term ramifications.

One thought which came to mind while I was listening to some of the remarks of the other speakers would be that the parole board or Correctional Service Canada would have the discretion to add or subtract certain conditions based on the progress of the offender or the rehabilitative steps the offender had made while incarcerated, depending on whether it was a long term or a short term sentence. The parliamentary secretary to the minister has referred to the fact that it is perhaps not necessary because for long term sentences the

parole board or Correctional Service Canada are in a better position to assess that progress.

● (1805)

Again I hearken back to my earlier remarks. It is very important in all the steps an offender goes through from apprehension to eventual release into society that all the interested parties should have and through this legislation could have greater input into the process.

I want to refer quickly to a couple of cases. These are factual cases before the committee.

One involves an individual by the name of Raymond Russell who was a convicted killer. On May 29, 1996 he murdered Darlene Turnbull in her Vernon, British Columbia home. At the time Mr. Russell had been released on full parole and was boarding with Ms. Turnbull. Problems came to light as a result of a Corrections Canada inquiry after the fact. The Canadian Resource Centre for Victims of Crime has done a great deal of research into this case.

The National Parole Board in conjunction with CSC did the report. It focused on the fact that there was a lack of exchange of information. It highlights the fact that apparently in many instances a breakdown in information exchange is occurring in the justice system. It poses very grave consequences for the public at large if all that information is not available.

In the context of this bill, we have an opportunity for judges early on to have input into long term sentences. They would then be subject to those conditions the judges might deem appropriate in the first instance and would be subject to review from the contemplated time of release to see if they were still appropriate. Although the Minister of Justice has said that there are no simple solutions, I would suggest that this is a very simple change that could take place. We should embrace it.

One thing Canadians have hoped for and have come to expect is that we should be looking for solutions that make the law more pliable and more applicable. If that involves updating or changing the law, we should encourage that.

There are times when the law could be made simpler. It could be made more user friendly. It could be more user friendly for police officers who have to be the first line of contact when the law is broken. It could be more user friendly for victims and people who are brought into the system through no will or no want of their own.

Another case involves Michael Hector who was a convicted armed robber and on parole when he was involved in the murder of three innocent people in the Thunder Bay area. He was on parole at the time he committed these heinous crimes. Prior to his release the National Parole Board had granted him day parole. It came to light that factually some of the conditions that had been placed upon him were not being followed.

It highlights again the need for appropriate conditions to be in place. They have been described in some cases as abstention from alcohol, non-association with prior comrades, or staying away from playgrounds in the case of a sexual offender. Those types of conditions could be diagnosed. Perhaps I am using that word inappropriately.

A judge in the first instance could make that determination and put those conditions in place. They could be reviewed prior to the offender's release, whether that is two, four, six or eight years down the road. They could be reviewed by the parole board and deemed to be appropriate or not appropriate. The important thing is the conditions are there and everything humanly possible is done to ensure that the proper conditions are in place.

I support this piece of legislation. I commend the hon. member for bringing this bill to the floor of the House. I am sure the policing community, the victims advocate community and the public at large would see this as a positive change to our Criminal Code. I am encouraged that all members have spoken favourably on it.

On behalf of the Progressive Conservative Party, we support this legislation.

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I am also glad to participate in the debate on Bill C-262 presented by the member for Kootenay—Columbia. Criminal justice issues such as this one are of much concern to all Canadians and to myself.

● (1810)

The proposed bill would amend the Criminal Code. More specifically it would amend it such that it would allow a court to direct that a federal offender, that is to say any offender serving two years or more, comply with a probation order. Currently as it stands, the court's authority to impose a probation order is limited to provincial offenders. That is the way it should remain.

If the hon. member's proposal were carried through, there would be potential for conflict with the role and understanding of parole and other forms of conditional release for federal offenders. Frankly what would be the point if it is going to confuse the issues?

Federal sentences already incorporate an appropriate range of supervised releases which have been carefully put in place for the safe and controlled reintegration of offenders into the community.

As recently as last August the government introduced a new sentencing category to the Criminal Code called long term offend-

er. A court which designates an offender as a long term offender will sentence the offender to a penitentiary sentence and a period of long supervision of up to a maximum of 10 years which begins when the period of incarceration, including parole, expires.

This is only one example of the measures that have been implemented to ensure the protection of society. There are many more I could give. To illustrate, there is work release, escorted and unescorted temporary absences, day parole, full parole, statutory release, and long term supervision as I have just mentioned. Let me take a moment to describe these supervised releases in more detail so that members of the House can appreciate the comprehensive range of release mechanisms that are in place for the safe reintegration of federal offenders into society.

