



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 128 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, September 29, 1998

Speaker: The Honourable Gilbert Parent

CONTENTS

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

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

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

HOUSE OF COMMONS

Tuesday, September 29, 1998

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

CRIMINAL RECORDS ACT

Mr. Jay Hill (Prince George—Peace River, Ref.): Mr. Speaker, there have been consultations among the parties and I believe you will find unanimous consent for the following motion.

I move:

That following the conclusion of debate on Bill C-284, standing in the name of the member for Calgary Centre, the question be deemed put, a recorded division requested and deferred to the completion of Government Orders on Tuesday, October 6.

The Deputy Speaker: Does the hon. member have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

(Motion agreed to)

* * *

PETITIONS

MARRIAGE

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, I have several petitions to present today. The first petition draws to the attention of the House the definition of marriage as the majority of Canadians understand it. Accordingly, the petitioners call upon parliament to enact Bill C-225 to amend the Marriage Act and the Interpretation Act to define marriage as being between a single male and a single female.

CRTC

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, the second petition comes from a large number of constituents and concerns the decision of the Canadian Radio-television and Telecommunications Commission not to licence four

religious television broadcasters. The petitioners call upon parliament to review the mandate of the CRTC and direct the CRTC to encourage the licensing of religious broadcasters.

MULTILATERAL AGREEMENT ON INVESTMENT

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, the final petition I wish to present relates to the multilateral agreement on investment. The petitioners request parliament to impose a moratorium on Canadian participation in MAI negotiations until a full public debate has taken place.

• (1005)

MARRIAGE

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I have two petitions to present this morning. The first petition, with 175 signatures, comes from my constituency, primarily from the districts of Leader, Prelate and Mendham in Saskatchewan.

The petitioners wish to point out that the concept of marriage is a voluntary union of an unmarried male and an unmarried female and that it is the duty of parliament to ensure that marriage as it has been known and understood in Canada should be preserved.

The petitioners therefore call upon parliament to enact Bill C-225, an act to amend the Marriage Act and the Interpretation Act so as to define in statute that a marriage can only be entered into between a single male and a single female.

BILL C-68

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, the second petition comes primarily from residents of Mount Albert, Ontario.

The petitioners call upon parliament to recognize that Bill C-68 was supported by misleading statistical data when it was presented to parliament, that there is no evidence that the criminal use of firearms is impeded by restrictive firearms legislation, that the enforcement of Bill C-68 would be a major burden on police officers and that the search and seizure provisions of Bill C-68 would constitute a breach of traditional civil rights and would be an affront to all law-abiding Canadians.

The petitioners therefore call upon parliament to repeal Bill C-68 and all associated regulations with respect to firearms and ammunition and pass new legislation designed to severely penalize the criminal use of any weapon.

Government Orders

This brings the tally to 4,026 signatures on petitions of this nature which I have recently presented in the House.

MARRIAGE

Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, I have seven petitions, all on the same subject matter. They total approximately 450 signatures.

The first petition comes from my riding of Scarborough Southwest. The others are from New Westminster, British Columbia; Calgary, Alberta; Saskatoon, Saskatchewan; Winnipeg, Manitoba; LaSalle, Quebec; and Lower Sackville and Fall River, Nova Scotia.

All of the petitions call upon parliament to enact my Bill C-225, an act to amend the Marriage Act and the Interpretation Act so as to define in statute that which is already in federal common law, namely that a marriage can only be entered into between a single male and a single female.

Mr. Dale Johnston (Wetaskiwin, Ref.): Mr. Speaker, I have a petition to present on behalf of residents of Wetaskiwin and other areas in central Alberta. The petition deals with the concept of marriage as only being a voluntary union between a single male and a single female.

The petitioners call upon parliament to enact Bill C-225, an act to amend the Marriage Act and the Interpretation Act so as to define in statute that a marriage can only be entered into between a single male and a single female.

BILL C-68

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, I am pleased to table a petition today from B.C. residents who recognize that registering firearms does nothing to fight violent crime.

The petitioners want Bill C-68 to be repealed and the money spent on effective anti-crime measures, including prevention and more policing.

YOUNG OFFENDERS ACT

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I would like to present a number of petitions calling for significant changes to the present Young Offenders Act. Over 350 petitioners call upon parliament to make the protection of society the number one priority in amending the Young Offenders Act through measures such as reducing the minimum age of young offenders, publishing violent young offenders' names, increasing the penalties for crimes committed by youth and ensuring parental responsibility.

• (1010)

BILL C-68

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I would also like to put forward a number of petitions regarding the issue of firearms registration and firearms control. Almost 150 petitioners

have asked that the House repeal Bill C-68 and redirect the funds for the registration and licensing scheme to more effective means of reducing violent crime and improving public safety, such as more police and crime prevention programs, women's crisis centres, suicide prevention centres and increased resources for fighting organized crime and street crime.

MARRIAGE

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, 70 of my constituents have asked me to present their petition supporting Bill C-225 which would define in statute that a marriage can only be entered into between a single male and a single female.

PROPERTY RIGHTS

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I would like to present a petition asking the House to support private member's Bill C-304 which would strengthen the protection of property rights in the country.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Gar Knutson (Parliamentary Secretary to Prime Minister, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[Translation]

DNA IDENTIFICATION ACT

BILL C-3—TIME ALLOCATION MOTION

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I move:

That in relation to Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts, not more than one further sitting day shall be allotted to the consideration of the third reading stage of the bill and, 15 minutes before the expiry of the time provided for the government business on the allotted day of the third reading consideration of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this order, and in turn every question necessary for the disposal of the third reading stage of the bill shall be put forthwith and successively without further debate or amendment.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

• (1055)

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

(Division No. 230)

YEAS

Members

Adams	Anderson
Assad	Assadourian
Augustine	Axworthy (Winnipeg South Centre)
Bakopanos	Barnes
Beaumier	Bélair
Bélanger	Bellemare
Bennett	Bertrand
Bevilacqua	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brown	Bryden
Bulte	Caccia
Calder	Caplan
Carroll	Catterall
Chamberlain	Chan
Charbonneau	Chrétien (Saint-Maurice)
Clouthier	Coderre
Cohen	Collenette
Copps	Cullen
DeVillers	Dhaliwal
Dion	Discepola
Dromisky	Drouin
Duhamel	Easter
Eggleton	Finestone
Finlay	Folco
Fontana	Fry
Gallaway	Godfrey
Graham	Gray (Windsor West)
Harb	Harvard
Hubbard	Ianno
Iftody	Jackson
Jennings	Jordan
Karetak-Lindell	Keyes
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	Lavigne
Lee	Leung
Lincoln	Longfield
MacAulay	Mahoney
Malhi	Maloney
Manley	Marchi
Martin (LaSalle—Émard)	Massé
McCormick	McGuire
McLellan (Edmonton West)	McWhinney
Miffin	Mills (Broadview—Greenwood)
Minna	Mitchell
Murray	Myers
Nault	Normand
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Pagtakhan
Paradis	Parrish
Patry	Peric
Peterson	Pettigrew
Phinney	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Proud	Provenzano
Redman	Reed
Richardson	Robillard
Rock	Saada
Scott (Fredericton)	Sekora
Serré	Shepherd
Speller	St. Denis

Steckle
Stewart (Northumberland)
Telegdi
Torsney
Valeri
Volpe
Wilfert

Government Orders

Stewart (Brant)
Szabo
Thibeault
Ur
Vanclief
Whelan
Wood—138

NAYS

Members

Abbott	Ablonczy
Alarie	Anders
Asselin	Axworthy (Saskatoon—Rosetown—Biggar)
Bachand (Richmond—Arthabaska)	Bailey
Bellehumeur	Benoit
Bergeron	Bernier (Tobique—Mactaquac)
Bigras	Blaikie
Brien	Brison
Cadman	Cardin
Casson	Chrétien (Frontenac—Mégantic)
Crête	Cummins
Davies	de Savoye
Debien	Desjarlais
Desrochers	Doyle
Dubé (Madawaska—Restigouche)	Duceppe
Dumas	Duncan
Earle	Elley
Epp	Gauthier
Gilmour	Girard-Bujold
Godin (Acadie—Bathurst)	Goldring
Gouk	Grewal
Grey (Edmonton North)	Guimond
Hanger	Harris
Hart	Harvey
Hill (Macleod)	Hill (Prince George—Peace River)
Jaffer	Johnston
Jones	Keddy (South Shore)
Konrad	Laliberte
Lalonde	Laurin
Lebel	Lefebvre
Loubier	Lunn
MacKay (Pictou—Antigonish—Guysborough)	Mancini
Manning	Marceau
Marchand	Mark
Martin (Esquimalt—Juan de Fuca)	Mayfield
McDonough	McNally
Mercier	Meredith
Mills (Red Deer)	Morrison
Muise	Nystrom
Obhrai	Pankiw
Penson	Perron
Picard (Drummond)	Power
Price	Ramsay
Reynolds	Riis
Ritz	Rocheleau
Sauvageau	Scott (Skeena)
Solomon	Stinson
St-Jacques	Stoffer
Tremblay (Rimouski—Mitis)	Turp
Venne	Wasylcia-Leis
Wayne	White (Langley—Abbotsford)
Williams—103	

PAIRED MEMBERS

Alcock	Byrne
Canuel	Dalphon-Guiral
Gagliano	Gagnon
Grose	Marleau
St-Hilaire	Tremblay (Lac-Saint-Jean)

Government Orders

The Deputy Speaker: I declare the motion carried.

[*English*]

THIRD READING

The House resumed from September 21, consideration of the motion that Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, be read the third time and passed; and of the amendment.

The Deputy Speaker: Order, please. Perhaps hon. members who are carrying on discussions in the Chamber could have them outside so the business of the House could resume. I am sure there are hon. members who wish to debate this bill.

