



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Wednesday, September 23, 1998**

**Speaker: The Honourable Gilbert Parent**

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## OFFICIAL REPORT

At the bottom of the left hand column at page 8275 of *Hansard*, September 22, 1998, Mr. Brent St. Denis (Algoma—Manitoulin, Lib.) should read Mr. Paul Steckle (Huron—Bruce, Lib.).

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# HOUSE OF COMMONS

Wednesday, September 23, 1998

The House met at 2 p.m.

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*Prayers*

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• (1400)

**The Speaker:** As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Fraser Valley.

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

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## STATEMENTS BY MEMBERS

*[English]*

### FEDNOR

**Mr. Carmen Provenzano (Sault Ste. Marie, Lib.):** Mr. Speaker, I rise to congratulate FedNor, northern Ontario's regional economic development agency, on a highly successful youth internship program.

Designed to promote the employment of recent college and university graduates, FedNor's internship initiative gives participants a needed chance to gain valuable work experience in community economic development, market research and the application of new business technologies.

Industry Canada through FedNor has invested nearly \$1.5 million this year in northern Ontario youth internships. In fact, an investment of over \$69,000 in internship funding was announced in my riding just last week.

The best news of all is that FedNor's funding was stabilized in the 1998 federal budget, meaning young northern Ontarians will benefit from this internship program for years to come.

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### YOUNG OFFENDERS ACT

**Mr. Myron Thompson (Wild Rose, Ref.):** Mr. Speaker, everyone here in the House of Commons will be receiving a letter from Keith Addy who is with us today in the gallery. Keith was a security guard from Ottawa who was in a coma after a hit and run

by young offenders. The accident left him unable to fulfil his dreams of becoming a police officer.

I hope that you all will take time to respond to this young man. I think he deserves more than just a form letter from the government benches.

The following are some excerpts from his letter: "I have become, due to the intentional actions of a group of young offenders in July 1996, a victim. I did not choose this notoriety, it was thrust upon me that morning and has changed my life forever.

"Will incidents like mine be properly dealt with by the law? I think not, so long as the government fails to punish young people in a meaningful way for their crimes. All we victims ask for is justice.

"Our Minister of Justice and the rest of the federal government need to hear that the public is calling out for the Young Offenders Act to be abolished. The present amendments made to the YOA are by no means sufficient and the time to act is long overdue".

\* \* \*

*[Translation]*

### MICHEL DOUCET

**Mrs. Claudette Bradshaw (Moncton«Riverview—Dieppe, Lib.):** Mr. Speaker, on September 18, Michel Doucet, Dean of the Université de Moncton Law School, was on the merit list on the occasion of the national symposium on official languages.

Mr. Doucet has made a huge contribution to the advancement of language rights of the Acadian and francophone communities. He has always encouraged the promotion and development of the socio-legal aspects of official languages. As well, his ideas culminated in the creation of the Association des juristes d'expression française du Nouveau-Brunswick.

*[English]*

Mr. Doucet is an ardent supporter of the advancement of linguistic rights of Acadian and francophone communities.

I would like to congratulate him on being conferred an award of distinction, an honour he truly deserves.

*[Translation]*

My sincere congratulations to Mr. Doucet for this well-deserved honour.

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[English]

### EXPERIENCE CANADA

**Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.):** Mr. Speaker, Experience Canada is a national career development program designed to reduce youth unemployment and increase national unity by helping graduates gain the work experience they need to qualify for the modern workplace.

Eligible participants benefit from an all expenses paid, 24-week work experience in a province or territory other than their own. They emerge from the program with a better understanding of the country, greater confidence and real work experience.

This is a win-win program. Canada wins because young Canadians are made more productive. Participants win because they acquire new skills and confidence. Funding comes from the private sector and Human Resources Canada.

Here is another fine example of how this government is helping young Canadians.

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### MERCHANT NAVY VETERANS

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, I rise today to once again address this government's lack of compassion.

Early this morning, merchant navy veterans began to arrive on the Hill and two of them are up here in the gallery today. They arrived to protest the absence of the minister's promised legislation. This legislation was to make these veterans equal with all veterans in Canada.

When the minister stopped this morning to speak to the veterans, he was asked about compensation. His reply was "We cannot turn back the clock". Thank God these brave soldiers did not turn back in World War II. Instead, they fought for our freedom and were never given any meaningful recognition for their role. These men and women may perish on the steps of Parliament Hill but the freedom they gave to us will never die.

It is my hope that the government will show some compassion soon and not turn its back on these vets as it did on the innocent victims of hepatitis C.

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### OLDTIMERS' HOCKEY NEWS

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, everyone knows that oldtimers hockey began in Peterborough. However, some may have forgotten that the bible of the sport, the *Oldtimers' Hockey News*, was also conceived and born in Peterborough. It was first published in 1975 by Dave Tatham but it was stolen away by Ottawa.

I am pleased to announce that the *Oldtimers' Hockey News* is once again being published in Peterborough. It has been acquired by Peterborough *This Week*, one of our community newspapers. This means that 37,500 readers around the world will be hearing from Peterborough throughout the hockey season.

My congratulations to Peterborough *This Week* for bringing this important part of our local national heritage back to Peterborough. I urge all members to renew their subscriptions to the *Oldtimers' Hockey News*.

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### YVES DE ROUSSAN

**Mr. Gurmant Grewal (Surrey Central, Ref.):** Mr. Speaker, I rise to pay homage to Yves de Roussan, one of the two Canadians killed on Swissair flight 111.

Mr. de Roussan was a regional adviser with UNICEF, the United Nations Children's Fund. His wife and four children survive him.

The Canadian and international aid community and the developing world will miss him.

He began working with UNICEF helping street kids in Brazil. He worked with children on the front line with issues like AIDS and drug abuse. In Madagascar and Angola he headed emergency programs under extremely difficult conditions.

He was appointed regional adviser for youth programs in the former Soviet Union and central Europe.

Mr. de Roussan left behind a legacy of hope for deprived children in the world.

We have lost a great Canadian and an aid worker who has done our country proud around the world helping people and children in particular.

\* \* \*

### WALK A CHILD TO SCHOOL

**Ms. Sarmite Bulte (Parkdale—High Park, Lib.):** Mr. Speaker, it gives me great pleasure to recognize and salute the city of Toronto's first annual Walk a Child to School Day.

• (1405 )

Today parents from my riding and throughout the city of Toronto took the time to walk their children to school.

By supporting today's walk, parents, teachers and children are addressing many of the important issues that our society faces. Today parents and teachers are promoting safer streets, stronger communities, healthier students and a cleaner environment.

While this special day may have started in Toronto, the idea has already spread and has captured the imagination and interest of parents across our country. Schools in Vancouver, Calgary, Ottawa, Halifax and Surrey will also take part in this special day.

It gives me great pleasure to salute the organizers and the participants who today took the time and made the effort for our children and participated in the first annual Walk a Child to School Day.

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### CULTURAL POLICY

**Mr. Janko Perić (Cambridge, Lib.):** Mr. Speaker, I rise to congratulate the Minister of Canadian Heritage for her vision and leadership in organizing an important international meeting on cultural policy this summer.

The goal of this meeting was to build alliances and promote international co-operation for enhancing cultural sovereignty and diversity in the face of globalization.

Discussions during the Ottawa meeting were built around three themes: cultural diversity; the role of culture in global relations; and culture and trade.

Through meetings such as these, the importance of protecting and enhancing Canadian and other cultures is brought front and centre on the world stage.

I urge the minister to continue to build on this success.

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### MERCHANT NAVY

**Mr. Peter Goldring (Edmonton East, Ref.):** Mr. Speaker, Canada's merchant navy of World War II is proud of its contribution to a free world and should remain the recipient of the enduring respect of all Canadians.

Canadians must recognize fully that our existence and privileges enjoyed today are due not only to the efforts of our veterans but also to the efforts of their missing comrades around the world.

Few finer examples of Canadian wartime success and magnificent effort can be found than in the annals of the Battle of the Atlantic, where merchant seamen sailed the enemy infested sea in keeping allies supplied in World War II.

Now 55 years hence, three determined seamen, Pope, MacLean and MacArthur, await with resolve for a response to their grievances and hunger strike.

Why, Mr. Minister, are they driven to such dire straits? Please answer their call lest a tragedy occur at the very door of this House.

\* \* \*

[Translation]

### RIDING OF BEAUPORT—MONTMORENCY—CÔTE-DE-BEAUPRÉ— ÎLE-D'ORLÉANS

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—île-d'Orléans, BQ):** Mr. Speaker, I am pleased to point out to you that my riding will now have a new name, one which

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will task your memory, but which better reflects the nature of the riding. That name is Beauport—Montmorency—Côte-de-Beaupré—île-d'Orléans.

I will explain the characteristics of this designation: Beauport refers to the city in the centre of the riding; Montmorency refers to the majestic Montmorency Falls, which I would remind you are higher than Niagara Falls; the name Beaupré refers to the magnificent landscapes along that part of the shores of the St Lawrence, and reminds us of the part it played in the first colonization by the French in America; finally, Île d'Orléans, immortalized by our famous poet Félix Leclerc, is where the highest concentration of 17th century houses and the best strawberries in America can be found.

From now on, whenever the name of my riding is heard in the House of Commons, I know that I shall be the envy of my distinguished colleagues.

I invite all members to come and see for themselves how true my claims for the riding are.

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[English]

### PAY EQUITY

**Ms. Angela Vautour (Beauséjour—Petitcodiac, NDP):** Mr. Speaker, women across this country have been waiting 14 years for government to recognize pay equity.

Federal employees have been waiting far too long. It is unacceptable.

Let me tell the House about one of these employees. For 25 years Marie Ann Wry from Sackville in my riding was a loyal federal employee working at the Dorchester Penitentiary. She strongly believed in pay equity.

In 1992, concerned about the Conservative stalling tactics to implement pay equity, she wrote to the leader of the opposition, now our Prime Minister. The leader of the opposition replied that a Liberal government would try to promote greater equality in the public service and Canadian society in general.

That letter was really important to Ms. Wry. She held on to this letter until her death last January. Until her last day she was hoping the Liberals would honour pay equity. It was in vain.

How many more women will have to die before this is settled?

\* \* \*

● (1410)

### SEARCH AND RESCUE

**Mr. George Proud (Hillsborough, Lib.):** Mr. Speaker, it is my pleasure today to bring to the attention of this House the outstanding bravery of two members of the Canadian forces. On November 12, 1996 an individual on a Danish trawler near Resolution Island lay critically ill. To save his life two search and rescue technicians

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from Greenwood made a dangerous and unprecedented night parachute jump into freezing arctic waters.

They could easily have said no but Master Corporal Keith Mitchell and Master Corporal Brian Pierce made the daring decision to jump when bad weather forced the original rescue team to land their helicopter. They battled three-metre waves and high winds that carried them away from the vessel. Struggling to stay afloat, the two men fought off the beginnings of hypothermia until a Zodiac picked them up. After the harrowing experience they stabilized the critically ill man's condition, saving his life.

For their efforts each were awarded the Cross of Valour, Canada's highest decoration for bravery in peacetime. These two people represent the type of men and women who serve the Canadian forces and face adversity with courage. Congratulations to them both.

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**TORONTO INTERNATIONAL FILM FESTIVAL**

**Ms. Carolyn Bennett (St. Paul's, Lib.):** Mr. Speaker, this past Saturday night marked the closing gala of the 23rd annual Toronto International Film Festival. The film festival, which is one of the most highly respected and renowned in the world, saw the presentation of 311 films from 53 countries over 10 days. I am most proud of the fact that 26 Canadian feature films and 42 Canadian shorts were screened at this festival.

I would like to extend my congratulations to Mr. Piers Handling, festival director, who was bestowed the insignia of Chevalier des Arts et Lettres by the French delegation at a ceremony held on September 15. Through the hard work of individuals such as Mr. Handling, the film festival has become a truly impressive showcase of talent to the world.

Canadian film making has always provided a lens through which to gain insight into our unique Canadian culture. The Toronto International Film Festival affords us an outstanding opportunity to present that to the world while at the same time it provides us with a forum to display our outstanding facilities, talented industry workers and extremely knowledgeable audience. I am delighted to rise today—

**The Speaker:** The hon. member for Portneuf.

\* \* \*

[*Translation*]

**CHEESEMAKER LUC MAILLOUX**

**Mr. Pierre de Savoye (Portneuf, BQ):** Mr. Speaker, today I am pleased to honour a cheesemaker from my riding who was recently awarded the Dairy Farmers of Canada Grand Prix in Halifax. The jury also awarded him the trophy for Grand Champion, all categories.

This cheesemaker, Luc Mailloux, owns Piluma de Saint-Basile farm in Portneuf county, which produces Saint-Basile, Chevalier Mailloux, Sarah Brizou and Sainte-Angélique, which are all raw milk cheeses.

I would just like to point out that, had it not been for the Bloc Québécois' initiative two years ago, raw milk cheeses would have been banned by the Government of Canada. Fortunately, Luc Mailloux and his wife Sarah Tristan have been able to continue to produce these excellent cheeses—

**The Speaker:** The hon. member for Langley—Abbotsford.

\* \* \*

[*English*]

**LITTLE LEAGUE CHAMPIONS**

**Mr. Randy White (Langley—Abbotsford, Ref.):** Mr. Speaker, members of the House of Commons and all Canadians, this summer Canadians watched a team of young men from Langley, British Columbia capture the Canadian Little League Championship. We then watched this outstanding team as they progressed to the semifinals of the Little League World Series.

This Langley, British Columbia team consisted of dedicated young men, coaches, a manager, parents and a caring community all contributing and striving to be the very best they can be. Langley in my riding is well known for its beautiful scenery, community involvement and strong family values. It is now also known as the place where the Canadian Little League champions reside.

We in this House of Commons and indeed we in Canada want these young ambassadors, their parents, supporters and sponsors to know that we are very very proud of their strength, dedication and achievements.

\* \* \*

[*Translation*]

**WORLD MARITIME WEEK**

**Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.):** Mr. Speaker, this is the week the UN has declared to be World Maritime Week. It gives us an opportunity to reflect on the contribution the seas have made to the development of mankind.

They are a source of inestimable wealth, and, over the centuries, have been indispensable to explorers seeking new vistas and adventures far from home.

Woven into our history and vital to our economic development, the seas remind us daily of our common duty to protect and develop them so that their wealth may continue to contribute to the development of all nations.

• (1415)

This duty is particularly compelling for us whose country they border to the east, the north and the west.

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## ORAL QUESTION PERIOD

[English]

### APEC SUMMIT

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, the greatest security risk at the APEC summit was not from peaceful protesters, it was from armed bodyguards surrounding dictator Suharto of Indonesia.

Some of these bodyguards even talked about shooting Canadians for carrying signs. Five of them became so violent they actually had to be arrested themselves.

What does it say about the Prime Minister's priorities when foreign hit men are allowed to do their own thing on Canadian streets but Canadian students are not?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, they were arrested.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, five were arrested—

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

**The Speaker:** The Leader of the Opposition.

**Mr. Preston Manning:** Five were arrested, Mr. Speaker. The rest were not and none of them were pepper sprayed.

Surely it is the responsibility of the Prime Minister to stand up for human rights, at least at home, and not to fluff the pillow for some foreign dictator.

What Canadians do not understand is why the Prime Minister went to such extraordinary lengths for a foreign dictator who is reviled in his own country, even suppressing the rights of Canadians in order to protect him simply from embarrassment.

The next time the government invites a brutal dictator to Canada, does the Prime Minister intend to conduct himself in the same way?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the APEC meeting rules were established to protect the security of all the leaders. The rules apply to all the leaders: the President of the United States, the Prime Minister of Australia, the Prime Minister of Malaysia, the Prime Minister of Japan.

We had a system to make sure that they could come to the APEC meeting, a very important meeting, and deliberate in a peaceful atmosphere. The exact same rules applied to everyone.

**Mr. Preston Manning (Leader of the Opposition, Ref.):** Mr. Speaker, Canadians are still waiting to hear precisely what was the

### Oral Questions

Prime Minister's role in authorizing the special treatment of Suharto and the attack on the Canadian students.

The public complaints inquiry will not tell us that because, according to the RCMP Act, that inquiry only investigates the conduct of RCMP officers and not their political masters.

Who will be investigating the role of the Prime Minister in this whole affair? Will the Prime Minister co-operate fully?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I have nothing to hide. There is an inquiry and in fact it has asked two members of my staff to appear. They have volunteered to be there. The sherpa responsible for the conference will appear also.

The commission will decide who it wants to hear. It will do its work. Let it do its work.

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.):** Mr. Speaker, my question is for the Prime Minister. Forty boxes of evidence were turned over to commission counsel and virtually nothing in those boxes had any evidence from the Prime Minister's office or the PMO.

What assurance can the Prime Minister give Canadians that, unlike the Somalia affair, documents of the APEC affair will not be shredded?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I think the Public Complaints Commission has distinguished itself over the years quite remarkably.

In fact, Canadians have every right to the truth on this matter. Parliament, this institution, decided that the way to get to that truth was through this very organization. I really wish that they would let them do their work.

• (1420)

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Ref.):** Mr. Speaker, my supplementary question is to the Prime Minister.

We, like all Canadians, want to know the truth. We know there is a commission. We know the commission cannot investigate the government. We want assurances from this government that unlike Somalia, unlike the Krever commission, documents will not be shredded so that this commission gets everything that is available from this government.

Anybody who did anything from the PMO, the solicitor general's office and the Ministry of Foreign Affairs should be before that commission. That is what Canadians demand. We want the assurance from this government that they will do that.

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, it is because we have such high regard for the Public Complaints Commission that when it makes these requests it gets the information it asked for.

*Oral Questions**[Translation]*

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday, the Prime Minister said, and I quote “I have been in politics for a long time. As a minister, I have seen many people in departments speaking on behalf of their ministers or on behalf of the Prime Minister, not knowing—”

Was the Prime Minister telling us that individuals in his own office acted without his knowledge in the Suharto matter, without his being informed?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the answer is no.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, either the Prime Minister was informed or he was talking for the sake of talking yesterday. It has to be one or the other, not both.

Could the Prime Minister tell us whether the Minister of Foreign Affairs, on his return from Indonesia, told him of the commitments he had made that there would be no problems and that Suharto would not be troubled during his visit to Vancouver?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the Minister of Foreign Affairs made a statement about that yesterday.

We told all heads of state that they could come to Canada, that their lives would not be in danger and their security would be ensured and that we could carry on normal talks, because we were discussing very important problems at that point, such as the Asian financial crisis.