First there is work release, which is a release program allowing a penitentiary inmate to work for a specified duration in the community on a paid or voluntary basis while under supervision. Generally an inmate is eligible for work release when he or she has served one-sixth of the sentence or six months, whichever is greater. The institutional head has the authority to grant a work release of up to a maximum period of 60 days under specified conditions which always include supervision.

Correctional authorities grant work release to carefully selected inmates who perform work and services of benefit to the community. Work release is one of the first steps in the safe gradual reintegration of offenders into society.

An escorted temporary absence is short term release to the community under escort. Most inmates are eligible for such an absence at any time during their sentence. The duration of an escorted temporary absence varies from an unlimited period for medical reasons for example to not more than 15 days for any other specified reason. Again the institutional head may authorize escorted temporary absences at his discretion. In certain instances involving lifers, National Parole Board approval is required.

For example, escorted temporary absences are granted to allow inmates to obtain treatment that is unavailable in the penitentiary, to attend critically ill family members and to prepare for other types of conditional release. An inmate may be granted an escorted temporary absence to meet with the staff of a community residential centre where he or she wishes to reside or to confirm employment as part of his or her release plan.

An unescorted temporary absence is another form of short term release but without an escort. Most inmates in the penitentiary system are eligible for unescorted temporary absences at one-sixth of the sentence or six months into the sentence, again whichever is later. Lifers and inmates with indeterminate sentences are not eligible for unescorted temporary absences until three years before their full parole eligibility date. Maximum security inmates are not eligible for this type of release.

An unescorted temporary absence can be for an unlimited period for medical reasons and for a maximum of 60 days for specified personal development programs. Unescorted temporary absences for community service or personal development can be for a maximum of 15 days, up to three times per year for a medium security inmate, or four times per year for a minimum security inmate. The duration of other types of unescorted temporary absences ranges from a maximum of 48 hours per month for a medium security inmate to 72 hours for a minimum security inmate.

Then there is parole. Parole is a form of conditional release which allows some offenders to serve part of their sentence in the community, provided they abide by certain conditions imposed. Because most offenders will ultimately be released into their communities, I believe the best way to protect the public is to help offenders reintegrate into society through a gradual and controlled supervised release.

• (1815)

Parole is a privilege rather than a right and the National Parole Board has discretion whether to grant that parole. In determining whether to grant parole board members carefully review information provided by victims, the courts, correctional authorities and the offender. In arriving at a decision the board considers a number of factors, above all the protection of society.

There are two types of parole, day parole and full parole. Day parole requires the offender to return to the institution or halfway house each evening unless otherwise specified by the National Parole Board. Most federal inmates can apply for a day parole at either six months into their sentence or six months before the full eligibility date, again whichever is later.

Day parole is normally granted up to a maximum of six months. Lifers, those serving for first and second degree murder, and inmates serving indeterminate sentences are eligible three years prior to full parole eligibility date. Day parole therefore provides inmates with the opportunity to participate in community based activities to prepare for full parole or eventual statutory release.

Full parole is a conditional release which allows an offender to serve the remainder of a sentence in the community. It is the culmination of an offender's gradual structured and controlled release program. Under this form of release an offender may live with his or her family and continue to work and contribute to society.

Next there is statutory release. As a general rule an inmate is legally entitled to be released into the community at two-thirds of the sentence. Similar to parole, offenders on statutory release serve the remaining third of their sentence in the community, again under supervision provided they abide by certain conditions. However, not all inmates are entitled to statutory release.

As I mentioned, there is a new sentencing category recently added to the criminal code called long term offender. This procedure is similar to the dangerous offender category process in place and applies to offenders convicted of sexual offences such as sexual assault, sexual interference, invitation to sexual touching, sexual exploitation, exposure, aggravated sexual assault and sexual assault with a weapon or causing bodily harm. The procedure is also applicable to an offender who committed another offence with a sexual component.

An offender designated as a long term offender at a special sentencing hearing will be sentenced to a penitentiary sentence and a period of long term supervision for up to a maximum of 10 years which starts when the period of incarceration, including any parole, expires. A court can impose long term supervision where in its judgment the risk presented by the offender can be managed in the community through appropriate supervision.

Every long term offender is subject to standard conditions such as keeping the peace. Special conditions can also be added to ensure close supervision of offenders such as electronic monitoring and mandatory participation in counselling. Correctional Service Canada provides the supervision in these cases.

The hon. member's proposal is well intentioned but falls short of the impact intended by the recent changes to the Corrections and Conditional Release Act added to the Criminal Code brought by the government to enhance the protection of the public. At the risk of repeating myself, federal probation would create a potential conflict with the role of parole and other forms of release appropriate for federal offenders.