• (1100)

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, I will be sharing my time with the Parliamentary Secretary to Minister of Labour.

I have been closely following both sides of this debate and I rise today to speak in support of Bill C-3. As the former chairman of the Waterloo regional police I have a keen interest in this area and in this debate.

We have heard from several hon. members that a DNA bank will increase public protection for all Canadians. The police community has told us that a data bank will help law enforcement agencies identify suspects where they have no leads, that it will assist in identifying offenders who commit serious crimes across all police jurisdictions in Canada, and that it will help prevent future violent crime.

To ensure the police have the most effective tool possible Bill C-3 has been drafted in accordance with the Constitution. Bill C-3 will authorize the courts to order persons convicted of designated offences to provide DNA samples for inclusion in the data bank. Upon conviction for a primary designated offence or a serious violent offence the court will issue an order requiring the offender to provide a DNA sample for the data bank, except in the most exceptional circumstances.

In the case of a conviction for a secondary designated offence which includes robbery and break and enter, offences that Clifford Olson for example was convicted of in his early criminal career, the court upon application by the crown may issue an order for the DNA sample to be taken for data banking purposes.

Some hon. members: Oh, oh.

The Deputy Speaker: Order, please. An hon. member has the floor and it is very difficult for the Chair to hear the hon. member because of the loud conversations that are being carried on in the House.

I remind hon. members that there are lobbies where these discussions can take place. I invite members who are having

discussions to please carry them on outside the Chamber so those who wish to hear the debate will be able to do so. The hon. member for Waterloo—Wellington has the floor.

Mr. Lynn Myers: In deciding whether to make an order in this instance the judge will consider the offender's criminal record, the nature of the offence and the circumstances surrounding its commission which are all relevant factors in identifying violent predators at a very early stage.

The data bank will capture penitentiary inmates who pose a high risk of future violent reoffending. Bill C-3 will authorize DNA samples to be taken retroactively from designated dangerous offenders, repeat sex offenders and serial murderers. The last group of offenders was added to Bill C-3 by the Standing Committee on Justice and Human Rights in response to concerns that offenders like Clifford Olson should be captured by the data bank.

By targeting offenders already in custody the data bank will offer the hope of solving long outstanding crimes where police have no leads. It will make the most dangerous offenders think twice about committing a violent offence again because their genetic imprints will be in the data bank for future and quick identification.

The Standing Committee on Justice and Human Rights studied Bill C-3 in depth and supported it. Members of the House have closely examined it and have had an opportunity to study the expert legal opinions concerning its constitutionality. The legal experts have advised us that Bill C-3 in its current form is consistent with Canada's Constitution. However some members continue to discount this fact. They insist on delaying passage of the bill by repeatedly arguing that it can be easily amended. In so doing they are forgetting about the supreme court and the Canadian Charter of Rights and Freedoms.

Amending the bill to permit the taking of DNA samples at the time of arrest or charge is a radical proposal that disregards the basic rights and freedoms guaranteed by the charter. Any accused person in Canada has the right to be presumed innocent and protected from unreasonable search and seizure. Bill C-3 reflects a clear statement from our highest court that the taking of DNA samples constitutes a search and seizure which requires prior judicial authorization. Before the police can search anyone's home or business premises they must first obtain judicial authorization to do so.

• (1105)

A search of a person's bodily substances is much more serious than searching a home or business because it interferes with bodily integrity and undermines human dignity. Therefore the taking of a DNA sample for law enforcement purposes demands high standards of justification. Taking a sample on the off chance that it might help the police crack an old and cold case simply does not meet those standards.

Government Orders

I emphasize that the requirement for prior judicial authorization before DNA samples can be seized following conviction is one of the key features of Bill C-3. It ensures that the charter rights of all Canadians are protected. We must not overlook the fact that the police already have authority to take a DNA sample from a person for investigative purposes at the time of arrest or charge, or at any other time, as long as they first obtain a warrant allowing them to do so.

The DNA warrant legislation has been commended by the Supreme Court of Canada and has survived all constitutional challenges to date. The most important reason the scheme has survived is that it provides for judicial oversight of the collection of DNA samples.

We must be mindful that the police have never had an automatic right to search and seize in Canada. This is because we have placed a high premium on our reasonable expectation of privacy, on the security and the dignity of the person, and on the right to be free from unnecessary state interference with those rights. It is these basic rights that make Canada one of the best countries in which to live.

Bill C-3 builds on the solid foundation of the DNA warrant scheme and provides the police with the added capacity to compare DNA samples obtained from crime scenes with DNA samples from convicted offenders.

Last week, for example, we heard the misguided suggestion that taking samples upon charge would be constitutionally defensible. It is not. On the contrary, the legal experts have clearly and emphatically stated that this is not true.

Last May the government publicly released independent legal opinions on this issue from three of the most experienced legal minds in the country: former Justice Martin Taylor of the British Columbia Court of Appeal, former Chief Justice Charles Dubin of the Ontario Court of Appeal and former Chief Justice Claude Bisson of the Quebec Court of Appeal.

These opinions are comprehensive and fully consistent with the views of the Canadian Bar Association and representatives of the Ontario attorney general, the New Brunswick attorney general, the Privacy Commissioner of Canada and the federal Department of Justice.

I would now like to turn to what these eminent judges had to say about the proposal being put forth by the police community. I quote the hon. Martin Taylor when he said:

—I am of the opinion that legislative extension of police authority under Bill C-3 to sanction the taking of DNA samples without judicial warrant in the case of persons charged or arrested but not tried and convicted would be held contrary to the guarantees contained in one or more of ss. 7, 8 and 11(d) of the charter, would not be saved by s. 1 of the charter, and would therefore be found unconstitutional and of no force or effect under s. 52 of the Constitution Act.

The hon. Claude Bisson said the following in his legal opinion:

An enactment authorizing—the taking of bodily sample without a prior judicial authorization will not be, under the charter, a reasonable exercise of the power of parliament.

Therefore, the guaranteed rights of a person by the charter having been infringed, the legislation would be invalidated because section 1 of the charter would not save such legislation—.There is no equation to be made between the—taking of fingerprints upon arrest and the taking—also upon arrest and without judicial authorization—of bodily samples.

Fingerprinting is not a search and seizure; the taking of bodily substances and samples is and, as such, should not be performed without the greatest safeguards, the first of it being a judicial intervention.

Finally, this is what the hon. Charles Dubin concluded: “the proposal to allow automatic seizure of bodily samples for DNA analysis upon arrest appears to me to serve little social purpose”.

The fingerprinting and DNA warrant provisions that already exist allow proper identification of arrested persons and provide police with the ability to obtain samples for DNA analysis from an individual who they reasonably believe is a party to a designated offence.

The only additional purpose of automatic seizure of bodily samples on arrest would appear to be to increase a pool of contributors to the DNA data bank.

• (1110)

However the significance of this law and the enforcement interest, based on the chance of a match between a person arrested and an unsolved crime, pales when compared with the intrusive nature of a seizure of bodily samples and does not outweigh the need for prior judicial authorization.

As parliamentarians we cannot dismiss these legal opinions as being overly cautious, paranoid or even out of touch with the frontline police objective to better protect the public.

Let me conclude by saying we all share the goal of better public protection for all Canadians. We also recognize the need to implement the DNA data bank quickly to prevent violent crime. Through the comprehensive review of Bill C-3 by the standing committee, our review of the legal opinions of the eminent judges and the extensive debate in the House the government has listened to all sides of the debate. In the end the government has carefully balanced the competing views we have heard to develop proposals that will uphold the Constitution.

We have a responsibility to give the police a tool they can work with, but we also have the responsibility to put forward a balanced piece of legislation that will not be thrown out after the first constitutional challenge. Bill C-3 strikes this proper balance.

Government Orders

I would encourage all members of the House to join me in supporting Bill C-3 so we can move forward in implementing an effective DNA data bank for all Canadians.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I listened with great interest to what my colleague said, still I have a major concern about this bill.

The principles put forward are genuine, right and straightforward. The problem with this kind of evidence is that it is hard to contradict or rebut by ordinary citizens or lawyers defending themselves. This engineering evidence is so elaborate and complicated that it has to be made by a scientific consulting firm. Such means of rebuttal are generally not available to the defence. That is the danger presented by this kind of legislation.

I am totally in favour of the principles, but we must ask the question. Recently, in Quebec, evidence was fabricated by crooked cops in the well-known case of the Matticks brothers. So, I wonder how the defence could rebut evidence like what would be required under Bill C-3 if it were dealing with, say, officers like the ones involved in the case I just referred to. That is my only concern. As for the rest, the principles, I am in favour.

I would therefore ask for reassurances concerning the tools available to an honest defence to rebut evidence made by the crown on the basis of Bill C-3.

[*English*]

Mr. Lynn Myers: Mr. Speaker, I thank the hon. member opposite for the question. I certainly agree with his premise that this is a very complex issue and one that requires real balancing on the part of the government in this important area.

Sometimes it is very tricky to ensure the competing interests are balanced in a way that is fair and equitable, but I think in the great scheme of things we as a government have been able to do this.

In response to part of the hon. member's question, through my experience of 10 years with the Waterloo regional police I can say that the police of the country are great professionals who do a great job on behalf of all Canadians, wherever they may be. The police do the type of work that all of us should be proud of not only as parliamentarians but as people who live in this great land of ours, Canada.

It is absolutely crucial that we support the police whenever and however possible, knowing full well that they put their lives on the line for each and every one of us.

• (1115)

Mrs. Brenda Chamberlain (Parliamentary Secretary to Minister of Labour, Lib.): Mr. Speaker, I rise today to lend my support to Bill C-3, the DNA identification act.