**Mr. Richard Marceau (Charlesbourg, BQ):** Mr. Speaker, my question is for the Prime Minister.

One might wonder how innocuous student groups could endanger the lives of other leaders. We learned this morning that not only did the RCMP brutally repress the demonstrators in Vancouver, but that it also infiltrated student groups.

Does the Prime Minister deny the direct link between the extraordinary promises of the Minister of Foreign Affairs and the extraordinary actions of the RCMP, who pepper-spray, infiltrate, shove and even, as a preventive measure, arrest completely harmless students?

*[English]*

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, it surprises me that members of parliament would have such disregard for an instrument that was set up by parliament to get to the truth of this matter.

These are old questions that relate to that inquiry and they have the responsibility to let the instrument of this place do its job.

*[Translation]*

**Mr. Richard Marceau (Charlesbourg, BQ):** Mr. Speaker, my question is for the Prime Minister, since the solicitor general has, as usual, been left out of the loop.

Is the clearly extreme behaviour of the RCMP, who infiltrate, rough up, and—I repeat—as a preventive measure, arrest demonstrating students, not the direct result of this Prime Minister's obsession with doing whatever it took to bring this dictator to Canada?

*[English]*

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, in a free and democratic society Canadians have the right to a way of challenging the law enforcement agencies, in this case the RCMP.

That instrument, as established by the Parliament of Canada, is the Public Complaints Commission. Most of the questions being put here today are questions that would be directed to the Public Complaints Commission and I wish that the members opposite would let it get to the truth because that is what Canadians deserve.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, my question is for the Prime Minister. Yesterday the Prime Minister blamed staff for the shameful suppression of the peaceful protest that took place at the APEC summit.

He has now had time to reflect on those facts.

Will the Prime Minister tell us today whether it was his staff acting in his name or whether he himself gave the orders?

• (1425)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the hon. member likes to make vague accusations based on nothing.

There is an inquiry and the inquiry will ask questions.

They have asked for the presence of two people on my staff, who said they would be happy to go. The other people who are responsible for the meeting, like the sherpa, are willing to go. Everything will be available for the commission to look at.

We received these leaders and everything went according—

**The Speaker:** The hon. leader of the New Democratic Party.

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the Prime Minister may deny involvement, but eyewitnesses suggest otherwise.

Inside the APEC security net, Chief Gail Sparrow saw the Prime Minister barking out orders, not just to his own staff but to security staff as well.

When will the Prime Minister stop denying his direct participation in this fiasco?

*Oral Questions*

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I think it is important for members of all parties to recognize that, in Canada, Canadians have the opportunity to challenge the authority of the RCMP in this case. There is a process in place. It was set up by the previous government and it deserves the right to do its job.

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, today Canada welcomes President Nelson Mandela, who spent his life fighting for human rights and civil liberties.

Canada's former prime minister, Brian Mulroney, stood up with President Mandela in that noble struggle. Today we have a Prime Minister who appears to care less about civil liberties and more about sparing dictator embarrassment.

Will the Prime Minister, like Mr. Mandela, do the right thing? Will he give this House a full account of his role in the RCMP actions against Canadians at the APEC summit?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I can see that the hon. member is moving from blue to almost red at this moment. We know that she understands the party has to evolve a bit.

Yes, I am happy to say that Prime Minister Mulroney, like his predecessors, starting with Prime Minister Diefenbaker, were working strongly against apartheid in South Africa. And we are very happy that Nelson Mandela is coming here.

With respect to human rights, I would like to tell the hon. member that I was the one, as the minister of justice, who worked for months with attorneys general and the House of Commons to have—

**The Speaker:** The hon. leader of the Conservative Party.

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, section 19 of the Immigration Act prohibits security personnel who work for a government engaged in gross human rights violations from entering Canada unless the immigration minister is satisfied these people are not detrimental to the national interest.

• (1430)

Indonesia under Suharto killed countless people. Since the Prime Minister will not answer my first question, will the minister of immigration tell us if she believes it was in Canada's interest to let in Suharto's so-called goons with guns, the same goons who asked the RCMP if it was okay to shoot Canadians?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, once again the hon. member displays a real lack of understanding as to the process in place. The public complaints commission established by her government, the last government, was established specifically so Canadians would have recourse.

They have it and I feel strongly that we need to protect the integrity of that process so that we can get to the truth.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, so far the Prime Minister has been hiding behind the solicitor general under the assumption of the Canadian public that this is actually going to be a public inquiry. It is not. It is under the public complaints commission of the RCMP act. It has no ability to be able to go after the Prime Minister and the political interference.

I ask the solicitor general to quit guarding and hiding the Prime Minister under his assertions and do the right thing, a judicial inquiry so we can uncover this affair.

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I would ask the hon. member to quit undermining the integrity of the public complaints commission and let it do its job.

**Mr. Jim Abbott (Kootenay—Columbia, Ref.):** Mr. Speaker, it will be of interest to this House to realize that under the Canada Evidence Act, which this inquiry is working under, in section 37 a minister of the crown may object to disclosure of information.

What kind of an inquiry are we going to have if the minister, the Prime Minister, decides that he wants to withhold information? This minister has a responsibility as the solicitor general. He is not just a cabinet minister. He is the Solicitor General of Canada for all Canadians.

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** That is quite right, Mr. Speaker, and I am very much aware of that. That is the reason I am protecting this process from the slams it is receiving from the other side.

[*Translation*]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, we recently learned that the members of dictator Suharto's entourage were arrested, heavily armed, and even wearing commando fatigues.

My question for the government is the following: Does the fact that these people feel so free to behave as they wish in Canada not indicate that the Minister of Foreign Affairs went too far in the guarantees he gave Mr. Suharto and his entourage that nothing would be done to make his visit in any way unpleasant for him?

[*English*]

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, the security arrangements around the APEC conference were the responsibility of the RCMP. The RCMP have a system to do an inquiry into the actions of the RCMP. That is the inquiry that is in play right now. It deals specifically with the kinds of allegations being put. If we will allow them to do their job I think the interests of Canadians will be served as was intended when the PCC was struck.

*Oral Questions*

[Translation]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, just as, in our opinion, the Minister of Foreign Affairs went too far in meeting the demands of Suharto and his gang, did not the Prime Minister also go too far in his directives to the RCMP, which authorized its officers, they claim, to arrest young Canadian students merely wishing to exercise their civil rights before they had even done anything?

[English]

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, the security arrangements are the responsibility of the RCMP and the RCMP are being investigated in the broadest possible way by the public complaints commission. We will get to the truth, as Canadians expect. This is an institution that was struck by this House and I think it deserves the respect of this House.

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**THE SENATE**

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, for months now the Prime Minister has treated Ralph Klein and Alberta's Senate election as if they were a joke. The final slap in the face came last week when he appointed a senator just weeks before a vote. The Prime Minister says he believes in a triple E Senate. Really?

• (1435)

Our candidates are here today. They are off and running. Can the Prime Minister name one tiny thing that he has done since he became Prime Minister to bring about real Senate reform, just one thing?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I travelled through Canada and I went to Alberta during the Charlottetown accord to ask Albertans to vote for the Charlottetown accord so we could have an elected Senate. The opposition I faced when I was there was from a bunch of protesters from the Reform Party.

**Miss Deborah Grey (Edmonton North, Ref.):** Mr. Speaker, just to refresh the Prime Minister's memory, the Charlottetown accord was in the fall of 1992. He became Prime Minister in the fall of 1993.

I will repeat my question in light of the fact that he continues to talk about the Charlottetown accord which he knows full well would never have given a triple E Senate.

Since he became Prime Minister in 1993, let him name for this House and our Senate candidates here today one tiny thing that he has done to accomplish real Senate reform.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, everybody knows that to really reform the Senate, not just half baked propositions like this one, to have an elected Senate, a triple E Senate, means that it would be equal across the land and effective. We need real reform, which needs the consent of the provincial governments. We cannot do it alone.

We had a great chance at the time of the Charlottetown accord and the Reform Party blew it.

\* \* \*

[Translation]

**CANADIAN ECONOMY**

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, as all the private sector analysts are lowering their forecasts for Canada's economic growth and Statistics Canada is telling us that once again, in the month of August, the situation worsened, the Minister of Finance and the Governor of the Bank of Canada are the only ones saying that everything is fine.

Rather than rejecting all suggestions about stimulating economic growth and ruling out all possibility of recession in 1999, should the Minister of Finance not agree to the idea of a special budget providing for tax cuts and increased social transfers?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, it is certainly our intention to cut taxes in the next budget, just as we did in the last budget. However, it is certainly not our intention to accept the Bloc Québécois' suggestion.

If I may, I would simply quote Claude Piché, a journalist with *La Presse*, who said in reference to the Bloc Québécois' position that, by recalling the Commons in an emergency session in the middle of summer, "the government really could find no better way to project an image of disarray and lack of planning. This sort of spectacle will not help the dollar". So much for the suggestion of the Bloc Québécois.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, quote for quote: the Governor of the Bank of Canada said this morning that he had underestimated the effects of the monetary crisis. I think the minister should take note. The minister was asked to table a special budget providing for tax cuts and increased social transfers as soon as Parliament resumed.

Does the minister realize that, if he does not act now, he will be party to a recession in Canada within some ten months?

**[Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, once again, I am not saying you should take my word for it. I would, however, quote Vincent Marissal of *La Presse*, who wrote: "Economists think that the cure proposed by the Bloc Québécois is worse than the disease affecting the loonie".

[English]

### THE SENATE

**Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.):** Mr. Speaker, we know the Prime Minister has done nothing since he was elected to bring us closer to a triple E Senate. When Premier Klein tried, the Prime Minister insulted him and the whole province of Alberta. The Prime Minister's excuse is he wants to reform the Senate but elections just are not enough.

If he really does support Senate reform then where is the Prime Minister's plan for a triple E Senate? Our plan is up there in the gallery.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the election promoted by the Reform Party was so ludicrous that neither the Tories federally or provincially, the NDP federally or provincially, nor the Liberals federally or provincially had a candidate because they knew it was just a charade because that party is completely empty of new ideas.

• (1440)

**Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.):** Mr. Speaker, it is obvious the Prime Minister is not serious about Albertans' concerns at all. I guess he expects Premier Klein to snap to attention to all his pet issues while Albertans' dreams go down the toilet.

I ask the justice minister, the so-called minister for Alberta, what concrete steps is she taking to respect the wishes of Albertans and create real Senate reform?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the Constitution of Canada gives the prime minister the authority to name senators. I was very happy to use this to name more women than men to the Senate. I have named people of different religions and different colours. I have given them the chance to be in the other house.

I am here to defend the Canadian Constitution, to defend tradition; a Quebecker, a Francophone defending a British tradition.

\* \* \*

[Translation]

### MONTREAL CONVENTION CENTRE

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Mr. Speaker, action in the matter of the Montreal Convention Centre has become urgent.

All of the business world is calling for the federal government to do its share in the expansion project. With every passing day,

### Oral Questions

Montreal is at risk of losing conference business, and meanwhile the Secretary of State says he is looking at an alternative.

Since the Minister of Industry said there are no more funds available, can the secretary of state responsible for regional development tell us what alternative he is looking at, and what deadline he has set for making a decision?

**Hon. Martin Cauchon (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.):** Mr. Speaker, at the risk of repeating myself, I join with my colleague, the Minister of Industry, in saying that there is no vehicle available at the present time for intervening in a project as significant as the Montreal Convention Centre. There are similar projects just about everywhere in Canada.

I would like to repeat, however, that a rather strong impression is created by the fact that the Government of Quebec made no use of any of the funding from the appropriate vehicle for such a vital project, when this government has invested \$630 million in the province of Quebec via the Canada-Quebec infrastructure program.

Notwithstanding this poor judgment by the Government of Quebec, we shall make every effort to find alternative solutions, since an important project is at stake.

\* \* \*

### PRESIDENT OF SOUTH AFRICA

**Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.):** Mr. Speaker, as all members of Parliament are already aware, the President of South Africa is arriving today for an official visit.

I would like to know what Canada intends to do to mark—

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

• (1445)

[English]

**The Speaker:** Now we will proceed with wonderful Wednesday.

[Translation]

**Mrs. Marlene Jennings:** Nevertheless, Mr. Speaker, my question is harmless enough.

As all members of Parliament already know, the President of South Africa is arriving today for an official visit. I would like to know what Canada intends to do to mark the exceptional contribution made by Mr. Mandela to equality and democracy.

**Hon. David Kilgour (Secretary of State (Latin America and Africa), Lib.):** Mr. Speaker, President Mandela's struggle for human rights and the dignity of national reconciliation in his country remains a source of inspiration for Canadians.

*Oral Questions*

In welcoming Mr. Mandela to our country and bestowing on him the Order of Canada, Canadians will have an opportunity to recognize the exceptional importance of his work and his devotion to human rights and to the well-being of South Africans and of citizens the world over.

Tomorrow, President Mandela will address Parliament.

[English]

We will all have the opportunity to hear one of the democratic giants of 20th century.

\* \* \*

**CANADA PENSION PLAN**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Mr. Speaker, yesterday the finance minister, when asked what he knew about the firing of Canada's chief actuary, said he was "informed afterwards". That is not much of an answer since all of Canada eventually found out.

Will the minister tell us if he knew before August 25, 1998, that the chief actuary was to be fired? Yes or no.

**Hon. Paul Martin (LaSalle—Émard, Lib.):** Mr. Speaker, I have already answered that question, but I will do it again for the benefit of the member. I am often informed of management problems in the department except that in the case of people who report to me I do not make such decisions.

I was informed in general terms some months earlier that the superintendent had difficulties with Mr. Dussault over management issues. On the weekend of August 22 I was informed by the department that the superintendent intended to confront Mr. Dussault about these issues. Three days later at a previously scheduled meeting the superintendent informed me that he had asked for Mr. Dussault's resignation the previous day. That was the first time I had heard of that. Let me be clear—

**The Speaker:** The hon. member for Calgary—Nose Hill.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.):** Mr. Speaker, with respect, I think this is a very important issue for Canadians. We need to know what the finance minister knew and when he knew it.

He was a seven year veteran in one of the top posts in this bureaucracy who was protecting Canadians' interests in an independent way. Just weeks before his major report was due he was suddenly out the door.

This raises real suspicions in the mind of any reasonable Canadian, so I would like the finance minister to continue to inform the House fully about the circumstances of his firing.

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I am delighted to do so. I did not give an opinion. I was not asked for an opinion and I would not have given an opinion had I been asked.

Human resources management issues are the exclusive domain of the professional managers within the public service. I do not make those. Mr. Dussault reports to the Superintendent of Financial Institutions.

Mr. Speaker, in Canada we have separated politics from the administration of the public service, so consider carefully what the Reform Party is saying. It is suggesting that politicians should influence personnel decisions within the public service. That would lead to the politicization of the public service, and I will not do that.

\* \* \*

**APEC SUMMIT**

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, we wish the Prime Minister would avoid the politicization of the RCMP in the same way.

● (1450)

Canadians were appalled to learn that when our foreign minister met with Indonesia's foreign minister before APEC last year he apologized to him for the anti-Suharto poster campaign in Canada and attacked the East Timor alert network.

Will the Prime Minister now apologize to all Canadians for this disgusting sucking up to a third world dictator all in the name of promoting—

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

**The Speaker:** Colleagues, I would ask all of you to be a bit more judicious in your choice of words.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I believe members are going a bit far in their accusations based on no facts at all, especially making a statement like that, which a veteran of the House of Commons for many years and an extremely respected person, the Minister of Foreign Affairs, denied yesterday.

It is a shame to see the member making that accusation, just to be sure he will be on TV tonight.

**Mr. Svend J. Robinson (Burnaby—Douglas, NDP):** Mr. Speaker, the document of the ambassador speaks for itself.

We have now learned that the RCMP planted a spy in the student group APEC Alert before the APEC summit. Will the Prime Minister explain to Canadians why the RCMP infiltrated this peaceful, non-violent group, using the kind of tactics that Suharto uses instead Canadian democratic values?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I know the hon. member is aware of the role of the public complaints commission. I know the hon. member is aware that these issues are being investigated. I know he is aware that if I were to express an opinion on this it would be called political influence on my part, and I will not have it.

*Oral Questions**[Translation]*

**Ms. Diane St-Jacques (Shefford, PC):** Mr. Speaker, my question is for the Prime Minister.

Suharto's bodyguards needed the approval of the Minister of Immigration to enter Canada. Once they got here, they threatened to shoot Canadians.

Why did the Prime Minister not expel them from the country?

*[English]*

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I think it is vitally important that members opposite, particularly members of the party that created the commission, would respect its right to do its work and that we would not be reacting to every piece of information as it comes along.

It is very important that we let this exercise continue because Canadians deserve to know the truth.

*[Translation]*

**Ms. Diane St-Jacques (Shefford, PC):** Mr. Speaker, in case this government does not know, I will inform it.

Suharto's army has killed millions of people in Indonesia. These are the very soldiers they let into Canada.

When they asked the RCMP if they could shoot at the demonstrators, why did the Prime Minister not have them expelled from the country?

*[English]*

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, as I have said, the security arrangements around APEC were the responsibility of the RCMP. It is those very arrangements that are being investigated by a structure that was put in place by the House and deserves our respect.

They are going to get to the truth and I wish members opposite would let them do their job.

\* \* \*

**HEALTH**

**Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.):** Mr. Speaker, my question is for the Minister of Health.

The minister recently announced the launch of a series of nationwide consultations on the future of the health protection program in Canada.

Could the minister explain the full scope of these consultations by outlining how he plans to strengthen and modernize our capacity for protecting the health of all Canadians?

● (1455)

**Hon. Allan Rock (Minister of Health, Lib.):** Mr. Speaker, the process of renewing and strengthening the health protection branch is well underway.

During the summer we published discussion documents which set out the principles we want Canadians to consider. There are public hearings being held now across the country. Winnipeg tomorrow. Halifax earlier this month.

We are identifying a need for leading edge science in the health protection branch. We want to make the process is more open so that whether it is drug approvals or veterinary products Canadians will understand the process by which we consider, weigh risks and give approval or denial. We also appointed an arm's length science advisory board.

\* \* \*

**AGRICULTURE**

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Mr. Speaker, in addition to the non-tariff trade barriers from South Dakota, Americans have initiated anti-dumping action against our beef, dairy and the transparency of the Canadian Wheat Board.