Federal sentences already incorporate a comprehensive range of supervised releases for the safe and gradual integration of federal offenders into the community. Probation is a part of a variety of supervised releases which are suitable for provincial offenders and that is where the probation should remain in my opinion.

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, I am pleased to rise this afternoon and address Bill C-262 put forward by my colleague, the hon. member for Kootenay—Columbia. I would also like to compliment the member for Sydney—Victoria for showing us the distinction between the sentences of two years less a day and two years and beyond.

I understand the hon. member for Kootenay—Columbia has responded to the concerns of a judge in his riding and the need for trial judges to have input on probation orders. I compliment this member of the bench for coming forward with constructive comments.

In many cases it is true that trial judges have a detailed knowledge of a case that may not be accurately reflected at the time of probation. For reasons outlined by the hon. parliamentary secretaries, such traditional discretion concerning parole in all cases may be in conflict with the existing role of parole and other forms of release appropriate for federal offenders.

● (1820)

For reasons discussed by the hon. parliamentary secretaries, the government feels that Bill C-262 may contravene the fundamental purpose of probation which is not only to protect society but to facilitate the offender's successful reintegration into society. While in these cases of sentences over two years judges may not have influence, an important fact to keep in mind is that victims do. A balance has been struck between the rights of the victim and the rehabilitation of the offender by the ongoing involvement of the victims and the victims' families. They are the ones who should also influence probation decisions and conditions.

The conflict of Bill C-262 and the comprehensive range of releases has already been discussed by my colleagues. This discussion on Bill C-262 should be unnecessary in light of the far ranging reforms made to sentencing in Bill C-41 in the first session of the last parliament. Bill C-41 was a response to and a product of over 14 years of effort to achieve comprehensive reform in the sentencing process as part of the criminal justice system in Canada.

The need for reform in the sentencing process has long been recognized by judges, parliamentarians, lawyers and by Canadians themselves. For over a decade there have been calls for such a reform, a royal commission on the subject, the law reform commission, the Canadian Sentencing Commission which reported in 1987, and in 1988 an all-party committee of the House which had a comprehensive set of recommendations with respect to sentencing, conditional releases and corrections.

While many of those recommendations were reflected in the government's sentencing bill, my hon. colleagues opposite chose to reject the entire bill. Here they stand today asking for changes in sentencing that may well have been addressed in 1995. If this judicial problem existed at that time it would have been prudent of the member for Kootenay—Columbia to have meaningfully participated in a debate on the fundamentals of that bill rather than on the semantics.

Under the terms of that bill Canadians now have a say through parliament on the purpose and the principles of criminal sentencing for the first time. Previously, parliament's role in sentencing was limited to setting certain maximum levels of incarceration and rarely minimum levels rather than dealing with the policy objectives of the sentencing process.

Bill C-41 brought together a statement of the purposes and principles of sentencing, the rules governing procedure and the admissibility of evidence in the process, and the various sanctions the courts may impose to punish, to deter, to rehabilitate, all in a form that represented the collective view of parliament. The changes proposed then, unlike the one today, were broadly accept-

ed by criminal justice professionals, the provinces and the territories.

The establishment of a statement of purposes and principles was endorsed by the Canadian Sentencing Commission, the justice committee of this House and the former law reform commission of Canada.

Through Bill C-41 parliament provided the course with clear guidelines. It effectively granted discretion to the judiciary. Parliament stressed the need to punish certain types of behaviour by clearly stating that the purpose of sentencing must be to denounce unlawful conduct, to deter offenders and other persons from committing crimes and to separate offenders from society where necessary. This provided judges from coast to coast to coast with much of the discretion to sentence according to the motivation and severity of the crime rather than being boxed in by the word of the law.

The statement of the purposes and principles of sentencing provided that a sentence must take into consideration the will to protect society, to assist in rehabilitating offenders in promoting their sense of responsibility, and to provide reparations for harm done to victims of the community. A general principle that ran throughout Bill C-41 was that jails should be reserved for those who should be there. Alternatives should be in place for those who commit offences but who do not need or merit incarceration.

What alternatives will be available? For the first time Bill C-41 introduced diversion for adult offenders. At the discretion of the investigating officers and the appropriate authorities, persons charged with minor offences, in particular for the first time, could be sent into a parallel stream away from the courtroom to be counselled or to be helped to overcome whatever problem led to the infraction. This government saw fit that judges have a great deal of discretion in determining whether alternative sentencing was appropriate. To date courts continue to have probation as an appropriate sanction in the cases that require it.

Bill C-41 was only one of the many initiatives in the area of criminal justice this government has implemented in order to provide a balance and a comprehensive approach to the challenge of crime in Canada. We have worked hard and long with the judicial community to form policy that addresses its unique considerations.