Bill C-3, as it stands now, is a good first step in increasing public safety for all Canadians. Protecting Canadians is and always has been a priority for this government. I feel that the DNA database that will be created as a result of this bill will help police fulfil both aspects of their jobs. It will help them to protect Canadians while upholding the law.

Extensive consultation went into the creation of this bill. Law enforcement officers, legal experts and those concerned with the protection of privacy all contributed to Bill C-3. The bill has been drafted to reflect their contributions and their concerns.

Granted, there are those who argued and who continue to argue that Bill C-3 needs to be stronger, that DNA samples should be taken at the time of arrest. I have felt this way too. However, in responding to this argument there are a few things to keep in mind.

First, in order for this DNA databank to be effective in increasing public safety, it must be developed in accordance with the Constitution. One former justice and two former chief justices all agreed that taking DNA samples on arrest or charge without prior judicial authorization would be unconstitutional. These legal experts and others have all said that if Bill C-3 were amended to allow DNA samples to be taken at the time of arrest or charge the legislation would be found to be unconstitutional.

If this bill were to violate the Constitution it would fail, criminals would go free and this entire process of researching, drafting, amending and debating Bill C-3 would have been a complete waste of our time and of taxpayer money.

Second, we must remember that the Criminal Code already allows the police to take a DNA sample from a person at the time of charge or any other time as long as they obtain a warrant to do so. This legislation introduced in 1995 has been praised by the Supreme Court of Canada and has survived constitutional challenges to date.

Bill C-3 builds on the existing legislation by allowing samples to be taken from individuals once they are convicted of serious offences, including murder, sexual assault or break and enter, all heinous crimes.

The bill also allows for samples to be taken retroactively from those deemed to be dangerous offenders and from those convicted of more than one sexual offence or murder. These are the criminals who could very well have committed crimes other than those they were convicted for.

Government Orders

We owe it to the victims and to their families to explore every single option in catching the criminals who hurt them. The retroactive taking of samples will enable us to see if the criminal responsible has already been caught. Just think of the peace of mind that victims and their families would have once they knew that the criminal responsible for hurting them or their loved ones had already been convicted and was behind bars.

Third, taking fingerprints and the collection of DNA samples are not the same. We all know that police take fingerprints at the time of arrest. However, the Supreme Court of Canada considers the taking of bodily samples to be a search. To allow a sample to be taken based on a police officer's belief that a person is guilty of a given crime without the permission of a judge would be a warrantless search or seizure and therefore unconstitutional.

Finally, Bill C-3 is an important first step. This is ground breaking legislation that requires a cautious approach. Once this has been put into practice and tested we may be able to proceed further. Taking samples for the databank when a criminal is convicted as opposed to when a suspect is charged will not prevent the police from doing their job. On the contrary, it will provide them with an important and effective investigative tool that will allow them to do their job which is, as I mentioned previously, to protect Canadians and public safety and to uphold the law.

Bill C-3 is a good start. Under this legislation young offenders will be treated in the same way as adults with the exception that their DNA profiles will be retained for a shorter period of time. This is in keeping with the length of time for which their police record is retained.

• (1120)

Bill C-3 allows law enforcement officers in Canada to co-operate with their colleagues in other countries for the purpose of criminal investigation. This will allow Canadian police to access information in foreign DNA databanks to help solve crimes committed here in Canada and vice-versa.

As a parent I would never support a piece of legislation that I felt would put my family at risk. As the member of parliament for Guelph—Wellington I would not support Bill C-3 if I thought it would not protect my neighbours and my community. I am not one to be soft on crime or on criminals. I firmly believe that people who are guilty should serve hard time if they have committed a serious offence.

However, I also believe that a person is innocent until proven guilty. Canada is a democracy based on the principles of peace, order and good government. The UN has recognized our great nation as being the best country in the world because of the wide range of opportunity and high standard of living we provide to our citizens. To create a law that would violate someone's basic human rights would not only be unconstitutional, it would be un-Canadian. That is something I could not support.

This is a good piece of legislation, one that will work to further protect public safety for all Canadians and one that will withstand legal scrutiny. It will make the streets of Guelph—Wellington safer for my family, my neighbours and my entire community. It will do the same for all communities right across this great land of ours.

It is an important first step, one that I hope the government will build on and I look forward to all members of parliament supporting the legislation.

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, I rise today to voice my opposition to Bill C-3, an act respecting DNA identification.

This morning we saw a very sad spectacle in the House of Commons where a closure motion was put on Bill C-3. If I remember correctly, when those members were on this side in opposition they were the ones screaming the loudest when the former Tory government did the same thing with closure motions. Today what do they do? The same thing, they put closure. No wonder Canadians find respect for politicians at the bottom of professions.

The parliamentary secretary did mention certain things as being the first step. She said Bill C-3 was just a first step. However, as with Bill C-68, it will be watered down to where it actually becomes ineffective. She says this bill if thrown out would be a waste of taxpayer money. This watered down bill is a waste of taxpayer money because what does it do? It does a half job. It does not give our law enforcement agencies the full tools they need to fight crime.

She has taken the position that she is tough on crime. The record of being tough on crime is not there. The Young Offenders Act is watered down. Bill C-68 is watered down. Bill C-68 has been changed to a degree where it is supposed to stop crime but it is not, it is infringing on the rights of Canadians.

The government transforms simple legislation into the most complicated legislation costing Canadian taxpayers a lot of money and does not do the job it is supposed to do.

• (1125)

The parliamentary secretary said Canada is the best place to live in the world as stated by the United Nations. Yes, when you look at other factors, but Canadians today are demanding that streets be safe. On that this government has a terrible record.

I am firmly committed to restoring confidence in our justice system. Canadians need to know what it is to have a true sense of security. This can be achieved only by strengthening our law enforcement agencies. How do you do that? By giving them all the tools they need to protect and apprehend the perpetrators of the most violent crimes.

Government Orders

DNA identification is an example of one of those desperately needed tools. If this process is used to its full potential, DNA identification could very well be the single most important development in fighting crime since the introduction of fingerprinting.

We fully support the concept of DNA identification because it gives our law enforcement authorities one more weapon in their battle to combat crime. However, if Bill C-3 is passed unamended it will give Canadians a false sense of security and therefore I cannot support this inadequate piece of legislation.

The bottom line is that Bill C-3 has such limited scope that I cannot in good conscience support it. Bill C-3 requires those convicted of certain designated offences to provide samples of bodily substances for DNA analysis. The problem with this is that the offender must be convicted prior to the processing being instituted. This will result in the databank being of limited use to police for suspects and persons charged.

The Canadian Police Association has raised concerns over this specific issue too. Police officers rightly point out that offenders arrested and charged with an offence would likely flee while on bail if they knew that DNA linking them to other offences would be obtained on conviction.

The government has stated this is within the charter of rights and the Constitution. I say it is more important to give tools to ensure that victims have more rights than criminals. That is extremely important to recognize. I say to the Supreme Court of Canada as well remember it is more important to recognize the rights of Canadians and victims than it is to recognize the rights of criminals which this government keeps doing time after time and destroying a good piece of legislation dealing with that problem.

Bill C-3 has offences that are split into two groups. The first group automatically leads to DNA testing. Crimes listed under the first category include sexual assault, murder and sexual exploitation. The second group permits seizure only if the court is satisfied that to do so is in the best interests of the administration of justice.

Here is the problem. This is left to the courts again and we know the courts have been lenient with criminals. The courts have been looking at the rights of the criminals over the rights of the victims and Canadians to make the streets safe.

We see that Bill C-3 has limited applicability in that it applies only to certain offences. However, even for this limited list it is not guaranteed that the taking of DNA will be authorized. It is clear that an effective, no-nonsense system of DNA identification is desperately needed in this country. Does Bill C-3 under the current act fulfil this needed desire?

• (1130)

By having a system that only applies to convicted felons who commit a narrow definition of listed crimes, we are truly doing a disservice to all Canadians seeking safer streets. The fact of the matter is that DNA is a modern identification tool which is to the 1990s what fingerprinting was to the early 1900s.

Many American states have DNA data banks, including South Dakota which takes DNA testing once a charge has been laid. A few years back Great Britain implemented a system that called for DNA seizure after a charge had been laid and the list of offences is far wider than what Bill C-3 covers.

We should never allow ourselves to be so stubborn that we could not turn our backs on a good idea simply because it is not a made in Canada idea. Today we fingerprint all those who are charged for a crime.

The government has been saying, and this is where I differ, that a fingerprint is not a seizure. A fingerprint is from our body. In here it is saying that taking bodily fluids is a seizure. For the sake of crime and making streets safe, it is a justifiable seizure. If this is the case then why can this government not expand the very little role it has given to the DNA collection? While it may be true that DNA seizure involves the invasion of personal privacy, it does serve a greater role in solving and controlling crime.

At the end of the day parliamentarians must be able to look Canadians straight in the eyes and tell them that we have done everything in our power to protect them. I do not see how we can do this by voting in favour of this legislation.

Mrs. Brenda Chamberlain (Parliamentary Secretary to Minister of Labour, Lib.): Madam Speaker, the past speaker referred to the fact that the Reform Party cannot support this piece of legislation. That makes me very sad. This group of people claim to be law conscious and believe that we must move forward to try to do what we can to protect society. I understand this has been a very big plank in the Reform Party's platform. Again we see it breaking promises and moving away from the good of Canadians. That is a very sad thing.

As a government we know we have to enact laws that will withstand constitutional challenges. We are told that at this time this bill will do that. It is important to do that. The Reform Party says to go ahead. It will do anything. It does not matter. It does not matter if it is legal. As a government we cannot behave like that. We must work within a legal framework. We must be respectful of the law. We must be respectful of Canadian citizens whom we represent.