Yesterday the agriculture minister stood and told the House he would take action under NAFTA and the WTO. Twenty-four hours have elapsed. What NAFTA or WTO action has been taken?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the ambassador in Washington is meeting with high level people in the United States today. We are making it very clear to those in the United States that we will take action if they do not fix this situation and bring their people into line. We will follow the legal course that is available to us through NAFTA and WTO.

\* \* \*

*[Translation]***SCRAPIE**

**Ms. Hélène Alarie (Louis-Hébert, BQ):** Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

To date, 11,000 sheep have been killed in Quebec to prevent scrapie. According to our information, the minister is preparing to carry on and slaughter thousands more.

Instead of continuing the massacre, should the minister not stop it, examine the whole situation and control the disease more intelligently than by slaughtering entire herds?

*Routine Proceedings**[English]*

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, we are treating this disease the same way that we treat all reportable diseases in Canada and in an equitable way across the country.

The disease has to be treated in that way. We are doing it exactly the way in which the advisory council of the chief federation for Canada advised us and requested us to do. We will continue to proceed on that and work with the industry and the provincial government of Quebec in order to help the industry.

I would again request that the hon. member might ask the minister of agriculture in Quebec to respond to the correspondence from me.

\* \* \*

**APEC SUMMIT**

**Mr. Peter Mancini (Sydney—Victoria, NDP):** Mr. Speaker, yesterday and again today the Prime Minister said students with complaints against the RCMP would have an opportunity to present their views to the public complaints commission.

My question is for the solicitor general, and he should be able to answer this one. Why was funding for legal counsel to the students denied even after the federal court indicated funding would be essential to assist the students in presenting their case?

How can they tell their story, or is this something else the solicitor general just will not have?

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, quite the contrary. Because the public complaints commission represents the interests of Canadians, that was the reason we did not want to offer support to hire lawyers. We do not want this to become a court. We do not wish this to take on an adversarial nature.

We have been assured by the public complaints commission that these processes are done informally. It is not intended to be adversarial. The students will have their opportunity to appear before the agency that has been struck in their interest.

\* \* \*

**FISHERIES**

**Mr. Bill Matthews (Burin—St. George's, PC):** Mr. Speaker, individuals 53 and 54 years of age with 35 years of attachment to the Atlantic fishing industry do not qualify for the government post-TAGS early retirement program. People who are 55 with 10 years of attachment to the industry receive benefits.

Would the Minister of Human Resources Development devise a formula of age plus attachment to the industry and redirect funds from the \$730 million post-TAGS fund to consider those people

with 30, 32 and 35 years of attachment to the industry and give them—

**The Speaker:** The hon. Minister of Human Resources Development.

• (1500)

**Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.):** Mr. Speaker, I welcome the opposition member's question about this very difficult issue and indeed over the early retirement package that we offered last June to fishermen in Atlantic Canada. We are well aware that we had to make very, very difficult decisions.

We have come with what I think is a fair and balanced package. We have respected in our decisions the standard age of 55, which has always been the standard age we have used for early retirement packages.

We are also directing money from other essential elements to give fishermen the tools they need to get on with their lives and to do something else.

\* \* \*

**AGRICULTURE**

**Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.):** Mr. Speaker, my question is for the Minister for International Trade.

Will the minister further update the House on efforts to stop harassment by several U.S. states of Canadian trucks carrying agricultural products across the line? What action is the minister taking to force the Americans to respect existing trade agreements?

**Hon. Sergio Marchi (Minister for International Trade, Lib.):** Mr. Speaker, as the Minister of Agriculture has stated today and yesterday, the actions of the U.S. governors are both wrong and irresponsible. As a result, the Government of Canada, at all levels, has been active and aggressive in trying to convince the federal government in the United States to intervene and stop this unilateral action.

Our patience is not unlimited. That is why we will not be shy to look at the NAFTA and the WTO which offer provisions.

We would rather have it settled between reasonable people, but two can play at this game.

**The Speaker:** That brings to a conclusion our question period for today.

**ROUTINE PROCEEDINGS***[English]***INTERNATIONAL LABOUR ORGANIZATION**

**Mrs. Brenda Chamberlain (Parliamentary Secretary to Minister of Labour, Lib.):** Mr. Speaker, pursuant to an International Labour Organization requirement for its member states to

introduce new ILO conventions and recommendations to the competent authorities, I am pleased to submit two copies, in both official languages, of the Canadian position with respect to conventions and recommendations adopted in 1996.

\* \* \*

[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 12 petitions.

\* \* \*

[English]

### POINTS OF ORDER

#### PUBLIC WORKS AND GOVERNMENT SERVICES

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I rise on a point of order concerning an announcement made this morning by the Minister of Public Works and Government Services.

• (1505)

He made a statement outside this House concerning matters of considerable concern to this exact House, namely the costs associated with a multi-year renovation and restoration project for the parliamentary buildings.

The government's reluctance to make this type of ministerial statement in the House shows contempt for this place and it is something we have seen in the past.

Keep in mind, as well, that this statement was made at a time when most caucuses were sitting and members of parliament were unable to attend.

This is the exact House that these renovations apply to. This is also the House that occupies the most parliamentary space during this restoration period.

We are members of parliament who are answerable to the public, which does not always differentiate between the actions of the ministry, the departmental officials or the membership of the House of Commons.

The minister became involved in a very public dispute with a senior official in his department. That senior official was subsequently removed from the responsibility of this parliamentary project, which has been the subject of considerable debate, considerable criticism and rumour.

There are large chunks of the renovation which were in the original budget that have now simply evaporated, so there are massive costs still to come.

### Routine Proceedings

The minister owes it to the House to come to this House and give a full public accounting.

**The Acting Speaker (Mr. McClelland):** The comments of the hon. House leader of the Conservative Party are on the record. I am sure the Speaker will consider them.

Now we will return to the daily routine of business.

\* \* \*

### INTERPARLIAMENTARY DELEGATIONS

**Ms. Carolyn Parrish (Parliamentary Secretary to Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I have the honour today to present, pursuant to Standing Order 34(1), in both official languages, the third and fourth reports of the Canadian NATO Parliamentary Association which represented Canada at the joint committee meetings of the North Atlantic Assembly of the NATO Parliamentary Association.

The North Atlantic Assembly held its first defence and security, economic and political committees in Brussels, Belgium, February 15 and 16, 1998. The second meetings were held in Madeira, Portugal, March 27 to 29, 1998.

As vice-chair of this committee it is a real honour and pleasure for me to present these reports. It is my last official act, as I will have to resign as vice-chair of the NATO committee.

I think it is important to note that members of all parties who serve on the NATO committee have done their part to assist the Minister of Foreign Affairs and the Prime Minister in passing the anti-personnel land mine proposal into law and getting countries to sign on. We almost got the United States to agree.

It is my pleasure to present this report and my official duty to do so.

**Mr. Joe Comuzzi (Thunder Bay—Superior North, Lib.):** Mr. Speaker, following the House rules I present, in both official languages, the report of the Canada-United States Interparliamentary Group held in Massachusetts between May 4 and May 18, 1998.

We all realize the importance of our relationship with the United States. I am particularly proud to report that we have four ongoing committees that are working on issues which affect both countries.

The most important issue that we have included in the report is one that is bothering all Canadians, and that is with respect to the United States immigration law, particularly section 110, which would create havoc on all persons travelling to the United States.

The importance of the issue is simply that the immigration law in the United States was supposed to take effect on September 30, 1998. However, I can report that it will not take effect on September 30.

*Routine Proceedings*

It is presently before the conciliation committee in the Congress of the United States. They will be resolving the issue in the very near future. I am pretty sure that after that has been resolved the issue which we fear on our border crossing points will be resolved in favour of the Canadians who travel to the United States on a daily basis. That is one of the real achievements of the Canada-United States Interparliamentary Group. We have several others on which I will report at a later date.

\* \* \*

● (1510)

**COMPREHENSIVE NUCLEAR TEST-BAN TREATY  
IMPLEMENTATION ACT**

**Hon. John Manley (for the Minister of Foreign Affairs, Lib.)** moved for leave to introduce Bill C-52, an act to implement the Comprehensive Nuclear Test-Ban Treaty.

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

\* \* \*

**CANADA SMALL BUSINESS FINANCING ACT**

**Hon. John Manley (Minister of Industry, Lib.)** moved for leave to introduce Bill C-53, an act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses.

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

\* \* \*

**CANADA POST CORPORATION ACT**

**Mr. Pat Martin (Winnipeg Centre, NDP)** moved for leave to introduce Bill C-431, an act to amend the Canada Post Corporation Act (mail contractors).

He said: Mr. Speaker, the bill that I am introducing today would do one very simple thing. It would eliminate one clause in the Canada Post Corporation Act which currently bars a group of employees from free collective bargaining and from their right to form a union. I am speaking about the rural route mail couriers of which there are 5,000. They are the only group of workers that I know of in this country who are specifically barred from the right to free collective bargaining. By the simple elimination of this one section of the act, it would solve that problem and give these people that access.

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

\* \* \*

**LABOUR MARKET TRAINING ACT**

**Mr. Pat Martin (Winnipeg Centre, NDP)** moved for leave to introduce Bill C-432, an act to provide for the establishment of

national standards for labour market training, apprenticeship and certification.

He said: Mr. Speaker, the second bill which I am introducing today concerns the creation of joint labour-management committees to deal with labour market training on such matters as curriculum development, national standards for entrance requirements and national standards for certification in those skilled trades. It speaks to a real demand from many industries and many industry practitioners who have pointed to the need for national standards now that labour market training has devolved to provincial jurisdiction.

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

\* \* \*

● (1515)

**CRIMINAL CODE**

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC)**; moved for leave to introduce Bill C-433, an act to amend the Criminal Code (order of prohibition).

He said: I am indeed very pleased to have an opportunity to present this private members' legislation, an act to amend the Criminal Code respecting orders of prohibition as they presently exist in the Criminal Code.

This bill would amend section 161 of the Criminal Code. If passed, the bill would allow the courts to make an order of prohibition prohibiting the offender from being in a dwelling house where the offender knows or ought to know that a person under the age of 14 is present, and the person having care or custody of that child is not present.

At this time I would like to also pay special tribute to a fellow Nova Scotian, Donna Goler, who brought this particular matter to the attention of all members of parliament. Ms. Goler is a survivor of sexual abuse and brought this loophole in the Criminal Code to the attention of myself and others.

I hope that by tabling this bill, this House and this government will act to adopt this measure to help prevent crimes of the most heinous nature against children. I ask for the support of all hon. members in passing this bill through the House.

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

\* \* \*

**PETITIONS**

BILL C-225

**Mr. John Richardson (Perth—Middlesex, Lib.):** Mr. Speaker, I rise to present three petitions containing the names of 247 constituents from my riding of Perth—Middlesex regarding Bill C-225.

*Routine Proceedings*

## CRIME PREVENTION

**Mr. Leon E. Benoit (Lakeland, Ref.):** Mr. Speaker, I am extremely pleased to present this petition on behalf of the people of Lakeland constituency who ask for the repeal of Bill C-68, and that the money being spent on this bill be redirected to programs that are proven to be cost effective at reducing crime and in improving public safety such as an increase in the number police officers on the street and more effective crime prevention programs.

## MARRIAGE

**Mr. Ted White (North Vancouver, Ref.):** Mr. Speaker, I have two petitions to present to the House today.

The first is signed by Patricia Scott and 54 others of North Vancouver who ask parliament to recognize the concept of marriage as only the voluntary union of a single, that is unmarried, male and a single, that is unmarried, female.

They ask that we consider it to be the duty of parliament to ensure that marriage as it has always been known and understood in Canada be preserved and protected and therefore, that we enact Bill C-225, and act to amend the Marriage Act.

Mr. Speaker, the second petition which is on the same matter is signed by Eleonora Mares and 45 others from North Vancouver.

## POST-TAGS EARLY RETIREMENT PROGRAM

**Mr. Bill Matthews (Burin—St. George's, PC):** Mr. Speaker, pursuant to Standing Order 36, I rise to present this petition on behalf of approximately 8,700 people from Atlantic Canada who are calling upon the federal government to make changes to its post-TAGS early retirement program to devise a formula consisting of age plus years of attachment to the fishing industry.

There are grave injustices and inequities in the present program. People who are 53 and 54 years of age with 35 and 36 years of attachment do not qualify for the government's early retirement program. Yet someone who is 55 years of age and with 8 to 10 years of attachment to the industry are eligible for benefits.

This petition asks government to reconsider the early retirement program and to devise a formula consisting of age plus years of attachment.

## NATURAL HEALTH PRODUCTS

**Mr. Grant Hill (MacLeod, Ref.):** Mr. Speaker, I have two petitions to present today.

The first one is from both British Columbia and Alberta. It asks parliament to support the Reform health freedom amendment Bill C-307 which gives us broader freedom for natural health products.

● (1520 )

## HEPATITIS C

**Mr. Grant Hill (MacLeod, Ref.):** Mr. Speaker, the second petition is primarily from Ontario and asks the government to revisit the hepatitis C compensation issue to give fair compensation to all those who received tainted blood in Canada.

## FIREARMS ACT

**Mr. Howard Hilstrom (Selkirk—Interlake, Ref.):** Mr. Speaker, I have a petition with over 500 names on it from my riding, people all interested in the Firearms Act. They indicate that of the offences committed, very few involve firearms and that the millions of dollars in taxes that are spent on the Firearms Act could be better spent in other areas. I present this petition on behalf of those constituents.

\* \* \*

[Translation]

## QUESTIONS ON THE ORDER PAPER

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

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

**Some hon. members:** Agreed.

\* \* \*

[English]

## MOTIONS FOR PAPERS

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, would you be so kind as to call Notices of Motions for the Production of Papers No. P-30 in the name of the hon. member for Cariboo—Chilcotin and No. P-31 in the name of the hon. member for Prince George—Bulkley Valley.

Motion No. P-30

That a humble address be presented to His Excellency praying that he will cause to be laid before this House a copy of all Memorandums of Understanding (MOUs) between (a) Environment Canada and U.S. Customs; and (b) Environment Canada and the U.S. Environmental Protection Agency relating to intelligence and surveillance capacity concerning ozone depleting substances.

**Mr. Jim Pankiw:** Mr. Speaker, I rise on a point of order.

**The Acting Speaker (Mr. McClelland):** We have a point of order but first we will call the notice of motion and then we can have the point of order.

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, with respect to P-30 which requests certain memorandums of under-

*Government Orders*

standing, there are no formal memorandums of understanding between Environment Canada and U.S. Customs or the U.S. Environmental Protection Agency relating to intelligence and surveillance capacity concerning ozone-depleting substances.

I therefore ask the hon. member to withdraw his motion.

• (1525 )

**The Acting Speaker (Mr. McClelland):** The Chair recognizes the solicitor general.

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, I suggest the motion be transferred for debate.

**The Acting Speaker (Mr. McClelland):** The motion is transferred for debate pursuant to Standing Order 97(1).

**Mr. Peter Adams:** Mr. Speaker, there is a second point.

**The Acting Speaker (Mr. McClelland):** Just a moment, please. On a point of order, the hon. member for Saskatoon—Humboldt.

**Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.):** Mr. Speaker, I rise on a point of order relating to questions Q-78 and Q-79.

These questions have been on the Order Paper for over seven months. On April 24 and June 10 I rose on points of order regarding the delay.

I am asking for a third time. Could the parliamentary secretary inform me as to when I can expect a response? I hope it will not be the same response I have had on previous points of order where he says they will come. I want to know when I will have an answer.

**Mr. Peter Adams:** Mr. Speaker, I do understand the member's concern with respect to questions Q-78 and Q-79.

As you know, the government's record in responding to questions is extremely good at the moment. I regret to say that I do not have the answers to the member's questions as yet.

**Mr. Dick Harris (Prince George—Bulkley Valley, Ref.):** Mr. Speaker, I would like Motion No. P-31 to be called.

Motion No. P-31

That a Humble Address be presented to His Excellency praying that he will cause to be laid before this House a copy of the Prime Minister's ethics code for ministers.

**Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the information sought by the hon. member is considered a confidence of the Queen's Privy Council and in keeping with Beachesne's 6th edition 446(2)(1) and s.69 of the Access to Information Act, I ask that the hon. member withdraw his motion.

**Hon. Andy Scott (Solicitor General of Canada, Lib.):** Mr. Speaker, transfer for debate.

**The Acting Speaker (Mr. McClelland):** The motion is transferred for debate pursuant to Standing Order 97(1).

**Mr. Peter Adams:** Mr. Speaker, Notice of Motion for the Production of Paper No. P-4 in the name of the hon. member for Trois-Rivières and No. P-29 in the name of the hon. member for Cariboo—Chilcotin are acceptable to the government and the papers are tabled immediately.

Motion No. P-4

That a Humble Address be presented to His Excellency praying that he will cause to be laid before this House a copy of his schedule since January 1, 1996, specifying: (a) the number of official visits made in Canada, (b) the date and location (by municipality and province) of the visits, and (c) the planned schedule to December 31, 1997, with the same data.

Motion No. P-29

That an Order of the House do issue for a copy of all Memorandums of Understanding (MOUs) between: (a) Environment Canada and Customs Canada; and (b) Environment Canada and the Royal Canadian Mounted Police relating to intelligence and surveillance capacity concerning ozone depleting substances.

**Mr. Peter Adams:** Mr. Speaker, I ask that the other 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]

**COMPETITION ACT**

**Hon. Lucienne Robillard (for the Minister of Industry, Lib.)** moved that Bill C-20, an act to amend the Competition Act and to make consequential and related amendments to other acts, be read the third time and passed.

**Mr. John Bryden (Wentworth—Burlington, Lib.):** Mr. Speaker, I will be leading off the debate for the government side on the third reading of Bill C-20.

I wonder if I could have unanimous consent from the House to share my time with the member for Ottawa Centre.

**The Acting Speaker (Mr. McClelland):** Does the hon. member for Wentworth—Burlington have the unanimous consent of the House to share its time on the first speech?

**Some hon. members:** Agreed.

**Mr. John Bryden:** Mr. Speaker, it is a real privilege to lead off the debate on Bill C-20 for the government in co-operation with the member for Ottawa Centre. This is a case where the govern-

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ment is standing aside to give some backbench MPs an opportunity to tell the House and the world that these backbench MPs have had a chance to introduce amendments to Bill C-20 that are of a substantial nature and which are going to have a very important impact on Canadian society.