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Mr. Speaker, it has been interesting to listen to government members today. They have talked about this bill in terms of release mechanisms for offenders. We heard from the last speaker that this bill should be unnecessary because of Bill C-41 introduced in 1995. I point out to the government that the offence that prompted my moving this bill took place in 1996 and that the presiding judge in my constituency clearly did not find the provisions in Bill C-41 to be adequate to answer the problem. Perhaps the problem is best reflected in the comments that have been made by the government.

• (1825)

The government has addressed this bill strictly or almost exclusively from the point of view of release mechanisms for offenders. This bill addresses the rights of the victims and the responsibility of the government, the law makers of this land, to see that the people who are affected by these criminal acts are more properly protected.

I was interested in the qualified support from both the NDP and the Progressive Conservatives. I was encouraged by the NDP member when he said this is a common sense approach. That was also reflected in the words of the Progressive Conservative member.

The one problem with the bill that appears to have become clear is that the presiding judge probably would not have any way of knowing and cannot foresee what kind of progress the offender might make. The remedy to that has been proposed, particularly by the speaker from the NDP. It could come back to the sentencing court. The presiding judge who was there at the time of the conviction and the sentencing would be able to have some input. As has been pointed out by the Progressive Conservative member, the bill I have proposed would allow more flexibility within the judicial system.

I ask for unanimous consent that Bill C-262 be withdrawn, that the order for second reading discharged and the subject matter thereof referred to the standing committee on justice for further study.

The Acting Speaker (Mr. McClelland): Is there unanimous consent?

An hon. member: No.

Mr. Jim Abbott: Mr. Speaker, it is quite disappointing that the government would have such a closed mind on this matter.

To recap, the government takes great pride in enacting legislation in the previous parliament which it says solves all the problems. We have a situation in my constituency that I am sure is not unique where the judge says there is not sufficient latitude. I have support of colleagues in the House on this side speaking of a common sense approach and allowing more flexibility.

It is just regrettable that the government cannot see fit to look at options presented to it in good faith by people on this side of the House. That is all that I have to say.

The Acting Speaker (Mr. McClelland): The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

[*English*]

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

MULTILATERAL AGREEMENT ON INVESTMENT

Ms. Louise Hardy (Yukon, NDP): Mr. Speaker, I appreciate the chance to follow up on my question about the multilateral agreement on investment, providing a broad based public consultation, and having the government do that so the people of Canada can participate.

Before taking that step, the government should analyse the implication and the impact of the multilateral agreement on investment on our democracy in light of being locked in to it for 20 years, the impact on employment and environmental standards and the subjugation of lower levels of government in relation to the conditions of the multilateral agreement on investment.

We were concerned about the potential implications of national treatment for foreign companies and want the government to table the analysis particularly when it comes to first nations governments and their ability to look after their people or territorial or provincial governments.

● (1830)

By consulting the people, the government will show it is concerned about trade in the country and who will benefit the most, which should be the people and not just the owners of large amounts of capital.

The Canadian economy has always been global. That has never been a question. However it is how we organize that global interaction and who it is to benefit, the people of the country. It has always been the objective to have good levels of wages and to sustain our health care and education system and not to remove the people's choice for democracy.

In the case of the multilateral agreement, the federal government should not sign the agreement or any other agreement unless there is a binding agreement protecting the abilities of provinces, territories and the national government to protect their interest over the long term and not be subjected to the short term interest of foreign investment.

We ask the government to let us know what kind of consultation it is willing to undertake and what time schedule it is looking at. Considering the agreement has made a pit-stop as it is called in negotiations, this is the perfect time to do an impact analysis and consult the people of the country on what direction they want their government to take when it comes to international trade.

Mr. Julian Reed (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, I appreciate the concern expressed by my colleague across the way. It is the right and responsibility of every citizen of the country to be concerned and as fully informed as possible on all these issues.

My friend should understand that interaction between two countries goes both ways. There is the part of any agreement that resides in Canada and there is the other part that resides in the other country. In other words, when investment takes place part of that agreement is designed to protect our investment in other countries. It is a complete two way street.

My friend talked about consultation. I should like to read into the record part of a bulletin from the Canadian Conference of the Arts in terms of consultation. It points out that the minister has done much to make the process of negotiating trade agreements much more transparent to the Canadian people. He has ushered in a new era for negotiations where interested Canadians can inform themselves and participate in the shaping of ideas and positions Canada takes to the negotiating table.

In other words this process was initiated by my minister. It is well under way. The people of Canada are now able through mechanisms we have established to make their views known.

[*Translation*]

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

(The House adjourned at 6.32 p.m.)

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