It is strange that the hon. member talked about the best place in the world to live. However he said it with such disdain and negativity. The Reform Party has made it also a plank in its platform to deal with the dark side, to fearmonger, to not move

Government Orders

ahead. That is unfortunate because we cannot continue to do that. We have to move ahead. We have to do things that are right for Canadians and that will help them.

Reform says that this is a false sense of security. My question for the hon. member is, how could Reform possibly not support DNA identification for criminals?

Mr. Deepak Obhrai: Madam Speaker, it looks like my speech went over the top of my colleague's understanding.

We said yes, we believe in this concept. We agree that we need tools to fight crime. The problem with the DNA bill is that it is a watered down bill that will not give us these tools. We support this concept. We want the government to make this bill tougher so that Canadians feel protected.

● (1135)

It is interesting that my colleague on the other side says that we should stay within the law. In the last week and a half we have seen the Prime Minister and the Minister of Finance not obeying the law of the land, specifically the Minister of Finance when he—

Mrs. Brenda Chamberlain: Madam Speaker, I rise on a point of order. That statement is unfounded and untrue.

Mr. Deepak Obhrai: Madam Speaker, we have seen the Minister of Finance trying to go into the EI fund to use it for other purposes even though that is not allowed under the law and is illegal. It is quite surprising that my colleague on the other side would not recognize that.

In answer to the hon. member's question, I repeat again that the Reform Party supports the concept of DNA testing but it has a problem with this bill. If this legislation is made really tough, then the government will get our support.

[*Translation*]

Mr. Nick Discepola (Vaudreuil—Soulanges, Lib.): Madam Speaker, over the last few months, I have followed this debate with great interest. As members of this House were told last week, Bill C-3 will help the police in a number of ways, across the country and even internationally.

Having a DNA data bank will provide police with a strong tool in its fight against crime. It will also allow Canada to be a leader in the use of DNA identification technology and to then establish a national DNA data bank.

The Solicitor General of Canada deserves to be congratulated for the caution he showed in asking that the bill be carefully reviewed by a committee of the House made up of members from all parties. Personally, I also congratulate him for involving Canadians in the

process, through a public debate on the subtleties and scope of this legislation.

It is very important that Canadians be allowed to express their views and have a say in how their government operates. This is why the government held public consultations right across the country, before drafting and tabling its legislation last year. When the bill was referred to the Standing Committee on Justice and Human Rights before second reading, the committee heard over 30 witnesses and diligently reviewed all the information submitted. Since it was introduced, Bill C-3 has been examined openly and transparently. It really reflects Canadians' viewpoints.

Genetic analysis is a powerful investigative tool, and the bill provides strong measures to protect against its possible abuse. The government has heard testimony from top experts, who said that genetic evidence can reveal much more about an individual than a breath sample, a finger print or even a blood sample. Given the power of genetic analyses, the issue of privacy is of considerable concern to our government. We must therefore act with the utmost care.

● (1140)

As regards the protection of privacy, I would like to explain what the government considers to be the problems and how Bill C-3 represents, in my opinion, a solid and balanced approach.

I would first like to raise the issue of keeping the samples. Scientists have put forward solid arguments showing that biological samples must be kept for the genetic data bank to take advantage of future technological progress.

In addition, a forensic science expert from the RCMP told the committee last March that significant progress had been made in recent years in DNA identification technology. Smaller samples, including those found in decayed matter, can now be examined.

These technological advances prove that genetic analysis is clearly one of the most active and rapidly evolving scientific areas. With developments in the technology, today's DNA profiles could become outmoded.

Bill C-3 provides therefore that samples will be kept. Canada's national DNA data bank will thus mirror the technological progress made the world over, and Canada will be able to send DNA information for medical and legal purposes to other laboratories and data banks throughout the world.

The question of who will have access to the samples and to the DNA profiles arises. Drawing on the bill passed in July 1995 on warrants authorizing samples to be taken for DNA analysis, Bill C-3 includes protective measures and provisions on these samples.

Government Orders

Up to now, statutory provisions on warrants have withstood all legal challenges under the charter and have provided a solid basis for the creation of the DNA data bank.

Bill C-3 therefore contains strict rules on biological sampling and DNA identification and on the retention of DNA profiles in order to protect personal information.

I repeat, personal information will be protected under this law. The RCMP will be responsible for the secure storage of all biological samples. Access to DNA profiles and samples will be limited strictly to those responsible for the operation and maintenance of the data bank.

So that information is not misused, the bill provides explicitly that only the name associated with the profile will be supplied to police authorities during criminal investigations.

The bill also makes it an offence under the Criminal Code and the DNA Identification Act to misuse any profiles or samples and provides for criminal sanctions against offenders.

The DNA data bank will respect the right to privacy of all innocent people at the crime scene or of law-abiding citizens who volunteer to provide DNA samples to the police.

In fact, the bill contains provisions for the destruction of information in the crime scene index pertaining to a victim or individual no longer considered a suspect after a police investigation.

This is an important safeguard designed to ensure that the data bank does not contain the DNA profiles of innocent people.

The bill also allows those required to give samples to state their preference as to the bodily substance to be taken.

The police must take these preferences into account, but are not in any way obliged to act on them, being required to consider other factors as well.

• (1145)

For instance, the Ontario Court of Justice ruled that the taking of hair samples violated charter provisions, and forensic experts said that blood was best suited to DNA analysis.

Bill C-3 accordingly leaves it up to the police to decide on the most suitable samples to be taken.

Clearly, the bill has been drafted with extreme care. The Government of Canada is convinced of its ability to strike a balance between public safety on the one hand and the protection of privacy on the other. In addition to the protective measures and sanctions set out in Bill C-3, there are other mechanisms aimed at

guaranteeing that the bill will be applied in such a way as to maintain that balance.

Once the data bank is in operation, the Privacy Commissioner will be able to carry out an audit at any time. He is already authorized by the Privacy Act to monitor the use of personal information in the hands of the federal administration.

In addition, Canadian forensic laboratories are in the process of drawing up accreditation standards. Once these standards are in effect, forensic laboratories can be audited by an independent body as well, in order to guarantee compliance with internationally recognized quality assurance standards.

There are already provisions, such as those in the Privacy Act, to ensure that information, including DNA information, cannot be provided to another country unless an agreement is in place with that country. The Privacy Act also prevents personal information from being provided to another country for any purpose other than law enforcement or investigation.

When the RCMP becomes responsible for the DNA bank, its operations will have to comply with RCMP internal standards, and these, I am proud to say, are among the most stringent in the world. In addition, the RCMP works in close collaboration with a number of international groups and committees in this area, including the FBI-sponsored Technical Group on DNA Analysis Methodology which provides Canada with state of the art technology and makes it possible for our country to ensure that its standards are in line with those in effect elsewhere in the world.

I would now like to explain to you why sampling must be done at the time of sentencing, not at the time the person is arrested or charged, as some have proposed.

We have looked into this matter in great detail, both in the Standing Committee on Justice and Human Rights and as a government. During consultations on the bill, and during the committee hearings, many individuals and groups of experts told our government most emphatically that sampling at the time of arrest was problematical.

DNA identification alone rarely leads to a conviction. In fact, crime scenes do not always yield DNA evidence. A number of factors—alibis, motives, fingerprints and eyewitness statements—are taken into consideration in criminal cases. However, in the face of insistence by the police community, which asked it to consider the possibility of amending the bill, the government consulted legal experts to find out whether samples could be taken without a warrant when an arrest is made or when charges are laid without contravening the provisions of the Canadian Charter of Rights and Freedoms.

Three eminent former justices of the courts of appeal of Quebec, Ontario and British Columbia considered the matter in an independent investigation.

• (1150)

They unanimously upheld the government's position. Under the law, taking samples during arraignment would contravene the provisions of the charter.

I repeat, taking samples when charges are laid would contravene the provisions of the charter. In Canada, the accused is presumed innocent and must be protected from all unreasonable searches or seizures.

Let there be no doubt on this point. The government must continue to act cautiously and with forethought in this matter. We want to take the approach most favourable to all Canadians.

It serves no purpose to intrude in the personal privacy of everyone arrested, when genetic imprints may not even be necessary. There is no point pondering this question further when the legal experts have told us on many occasions that there would be too great a risk of a challenge under the charter.

Finally, we cannot endanger the establishment of a genetic data bank—whose purpose is to better serve Canadians—by being over zealous.

Sampling at sentencing will permit the effective application of legislation and protect individual rights during a criminal investigation.

Let us therefore pass a bill that will be effective rather than a text that will surely not stand up to court challenges. The police know how easily the Constitution is used to dismiss charges.

I think that all members will share my view that it is contrary to public safety to have cases thrown out on technicalities.

It is therefore up to all members to play a constructive role in creating a DNA bank that will strike a balance between protection of the public and privacy rights under the charter.

We are obviously on the right track in our fight to protect Canadians against crime. With Bill C-3, I believe that our government has struck the right balance.

I therefore have no hesitation in supporting this bill and I recommend that all my colleagues in the House do likewise.

[English]

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Madam Speaker, I am pleased to rise and speak on Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts. I would also like to commend my colleague, the hon. member for Guelph—Wellington, the Parlia-

Government Orders

mentary Secretary to Minister of Labour. I agree with almost all the comments she made during her presentation this morning.

This bill represents the second phase of the government's DNA strategy. The first phase, Bill C-104, was put in place two and a half years ago when amendments were made to the Criminal Code to create a DNA warrant system. That system provides for a provincial court judge to issue a warrant allowing police to collect samples of bodily substances when a person is suspected of committing a designated offence.

We heard from those on the front lines who tell us that the use of DNA evidence has been a very powerful investigative tool. It is already proven to be one of the most accurate methods of obtaining solid identification in criminal investigations.