• (1530)

I will now speak to my two amendments. Getting these amendments into the legislation was not easy as I had to convince the officials of the competition bureau and the justice department that amendments could be created to address the concerns I had. I had the encouragement of the industry minister throughout. When it came to committee my amendments and the amendments of the member for Ottawa Centre passed unanimously.

The first amendment to Bill C-20 changed the definition of business in the Competition Act to include the raising of funds for charitable or other non-profit businesses. This is a huge leap forward in addressing the terrible problem all across the country where various organizations are preying on Canadians, chiefly senior Canadians, by making all kinds of promises to raise money for charitable purposes.

Everyone has a horror story with respect to charitable and non-profit organizations and sometimes organizations that are neither. They get on the telephone or send out direct mail solicitations and ask for money in return for promises they cannot keep and sometimes promises they know are not truthful.

I will give just one example of the type of telemarketing pitch that seniors are being subjected to. I will condense the script from a telemarketer in Toronto called Univision Marketing Group.

The person calling whose name is whatever says "I am calling for the Children's Emergency Foundation. I will only keep you for a short minute or two. By the way, do you have children or grandchildren or your own? Well, our foundation was started by a group of Canadian mothers who wanted to do something about the state of child poverty and hunger right here in our own country and our province".

The caller continues "We think as Canadians we have a responsibility to look after our children, so we started supporting child feeding programs in Ontario and across Canada. These take place in schools at breakfast or lunch, in community centres and in housing projects where some 5,000 are already being provided with hot nutritious meals each day".

We wonder whether that is so, but this is the real catch. "In the light of the shocking facts of child poverty right here at home, would you pledge a one time gift of \$75 to feed 75 Canadian school children?"

That is the essence of what my amendment addressed: when organizations promise that 100%, 80% or whatever of the money a person donates to a worthy cause actually gets to that cause, while it was never intended to and will never get to that cause.

I could only trace the Children's Emergency Foundation to an apartment building. It is a charity, however. As a result of this amendment a complaint to the competition bureau will enable it to undertake an investigation. If the investigation of this type of claim shows there has been a wilful misrepresentation, the organization or individual responsible for the misrepresentation will be subject to the penalties of the Competition Act. As an indictable offence that would involve five years in jail and an unlimited maximum fine. Bill C-20 also provides for summary conviction that could lead to a fine of some \$200,000.

For the first time non-profit and charitable fundraising comes under legislation that provides for real penalty where there is a deliberate attempt to get money from the public through false representation.

It is amazing to think that non-profit organizations and charities have never been subject to the Competition Act but it is true. If we split hairs it is possible to say that the Competition Act could have been applied to charities and non-profit organizations but it never has been. As a result of this amendment I suggest that it will.

• (1535)

Let us not make any mistake. I am not only talking about charities and non-profit organizations. There are many organizations out there which are neither and are raising money by pitching all kinds of things to the Canadian public.

I will cite an example. The International Fund for Animal Welfare is an organization based offshore. I cannot trace it as a non-profit organization in Canada but it has an address in Ottawa. This organization specializes in misrepresenting an animal rights situation somewhere in the country, for example in our north with respect to the seal hunt. The scheme is to put out all this information saying that there are people out there beating and killing seal pups and to send out beautiful literature showing bleeding white coats. The reality is that it is against the law to kill white coats. We do not do that here in Canada.

However, they have no compunction. They are known world-wide. They do the same thing when it comes to elephants in Africa and their ivory. They have all kinds of other causes. All we know about them is that they get about \$36 million U.S. in revenues from around the world by falsely raising these issues and then conducting a mail out fundraising campaign showing animals suffering and asking for donations. Their slogan is something like "Remember,

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80 cents on the \$1 of whatever you send in" will go toward saving the dog or the cat or whatever is in their literature.

I suggest that my first amendment will address wilful misrepresentation of facts in order to fundraise. We must remember that the operative word is wilful. Accidental is one thing but wilful is another. It does not matter whether it is a bona fide organization in Canada; it still applies. Even if an individual who misrepresents in order to raise funds from the public will be caught by the Competition Act.

The amendment will also address partly the terrible problem that has been in the news lately which has led to comments from the solicitor general where we know there are certain charitable organizations in the country that have become fronts for terrorist activities abroad. We do know that this is a growing problem and has been a problem for some time. Charitable organizations or non-profit organizations raise funds for one purpose in Canada and they turn out to be financing conflicts in other parts of the world.

General legislation is needed to address that problem but at the very least if organizations pitch one thing and then finances something else abroad like terrorism they would come under the Competition Act and would be subject to prosecution. If is a partial first step.

I cannot stress enough that this is the first tool for the government and the taxpayer to protect the consumer from people who would misrepresent the way the money they are raising will be spent abroad.

The second amendment deals with using foreign direct marketers and telemarketers to market into Canada. What the amendment states is that the act will include permitting a false representations to be made. It addresses a problem whereby hundreds of charities and other non-profit organizations in Canada use foreign for profit marketers abroad, usually in the United States, to do telemarketing or direct marketing in Canada.

I will give a little example. I have two fundraising letters in my hand. The first one is from the Ontario Society for the Prevention of Cruelty to Animals and the second one is from OXFAM. If we examine these letters we see that they are printed on exactly the same paper even though they are very different organizations, have the same type face and the same ink. We also see that the bulk mailing number on both envelopes is 05110874. In other words, they have the same account with Canada Post.

• (1540)

What is really happening is that the account is with a for profit marketer that is doing this service for them. The reason we have to make sure that the Competition Act catches organizations that use offshore direct marketers to fundraise in Canada is to make them

responsible when these offshore fundraising organizations misrepresent into Canada. This again is an enormous step.

I will give an example of the problem. As is often with these organizations in Canada, they do a deal with a direct marketer in the United States for a profit. The idea is that the for profit company, in exchange for using the name of the organization, fundraises in Canada at no expense to the organization until it has created a donor list that is so large that a profit is created and all the expenses are met of the for profit fundraiser. Then the balance goes back to the charity or non-profit organization.

My first amendment will catch organizations that are doing fundraising by using telemarketers and direct mail services and are saying that the money is going to charity when in fact the deal is that 100% of the donated money for which they are getting tax receipts is going to the for profit organization in the United States. None goes to charity until the for profit direct marketer in the United States finally meets its expenses. Then a bit of money goes to charity.

It is another abuse that exists in the charitable sector which will be addressed by the first amendment and by the second amendment where the for profit marketers in the United States misrepresent in Canada, when they overstate how much money is going to charity and when they overstate the facts in any way. Again the operative word is wilful. Where an organization allows this to be done in its name wilfully in the United States, the Competition Act penalties will apply.

I do not want to be too long because I know the hon. member for Ottawa Centre wishes to speak. However, just to give an idea of the dimensions of the problem, I have here a list of organizations in Canada which are using a for profit direct marketer in the United States, which means they are getting telemarketing services and direct mail from the United States: \$1000+ Lifetime Members of a TV Ministry representing 12,000 people, the Agnes McPhail Foundation, AIDS Committee of Toronto, the Alberta Lung Association, the Alzheimer's Society of Ontario, Amnesty International, the Animal Alliance of Canada, Arctic Society of Canada, Arthritis Society, Asthma Society of Canada, B'Nai B'rith, the Barbra Schlifer Clinic, BC Association for Community Living and the BC Lung Association.

We must remember that they are giving to for profit telemarketers and direct marketers in the United States the privilege and the opportunity to earn money selling the fundraising into Canada.

The list continues: Big Sisters of Ontario, the Canadian Abortion Rights Action League, Canadian Association for the Deaf, Canadian Blind Sports Association, Canadian Centre for Victims of Torture, and Canadian Christian Heritage Donors involving 53,000 people. I am sure they would like to know the for profit marketer in

the United States that has their names has to give them literature which at least is honest.

I will continue: the Canadian Civil Liberties Association, Canadian Corporate Donors, Canadian Diabetes Association, Canadian Environmental Defence Fund, Canadian Federation of Humane Societies, Canadian Hearing Foundation, Canadian Hemophilia Society, Canadian Hunger Foundation, Canadian Liver Foundation, Canadian Paralympic Committee, Canadian Paraplegic Association, Canadian Parks and Wilderness Society, Canadian Peace Alliance, Canadian Wildlife Federation and Canadian Mental Health Association. Why in heck can they not do their own fundraising, for heaven's sake?

The list continues: Candlelighters Canada, Care Canada, Channel 17 Public Broadcasting, Child Find, CNIB, Council of Canadians, Covenant House, Crohn's and Colitis Foundation of Canada, CUSO, Cystic Fibrosis, David Suzuki Foundation, Developing Countries Farm Radio Network, Doctors Without Borders, Earthroots, Elizabeth Fry Society, Energy Probe and Epilepsy Canada.

It does go on and on. There is nothing wrong with using these organizations but it is useful for members of the public to know that when they get this mail in their mailboxes it is coming from a for profit direct marketer in the United States. We can go on. Friends of Canadian Broadcasting. One would think they would be able to do it on their own. Greenpeace Canada, Heart and Stroke Foundation Ontario, Help the Aged, *Homemakers* magazine, Horizons of Friendship, the Humane Society of Canada, the International Planned Parenthood Federation.

• (1545)

The International Fund for Animal Welfare. They do not even do their own work on their own. Interval House, Kidney Foundation, Kids' Help Foundation, learning disabilities, Leukaemia Research of Canada, Lupus Canada, Match International, McMichael Gallery, Media Watch, quite a group, Multiple Sclerosis Society, NAC, which I think is the National Action Committee for the Status of Women. I note it only has 5,000 members with this organization in the United States, which is a little bit different from what we are given to understand.

The National Association of Women and the Law, the National Gay and Lesbian Rights Supporters, North York Women's Shelter, Ontario Association for Community Living, Ontario March of Dimes, Ontario SPCA, Ontario Special Olympics, Osteoporosis, Outil de paix, OXFAM, the Pet Savers Foundation.

Planetary Society, Planned Parenthood Federation of Canada: Pollution Probe, Project Ploughshares, the Red Cross of Ontario, Ronald MacDonald House, Save the Children, Schizophrenia

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Society, Scouts Canada, select Canadian religious donors. That is not a charity. There are some 22,000 of them.

The Sierra Legal Defence Fund, Sistering, Ski Patrol, Society for Manitobans with Disabilities, SOS Childrens Village, Spina Bifida, St. John's Ambulance, St. Stephen's House, Toronto Dance Theatre, Toronto Disarmament Network.

Toronto Humane Society, TV Ontario, UNICEF, United Nations Association, United Way of B.C., United Way of Greater Toronto. It is interesting that only these two United Way organizations appear. I guess other United Way organizations deal with other direct marketers in the United States.

Voter Education South Africa/Canada, Whale Adoption Fund, the White Ribbon Campaign. We remember that. It was up here a few years ago. Wildlife Preservation Trust Canada. That is enough.

**Mr. Mac Harb (Ottawa Centre, Lib.):** Mr. Speaker, I rise to speak briefly on Bill C-20. In particular I would like to speak on a whistleblowing amendment which the committee was dealing with.

Before I do that I want to pay tribute to my colleague from Nickel Belt who has been working with me on this issue for quite some time. If not for his excellent work on this issue in the very early stages, I do not think we would have been able to see this amendment before the House as part of Bill C-20, legislation which will hopefully sail through the House of Commons early this afternoon.

I want to thank him because I know his constituents will be as happy as my constituents and consumers all across the country when they see that the government has taken action on important issues dealing with consumer rights. It deals also with the question of the ability of the consumer or a member of a corporation or an organization to speak out when they see something wrong taking place in their place of work or within their organizations.

The amendment deals with everything under the Competition Act. Any organization already covered by the Competition Bureau or by a federal statute, this amendment deals with them.

The motivation behind it really has to deal with the question of gasoline prices, the oil industry across the country as well as with people who either work or have anything to do with those types of industries.

It has three components to it. It is a whistleblowing amendment. In other words, an employee or a retailer can speak out when he sees something wrong.

In the past when we had a consumer, a worker or a retailer who wanted to speak out they went before the Competition Bureau, which remained confidential up to a point.

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• (1550)

At some point in the process that confidentiality cannot be maintained because they will have to bring the name of the individual forward before the court.

This legislation makes it imperative that the identity of the individual who brings forward information to the Competition Bureau remains confidential.

The other element of the proposal deals with prohibition. In the past many retailers or employees of companies feared reprisal. They were afraid that if they were to speak out and if their employer found out these individuals would take action against them and would at some point let them go.

This amendment prohibits employers or contractors from dismissing or retaliating against someone who speaks out if that person is under the belief that something wrong or something illegal has taken place.

There is a third component to this proposal which deals with offence and punishment. This amendment would make it a criminal offence for an employer or a contractor to take action against an employee because this employee or retailer has spoken out.

What this government is doing is sending a very strong message across the country to those who are thinking about playing around with the consumer and also to those who know of someone who is doing something illegal. This government is telling those who are trying to do something wrong that it is a criminal offence and the government will take action against them. This government is telling consumers and retailers who might be speaking out that it will defend their right to speak out.

It is a great day for our democracy because now, for once and for all, we can say we have another loophole that we have closed. In the past we had many people who phoned our offices and told us they could not speak out because of fear. This amendment deals with this.

At the same time this amendment sends an unequivocal signal from coast to coast to say that we want to see fairness in the marketplace, we want to see transparency in the marketplace and we want to see consumers protected in the marketplace.

This amendment would not have seen the light of day if not for the assistance of my colleague from Nickel Belt as well as the parliamentary secretary, the staff members of the department who have co-operated at every level and the people in the Competition Bureau who came forward and responded to questions that were posed to them by members of the committee.

I want to say how delighted I was to have been able to join the industry committee which has adopted this amendment unanimously. I thank every member, including the chair, for a job very

well done. It crossed all the boundary lines of both sides of the House and every one of my colleagues has supported it.

To that extent I want to say it is excellent news and I want to tell my colleague from Nickel Belt congratulations, felicitations and good luck. It is my hope that this bill will become law very quickly, go to the Senate and receive royal assent so we can get on with the business of this House to deal with other issues.

**Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.):** Mr. Speaker, I am pleased to rise again on Bill C-20, an act to amend the Competition Act and to make consequential and related amendments to other acts.

My predecessor and colleague from Kelowna has given the bill substantial consideration and has deemed the legislation to be worthy of the support of members of this House. As the bill has been on the table since 1996, I look forward to being a part of facilitating its long overdue passage.

Given the bill's broad support within this House and among the members of the business community, I do not consider it necessary to use my full allotted speaking time.

The most important element of this legislation deals with telemarketing. It is the protection of consumers against telemarketing deception that has captured my interest in this legislation.

• (1555)

As telemarketing fraud is so often directed at seniors and other vulnerable members of society, it is imperative that the government act to provide the legal framework for dealing with fraudulent telemarketers.

This bill provides very clear guidelines for professional telemarketing conduct. First, telemarketers must identify who they are representing. Second, they must disclose the price of the services or products they are selling. Third, they must tell why they are calling. Without these provisions a telemarketer is given complete license to mislead the consumer.

By providing these guidelines legitimate telemarketers can be given some protection against those deceptive telemarketers whose conduct has brought their industry into disrepute. The telemarketing business in Canada is a billion dollar industry. Without adequate protection against fraud this industry will not continue to grow. Legitimate telemarketers will not continue to operate in an environment ruled by outlaws and frauds.

While I support the initiative to create a civil and criminal law framework for telemarketers, I am very dubious about the Competition Act. The Competition Act rests on the assumption that the government can meddle and regulate its way into a free market.

In his recently published book entitled *The Myths of Antitrust* author Armentano wrote that trades of private property are either voluntary or they are not. One cannot legislate the free market or

create competition. To have a free market, the government must leave the markets alone. To have the state make markets free is again a contradiction of terms.

Leaving the markets alone does not mean that the government should ignore its duty to create laws that protect against fraud, for instance as Bill C-20 does with regard to telemarketing. It does not mean that the government should not work to build a criminal and civil law framework that protects private property and to ensure the integrity and sanctity of contracts. That is exactly the role that government should play in a free economy.

Only if the government entrenches property rights in the constitution will Canada's business environment thrive. Only when the cost of the regulatory burden is lifted from business will new players be able to enter the market, creating more competition. Only when the banking industry is deregulated will new and innovative companies be able to find the financing and the challenge those companies with substantial market share. Only when the tax burden is reduced will companies think of innovating and expanding.

These are some of the very fundamental problems that must be addressed if Canada is going to foster a competitive marketplace. These problems should be addressed before the government creates more cumbersome and costly regulations.

I am reminded of the Nobel prize winning economist Dr. Friedman who wrote that a monopoly can seldom be established within a country without overt and covert government assistance in the form of a tariff or some other device.

This government is a disease on the economy masquerading as its own cure. It is the cause of uncompetitive markets, not the solution. For instance, the government has created an environment in Canada that has encouraged the creation of a banking oligarchy. Instead of deregulating the banking industry to allow for competition, it meddles further into the banking industry with the Competition Act.

When Canadian small businesses cannot get adequate funding for new innovations that will foster competition the government justifies the need to create another government program called the Small Business Loans Act. We can see how one government intervention leads to many more until we are so far removed from the free market that we cannot begin to understand the potential for market based solution to public policy problems.

If the government ran a house cleaning service it would bill us for air fresheners when all it needed to do was take out the trash. If our house was cold the government would subsidize the costs for new sweaters when all it needed to do was close the door and shut out the draft.

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The funny thing is the minister actually expects a pat on the back every time he sprays around a little air freshener or buys a few new sweaters. I will start patting the minister on the back when he starts taking out the trash and closing the doors. I will start patting him on the back when he starts understanding the fundamentals of a strong economy.

If we examine it carefully, the mandate of the Competition Act is a little strange. The entire purpose of being in business is to drive your competitors out of business. Every entrepreneur wants to capture more and more of the market share by providing a better product at a better price than his competition. This according to the Competition Act is illegal. It is called anti-competitive pricing and dumping.

• (1600 )

Entrepreneurs eager to obey the minister should not try to outdo their competitors by providing consumers a better price. They should keep their prices and services at the same levels as their competitors. Sorry, that too is against the rules. It is called collusion.

Entrepreneurs should raise their prices far above their competitors so that they are not guilty of anti-competitive pricing or collusion. Wrong again. It is called price gouging.

Our competition laws are an unenforceable mess of contradictions. I think if the members of this House give these laws some honest consideration, they too will come to this conclusion.

The Reform Party believes that the creation of wealth and productive jobs for Canadians is best achieved through the operations of a responsible, broadly-based, free enterprise system in which private property, freedom of contract and the operation of a free market are encouraged and respected.