The warrant system is working well. I remind members opposite that it can be obtained on arrest and charge. With reasonable and probable grounds warrants will be issued.

The second phase of the DNA initiative further demonstrates that the government is committed to fighting crime, especially violent crime, as described in our safer communities agenda. For the benefit of those who may not be familiar with this bill I would like to take the opportunity to outline some of its major components.

• (1155)

This bill provides the legal authority for the RCMP to set up and maintain a national DNA bank. I know that all members of this House support the maintenance of a DNA bank.

This DNA databank will consist of two indices or databases. The first database is called the crime scene index and will contain DNA profiles from bodily substances found at the scene of a crime.

The second database which is known as the convicted offenders index will contain the DNA profiles obtained from persons convicted of certain crimes. Police will be able to cross reference information in one index and help one another to solve the unsolved crimes. Hundreds of victims and their families who thought they would never see justice done will find the justice they seek through this legislation.

I am supporting this legislation because it is preventive in nature. At the committee hearings Chief Brian Ford, chair of the law amendments committee of the Canadian Association of Chiefs of Police, said:

Madam Chair, members of the committee, we support Bill C-3. This is important legislation and we encourage you to favourably recommend its passage to parliament. Bill C-3 is unlike other criminal legislation because it is fundamentally preventative in nature. This makes Bill C-3 very special.

The theory of prevention in Bill C-3 is that when a person actually knows that his or her DNA has been recorded this person is unlikely to reoffend, knowing that the prospects of detection and conviction are so high. This deterrent is pure prevention.

Government Orders

So in passing this bill, parliament should know that it is preventing crime, not just giving police more tools to investigate.

I agree with Chief Ford. Should the prevention of crime not be our first responsibility as law makers? Our police forces need this bill. I am an ardent supporter of the police and I am supporting this legislation because it gives them the tools necessary to fight crime and keep Canadian communities safe. I know, and as I have said before, all Canadians agree that we need a DNA databank in Canada.

I quoted Chief Ford and I would not want to mislead members of the Canadian public. While Chief Ford indicated that this bill was worthy of support, he also was very forceful in indicating that the police associations feel it does not go far enough. I have felt this also. I believe there is some merit to what they are saying but as the member for Guelph—Wellington pointed out earlier, have to be very mindful of our Canadian Constitution. I am not willing to put the excellent aspects of this bill in jeopardy through a constitutional challenge. I think that is something we need to work out.

The main disagreements that have been articulated by Chief Ford, Scott Newark, Neal Jessop, members of the Canadian police associations arise when we are talking about when DNA samples are collected. I think there is a certain amount of merit in being able to say that when there is probable cause, whether the person has been convicted or not, the collection of DNA samples may be proper.

I remind members of the House that currently as a result of the first part of legislation talking about DNA, this is available to police. It is not automatic as they would wish but if they could show probable cause, then the police are able under the current warrant system to collect the DNA samples they feel they need. They can be run with the inclusion of this new bill through a DNA bank.

Currently police will tell us that the warrant system is working very well but it lacks one major component and that is the actual creation of a database. Bill C-3 creates this database that will allow police to take what has already been working well, the warrant system of collection, one step further.

• (1200)

Members of the police association and others, most particularly members of the Reform Party, argue that the scope of offences for automatic DNA data banking should be expanded. I think they have valid concerns. I would like to see the scope of those offences for which automatic DNA testing is done expanded.

While I have a great deal of sympathy, I do not feel that the concerns raised are enough to provide opposition to the bill. The creation of the data bank is vital and this bill brings it to fruition. We need to support it and, as legislators, we need to work with the

police and other law enforcement agencies to strengthen the bill in the future. However, I think we have to do it one step at a time. I would hate to see the bill thrown out simply because it does not go as far as some people would hope.

I would like to examine the proposal that DNA sampling is no different than collecting fingerprints. I would argue very fundamentally that while the actual process may not seem intrusive, the data collected is very different from that of a fingerprint. A fingerprint is one form of identification and it is very narrow in its scope. Once we have collected a DNA sample, then a person's entire genetic make-up is available for one and all.

This also raises other concerns. I have reviewed much of the testimony that went on at the committee meetings. I would remind members that this debate is not one day in the House of Commons. This has been going on for a long period of time. The scope of the committee has made it possible for all members from all parties to talk to the minister and to cross-examine witnesses.

They have raised some very valid points, but I continue to say that as much as I support many of the points and would like to see this bill go a lot further, that is not sufficient to delay passage of a very important tool in the hands of police authorities.

Madam Speaker, how much time do I have left?

The Acting Speaker (Ms. Thibeault): Eleven minutes.

Mrs. Judi Longfield: Madam Speaker, I will not be using all of the 11 minutes remaining.

The results of DNA testing could bring some very difficult questions forward. If as a result of DNA testing it was discovered that someone had AIDS or another communicable disease, what is the liability of police enforcement agencies or those taking the samples to then get that information out? This raises some questions that need to be dealt with.

There have been some very critical issues raised. I am a strong supporter of giving police the tools they need to protect us because that is the role of law enforcement agencies. However, I would remind members that as legislators it is important that we also protect the rights of the innocent. One of the pillars of our justice system is that everyone is innocent until they are proven guilty. We have to remember that.

This is something that we need to continue to monitor. I think it is worthy of continued debate as we go along. I would like to congratulate the members of the committee. I hope that all members of Canadian society realize that we on the government side are very concerned and want to see things progress in a fair and logical way.

I will now turn over the remainder of my time to my colleague, the hon. member for Mississauga West.

Government Orders

The Acting Speaker (Ms. Thibeault): Colleague, I am afraid it is too late for you to ask for that privilege as you went over the 10 minutes allotted to you, unless you would like to ask the House to agree unanimously.

Mrs. Judi Longfield: Madam Speaker, when I asked how long I had and you said 11 minutes, I assumed you thought I was taking 20 minutes. I have 10 minutes left in the 20-minute allotment, the other 10 to go to my colleague. If it requires unanimous consent, then I would ask for unanimous consent.

• (1205)

The Acting Speaker (Ms. Thibeault): Is there unanimous consent to proceed as such?

Some hon. members: Agreed.

Mr. Steve Mahoney (Mississauga West, Lib.): Madam Speaker, I must admit that I am somewhat surprised there was unanimous consent, but I am also appreciative of it.

This is really a fundamental Canadian issue and I think we should look at it from that perspective. I appreciate some of the concerns that some of my colleagues have expressed on this side of the House, as well as in opposition, about the timing of the collection of DNA material and the issue surrounding whether or not it should be available upon charge or only upon conviction. I appreciate that there have been concerns expressed about that and much of the debate around this whole legislation has been on the timing issue.

There is something very fundamental about Canada and it is probably one of the main reasons we continually get rated as the best country in the world in which to live. I know some members, particularly members opposite, get tired of hearing us talk about that, but it happens to be a reality. One of the fundamental reasons that we achieve that success, that rating in international circles, is the fairness that exists in our laws.

They are not perfect. There is no question that if allowing the police to gather DNA evidence on every charge would prevent certain crimes from occurring, then one would say, from a common sense perspective, not necessarily from a legal point of view or a constitutional point of view, that that might have some merit. I understand that. But when one balances that with the basic premise that innocence is clearly one of the rights in our justice system, until proven guilty, how far does one go? I guess that is the real issue that the government is wrestling with, that human rights activists wrestle with, that lawyers and obviously parliamentarians wrestle with.

This particular bill will go some distance toward ensuring that at least those who are convicted of a crime—and this is critical—will have information in a data bank. I think that will help in terms of

repeat offenders or those who have served their time and paid their penalty to society. The data bank is there to help the police in their investigative process.

I think that one of the most important fundamental aspects of this is that it will provide a balance for police forces, both the national force and local forces right across this country, to access information and to access it quickly.

Who among us would not like the opportunity to prevent some of the tragedies we have seen in the past, such as the Bernardo case and the Homolka case? However, in that particular case would a DNA bank with information filed upon a charge have assisted the police? In fact when hon. members study the entire case they will note that the arrest was not made and that charges were not filed, so there would not have been an opportunity to know in advance or to have this information on file in advance. Upon conviction is a totally different story.

• (1210)

Could we think for one minute about filing this information upon arrest or upon charge? That would be the other point. Should it simply be done upon an individual being detained? What do we do concerning people coming into this country? There is potential for abuse when someone is held in detention and a DNA sample is put in the data base to be compiled in some central bureaucratic computerized storage compartment and used in whatever capacity. The potential for abuse is serious. It is not a step we need to take.

An hon. member: That's a red herring.

Mr. Steve Mahoney: It is not a red herring. The member opposite said that it is a red herring. That is one of the differences in this country. It is one of the reasons we are judged to be such a well balanced country. We do not knee jerk. We do not have an over reaction or a simplistic solution.

The national data bank proposed in this bill will help police to better protect Canadians. Will it solve all the problems? No. But it is time we used the technology and the modern method of collecting this data to help police do their job. We believe that this may not be a panacea, that in a simplistic world members of the Reform Party might think this would be an easy way to target everybody, to number everybody, to put all their data into a file. I do not want to be an extremist or a radical by using terms like police state because I do not think it applies, but I really think that we have to analyze the benefits and the purpose of data collection.

The Criminal Code already allows police to take a DNA sample from a person at the time of charge or any other time as long as they first obtain a warrant to do so.

If we want to talk about red herrings, let us go back to the debate on gun control which members opposite love to do. The issue they

Government Orders

like to fly is that the police will be able to knock on doors at any time they want, day or night, because they suspect the person might have a loaded pistol and want to do a full search. Members opposite know that is not true, yet through their association with the American gun associations and the gun lobby in general they continually put out this kind of information. It gets people all excited and whipped up. We saw the demonstration on the front lawn of Parliament Hill last week.