Economic competition and the resulting prosperity will come only as a result of a deregulated market and cannot be achieved by government intervention.

As the critic for industry, I will be working with the private sector to identify those obstacles to business being successful and will not let this government continue to get the fundamentals wrong with impunity.

The minister will tell us that he is just trying to protect Canadian consumers. This is simply not true. The minister refused to remove the 6% tariff on imported automobiles and parts despite the unfair burden this places on Canadian families.

He has helped to create a regulatory burden in Canada that costs the equivalent of 12% of our GDP. That is money that comes directly out of the pockets of average Canadians in the form of higher prices for goods and services. The minister is an old friend of the Canadian consumer.

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I would also like to touch briefly on the amendments to merger regulations. Again, while I question the legitimacy of the Competition Act as it currently stands, I do support this bill insofar as it simplifies the process by which uncomplicated mergers can be processed.

This aspect of Bill C-20 makes a bad piece of legislation better and it therefore has my qualified support. In fact, Bill C-20 achieves its goal of working to modernize the Competition Act. I think this should be the starting point for reforming the act rather than an end point.

I would like to conclude my remarks by reminding this House that there are real people outside these walls who are affected by what we do. There are consequences, seen and unseen, that these people will have to contend with if we do not engage in thorough and thoughtful debate.

It is the standard of living of Canadians that I will keep in mind throughout my term as opposition critic for industry. I will never remain silent while this government uses the pay cheques of Canadians to play politics. I will never remain silent while this government solely creates an environment in Canada that is stifling and suffocating for small and large businesses.

Bill C-20 makes some very important amendments to the Competition Act and, while I have some very serious concerns with the act itself, the amendments put forth in this legislation deserve our support.

[*Translation*]

**Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ):** Mr. Speaker, as the Bloc Québécois representative on the Standing Committee on Industry, I am pleased to take part in the debate on third reading of Bill C-20.

The position I present today has been drawn up in conjunction with the hon. member for Mercier, who also sits on that committee. As many are aware, she has analyzed the matter in great depth and looked at every aspect of this bill, which as a number of hon. members have admitted, is a highly complex one and not very accessible to the average citizen.

Let us recall that the purpose of Bill C-20 is to amend the Competition Act and to make consequential amendments to other acts, yet all those who have spoken on it have focussed on deceptive telemarketing. Why? Because Bill C-20 contains a number of technical proposals which would not particularly fascinate the general public, with the exception of the ones on fraudulent telemarketing, because telemarketing is a sign of our times and a timely topic.

• (1605)

We are becoming aware of the increasing frequency of fraud in this area, not only in Canada, but pretty well everywhere else in the

world. Now that there is cut-rate long-distance calling, telemarketing can be done across borders.

For the Liberal government, this bill offers an opportunity to pull a fast one, to cover up one more incidence of interference in provincial jurisdictions, those of Quebec in particular. We have our own Civil Code and the Government of Quebec has already put into place a number of legislative and regulatory means, the Office de la protection du consommateur in particular, to protect the consumer from this type of abuse.

Voting against this bill puts us at risk of being seen as opponents of any regulation of fraudulent telemarketing, something that already affects thousands of people who are not well-off, the elderly in particular.

Voting for Bill C-20 means that we are making radical changes to the Competition Act, and in our opinion the consumer will suffer as a result.

I believe a number of MPs have fallen into this trap, with the possible exception of the NDP members. For that I congratulate them. They looked at the interests of consumers in establishing their position. I thank them for supporting most of the amendments we have proposed.

To avoid having to make an impossible choice, the Bloc Québécois proposed amendments such that any progress in the control and criminalization of deceptive telemarketing would not be to the detriment of other aspects of competition.

As usual, the Liberal government has declined to support them, probably so that its representatives would not look like they were remiss. I again pay tribute to the support of NDP members.

I will quickly review the various motions. Yes, we are in favour of a legislative framework for telemarketing activities so that the reputation of this kind of commercial activity does not suffer because of a few dishonest individuals.

To that end, we think that Bill C-20 should revert to section 52 of the present Competition Act. Although at first glance the amendments contained in Bill C-20 appear minor, closer examination reveals that they represent a major change in the scope of the Competition Act.

The criminal provisions in section 52 would now apply only to representations that were false or misleading in a material respect—in this regard, I would point out that there has been no legal definition of what is meant by a material respect—, but which will now have to be proven to have been made knowingly or recklessly.

Is such a provision evidence of any real desire to have this legislation protect a swindled consumer? It means that the requirements for establishing guilt are no longer the same. How are we going to tell the elderly that, even if they continue to be badly served by this law, there is ultimately nothing we will be able to do, because it will often be impossible to prove that the false and misleading representations were made knowingly and recklessly?

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Will a lie detector be used to determine whether individuals' intentions were bad or whether they were perfectly aware of the consequences?

In a telemarketing operation, for instance, the bosses may know, but do the employees? These are sometimes large outfits. At this level, the case law on similar provisions in other legislation shows that it is very difficult to prove.

• (1610)

When it is impossible to prove the intent to mislead, the person who intended to mislead may not be cleared, but they are not charged and there is no follow-up. This is a serious and significant problem. Legislation has to be good. We know it has to be fair and equitable, but it must also be enforceable.

We think this law will be hard to enforce, since it involves intent. It is paradoxical. The focus on intent is a bit of a snow job, since in practice it is just about impossible to prove somebody's bad intentions.

Bill C-20 permits judicial authorization for unapproved interceptions of private communications in the course of an investigation in cases of conspiracy, bid-rigging and deceptive telemarketing. This opens the door a little more to electronic bugging. The issue here again is intent. When it is thought that an individual is guilty, more sophisticated bugging is carried out.

There is some contradiction in the fact that the bill permits the competition bureau to have this powerful investigative tool while it decriminalizes many of the offences under the act, in order, it appears, to lighten the system. They want to decriminalize these offences so they can impose fines, which are not specified in the bill but will no doubt be spelled out in the regulations.

I note that the new commissioner—since the director of the competition bureau will now be called a commissioner—can, on his own, determine whether an individual must appear in court and set a 48 hour time frame. Within this period, businesses can reach an agreement with him. This is another aspect we cannot accept: the considerable powers given the new commissioner.

We also wanted to include the Internet in the provisions of the law to avoid its becoming quickly outdated. We were told that the Internet is less interactive and therefore people contacted can easily cut short communications.

There is, however, one thing I do not understand. Does false and misleading information that causes an individual to buy a product become excusable because it is transmitted on the Internet? Unfortunately, by rejecting the inclusion of the Internet in the scope of Bill C-20, the Liberals are preventing this bill from being enforceable or effective.

I must, however, state that I did note some degree of receptivity on the part of the parliamentary secretary at the report stage with respect to our amendments. I hope he was sincere about the possibility of bringing in corrections with future legislation, and I believe he was.

When one thinks that the standing committee spent half its time last year focussing on the Year 2000 bug, it is difficult to grasp that no thought has been given to the Internet, which is going to be more and more a part of everyone's daily life.

The hon. member for Portneuf, a specialist in computers and all telecommunications matters, has just been telling me that, according to his information, 30% of Quebec families, and probably of Canadian families as well, are already connected to the Internet. This is already a reality.

Some people may think the Internet is a complicated affair that requires costly computers and gadgets, but my colleague also told me that a person can use a little box that costs about \$400 to hook up to a phone line, and then access the Internet through the television set. That is the way of the future. I know that the millennium bug is close at hand, but I think that all the problems associated with the Internet should have been addressed.

• (1615)

We wanted to balance the power Bill C-20 gives to the director of the competition bureau. In the bill as it stands, only the future commissioner may ask the tribunal whether someone engaged or is engaging in reviewable conduct. That is a lot of power for one person. In the past, people could file complaints and the final decision was left to the tribunal.

Now, more power is being given to the director of the competition bureau, who will now have the title of commissioner, and he, and he alone, will decide whether or not it will go to the tribunal. We think that this is leaving a great deal of power in the hands of one non-elected individual. We are not questioning his competence—that is not the issue—but we feel this leaves a lot of power in the hands of one person.

I now know why the Liberal government wanted to take this route. It wanted, of course, to protect its own interests, which is fine, but it also wanted to acquire greater powers, as I explained, over Quebec in particular, which, as people know, has a civil code, unlike the other provinces in Canada, and an agency to protect consumers with respect to such things as telemarketing.

Like members of the New Democratic Party, we think that the reason the government and Liberal members are introducing this bill has very little to do with their concerns about consumers. We think that competition should be at the heart of this bill, and we do not think that it is. That is why members of the Bloc Québécois will be voting against the bill. It needs a lot of improvement.

*Government Orders*

We are also unhappy that all the amendments we proposed were rejected. The Liberal member who just spoke, and his colleague as well, was pleased that, after trying for months, apparently, he managed to convince the Liberal majority to pass his amendment about whistleblowers. We supported it too, but we see, and this is sometimes a bit discouraging, that the government is very reticent, even intolerant. It almost never passes amendments from the opposition parties, not just from the Bloc Québécois, purely so that it can give the impression that it has anticipated everything, that it has analyzed all aspects of a bill and its consequences. But we do not think this to be the case, quite the contrary.

It is odd. The Liberals in opposition swore they would throw out the free trade agreement, because it was worthless. We know what happened. The free trade agreement was kept. The same thing happened with the elimination of the GST. In the words of the Prime Minister—Quebeckers will not have any trouble understanding—he talked of scrapping the GST. However, nothing happened.

I recall as well that the Liberals said they would not be going after the disadvantaged. They blamed the Conservatives for doing just that. I recall a letter from the Prime Minister, when he was the leader of the opposition, which expressed his horror at the treatment by the former Conservative minister, Mr. Valcourt, of the unemployed with cuts to unemployment insurance. However, we saw what they did later on. They made more cuts; they went even further. They paid the price, in the Maritimes, for example, as we know.

Today, however, the Liberal Party has left these concerns far behind. It too used a miracle marketing approach to permit certain businesses to profit at consumers' expense. However, the Liberal government can prove that it honoured its promises knowingly and without concern for their consequences.

This is why the members of the Bloc Québécois will oppose this bill, whose objective was laudable, nonetheless.

• (1620)

The bill's lack of clarity will make it hard to enforce and, ultimately, prevent it from truly protecting the interests of consumers.

[English]

**Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP):** Mr. Speaker, Bill C-20 can easily be divided into two parts.

The first part deals with telemarketing fraud and the significant consequences which have befallen many Canadian consumers at the hands of those who would defraud them of significant sums of money through the telephone. Like all other members of this House, New Democrats fully support the thrust of the telemarketing fraud provisions. There are things we would do differently and

I will raise them in a minute. As my colleague from the Bloc Québécois has indicated, mostly it has to do with enforcement and the seriousness with which we take the enforcement of these crimes.

The second part of Bill C-20 is much more troublesome. It deals with basic aspects of competition, with offences committed by businesses to further their economic aims. This includes the various misleading, fraudulent and deceptive practices they pursue as well as some matters dealing with mergers. It is that part which falls short of what Canadians need.

I will talk briefly about the telemarketing fraud provisions. We have all had an opportunity to speak on this question in the past. I am sure we have all heard from constituents who have been cheated out of considerable numbers of dollars by these fraud artists.

I can think of one couple in particular who responded to the heavy duty pressure from a telemarketing operation. That couple handed over some \$10,000 or \$12,000 in response to this pressure. These senior citizens could ill afford \$500 let alone \$12,000.

We might ask how could that ever take place. As we know, the telemarketing fraud operators prey on the most vulnerable members of society. They make extravagant claims which we might not accept but which many others do. Those operators have made a lot of money in the process.

We all know the plight of many who have been bilked for thousands of dollars and the apparent ease with which these fraud artists continue their work over and over again. They work for different companies under different names but use the same offices with the same telephone equipment. They have basically thumbed their noses at the law and at Canadians over a very long period of time.

Project Phonebusters is a relatively small operation headed by Barry Elliot, an OPP officer. It has essentially the sole responsibility of chasing after these guys across the whole of Canada. This small unit is not funded well enough of course. It does not have enough people to pursue these claims in a timely way. Consequently the situation in Canada is we have not been enforcing our laws seriously enough. Had we been more serious enforcers, we would have saved many Canadians many thousands of dollars.

It is incumbent upon the solicitor general as the minister responsible for the RCMP to take a leadership role in fighting this fraud at the national level and to ensure that there are more RCMP officers engaged in this activity. Project Phonebusters and Barry Elliot need more help to do an even better job. They have done quite a remarkable job with very limited resources.

There is an obligation on the part of the Government of Canada following the provisions in Bill C-20 which deal with telemarketing fraud to actually put some resources where its mouth is. The government should not just pass legislation in the hope that

something will improve. It should rigorously and completely enforce the legislation and commit more resources to it.

• (1625)

I also want to commend my colleague for Lévis-et-Chutes-de-la-Chaudière for proposing to the government some significant changes which would have also protected many, many Canadians.

We know about the issue dealing with the Internet. We know that this is just the beginning of an incredibly important market for commercial transactions. Many, many people have already begun to do business on the Internet, whether it is the buying of stocks and bonds, holidays, or other goods and services. We have all probably used the Internet for these purposes.

Technological advances will ensure that the Internet is more secure and safe and that we can use our credit cards on the Internet without fear of incurring bills that we were not intending to incur. Once all of that technology is in place, and it is just around the corner, we will see a huge burgeoning of trade on the Internet.

The member for Lévis-et-Chutes-de-la-Chaudière who was trying to move the government to take this matter seriously made some very good points in proposing that the Internet be added to this section. The argument was that it did not quite fit within telemarketing.

It does not fit perfectly but it does not fit badly either. We have a new form of marketing which is based on technology. It is not all that different from telemarketing. There is the one element that a person is not on the line forcing someone to make a decision but the mechanism of the Internet also makes it very, very attractive and persuasive.

I would have hoped that the government would have taken note of these suggestions. I know the parliamentary secretary is very diligent in these matters. I hope we can do more than hope that the parliamentary secretary will help us, that we will see some movement to deal with some legislative action after proper study on the question of the Internet. He is nodding his head so I am sure that is what will happen.

The government is making a fundamental mistake regarding the competition provision. It has simply not regarded the importance of having a fair and fully competitive market so that not only consumers are protected but legitimate, honest businessmen and businesswomen are protected too. That part I cannot accept. It is not because of what is in it; it is mostly because of what is not in it. It should have been made tougher, not weaker. We will therefore be voting against this bill although we are very, very supportive of the telemarketing fraud provisions.

### *Government Orders*

**Mr. Jim Jones (Markham, PC):** Mr. Speaker, it is my pleasure to speak on a bill that is important to the success of business competition in Canada, a bill that introduces amendments that will modernize regulations for Canadian business environments.

The Progressive Conservative Party is generally pleased with Bill C-20 and its intentions. Specifically, the time has come to aggressively respond to the ever growing problem of telemarketing fraud.

In recent years total telemarketing sales in the United States and Canada have exceeded \$500 billion per year. While most telemarketing activities are legitimate, unfortunately some are not.

It is those initiatives I am concerned about. The report of the Canada-U.S. Working Group on Telemarketing Fraud highlights that telemarketing has become one of the most pervasive and problematic forms of white collar crime in Canada and the United States.

It has been estimated that telefraud cost Canadians in excess of \$60 million in 1995. This figure ballooned to over \$75 million in 1996. Worst of all, in many cases these frauds are committed against the elderly and those who least can afford the losses.

• (1630)

It is estimated that this form of crime accounts for as much as 10% of the total volume of telemarketing. In Canada that would mean \$400 million annually. Studies show that those targeted are the vulnerable and the lonely in society.

Unfortunately that equates to millions of dollars from the pockets of many of our seniors, the very same seniors who are experiencing lower and lower GIC or guaranteed income supplement payments and old age security benefits.

We believe that the new crime offence of deceptive telemarketing is a proper response to this activity. The acts of these scam artists are hurting the legitimate telemarketing industry that created employment for thousands of Canadians. Today we begin fighting back. Five years in prison and fines at the discretion of the courts should be enough of a deterrent to these would-be fraudsters.

As we know the promotion of competitive markets is of fundamental importance to today's economy. Competition stimulates innovation and growth in jobs, provides businesses and consumers with competitive prices and product choices, and increases the average standard of living in society.

Without a modern competition law Canadian businesses may encounter anti-competitive barriers to their entry or expansion in their markets. They may find it difficult to source input at

*Government Orders*

competitive prices or they may encounter other refrains in their ability to remain competitive.

Bill C-20 proposes amendments to the Competition Act, an act that strives to guide businesses in a fair and equitable way. It is time to bring this act up to date with contemporary business practices. Canada needs a legal framework which supports up to date competitive business practices. This framework is an essential contribution to sustaining the competitive strength of the private sector.

Bill C-20 was reviewed exhaustively by the Standing Committee on Industry. As a result of these hearings my party believes that we have an acceptable response to many of the concerns of companies operating within the Canadian marketplace.

Notably we are pleased with the intent of the bill in the area of misleading advertising. Bill C-20 represents the beginning of an important principle as it applies to misleading advertising. Specifically with this legislation the Competition Act will be stressing the importance of compliance over punishment.

The government said the criminal sanctions were an incomplete response to false advertising. On this point we agree with the government.

The drawback includes the stigma attached to the criminal process; the inability to stop misleading advertising quickly; and the cost, time and resources needed for a successful prosecution. The Retail Council of Canada believes the availability of a civil offence will result in fairer and more effective enforcement and will recognize the true nature of many of the offences which are not done with any criminal intent.

Because of this move Bill C-20 should be able to achieve its goal of a quicker and more efficient process leading to compliance. We in the Conservative Party believe that the time test and volume test provisions of the bill are a fair response to the issues of regular price claims. Retailers will no longer be able to make claims about the regular price of a product unless that price was charged on a substantial volume of sales over a substantial period of time.

Canadians have shown a preference to sales and sale priced items. The bill aims to clarify what is a sales item and how a sales price is established. Claims about regular prices and related savings can be powerful marketing tools. However, both retailers and consumer groups say that the current law is unclear on what constitutes a regular price.

My party will be supporting the bill but that is not to say we are completely satisfied with all its provisions. The business of mergers was not satisfactorily dealt with in the bill. The threshold for mergers was not raised to \$500 million from the existing \$400 million as has been requested by several witnesses. Simple infla-

tion would have dictated that this was a reasonable request. It also would have brought the act in line with the Investment Canada Act which contemplates an annual increase to reflect inflation.

I have spoken to several interest parties and groups that have expressed their concern about the bill. They and the PC Party see the need to update the bill to contemporary practices. We acknowledge that there are several discrepancies.

• (1635)

Businesses call for change that will bring the act more into line with current market practices. They also want the intention of parliament to be clear. They stress that greater clarity regarding the intent of the law is needed by both retailers and consumers, their customers.

The definition of telemarketing should be clearer. What exactly does telemarketing constitute? Bill C-20 tells us that telemarketing is the practice of using interactive telephone communications for the purpose of promoting directly or indirectly the supply or use of a product and for the purpose of promoting directly or indirectly any business interest.

The Retail Council of Canada would like to see a clearer definition of what constitutes telemarketing. The Canadian Chamber of Commerce also wants a clearer description of the term interactive. So too was the recommendation from the Canadian Bar Association. That means putting a clear definition in the legislation. Unfortunately this was not changed in the committee process.

The Retail Council of Canada also points out that the wiretap provisions have had relatively little public discussion and were not part of the report of the consultation panel. The issue of wiretapping should be of great concern to all Canadians. There is some uncertainty as to how this might be applied.

The Competition Bureau tells us that it intends to seek permission to wiretap only in cases of egregious behaviour. However, this is a way to capture this focus in the law.

My party would liked to have seen this provision opened up to more public input. The legislation needs to include just how and what are misleading claims when it comes to telemarketing. It is simple for the government to say that telemarketers cannot make any false or misleading claims that would influence a customer to buy a product. However, stringent guidelines should be set to stop this activity.

We would like to see a more detailed plan on how the government plans to coordinate efforts with the United States on telemarketing fraud. Lack of coordination only puts a damper on effective cross-border enforcement. Co-operation and strategy, education and prevention need to be looked at. The PC Party would encourage the government not to jeopardize our relationship with our largest

trading partner on this issue. Let us give this legislation all the teeth possible.

If Canadian operations are crossing borders into the pockets of United States citizens illegally, we must put a stop to it. Bill C-20 is a good first step but is not all encompassing on this issue.

Evidence shows that telemarketing fraud is a serious economic crime problem. Immediate and effective steps need to be taken. This means aggressively stopping those operators who insist on choosing targets that are out of province or in another country simply because they know police authorities have difficulty dealing with victims in other jurisdictions. Lack of coordination is an obstacle to effective cross-border enforcement.

Through education, prevention and a strong strategy, notorious operators can be shut down. As long as the government seeks to achieve this the PC Party will back it up.

I do not agree that the Internet should have been included in the bill because proper consultation was not done with all interested parties. I know that the industry minister is well aware of the high tech industry and the fast movement of the Internet. I think over the next year or so we will be looking at incorporating Internet into the Competition Act. However this was not appropriate without consultation.

In spite of its shortcomings, the PC Party will be voting in favour of Bill C-20.

[Translation]

**The Deputy Speaker:** It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Halifax West, Aboriginal Affairs; the hon. member for New Brunswick Southwest, Health.

[English]

**Mr. Walt Lastewka (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, I thank the members who spoke this afternoon and the members of the industry committee who toiled for many hours on the bill. Although we come from different parties I believe the debate was fruitful and the bill we have before us today is very valuable especially for seniors who get caught in many scams and by misleading advertising.

• (1640)

I thank all parties for their contributions on the industry committee with regard to the bill. It was very important to the Minister of Industry, and I thank them for their debate at first, second and third readings and when it was in committee.

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

**Some hon. members:** Question.

### Government Orders

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

[Translation]

**The Deputy Speaker:** Call in the members.

*And the division bells having rung:*

**The Deputy Speaker:** At the request of the chief government whip, the division is deferred until 5.15 p.m. this afternoon.

[English]

### SUSPENSION OF SITTING

**Mr. Bob Kilger (Stormont—Dundas, Lib.):** Mr. Speaker, I rise on a point of order. The government is not going to bring forward any other business for the rest of this day. We would ask for consent to suspend the workings of the Chamber until 5.15 p.m.

**The Deputy Speaker:** Is there unanimous consent to suspend the sitting of the Chamber until 5.15 p.m., at which time the bells will sound for the 15 minutes required for the vote at 5.30 p.m.

**Some hon. members:** Agreed.

(The sitting of the House was suspended at 4.43 p.m.)

• (1710)

### SITTING RESUMED

The House resumed at 5.14 p.m.

**The Acting Speaker (Mr. McClelland):** Order, please. It being 5.15 p.m., the House will now proceed to the taking of the recorded division on the motion at the third reading stage of Bill C-20.

Call in the members.

• (1745)

(The House divided on the motion, which was agreed to on the following division:)

*Government Orders**(Division No. 229)*

## YEAS

## Members

Abbott	Adams
Anders	Anderson
Assad	Augustine
Bachand (Richmond—Arthabaska)	Bailey
Baker	Bakopanos
Barnes	Beaumier
Bélair	Bélangier
Bellemare	Bennett
Benoit	Bernier (Tobique—Mactaquac)
Bertrand	Bevilacqua
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Bradshaw
Breitkreuz (Yorkton—Melville)	Brison
Brown	Bryden
Bulte	Byrne
Cadman	Calder
Cannis	Caplan
Carroll	Casson
Catterall	Cauchon
Chamberlain	Chan
Charbonneau	Chatters
Clouthier	Coderre
Cohen	Comuzzi
Copps	Cullen
DeVillers	Dhaliwal
Dion	Discepola
Doyle	Dromisky
Drouin	Dubé (Madawaska—Restigouche)
Duhamel	Duncan
Easter	Elley
Epp	Finestone
Finlay	Fontana
Forseth	Fry
Gagliano	Galloway
Gilmour	Godfrey
Goldring	Goodale
Gouk	Graham
Grewal	Grey (Edmonton North)
Grose	Guarnieri
Harb	Harris
Hart	Harvard
Harvey	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hubbard
Ianno	Iftody
Jackson	Jaffer
Jennings	Johnston
Jones	Jordan
Karetak-Lindell	Keddy (South Shore)
Kenney (Calgary-Sud-Est)	Kerpan
Keys	Kilger (Stormont—Dundas)
Kilgour (Edmonton Southeast)	Knutson
Konrad	Kraft Sloan
Lastewka	Leung
Lincoln	Longfield
Lowther	MacAulay
MacKay (Pictou—Antigonish—Guysborough)	Mahoney
Malhi	Maloney
Manning	Marchi
Mark	Marleau
Martin (LaSalle—Émard)	Massé
Matthews	Mayfield
McCormick	McGuire
McKay (Scarborough East)	McLellan (Edmonton West)

McNally  
McWhinney  
Mifflin  
Mills (Red Deer)  
Mitchell  
Murray  
Nault  
Nunziata  
O'Brien (London—Fanshawe)  
Pankiw  
Parrish  
Penson  
Peterson  
Pickard (Chatham—Kent Essex)  
Pratt  
Proud  
Ramsay  
Reed  
Richardson  
Robillard  
Schmidt  
Scott (Skeena)  
Serré  
Solberg  
St. Denis  
Stewart (Brant)  
St-Jacques  
Strahl  
Telegdi  
Torsney  
Valeri  
Vellacott  
Wappel  
Whelan  
White (North Vancouver)  
Wood—201

McTeague  
Meredith  
Mills (Broadview—Greenwood)  
Minna  
Muise  
Myers  
Normand  
Obhrai  
Pagtakhan  
Paradis  
Patri  
Peric  
Phinney  
Pillitteri  
Price  
Provenzano  
Reedman  
Reynolds  
Ritz  
Sada  
Scott (Fredericton)  
Sekora  
Shepherd  
Speller  
Steckle  
Stinson  
St-Julien  
Szabo  
Thompson (New Brunswick Southwest)  
Ur  
Vanclief  
Volpe  
Wayne  
White (Langley—Abbotsford)  
Wilfert

## NAYS

## Members

Alarie	Asselin
Axworthy (Saskatoon—Rosetown—Biggar)	Bachand (Saint-Jean)
Bellehumeur	Bergeron
Bigras	Brien
Canuel	Chrétien (Frontenac—Mégantic)
Crête	Dalphond-Guiral
Davies	de Savoye
Debien	Desjarlais
Desrochers	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe	Dumas
Earle	Fournier
Gagnon	Gauthier
Girard-Bujold	Guay
Guimond	Laliberte
Laurin	Lefebvre
Lill	Loubier
Mancini	Marceau
Marchand	Martin (Winnipeg Centre)
McDonough	Ménard
Mercier	Nystrom
Perron	Picard (Drummond)
Plamondon	Robinson
Rocheleau	Sauvageau
Solomon	Tremblay (Lac-Saint-Jean)
Tremblay (Rimouski—Mitis)	Turp
Vautour	Venne
Wasylcyia-Leis—53	

## PAIRED MEMBERS

Folco	Lalonde
Rock	St-Hilaire

*Private Members' Business*

**The Acting Speaker (Mr. McClelland):** I declare the motion carried.

(Bill read the third time and passed)

**The Acting Speaker (Mr. McClelland):** The House will now proceed to the consideration of Private Members' Business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[English]

### CRIMINAL CODE

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.)** moved that Bill C-258, an act to amend the Criminal Code (judicial review), be read the second time and referred to a committee.

He said: Mr. Speaker, I begin today by expressing my delight in being back in the House of Commons after the summer recess.

The summer provided me some chance to review what issues my constituents are most concerned about. One of the things they speak about is the economy. Today they are concerned about the falling dollar and the problem of future economic prospects. They see Canada for sale at fire sale prices and they are worried that draconian measures might have to be taken. They are concerned they will be paying out of their own pockets for this downturn in the economy.

• (1750)

They know that a large part of this crisis is due to a government that spent months sitting on its hands while the loonie was falling. It just did not quite know what to do.

We all know that the Liberals are really not good financial managers and that the international community has rendered its judgment on that point, a very negative judgment.

The economy is foremost in the minds of my constituents in New Westminster—Coquitlam—Burnaby and I am certain that it is foremost in the minds of every Canadian. Almost in the same breath those who have spoken with me mentioned law and order and security as a very close second. They wonder if they are safe on the streets. Can they leave a window open all night long? Will their children be safe to and from school. My constituents are very passionate on these issues. They are passionate because they realize that no family, no one is immune from crime in Canada.

In my part of the country there is a divide between those who live from the streets and those who are trying to clean up the streets.

Some in this House may have read in the newspapers last week of the idea in Vancouver of having what you call in the vernacular shooting galleries, legal hangouts to do drugs. Certainly we can do so much better than this.

There is a proposal to open up a building where heroin addicts and others can congregate to get a fix. The proposal is to give them clean needles and in essence monitor that they do not overdose on drugs. It would not surprise me if the addict there will soon be provided with the drug itself from the government.

Proponents say this is going to clean up the streets and make the streets safer. I know that the member for Vancouver East is a proponent of this idea and has contemplated coming forward with a bill on this very subject. It will be a sad day if any level of government would ever give in to funding such a program.

These are the types of issues my constituents are talking about. They are worried. They want to be protected and they will be confident if criminals are off the street and they will have a better sense of safety. They will feel less worried knowing that violent criminals are actually behind bars where they belong.

Of course maintaining correctional centres is not inexpensive. The cost per criminal sometimes seems very enormous for continuous custody, especially very secure custody. But is it not also the best insurance that money can buy? Ask someone from St. Catharines, Ontario if having Paul Bernardo or Karla Homolka locked away makes them feel more at ease.

The reason I am speaking here today has to do with fixing a problem, a problem that has plagued our nation since 1976 when Warren Allmand, then solicitor general, introduced a law that gave a glimmer of hope to the worst criminals sentenced to life in prison.

Mr. Allmand wanted criminals to have a chance at serving a lesser sentence if they could convince people they were suitable, so called, to return to society. Mr. Allmand never really liked the term life in prison, and capital punishment was not an option. He felt that was barbaric. Certainly he was focused on the offender rather than the balance of justice and victim rights.

After 15 years this Liberal government believes that a criminal should be allowed to seek the option of applying to a court for permission to be heard before a parole board. It supports the criminal agenda to walk, and who can blame them? I would not want to be locked up. Nobody would.

These criminals committed crimes, very serious crimes, and therefore they should be prepared to do the time, the whole time, 25 years before being allowed to apply for parole. That was the minimum exchange and the bargain that was made with this country for cancelling capital punishment from the law books.

*Private Members' Business*

Today when I finish my speech this House is going to hear the Liberal perhaps getting up and saying the chance for a Clifford Olson or a Paul Bernardo getting paroled is so slim that the Canadian public has nothing to worry about. Do we really think that Canadians want to gamble with those types of stakes especially when we see the record of those who are in charge of the system? I think not.

Bill C-258 would simply repeal the faint hope clause; very simple and straightforward. It is not necessary for the proper administration of justice. It has no place in criminal law. It undermines the system. However, repeal would come with a twist.

In past debates on this very issue Liberal members in this House have cited that if the clause were repealed it would immediately create constitutional challenges. In other words, criminals who were sentenced after the Criminal Code was changed to include faint hope would not be affected by a repeal of the clause in this bill.

• (1755)

It was an issue of retroactivity. I want to unequivocally state that while I would prefer to see the act changed to include violent criminals like Clifford Olson and so on, I see that maybe there are problems regarding constitutionality. Perhaps if we were to expand the debate, we could get into the flaws of Canada's constitution. This is not the place or the time for that.

The debate surrounding the issue has surfaced a great deal, particularly since Reformers came to Ottawa in 1993. We raised the issue for one simple reason. It is an issue that Canadians care about deeply.

As a country we want to feel safe. We want the reassurance that violent criminals, those who have committed murder are kept behind bars, are sent to prison for life. We want to feel that the rights of victims supersede the rights of criminals. The last point is important because Liberals are ignoring it.

Warren Allmand said in the House: "If the person is really reformed and no longer a danger to the public, that person after 15 years can be put back on the street to earn his or her living, to support his or her family, to pay taxes rather than being paid for by the state while in prison while the family is being supported by welfare. I am talking about a person who is no longer a danger to the public, who is no longer a risk and who is deemed to be rehabilitated by the parole board".

Warren Allmand, like many of his misguided colleagues in this House during that parliament, put the rights of criminals ahead of victims.

I want to read a quote from Sharon Rosenfeldt whose son was savagely murdered by Clifford Olson. Ms. Rosenfeldt spoke these

words during the last parliament debate before the Standing Committee on Justice:

When I learned that Olson had indeed made the application, I was stunned. Suddenly many images flashed through my mind. I felt shock but I shouldn't feel shock. I felt angry but I shouldn't feel angry. I felt hurt but I shouldn't be hurting. I felt betrayed and I felt panic. I couldn't breathe and I couldn't stay still. I kept pacing from room to room. I wanted to cry, I wanted to scream and I wanted to run.

Why do we have to go through this again? I felt weak and vulnerable. I could not lose my dignity again. I went into the family room and took my son's picture off the cabinet. I sat down and stared lovingly at him, outlining his face with my hands. He looked so perfect.

You see, I always have to reconstruct his face in my mind because a hammer was used on him. He was beaten beyond recognition. I cradled his picture next to my heart and once again made the same promises I had 15 years earlier. I got on my knees and I asked God to give me the strength to keep my dignity. This is very important to me because after Clifford Olson took my child's life, he also took my dignity for a while. I will not let Olson and the system do that again.

I would like my colleagues opposite just for a minute to put themselves into the situation of that victim or another. I would be interested to know how many Liberal members would preach the same message regarding the faint hope clause if someone close to them was murdered and then allowed the chance to be released early.

It is easy to talk the talk. Liberals preach that we should really give murderers another chance. Liberals say they served some time, therefore if they are reformed then let them have another crack at open society.

Would they really feel comfortable having the murderer walk the streets, the same murderer who took the life of a loved one? Would they maybe change their minds?

The reason I introduced this bill and the reason that I will continue to fight for the repeal of the faint hope clause has everything to do with standing up for victims like Sharon Rosenfeldt.

These victims deserve the right to have a voice. They deserve the right to be shown the utmost respect. However, the way the bleeding hearts have crafted our judicial system, it seems to give most of the rights to the criminal. That is the impression the Canadian public has.

The Liberals will say victims are given many rights such as victim impact statements and so on. The truth is that if they cared so much about victims, people such as Sharon Rosenfeldt and the thousands of others who find themselves in similar situations would not be so disgusted with the justice system.

Bill C-258 unfortunately would do little to stop Clifford Olson from his opportunity for a hearing. It would, however, stop such travesties of justice in the future. It would change the meaning of a life sentence. It would allow victims some peace of mind.

Clifford Olson will again be allowed the right to be heard before a court some day. Every time this happens, victims will be made to

endure agony. There are many like him all because of a small clause in the Criminal Code, section 745, all because bleeding heart Liberals think the rights of the criminal supersede others.

As legislators we are bound by so many things. Reformers are doing whatever we can to change the system to make it fairer, to be more responsive to the Canadian agenda, more transparent.

● (1800)

We will fight for what is right, even if it is one small step at a time. That is the purpose of this small bill.

When a judge sentences a criminal to life in prison it should be understood that they will serve 25 years before eligibility for parole. I shudder when I think that someone like Olson, who brutally murdered innocent people, children, would be given a chance at all for parole, but that is the law.

The section I am trying to repeal provides a glimmer of hope to someone who does not deserve one. I understand it is not a guarantee that a criminal will be released, but that glimmer of hope is enough to send a shiver down my spine.

Members of this House should imagine only for a moment what it must be like for a victim knowing that the murderer of their son or daughter will have a chance to walk free.

I say to my Liberal friends, bandage up your bleeding hearts just for once and take a stand on behalf of victims of this country. I do not believe that any member wants the most violent criminals of this world to be walking the streets. That is not the issue. Therefore, there is no reason to want to keep the faint hope clause in the Criminal Code. I ask, for once do what is right and get rid of section 745.

[Translation]

**Ms. Eleni Bakopanos (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, Bill C-258 proposes to delete section 745.6 of the Criminal Code, which provides for judicial review of the parole ineligibility period in respect of persons convicted of murder or high treason.

The government believes that section 745.6 ought to continue to be applied in exceptional and deserving cases. For this reason, the bill being proposed by the hon. member of the opposition clearly runs counter to federal government policy, and we are not, therefore, in favour of it.

As the hon. members are aware, section 745.6 was passed in 1976, at the time the death penalty was abolished in Canada. At that time, this House believed that section 745.6 was necessary in order to provide hope of rehabilitation to those convicted of murder and to protect prison guards. Adoption of this clause was also a

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recognition of the fact that, in certain cases, incarceration in excess of 15 years was not in the public interest.