The amount of misinformation about issues like that is quite astounding. Members opposite know there is a requirement for a warrant to be issued, or you open your door and allow them to come in. There is none of this jackboot mentality where police officers can show up at three in the morning, kick the door down and run into the homes of law-abiding Canadian citizens.

In this case there is a definite comparison. The DNA sample could be taken if permission were granted. Perhaps that issue could be dealt with. Clearly, the sample can be taken if police obtain a warrant to do so. What is involved in the process? The police must go before a judge, a man or woman that I presume the Parliament of Canada has some faith and trust in, to seek a warrant to collect the sample at the point of a charge being laid.

I really believe that innocent until proven guilty is one of the fundamental tenets of democracy and freedom in Canada. That does not mean that in any way whatsoever we would condone or be soft on crime. Quite the opposite. Some of the changes in the justice ministry of this government are absolutely groundbreaking, precedent setting and are saying to criminals that we are not prepared to allow them to take control of our streets and our communities. We are going to be tough.

This bill will put in place a data collection system for DNA samples taken appropriately, taken in fairness and taken in justice. It will ensure that Canada is still a wonderful, safe, free and democratic country but with strict rules. We will fight crime with this legislation and other bills as they are needed.

• (1215)

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Madam Speaker, does the member understand what is in the bill? I believe I heard him just say that the bill would allow for DNA samples to be taken at the point of the charge being made. In fact the problem with the bill is that the DNA sample, as he should know, will be taken at a time of conviction.

The reason I said red herring a couple of minutes ago is very straightforward. He was trying to make out that anybody who is held, like for example the student who was held by the RCMP at the APEC fiasco for 14 hours, would have his DNA taken. I believe the example he used was that when somebody comes into the

country, perhaps through the refugee process and is being detained, the DNA sample would be taken. That is why I said his comments were a red herring.

What we are asking for, what the Canadian Police Association is asking for and what any responsible, reasonable Canadian is asking for is that the DNA sample be taken at the time of a charge, not as the member was putting forward as though there would be a DNA sample taken just because a person was taken into custody and held for a period of time.

The conclusion of his speech was quite enlightening when he referred to the concerns there are about Bill C-68. I am saying that there will not be a jackboot mentality and that the police will need some probable cause for the terribly onerous law and the provisions in Bill C-68. His justification of that is exactly the justification that we make for having the DNA sample taken at the time of charge. I believe the police forces in Canada are typically very responsible in the way they enforce the law.

For him on one side of the coin to say it is bogus, that the police will not be doing things under Bill C-68, under the so-called gun control law, and make a case for that is to make a case for our point that in this instance the samples should be taken at the time of charge.

How can the member square the round peg he has created?

Mr. Steve Mahoney: Madam Speaker, I appreciate the comments but as usual the member and some of his colleagues tend to be rather selective in their hearing process.

I did not say at any time—and *Hansard* will so record—that this bill allows the police to take DNA samples. I said the Criminal Code of Canada already allows police to take a DNA sample from a person at the time of charge if they have a warrant. That is the critical distinction the member so easily overlooked.

The point is that we are creating a framework for storing DNA samples and for using that information in the investigation of serious criminal offences. If a convicted criminal—and I emphasize the word convicted—reoffends and his DNA samples are in a database, the police will be able to identify the perpetrator at the crime scene through the use of modern technology and the database of DNA samples. They will know who they are looking for. If that person was convicted, is now out either on parole or has completed a sentence and reoffends, it will allow the police to use this facility to expedite their investigation dramatically.

The member opposite should not try to interpret my comments in this place in any way other than the spirit in which they were given, which is that innocent until proven guilty is a fundamental tenet of the Canadian justice system and one that I support.

Government Orders

• (1220)

Mr. Jim Abbott (Kootenay—Columbia, Ref.): Madam Speaker, this bill is very interesting in that it has direct connection to Bill C-68 and section 745, which was to change the whole issue as to when a convicted murder could apply for parole. Bill C-68, section 745 and DNA are all inextricably linked in a pattern. The government has shown us that it is weak-kneed when it comes to making streets safe for law-abiding Canadian citizens and to protecting Canadian citizens and their property.

In my judgment the most contentious part of this bill lies in the comments of the solicitor general when he was before committee. He said:

Taking samples after an offender has been convicted of designated offence balances our concern for the safety of all Canadians with our need to respect the rights protected by Canada's Charter. We cannot ignore that the accused has the right to be presumed innocent and protected from unreasonable search and seizure.

The speakers this morning have been waxing rather eloquent. They have said that taking these samples would "undermine human dignity". I am not sure what that meant, but that is what they said. Another speaker said that it would not only be unconstitutional but un-Canadian.

Hyperbole or extreme statements are sometimes part of the rhetoric in the debates that happen in the House, but for Liberal members to pretend for a split second that we are making extreme statements and calling this un-Canadian when they should be taking action to create safer streets and protect victims and society at large is a bit thick.

Let us take a look at the connection between Bill C-68, section 745 and DNA. In the Bill C-68 issue I note that Liberals go out of their way to constantly quote the Canadian Police Association. At the time when debate on Bill C-68 was at its peak, the Canadian Police Association, after much internal wrangling, decided that it would come out in favour of and in support of Bill C-68.

It was interesting that at exactly the same time there was also a debate with the former justice minister who is now Canada's Minister of Health. The former justice minister also had on his plate demands from Canadians at large that section 745 of the Criminal Code be repealed. Section 745 permits a judge to say, as a consequence of a first degree murder, that the person has been convicted of first degree murder—we must remember it is premeditated murder—and as a consequence sentenced to 25 years or life.

The public at large assumes that means 25 years. How wrong they are. The judge may even say as a result of a particularly heinous crime that it is with no chance of parole for 25 years. Again wrong. Because of the historic soft-headed approach of the Liberal government going back to the time of Warren Allmand who

brought this in during the late sixties, the whole approach has been to say maybe the presiding judge did not know what he was talking about or maybe the person has changed over this last period of time.

• (1225)

Under section 745 the murderer convicted of first degree murder is permitted to apply for parole after 15 years. The justice minister at that time brought forward a half-hearted motion, which unfortunately was passed, where if persons were convicted of more than one first degree murder they could not apply. However, if it was just one first degree murder they could apply.

I believe the leaders of the Canadian Police Association at that time were really upset by this half-hearted measure to take away section 745. I believe they were influenced by the justice minister saying that if the association would give him its unqualified support for Bill C-68 he would see what he could do about section 745.

That is pure speculation on my part because I am sure I do not know what was going on behind closed doors. It strikes me as passing strange that no matter whom I spoke to in the Canadian Police Association, particularly members in the lower levels, they were all saying that the application of Bill C-68 and the cost of the useless registry was a stupid way to spend money. Yet they flipped and said they supported Bill C-68.

Historically the government has said its support for Bill C-68 comes from the Canadian Police Association. The Canadian Police Association knows what it is talking about. Whether the Canadian Police Association was influenced or not by some behind the scenes talk about section 745 we will never know.

It is interesting that the same Canadian Police Association which the government quotes in support of Bill C-68 had this to say about Bill C-3 in a letter dated September 16 to members of parliament. The signatory, Neal Jessop, the president of the Canadian Police Association, wrote:

I am writing to you in relation to Bill C-3 and the creation of a national DNA data bank. As you know, Bill C-3 is awaiting third reading and it is our understanding that it will likely pass such a stage shortly after parliament resumes this fall.

The Canadian Police Association represents approximately 35,000 frontline police officers across Canada. It is because of our practical, hands on experience that the government has come to rely on our advice on issues such as gun control, search warrants and parole reform. It is the same experience that leads us to the conclusion that Bill C-3, as currently drafted, is seriously flawed, and will needlessly allow Canadians to be put at risk.

The CPA has lobbied for the creation of a DNA data bank for many years. Since the beginning, we stressed the important impact a bank could have on public safety, a goal that we worked towards every day whether it be on the streets or on Parliament Hill. We said then, as we say now, that for this initiative to work samples must be taken from

Government Orders

suspects when arrested. In doing so, we will maximize the potential crime prevention aspects of the bill which is a goal we all share.

Let us be clear. A properly structured DNA data bank will save billions of dollars, but more importantly it will save lives and significantly reduce victimization. This, in our opinion, should be the goal of any criminal justice legislation the government passes. As an elected official, this should be your main consideration when you are called upon to vote on Bill C-3.

Consider the following scenario. In the Ottawa area, there are currently a number of unsolved outstanding cases of homicide or sexual assault. Assume that a person is arrested for a break and enter and, unknown to the police, is responsible for some of those unsolved crimes. Like 90% of all offenders, this individual is released on bail without DNA samples being taken (if C-3 is enacted). Knowing that he faces detection on the other charges if he returns, the offender flees to B.C. and a warrant for break and enter is issued by the Ottawa court. Two months later he is picked up on other matters by police in B.C. who check CPIC and discover the existing B and E warrant. When they check with Ottawa to see if he should be returned, the answer according to today's practices will be no. Remember that police do not know whom they are dealing with.

Any woman this individual encounters will be at risk. This is unacceptable because it is entirely preventable. While this may be a mere anecdote for some, it is a reality for us.

This issue is paramount to Canadian police officers, and by virtue the CPA. We have obtained an independent (unlike the hand picked judges who wrote decisions supporting the government's position) legal decision that states our position on this issue is constitutionally sound. We attempted to work with the Department of Justice and they were unable to understand the significance of our position, perhaps because they have never had to look into the eyes of a sexual assault victim or a grieving family member. We now turn to you, our elected representatives, to do what is right for Canadians. If you choose not to, we as police officers will be forced to explain to that grieving family member that his or her government had the information and the ability to prevent such an act of violence, but they chose not to.