I believe that the reasons justifying addition of this section to the Criminal Code in 1976 remain valid today. Section 745.6 of the Criminal Code allows persons convicted of murder to apply for a judicial review of the number of years to be served before eligibility for parole, after they have served 15 years of their sentence.

In the case of first degree murder or treason, the time to be served before eligibility for parole is set by law at 25 years. In the case of second degree murder, the number of years of imprisonment without eligibility for parole is 10 years, unless the judge at trial extends it to 25. The offender may not apply for judicial review of the number of years of imprisonment without eligibility for parole until he has served 15 years of his sentence.

The offender has to convince a jury of 12 ordinary citizens that the number of years should be reduced. After the jury has examined the evidence presented by the applicant and the crown attorney, including any victim statements, it decides whether it is appropriate to reduce the number of years of imprisonment without eligibility for parole.

If the jury does decide to reduce it, the offender has the right to submit an application to the National Parole Board on expiry of the period as reduced by the jury under section 745. The parole board then looks at his file and grants parole when it sees fit to do so. In order to reach its decision, the National Parole Board must determine whether paroling the offender would constitute an undue threat to public safety.

I must stress one point that is essential to an understanding of this matter, but may not be readily understood by the public. The life sentence imposed upon a person convicted of murder or high treason weighs upon this individual for the rest of his life.

● (1805)

Thus, when an offender is released, his sentence still applies, and he may be reincarcerated at any time if he violates the conditions set by the parole board.

This is not an easy way to get out of jail, as the opposition would have Canadians believe. Section 745.6 establishes an extremely rigorous procedure, and those who apply are very rarely successful. The fact is that the vast majority of those eligible to apply for a judicial review never do so. They simply decide to forgo the opportunity of their own accord, perhaps because they know that their efforts would be to no avail.

[English]

We all know that there is a great deal of public concern about section 745.6. Many have asked for the repeal of this section out of

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concern for public safety. Others have cited the revictimization of the victim's family by the review hearing held 15 years down the road at a time when the terrible wounds inflicted by the crime may have just started to heal. Others focus on the appropriate minimum period of incarceration for the worst offence in our Criminal Code.

This government shares the concerns of Canadians. That is why the government amended section 745.6 in the last Parliament.

As many members of the House will know, Bill C-45 brought three key changes to section 745.6. The first eliminated judicial review for all multiple murders committed in the future whether the murders are committed at the same time or not. This would include serial murders. The proposed amendment is consistent with the notion long found in the Criminal Code which states that a repetition of the offence should be treated more harshly by the law than the single offence.

The second created a screening mechanism whereby a judge of the superior court could conduct a paper review of the application to determine if there is a reasonable chance of success before the application is allowed to proceed to a full hearing before a jury.

The third provided that the parole ineligibility period may only be reduced by unanimous vote of the community jury, whereas previously only two-thirds of the jury were required. As a result of this provision an application for a reduction in the parole ineligibility period will be denied whenever the jury cannot reach a unanimous conclusion to reduce the period.

Section 745.6 was intended to be applied only in exceptional and deserving cases where the offender has really been able to turn his or her life around. Our government's amendment to this section has strengthened this and has gone a considerable distance in preventing non-meritorious cases from coming forward.

With the changes we have made, our government has attempted to reach out to the families of victims. In this mandate the government is also looking at what more can be done for victims and their families to acknowledge the pain they feel. Improving the criminal justice system to respond to victims' concerns is one of the top priorities for the Minister of Justice.

Following the receipt and review of the report of the Standing Committee on Justice and Human Rights in the fall of 1998, the Minister of Justice intends to move ahead with appropriate legislation and non-legislative initiatives to improve the situation of the crime victim.

In April 1998 the minister tabled in this House a letter which she sent to the chair of the Standing Committee on Justice and Human Rights expressing her interest in its review of the victim's role in the criminal justice system. In the letter she noted particular issues which she anticipated would be raised in the committee proceedings, including the adequacy of existing provisions to facilitate the

participation of victims and witnesses in the criminal justice system, the need to explore reforms to the victim impact statement provisions, enhancements to the Criminal Code's victim fine surcharge provision and the need to accommodate the interests of victims in the youth justice system.

The minister also noted that she was considering various models for the establishment of an offence for victims of crime within the Department of Justice which would, among other things, ensure that the victim's perspective is considered in the development of all criminal law policy and legislation.

There is a lot more we can do for victims and their families than just focus simplistically and single-mindedly on the repeal of section 745.6, as the official opposition has in the past few months in the House.

These amendments came into force on January 9, 1997. At present officials from the Department of Justice are monitoring their impact on this section to see if they are achieving their aim.

● (1810)

Yes, I do have blood in my veins, as the official opposition would like us to believe. Yes, we are bleeding heart Liberals. But if that means that we are compassionate and that we care about every Canadian in the country, yes, that is what it means. Compassion is part of what this government is all about.

I am proud to be a bleeding heart Liberal if that is the definition that the official opposition would like us to believe.

[*Translation*]

The government believes, as do many Canadians, that even those found guilty of very serious criminal acts should be able to acknowledge their crimes and rehabilitate themselves. We feel that it is important that our justice system have a mechanism allowing people, in exceptional cases, an opportunity to rebuild their lives.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, echoing the government member somewhat, we in the Bloc Québécois also believe that this bill is not votable. If it were, we would vote against it, because I believe that there are some very important principles involved, ones which the Reform Party appears to have ignored.

It must not be lost sight of that the objective of this bill is the deletion of sections of the Criminal Code which allow a judicial review of the parole ineligibility period with respect to certain life sentences.

Certainly, on first examination, the Reform Party approach seems to have some merit, but once again—and this is not the first time I have said this—we must look at the Canadian justice system

in its entirety, and not just approach it piecemeal, trying to solve certain problems one at a time.

I believe the entire Canadian system is a bit like a giant jigsaw puzzle. If one piece is taken away, there is a whole section that cannot be put together, and this is a very dangerous thing. In the case before us now, what the Reform bill would have us remove is a vital piece of the justice system.

Much has been said on this. I had a written text, but I do not think I shall follow it, because the basic problem is readily understood. Where the justice system is concerned, we must not go overboard. The justice system must not be examined in the light of some cases that make front page headlines. This is not the way the problem can be solved.

At the present time, the Criminal Code contains a series of sections on parole mechanisms, starting with 745.6. It is not true, as I have heard said on this side of the House, that it is so easy for a criminal to obtain parole. We must start with the basic premise that the parole system has one very clear objective, and that is rehabilitation. If there is no agreement on that principle from the start, it is obvious that what will follow will be fruitless dialogue and that we will never be able to reach an agreement.

In Quebec, for the past 30 years at least, we have had a clear idea where both young and adult offenders are concerned that there must be a rehabilitation component to the parole process. This is extremely important.

Rehabilitation is not automatic, obviously. Before a case is examined in order to see whether a person who has committed a serious crime and been given a life sentence can obtain any type of parole, within the system we have at the present time, it is certain that an analysis has been carried out. We have to be sure that the offender's behaviour will not pose a threat to society. It is not true that just anyone is released. A case is examined and an extremely important review procedure takes place.

This procedure can be found in section 745.6, which was debated in the House in 1996 with Bill C-45, as I am sure members recall. At the time, the government proposed limiting accessibility to the review procedure through a series of legislative amendments. I remember this very clearly because I thought back then that the government was going too far.

• (1815)

Even today, I think that the government went too far, but it is now part of the system. We must live with it and make the best of it.

If we examine the issue from a public safety standpoint, the higher the bar is placed for a criminal seeking release, the greater the guarantee of public safety, of course. Even before the government's amendments, the safeguards for society were adequate, but

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the government added additional obstacles for these offenders and the result is that today we are fine with the amendments.

Even with the government's amendments to Bill C-45, the Reform Party is proposing the repeal pure and simple of the review process. When we look at the legislation that the government opposite is producing, inspired by Reform Party ideas, we can see similarities between the two parties.

From a justice and legislative point of view, there are similarities with respect to severity and repression. We will see this again in the very near future, when the government introduces a young offenders bill. I am sure that the government will crack down and that Reform Party members will say the government is not going far enough. But this is not how Quebec has looked at things for at least 30 years, as I have already mentioned.

To come back to the review procedure which is the focus of the bill, section 745.6 cannot be viewed as an escape clause for offenders trying to shorten their sentence. I think that the review procedure provided for in section 745.6 is complex and elaborate. We must avoid the conclusion that criminals purging life sentences have too easy access to early parole because of section 745.6 of the Criminal Code.

A clear understanding of the application for review procedure necessitates reference to section 745.6 and sections 745.61 to 745.64, which describe how the review procedure works. On reading these new sections, we see that the review is not a matter of chance. It is far from being a lottery for inmates. If they are lucky, they get paroled, if they are not, their applications get turned down. The review is rigorous and has two stages. First, there is the initial examination mechanism and then the admissibility of the application is considered.

I listened earlier to the parliamentary secretary as she clearly summarized the review application procedure. I will focus on one point only, which is that the application, once accepted, is put to a jury, and, here again, it is no cakewalk for the inmate. He must convince the jury of the validity of his application for release. This is no easy matter. The procedure is highly complex. I am not saying it is too complex for the criminal. I am saying there is no need to alert public opinion over such matters.

Our system has been improved over the years. There are of course cases like Olson's, which a Reform member mentioned earlier. Everyone agrees that such cases could no longer occur under the current legislation. There was indeed a loophole in the Criminal Code, but we tried to plug it.

Although I may once again appear to be defending the government, my purpose is in fact to see that justice prevails. This is a matter of fairness. Even in cases involving criminals, I think the legislation must be fair.

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• (1820)

I will sum up very briefly why the Bloc Québécois is opposed to this bill. First, we oppose it because it goes against the sentencing guidelines of public safety and rehabilitation. Second, the bill is based on the misconception that early release is impossible, even if rehabilitation has truly taken place. Third, the review procedure provided for in the bill is too complex and elaborate to think that offenders serving life sentences can abuse it. Finally, the opportunity to declare an offender dangerous under section 752 of the Criminal Code reduces the possibility of repeat offences.

The fact is that I have not had the time to elaborate on the subject but, once again, there are provisions for declaring someone a dangerous offender and this entire review procedure is impossible.

For the reasons I have mentioned, I think that Canada's parole system does not jeopardize public safety.

[English]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I am pleased to rise in the House to speak in support of Bill C-258 as moved by the hon. member for New Westminster—Coquitlam—Burnaby.

This bill is consistent with Progressive Conservative policy to repeal section 745 of the Criminal Code, better known as the faint hope clause. It is also consistent with a motion that I tabled in the House last year similarly calling for the repeal of section 745.

It is sadly ironic today that the Liberals are defending the faint hope clause since yesterday we heard their defences of Bill C-68, which should be henceforth known as the false hope clause.

The Liberals have truly shown themselves as more than happy to give faint hope to convicted killers such as Clifford Olson, as previously mentioned, while giving false hope to Canadians worried about crime committed with firearms.

Although the amendments proposed in the bill by the hon. member would not apply retroactively, it would at least ensure that murderers are fully held accountable for the crimes that they commit. Accountability is a very important principle in our justice system and one which many feel has been neglected of late. From the Prime Minister's recent performance in the House, it would seem that accountability is also being neglected in the Chamber.

An injection of accountability into our justice system is something most Canadians would surely welcome. This would be taken into account with other principles of rehabilitation, as has been mentioned by friend from the Bloc; general and specific deterrents; other sentencing principles; and principles of justice and fairness.

In early 1997 the Liberal government of the day amended the Criminal Code to restrict the provisions for judicial review. Three fundamental changes were enacted at that time. First, offenders who committed multiple murders would no longer have the right to apply for section 745.6 under the Criminal Code.

Second, applicants, including those serving time for murder at the time of the amendments coming into force, would no longer have the automatic right to a section 745 hearing, going instead to a superior court judge to decide whether the applicant could then show a reasonable prospect for success before the application moved any further.

The third amendment to that section would require that a jury reach unanimous consent to order a release instead of the previous threshold of only a two-thirds majority.

While those amendments were certainly well intentioned, they contained a number of flaws. The new provisions implied that a single murder should be considerably less serious than multiple murders. Since multiple murderers convicted after January 1997 would be ineligible to apply for judicial review under section 745 at the time, it brings into question the overall fairness when one considers it from the victim's point of view.

As they would later do with the hepatitis C victims, the Liberals apparently drew an artificial line in the sand with respect to multiple murders as opposed to single premeditated murders. I would suggest that all premeditated murders should be treated equally under this provision. Does it not degrade the memory of the murder victims and the suffering that was inflicted upon them and their families to draw this sort of distinction?

My second criticism of those amendments was that the government's much touted amendments of section 745 amounted to no real changes with respect to the way judicial review hearing processes were conducted.

• (1825)

I am sure all members will agree the process is extremely important in that the hearings for early parole eligibility remain with the very limited information about the crime committed by the offender. To seriously restrict information with respect to the crime committed during these hearings is akin to restricting information with respect to the crime itself during the original trial and sentencing proceedings.

The Liberal amendments also created another level of bureaucracy, that is the government's decision to replace the criminal's absolute right to a hearing with an absolute right to apply for a hearing which might also lead to further appeals within the system.

One of the arguments the Minister of Justice, the solicitor general and their respective departments advanced at this time

against the over reliance on incarceration is therefore lost. The Liberals make this contention while they create another level of bureaucracy to facilitate the release of convicted killers.

It is a sad and telling statement on the priorities of the government. It provides different ways for murderers to get out of jail while victims of crime still to this date have no voice, no advocate within the criminal justice system at this level. The Minister of Justice and the solicitor general can only scratch their heads and wonder why Canadians continue to have a cynical and distrustful view of our justice system.

Section 745, regardless of the Liberal government's amendment a year and a half ago, continues to force families of victims to relive the murders and to relive them at the cost of the taxpayer. Some would say that the lack of a death penalty is the hallmark of a civilized society, but there are certainly many Canadians who would suggest it is certainly uncivilized to force the families of murder victims to once again go through this type of judicial revisiting of the offence itself. We certainly witnessed that just over a year ago with Mr. Olson's hearing in British Columbia.

Perhaps the families of murder victims should launch a legal challenge under the Charter of Rights and Freedoms on the basis that a section 745 Criminal Code hearing violates their section 7 charter rights that everyone including these victims have a right to life, liberty and the security of persons and a right not to be deprived thereof except in accordance with the principles of fundamental justice.

Is a section 745 hearing in accordance with the principles of fundamental justice? I doubt it. I challenge any hon. member in the House who supports section 745 to rationally assert that this is fundamentally just. I fear that it might come to that and that the victims of crime and their families will have to go to court to get a judicial opinion with respect to this piece of legislation.

The Reform Party has often made its views very clear in the House about judicial activism. I suggest there is a graver danger at work, that is legislative pacifism where society's most vulnerable individuals, victims and in many cases children, have no other public forum to have their views addressed by the courts. What are we doing in the House if we are not doing everything to protect those persons?

Therefore I would suggest that section 745 needs to be repealed, and the sooner the better. We in the House need to reflect upon the wishes of those individuals who are unable to speak for themselves. This is why I put forward the premise and the suggestion that the government should be establishing an independent ombudsman for victims which would also be in accordance with the government's repeated position that it wants to do more for victims. This would be consistent with that wish. Victims would be given a greater voice within the justice system. They would be given an independent person, a place of appeal, for information, a place where they could go to have their voices heard.

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I urge all hon. members of the House, especially the government members who spoke so passionately in favour of victims rights, to justify their support for Bill C-68, to join with opposition members in supporting the bill. As such, at this time I move for unanimous consent to make this bill deemed a votable item.

**The Acting Speaker (Mr. McClelland):** The hon. member for Pictou—Antigonish—Guysborough has asked for the unanimous consent of the House to make this bill votable. Is there unanimous consent?

**Some hon. members:** Agreed.

**An hon. member:** No.

**The Acting Speaker (Mr. McClelland):** Four members would like to speak to the bill before the mover gets the last five minutes to wrap up. If hon. members would keep that in mind, we will see if we can get everybody worked in given that we have 15 minutes to go.

• (1830)

**Mr. John Nunziata (York South—Weston, Ind.):** Mr. Speaker, I commend the hon. member for New Westminster—Coquitlam—Burnaby for again bringing this matter forward.

In December 1993 I had a similar private member's bill before parliament. At second reading parliament voted in favour of the bill, including 80 members of the Liberal caucus. Parliament in effect pronounced itself on the matter but regrettably when the bill was referred to committee the Liberal dominated committee effectively killed the bill. Subsequent to that Bill C-45 was brought forward. As I have said on many occasions, Bill C-45 simply does not go far enough. Short of a complete repeal of section 745, I do not believe Canadians would be satisfied.

We are dealing here with the penalty for first degree murder, the most serious and offensive crime in the Criminal Code of Canada. We are not dealing with a crime of passion. We are not dealing with manslaughter. We are dealing in some cases with second degree murder. For the most part we are dealing with those individuals who have the wherewithal to plan the murder of another human being in a very deliberate way. These are people who have in some cases murdered a single individual and in other cases more, like Clifford Olson who murdered 11 innocent children.

This evening we are discussing what the appropriate penalty should be for that crime. Surely to give to certain people who commit that type of crime the right for their parole ineligibility be reduced to 15 years is nothing short of unconscionable.

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It is clear where Canadians stand on what the punishment ought to be for first degree murder. Poll after poll over the years has indicated that Canadians support capital punishment. This House voted against the reinstatement of capital punishment a number of years ago.

Short of that the Canadian public would like to see a just criminal justice system that would entail a severe penalty for first degree murder. Most Canadians thought that the penalty for first degree murder was a minimum of 25 years in prison. Until recently when the media would report a conviction they would say that the individual would be serving a minimum of 25 years. That was not the case. As my hon. friend pointed out, in 1976 the so-called faint hope clause was inserted into the Criminal Code. It took 15 years before Canadians came to realize that the faint hope clause was in effect the sure bet clause because the success rate was around 80%. So 80% of those who applied to have their parole ineligibility reduced had their parole ineligibility reduced. That is simply not acceptable.

I estimate that 95% to 98% of Canadians would like to see the repeal of section 745 to render the criminal justice system a just system. Right now Canadians are cynical about the criminal justice system. There is considerable disrespect not only because of the inclusion of section 745 in the code but other problems with the Young Offenders Act, concurrent sentencing, parole and probation provisions.