Do not underestimate the importance of this issue to the CPA. We are not, and never have been, averse to take every public opportunity to inform the public when the government creates and passes flawed legislation. We will do that again regarding Bill C-3. We will make sure that Canadians understand that their government is risking their lives. We will make sure that if one of your constituents is harmed because of this flawed legislation, they will know who to ask for an explanation.

Please accept our offer to work with you and develop legislation that would enhance public safety and still remain constitutionally valid. Despite contradictory rhetoric from the Department of Justice, it is an achievable goal. As an MP, we urge you to take this opportunity to come to your own conclusion, not that as dictated by the Prime Minister.

● (1230)

This is the same organization that this government chooses to quote in support of its flawed Bill C-68. I ask members very simply, if the CPA is right, and I do not believe it is, but if the CPA is right in its support of Bill C-68 and if the government is going to continue to quote that source, why will the government not quote the source, the CPA, and the CPA's position on Bill C-3?

It is because the Minister of Justice and the Solicitor General, working under the Prime Minister of Canada, are taking directions

from him. He has said that this bill will pass as it presently is. It is a real shame that there is not the ability within our parliamentary process as currently constructed by the Prime Minister for there to be legitimate dissent within his own ranks. It is a real shame that the Liberals are whipped into a position by the party whip to make sure that they vote that this ineffective bill will end up passing.

For someone to say the bill is unconstitutional is an opinion that may be backed up with some fact. But to call the bill un-Canadian when the purpose of the bill, of taking the DNA sample upon charge, is going to give us the opportunity to interdict people and create a situation where we can return them from various jurisdictions as required, is beyond my ability to comprehend.

To show how the spin works, it was interesting that about six weeks ago the spinmeisters for the Liberals were going on about the fact that if we take the sample and we actually conduct the lab tests, it is going to be far too expensive. It is going to cost \$5,000 each.

I find this number to be somewhat suspicious. I say that because this is the same government that told us in order to come up with the registry program on Bill C-68 that the cost was only going to be \$85 million, whereas now it is actually admitting that it will cost at least a quarter of a billion dollars.

● (1235)

The Liberals got everyone on side with the \$85 million. For Liberals a million here, a million there pretty soon adds up, but it was only \$85 million. They got a fair number of people on side with that lowball number.

Either the government was incompetent and did not realize how much this useless registry is actually going to cost, or it was not giving Canadians the facts required to know that it will cost at least a quarter of a billion dollars. As a matter of fact, estimates are in the neighbourhood of \$1 billion to \$1.2 billion for this registry program.

If the government can fudge and exaggerate the figures on the justification for the registry program under Bill C-68, I can imagine what it is doing to scare people off with a high figure on being able to actually conduct the lab work when the sample is taken. We can see there is within Canada, as there should be, a fair lack of trust of the numbers the government chooses to use to justify its actions from time to time.

It is a shame when Canadians who the justice minister herself said are concerned about their safety on the streets. The justice minister herself has said that Canadians are losing confidence in

Government Orders

Canada's justice system. As a matter of fact I choose to call it Canada's legal system. We have to get some justice back into it.

Canadians have lost faith. To those who still believe there is some hope the Liberals will come around and actually work to put the protection of law-abiding Canadian citizens, their well-being and their property ahead of the rights of criminals, I have a bridge in Brooklyn I would like to talk to them about.

This bill will be passed today because the Prime Minister has said so. Shame on the Liberals for being whipped into shape to pass this bill as presently constructed.

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, the member is probably right that this bill will be passed. However it will be passed today not because someone has dictated from on high but because Liberals want to see a DNA bank in this country to improve the enforcement of the laws against criminals who perform acts that are contrary to all decency and humanity.

The Reformers obviously do not want to see that type of a system because they have made it clear they intend to vote against the bill.

I would like the hon. member to make a comment. I too have discussed with the Canadian Police Association that it would like the legislation to allow samples of blood to be taken before someone is convicted. I have a big concern with this and would like the member to comment on it.

What do we tell Canadians 10 years down the road if this legislation, with that provision in it which is constitutionally risky, is challenged and defeated in the Supreme Court of Canada? The result would be that 10 years of convictions of possible murderers and sexual assaulters would be overturned. There would be nothing we could do to go back and recoup those convictions which had been based on what the courts in ten years might decide was tainted evidence.

I want a DNA bank so we can deal with those horrendous crimes. I am not prepared to risk 10 years of convictions. And I am not prepared to vote against the bill because it does not have a provision in it that would do that.

I wonder if the hon. member would comment on that.

Mr. Jim Abbott: Madam Speaker, I really respect the intervention by the member. I know she feels very strongly that way. I commend her for her conviction and I know she is sincere.

It strikes me that within the criminal justice system many aspects of it are handcuffed by virtue of our Canadian Charter of Rights and Freedoms. The vast majority of Canadians highly value that document, as they should.

• (1240)

The difficulty is that the Canadian charter in some instances does get in the way not only of good law, such as this would be in strengthening this DNA data bank, it even gets in the way of Corrections Canada. The inmates are running the show as a result of the charter of rights. There is going to have to come a day when, and perhaps this bill would be as good a one as any, whether we call it the notwithstanding clause or whatever is brought into effect.

The charter with all of its good points has unnecessarily handcuffed the ability of peace officers, whether they are in Corrections Canada or are police officers, from being able to do what is fair and reasonable. We therefore have a charter industry populated by some very expensive, hundreds of dollars an hour lawyers who are constantly digging this thing up and taking things apart.

It strikes me that the safety of the people of Canada, their families and their property should come before these other considerations. I realize and admit that this is a rather extreme statement, but we have to reach a point where we are going to have to ask who comes first, the criminal or the law-abiding citizen?

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I listened to the previous question with great interest, even more so than the response by the hon. member.

This ongoing government position really astounds me. It reflects the charter constipation that seems to exist on the government side of the House when it comes to certain important pieces of legislation.

There is a fear that somehow these judges may decide to strike down a piece of legislation because hypothetically a lawyer out there somewhere in Canada lurking in the bushes might decide to challenge based on a constitutional infringement. That is absolutely asinine. I can guarantee that it will happen because that is what lawyers do. In this instance, with regard to this particular bill, to fear that this might somehow be challenged under a charter infringement is ridiculous.

My question for the hon. member is with regard to the use of DNA data banks and when and at what point in time should the police be permitted to take this piece of evidence and use it not only in the investigation they are pursuing but also use it in comparison to the DNA data bank that will eventually come into fruition.

Why would we in this House not pursue the goal to arm the police rather than to give them a toothless piece of legislation, one that goes to some degree in the direction that we want? Why would we not go all the way with DNA? Why would we in this House not like to give the police an opportunity to do their jobs, to do the very best they can to protect Canadians in their communities and to do the very best they can to raise the alarm and work toward a justice

Government Orders

system that truly does reflect the will and desire to protect people in their communities?

Mr. Jim Abbott: Madam Speaker, that is a very good question but I do not have a clue what the answer is. Look at the window dressing about Bill C-68 for example where the government keeps on claiming that it is going to make the streets safer. I am sure I do not know how.

Look at the chagrin, the problems and the pressure there was on the families of the victims of Clifford Olson when he went through that circus and those families were put through the excruciating parole hearing under 745. Just to keep the record straight, if the justice minister of the day had done his job in a timely manner, Clifford Olson would not have been able to put those victims on the spot the way he did.

• (1245)

I lay that completely at the feet of the former justice minister. Now we take a look at this DNA databank which is another half measure. I have absolutely no idea.

Let me state our position very clearly. The protection of the people of Canada, the law abiding citizens, their persons and their property must be the primary and paramount objective of this Chamber. Until we get rid of this bunch on the other side, I do not have any hope that is ever going to happen.

Mr. Peter MacKay: Madam Speaker, I could not help but notice that in the remarks by the hon. member there was reference made to Bill C-68. That bill can be compared to the faint hope clause because it really should be called the false hope clause. In fact, this bill is not going to do exactly what we are talking about here, protect law abiding citizens, because it is aimed specifically at law-abiding citizens.

What does the hon. member think or what is his party's position with respect to the application of the infrastructure that is now in place with respect to gun registration, the computer terminals, the hook-ups, the incredible spiralling cost that we now know exceeds \$135 million or \$134 million and is going to perhaps double again by the time that this is actually implemented, even with the delay that we have seen in anticipation that the Alberta Court of Appeal will strike it down some time within the next few days?

I wonder what the hon. member would say to the suggestion of applying this infrastructure, the computers, to the use of registering criminals under this new Bill C-3.

Mr. Jim Abbott: Madam Speaker, I think that is an outstanding idea, absolutely. There is going to be at least a quarter of a billion dollars uselessly spent according to the numbers provided by the Liberals on this useless so-called gun control program.

Taking even a small portion of that money and putting say, \$100 million toward a proper DNA registry program is clearly the route to go. That is an effective and intelligent use of Canadian taxpayer money.

Mr. Paul DeVillers (Simcoe North, Lib.): Madam Speaker, I will be sharing my time. I am pleased to speak in support of Bill C-3 which proposes the creation of a national DNA databank which will be maintained by the RCMP.

There has been some discussion recently about the timing of the taking of bodily samples in order to supplement the databank. In my view this is an area which clearly demonstrates the great care that has been taken to ensure that the national DNA databank meets all constitutional requirements.

The focus of my remarks today will be on that one aspect of the bill, the timing of the collection of the DNA samples for the purpose of the national DNA databank.

[*Translation*]

Nowadays, law enforcement officials, both in Canada and throughout the world, are turning increasingly to DNA identification in the fight against crime.