Canadians want to see a criminal justice that is just, that puts public safety and the rights of victims in front of the rights of accused persons and criminals, including those serving time for murder.

Regrettably Bill C-258 will not be voted on because of the private members' process that we have in existence today. That is another debate. It is unfortunate because it seems to me that the whole process is somewhat meaningless unless matters such as this are brought to a vote in the House so all members of parliament can exercise their democratic duty and pronounce themselves on behalf of their constituents. This bill could, if voted on, be made retroactive if parliament were to decide to use the notwithstanding clause.

• (1835)

I again express my concern about section 745 and my complete support for its repeal. I believe it is consistent with the views of my constituents and the overwhelming majority of Canadians. I am pleased that we are once again debating this matter. I hope that at some point the government will allow this matter to be brought to a vote so that all members of parliament can express the views of their constituents.

**Mr. Grant McNally (Dewdney—Alouette, Ref.):** Mr. Speaker, I too support the bill proposed by the hon. member for New

Westminster—Coquitlam—Burnaby, Bill C-258. I will keep my comments rather brief and to the point through a personal story.

If there is every a place that you do not want to meet somebody it is at a hearing involving a section 745 case. Unfortunately that is where I met one of my constituents for the first time, Mr. Ray King. Mr. King is the father of one of Olson's victims.

Mr. King came to me prior to that case and shared with me the years of anguish he went through personally as a result of the incident that unfortunately happened to his son.

That is what this is about. We have heard in the House today philosophical difference. There certainly is a very big philosophical difference. This philosophical difference has a dramatic impact on individual lives, Mr. King's life being a clear example of that.

I will read into the record a few of the comments made by Mr. King and the anguish that he shared personally and publicly in this process he had to go through:

The nightmares that had been absent in my life for several years returned (after going through this process).

We get a life sentence too. And it doesn't end after 15 years or 20 years. Having those victim impact statements read aloud in the presence of this person was the ultimate obscenity. Throughout it all, the grin never left his face.

I found it impossible to make any sense of the fact that this person, who had taken away our right to see our children grow up to adulthood, should demand and be afforded concessions.

This is the heart rending situation in this section 745 case and this bill. It is not understandable why this bill is not votable today.

The parliamentary secretary mentioned the changes the government has made. I think she said it goes against government policy, therefore it is not in favour of it. It is simply bad policy. It is bad legislation.

We have to ask ourselves on this side and individuals across Canada have to ask themselves is this government willing to accept bad policy and bad law which negatively affects individuals across this country. We must conclude by the actions and the statements made here today by members on the government side that it is the case. That is a sad commentary on the state of this government and its response to the criminal justice system.

Mr. King's comments are comments I will never forget. I was an 18 year old in Coquitlam where Olson was when his reign of terror was going on. I have mentioned that in the House before and I mention it again because I know personally the fear that gripped the community. I also many years later was in the unfortunate circumstance of having to hear Mr. King's tragedy and the loss that changed his life forever. It is not fair to put individuals, not one individual Canadian, through that experience.

If this government had the initiative to remove section 745 not one Canadian would have to go through what Mr. King went through. That is the tragedy we are talking about.

• (1840)

**Mr. Lynn Myers (Waterloo—Wellington, Lib.):** Mr. Speaker, as the former chairman of the Waterloo regional police I have a very keen and strong interest in this area of the Criminal Code.

Bill C-258 proposes the repeal of section 745.6 of the Criminal Code, a provision which provides for judicial review of the parole ineligibility period for persons convicted of murder and high treason.

I want to re-emphasize the position of the government. We believe that section 745.6 should be retained for exceptional and deserving cases and as such Bill C-258 is in direct conflict with government policy and therefore certainly I do not and the government does not support it.

Section 745.6 was enacted in 1976 when the death penalty was abolished in Canada. That section was necessary as a source of hope for the rehabilitation of convicted murderers and as a protection for prison guards.

I believe the reasons that justified its addition to the Criminal Code then are still valid today. An offender must satisfy a jury of 12 citizens drawn from the community that the parole ineligibility period should be reduced. At that hearing after evidence called by the applicant and by the crown including any information the victims of the crime may wish to bring to the attention of the jury it is the jury which decides whether to reduce that parole ineligibility period.

I want to emphasize a point that is crucial to an accurate understanding of the issue. However, it is not always understood by others and perhaps some in the public that the life sentence imposed on a person convicted of murder or high treason continues literally for the offender's entire life. Accordingly in those cases where such an offender is released on parole the offender continues to be subject to the sentence and can be reincarcerated at any time should he or she breach a condition of release imposed by the parole board.

Section 745.6 sets out an extremely rigorous procedure. If we look at the facts the vast majority of those eligible to apply simply never do.

There is a great deal of public concern about section 745.6. I share that and the residents of Waterloo-Wellington and all Canadians share that. The government certainly shares that concern as well and that is why the government amended section 745.6 in the last parliament. We recognized the concerns that were raised and we moved to deal with them.

### *Private Members' Business*

As many members of the House will know, Bill C-45 brought three key changes to section 745.6. The first eliminated judicial review for all multiple murders committed in the future whether the murders are committed at the same time or not. This would include serial murders. The proposed amendment is consistent with the notion long found in the Criminal Code that the repetition of the offence should be treated more harshly by the law in a single offence.

The second created a screening mechanism whereby a judge of a superior court would conduct a paper review of the application to determine if there is reasonable chance of success before the application is allowed to proceed to a full hearing before a jury.

The third provided that the parole ineligibility period may only be reduced by a unanimous vote of the community jury, whereas previously only two-thirds of the jury were required. As a result of this provision an application for reduction of the parole ineligibility period will be denied whenever the jury cannot reach a unanimous conclusion to reduce the period.

There is a lot more we as a government are doing for victims and their families. It is much more than simply focusing in on single minded or simplistic views such as the repeal of section 745.6. The government believes, as many Canadians and certainly residents in my area do, that people who are guilty of a terrible act should be given a chance to come to terms with their crime and rehabilitate themselves. In the government's view it is important that our justice system include a mechanism which gives some people a chance in exceptional circumstances to turn around their lives.

**The Acting Speaker (Mr. McClelland):** This being Private Members' Business, the mover of the bill has the last five minutes. Since we are in the last five minutes we will go to the hon. member for New Westminster—Coquitlam—Burnaby.

• (1845)

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Ref.):** Mr. Speaker, from the government side we have just heard an incredible rationalization for releasing dangerous offenders. Liberals have demonstrated today that they are soft on crime.

**The Acting Speaker (Mr. McClelland):** Excuse me, if the hon. member for Simcoe—Grey would be kind enough to sit down I will explain how Private Members' Business works.

If the hon. member for Simcoe—Grey would like to speak in Private Members' Business when the time has elapsed, he needs only to stand in his place and request unanimous consent for the time to be extended.

**Mr. Paul Forseth:** Mr. Speaker, we have to go back in time and remember that section 745 of the Criminal Code was slipped in but the effects of it, the consequences were not really appreciated at the time by the public. It took quite a while before these early untimely parole eligibility processes began to kick in. The press began to respond to the emerging public concern if not disgust, leading

*Private Members' Business*

eventually to outrage when for example Clifford Olson laughed at parliament, Canadians and every misguided politician who supported the twisted logic of this section.

Section 745 has to go. It serves no positive benefit for the administration of justice. I have been on the line supervising parolees. I have heard all the games. It has no place in Canadian criminal law.

This section has been a focal point, a lightning rod, an example of something that brings the justice system and parliament into disrepute. Reformers will not rest until section 745 is gone. That is the people's agenda, the agenda from coast to coast. Thousands of names have been tendered in petitions here in this parliament on the subject.

We have had protest rallies on Parliament Hill and across the country on it. What does it take to get it done? Once it was mistakenly put in place it has been so long and so hard for Canadians to get government to correct the wrong done to the country.

Here again we have the topic before parliament and the Liberal members through their control of the system for private members' bills would not let a vote occur on my bill. However, it is still a national issue that will not go away. I brought my bill forward again to bring it up.

The House Standing Committee on Justice and Human Rights needs to deal with this topic as it considers victims of crime in its deliberations. Therefore, I propose a carefully worded motion to remind the government of its duty to Canadians.

Mr. Speaker, I ask that you canvass for unanimous consent that Bill C-258, an act to amend the Criminal Code (judicial review) be not read a second time but that the order be discharged, the bill withdrawn and the subject matter thereof referred to the Standing Committee on Justice and Human Rights to be included in its review of victims of crime.

**The Acting Speaker (Mr. McClelland):** The hon. member for New Westminster—Coquitlam—Burnaby has asked for unanimous consent to have the subject matter of the bill referred to committee.

Is there unanimous consent?

**An hon. member:** No.

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

**Mr. Paul Bonwick (Simcoe—Grey, Lib.):** Mr. Speaker, I rise on a point of order. I was going to request the unanimous consent of this House to allow me an additional three or four minutes simply

to convey some remarks on behalf of the constituents of Simcoe—Grey and myself.

**The Acting Speaker (Mr. McClelland):** The hon. member has asked for unanimous consent to extend Private Members' Business by three minutes.

Is there unanimous consent?

**Some hon. members:** Agreed.

**Mr. Paul Bonwick:** Mr. Speaker, as you can see I was not fully prepared for a 10 minute address.

• (1850 )

I would like to thank my hon. colleagues for the opportunity to address this issue. As was noticed earlier on it is something that is very near and dear to my heart. I carry a certain passion for it.

I should first clarify my position on this. As the member of parliament for Simcoe—Grey and dealing with a private members' bill I am a very significant proponent for repealing section 745. I do so for a couple of reasons. Those two reasons are justice and victims rights. I encourage the members of this House to give consideration to the elimination of section 745 for those two reasons.

I will not repeat what some of my colleagues have commented on with respect to justice and the amount of time served for first degree murder. In a just society, I believe there should not be an opportunity to have a reduction in sentence when in fact a premeditated murder has taken place. Perhaps even more important are the victims that are left behind to deal with this over and over again. I would like to provide a short example. I think it might impact on some of the hon. members of this House.

I too have a constituent in my riding that has had to experience the loss of a loved one. In turn the murderer had the opportunity to go through the section 745 process. It was not the spouse that had to relive that tragedy, that travesty which took place, but the children. She had a very easy explanation to understand and certainly it is why I am a proponent to have this section eliminated.

The children dealt with it as children some 17 or 18 years ago. They were able to put it behind them and get on with their lives. She was able to address it accordingly and raise her children in a very good way. Some 15 years later, the children were forced to deal with it again but this time as adults. That had a very negative consequence on their lives. It has had a dramatic effect on that.

I believe if we are to give true consideration, if we are truly to be supportive of victims rights, then we have no option but to eliminate section 745.

On behalf of the constituents of Simcoe—Grey, I voice my comments here on this private members' bill and wholeheartedly endorse the removal and elimination of section 745.

[*Translation*]

**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.

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## ADJOURNMENT PROCEEDINGS

[*English*]

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

### ABORIGINAL AFFAIRS

**Mr. Gordon Earle (Halifax West, NDP):** Mr. Speaker, on May 12 I asked the Minister of Indian Affairs and Northern Development and the Minister of Justice and Attorney General for Canada questions concerning the fiduciary responsibility of this federal government toward aboriginal peoples.

The Minister of Indian Affairs and Northern Development clearly confirmed the government's honouring of the fiduciary relationship. But then, and this is when things get baffling, the Minister of Justice actually declared to this House that the government's recent actions were consistent with its fiduciary responsibilities. I am hoping the government can clarify the increasingly muddy waters.

This Liberal government's justice minister intervened on the side of the New Brunswick government to appeal a lower court ruling which exempted aboriginal peoples from sales tax. This government actually and explicitly took the position that aboriginal peoples in this case should not be exempt from sales tax. This clearly sets this government in opposition to the interests of aboriginal peoples.

How then can the Minister of Justice justify to this House that directly opposing the interests of aboriginal peoples is somehow supporting the interests of aboriginal peoples?

In the factum submitted to the supreme court, the Minister of Justice took a position adverse to the First Nations people of New Brunswick. The actions of the Minister of Justice appear to have been a gross betrayal of this government's fiduciary responsibility.

### *Adjournment Debate*

• (1855)

The 1993 report of the Canadian Human Rights commissioner states:

The fact that Canada seems to be moving in the direction of self-government in no way diminishes the responsibility that the Government of Canada at present has to "uphold the honour of the Crown" with respect to its fiduciary undertakings.

The present finance minister, then an opposition member, wrote a letter on June 11, 1991 wherein he stated:

My understanding of this situation is that the government must recognize the tax immunity of First Nations people. Upon proof of status, a First Nations citizen should not be required to pay the GST levy.

He then went on to state:

I urge you to rectify their present situation and honour the fiduciary responsibility of the federal government in relation to tax immunity to aboriginal Canadians.

I wonder why the finance minister did not stick to his word and come out strongly against the intervention of the justice minister against the interest of first nations people on this issue.

The Prime Minister himself took up the torch on this issue a year and a half after the finance minister made his views clear. The Prime Minister, then Leader of the Opposition, wrote on January 22, 1993:

I have pressed the Minister to amend the policy for off-reserve purchases, which are exempt from the GST only if they are delivered to the reserve by the vendor. This policy, as you can attest, has the practical effect of denying a tax exemption guaranteed by the Indian Act.

The Liberal government has done a real disservice to all aboriginal people and all Canadians. The Minister of Justice has failed to uphold the government's fiduciary responsibility to aboriginal people.

It also appears that either the Prime Minister and the finance minister did not know of the justice minister's actions and stance on the issue of taxation of first nations people or were willing to admit their earlier letters on the issue were little more than a pre-election ploy to curry votes from aboriginal Canadians.

I trust the government will admit that it has failed to uphold its fiduciary duty to aboriginal people and come clean with the public on where the government stands with respect to taxation on aboriginal peoples.

**Mr. David Iftody (Parliamentary Secretary to Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, I am pleased on behalf of the Minister of Indian Affairs and Northern Development to respond to the hon. member for Halifax West concerning Canada's fiduciary responsibility toward its aboriginal people.

The federal government takes very seriously its fiduciary relationship with aboriginal people. However, in a legal context, there is much uncertainty within fiduciary law on what the specific duties or obligations of the federal government are because of this relationship.

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The Supreme Court of Canada has begun to outline Canada's specific obligations in this complex area, beginning as far back as the Calder case. Mr. Calder was one of the elders of the Nisga'a clan with whom we have just signed a very historical agreement. The Sparrow case is another one reaching the Supreme Court of Canada, and most recently the well known Delgamuukw case in which the supreme court outlined a broad context by which the federal government must interpret the specifics in each arrangement with its first peoples.

The government has studied these decisions carefully to ensure that Canada's actions conform to the principles articulated by these esteemed courts. Among these principles is Canada's fiduciary responsibility to ensure that surrenders of reserve lands reflect the intentions of the first nations for whom the reserve has been set aside.

The courts are one process chosen by aboriginal people to resolve outstanding grievances, as they should from time to time. In some instances the Government of Canada has intervened in courts cases to which aboriginal people are also parties. Crown intervention decisions like other positions in court are taken carefully, considering the implications for aboriginal people as well as for government policy.

With our special relationship with aboriginal people and with the Gathering Strength initiative, the government encourages the use of negotiation rather than litigation.

## HEALTH

**Mr. Greg Thompson (New Brunswick Southwest, PC):** Mr. Speaker, I want to follow up on a question I asked the Minister of Health back in June relating to the health protection branch of government.

• (1900)

There are a number of disturbing things happening, but what I am questioning is the safety and integrity of the health protection branch. I think it is putting many Canadians at risk.

I do not think we have to look any further than the relationship that now exists between private industry, perhaps the multinational drug companies, and the health protection branch. There is lots of evidence out there to suggest that they are using a great deal of power and influence to push through the approval of certain drugs in Canada. In fact, if the testimony of some of the scientists who work for the Government of Canada at the health protection branch proves to be as accurate as reported, we are in a great deal of difficulty.

Just about every newspaper in Canada has had articles about the various drugs that have been pushed through the system. That is wrong. It endangers every Canadian.

We have been talking about the hepatitis C victims and what happened following some of the misadventures of the Department of Health and its inability track what was happening.

As an example, the health protection branch would notify the Red Cross a year in advance as to when it was going to conduct a review of its operations. That fact was brought out in the Krever inquiry.

There is something wrong when the chief inspector tells someone that he is going to inspect their operation. What will the person do? He will clean up his act. That is exactly what happened in the case of the Red Cross.

Fundamentally, the problem is that the department does not have the resources to do its job. We are relying on the private sector to do the job for us as Canadians. We are relying on the private sector to tell us whether or not a drug is good or bad.

The relationship that presently exists between the Government of Canada and the scientific community is an uneasy relationship that puts every Canadian at risk.

We are putting drugs on the market that have not gone through the proper channels of inspection. Clinical trials, for example, are threatening the health of every single Canadian.

What I am asking the minister to do is to please take a serious look at the health protection branch. At the end of the day, we have to depend on the Minister of Health and the Government of Canada to protect all Canadians.

We are asking the Minister of Health to get a hold on his department and to do what is right so that at the end of the day all Canadians will be protected.

**Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, I am pleased to respond to the member for New Brunswick Southwest, although I believe the question he asked of the minister some time ago was with respect to the bureau of veterinary drugs.

However, if his question is about the HPB, the health protection branch, I want to assure him that this minister and this government take the health of Canadians very seriously. We understand the very important role that is played by the health protection branch.

The minister today in the House spoke about a task which has been undertaken that will look at the role of the HPB into the future. We have begun a countrywide consultation.

There has already been a meeting in Halifax. There will be meetings right across this country. I would encourage the member opposite to participate in those discussions. The role of the health protection branch, whether in veterinary drugs, pesticide management, approval of new drugs, medical devices and so forth, touches

*Adjournment Debate*

the lives of Canadians every day. It also has a very important role to play in the area of not only protection but promotion.

• (1905 )

We are all equally concerned about ensuring that Canada is as prepared as it can be and that we have the very best science. That is the reason the minister brought together leading Canadians with a science focus. The science advisory committee is overseeing the review.

We are very serious about ensuring that the health of Canadians is protected at all times and that the role of the federal government and Health Canada under HPB is appropriate to meet the needs of Canadians today and into the new millennium.

**The Acting Speaker (Mr. McClelland):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m., pursuant to order made Friday, June 12, 1998.

(The House adjourned at 7.06 p.m.)

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