But as the Ontario Court of Appeal recently observed in *Terceira*, it is important to remember that matching DNA profiles in the context of a criminal proceeding does not resolve the ultimate question of the accused's guilt.

It does, however, make it possible to establish important circumstantial evidence that can be considered along with other evidence in support of the crown's contention that the accused was at the scene of the crime and committed the offence.

[*English*]

DNA sampling is an important and powerful investigative tool. However, its intrusive nature has been clearly recognized by the highest courts in the land. As such, Bill C-3 must reflect the state of our constitutional law. In other words, the taking of bodily substances must be done in accordance with constitutional principles.

As originally introduced in the House, Bill C-3 stipulated that bodily substances would be taken after the person is convicted, discharged under section 730 or, in the case of a young person, found guilty under the Young Offenders Act of a designated offence. Some organizations came before the committee to urge that the bill be amended to provide the police the authority in legislation to take DNA samples on arrest or at the time charges are laid similar to the authority they have to take fingerprints without prior judicial authorization under the Identification of Criminals Act. In their view there should not be the intervention of a judge to decide whether it is appropriate to seize the bodily samples.

• (1250)

The proponents of this proposal believe that if the police could take DNA profiles from persons charged with designated offences, the databank would be more effective simply because it would hold more DNA profiles. They question why it was necessary to wait for a conviction to take the DNA samples for inclusion in a national DNA databank when this was not the case in the United Kingdom. They also contended that the collection of bodily substances for forensic DNA analysis is no more intrusive on a suspect's privacy than is the collection of fingerprints.

At the same time, other parties came before the committee seriously questioning the constitutionality of this proposal and they presented firm views that the taking of bodily samples without prior judicial authorization constitutes a seizure that is likely to be unconstitutional.

On March 11, 1998 the committee heard from officials of the Department of Justice who had carefully reviewed the legal issues relating to this proposal and they stated that the taking of bodily samples from an accused constitutes a search.

[Translation]

Department of Justice officials also stressed that the supreme court has established a clear distinction between fingerprinting and the taking of physical evidence for DNA analysis. They argued that the court had assigned great importance to the invasiveness of the second type of procedure and had expressed its great respect for physical integrity and the individual's right to retain control over his or her bodily substances. in Borden, 1994, and Stillman, 1997.

[English]

Fingerprinting and taking bodily samples for the purpose of DNA testing are simply not the same and they cannot be equated. In other words, one should not contend that the taking of bodily substances upon arrest is constitutional on the basis that the taking of fingerprints in those circumstances has been ruled constitutional.

To permit the taking of such bodily samples simply on the basis of a police officer's belief that the person has committed a designated offence without complying with the requirements that there be prior judicial authorization would constitute a classic example of a warrantless search or seizure which would prima facie be unconstitutional.

[Translation]

Justice officials were not the only ones raising the point that there was a very strong possibility sampling at the time a suspect was arrested would be considered unconstitutional. The same reservations were expressed by the criminal section of the Cana-

Government Orders

dian Bar Association, and representatives of the solicitors general of Ontario and New Brunswick, among others.

[English]

The opponents of the proposal were clear that it would have been inconsistent with existing constitutional authorities and would have jeopardized the viability of the national DNA databank. In the end on this issue the committee approved the bill as it had been originally drafted. The taking of samples would occur only following conviction.

However, that did not end the matter. The proponents of the collection at charge option continued to press for amendments to the bill at report stage to provide for the collection of DNA samples at the time of charge. In an attempt to make this more palatable it was suggested that the samples would not be analyzed until a person was convicted or unless that person failed to appear at trial.

Unfortunate statements were made suggesting that if the bill was not amended the legislation would be useless. Similarly it was stated that without these changes long unsolved crimes would never be solved. These arguments were intended to scare Canadians and could of course lead to the worst excesses all the way to the end justifies the means.

• (1255)

Not only was this wrong, it seemed to miss the point. Bill C-3 is not meant to allow warrantless searches for the purposes of supplementing the databank. Bill C-3 is meant to create a databank through appropriate, legitimate and constitutional means. It is a databank which can produce leads which the police can pursue in order to solve serious crimes without fearing any evidence resulting from such information would be found inadmissible at trial because it had originated from an unconstitutional search.

I said that these kinds of statements were exaggerated because they imply that the large number DNA profiles from dangerous criminals would be lost to the databank if they were not taken at the time of charge. There is a considerable difference between being charged with an offence and being convicted of an offence. Moreover, the very same DNA samples could be taken later in the criminal justice process under Bill C-3 from those persons convicted of a designated offence. The only advantage, therefore, considering that under Bill C-3 or the new proposal the bodily samples would not be analyzed until after the person was convicted, would be administrative convenience. This would not be sufficient justification to permit the violation of one's privacy and of a seizure of one's genetic material.

The truth is that under the scheme set out in Bill C-3 the police will be equally able to solve long unsolved crimes because the DNA analysis would occur only following the conviction in either case.

Government Orders

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I listened with interest to the member's speech. The people of Okanagan—Coquihalla strongly support the taking of fingerprints in criminal cases. They also strongly support a relatively new technology, the taking of DNA samples when it comes to the possibility of solving a crime.

I challenge the member on the issue that these measures are intrusive. There are literally hundreds of unsolved cases of rapes and murders in Canada that police could go now and find the evidence if they were able to use the DNA system to solve these crimes. As the member has pointed out, that would work only if they are a felon or if they have had a criminal record before. That is the only way the Liberal DNA databank system is going to work, if it is a previously convicted felon.

I had to jump up when I heard another Liberal member stating that the Paul Bernardo case could have been solved sooner. Paul Bernardo did not have a criminal conviction. He would not have been in the DNA databank.

I challenge the Liberals on this. They are afraid of a constitutional challenge in the supreme court. The Government of Canada, if it did happen, should on behalf of the people of Okanagan—Coquihalla and other Canadians fight for a simple and very understandable rule, that the rights of law abiding citizens of Canada outweigh the rights of the perpetrators of crime or those accused of crime. Taking a hair sample or a saliva sample or a blood sample is not out of the question. To think it is is totally irrational and not serving Canadians.

Mr. Paul DeVillers: Mr. Speaker, it is exactly the rights of law-abiding Canadian citizens that the charter of rights is there to protect. Those are the rights of innocent people we are trying to protect from the invasion or intrusion of the taking of samples without any conviction and on suspicion only of a police officer or a crown attorney. The government is proposing in this bill that the samples be taken only after conviction so that the rights and liberties of those innocent law abiding Canadians are protected.

• (1300)

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, as we try to put some logic and common sense into some of the bills before the House, I hear once again from the government side the argument about the legal community and the Canadian Bar Association, but I do not hear the argument on behalf of victims, victims' rights and the law-abiding Canadian citizen.

I wonder what the member opposite thinks about the notwithstanding clause in the Constitution. Notwithstanding the comments he has made about the Constitution, why could this government not stand up for a change and say "Notwithstanding what we perceive might be a problem, we are going to proceed in this way and we are going to take DNA samples at the time we have an accused"?

Mr. Paul DeVillers: Mr. Speaker, once again I can see the Reform Party is engaging in lawyer bashing. It was joined by the hon. member for Pictou—Antigonish—Guysborough in a similar practice.

Mr. Peter MacKay: I am a lawyer.

Mr. Paul DeVillers: That gives you a prerogative.

That is not the point. The point is that the rule of law applies, that due process applies. That may be inconvenient and it may get in the way of the plans and aspirations of the Reform Party in certain cases, which is joined by the Tories in this case. However, that is what the charter of rights is there to protect. Those are the rights of all Canadian citizens whom we are trying to protect.

Once a person is convicted, then certainly the DNA would go into the data bank. That will be a very effective tool for police in future crime solving.

Mr. John Bryden (Wentworth—Burlington, Lib.): Mr. Speaker, I am glad to have the opportunity to speak in this debate. It gives me occasion to raise with all members what I think is quite an important issue which spins off from the debate about DNA sampling.

I will first address the DNA sampling issue as I see it. If I were on the other side of the Chamber and if I were listening to groups like the Canadian Police Association, I would indeed take the stand I hear from those on the other side. Fair is fair.

There are some good grounds for believing that if DNA samples were taken on charge there would be advantages in tracking down criminals and bringing more safety to our streets. I do not think there is any doubt that the more tools we can give our law enforcement officers, tools which they demand and want, the better they can carry out their jobs.

However, I must be frank with members opposite and tell them why I cannot support that position. I sympathize with what they are saying, but I cannot support it. And this is me speaking, not the government. The reason is that DNA sampling takes personal identification to a much higher level than just fingerprinting.

We heard people say earlier in the House that DNA sampling on charge is not much different from taking fingerprints. They said that taking fingerprints had not been a problem with respect to the charter of rights. Actually, there had been a problem. When the breathalyzer test procedure was first introduced it was challenged before the supreme court, which found that while on the surface it would appear that forcing people to give breath or blood samples appeared to be contrary to their charter rights, there was an element of reasonableness in the procedure, the good it did for society, which permitted the courts to uphold the principle of taking a

Government Orders

breathalyzer test or a blood sample at the time of charge, or at least forcing them to be taken.

If we go from fingerprinting to breathalyzer testing to DNA sampling, we go into an enormous domain that goes much beyond simply blowing into a container. The problem with DNA sampling is that it is the ultimate fingerprint.

• (1305)

DNA sampling is based on the fact that each one of us as individuals contains unique sets of DNA markers on our chromosomes. Consequently, any sample is believed, at least so far science tells us, to be uniquely identifiable with an individual. One can see where this could be an enormous crime fighting tool.

But a DNA sample is like a tattoo that we all carry. All that has to happen is for an authority to peel away a tiny bit of skin, reveal the tattoo, put it on the record and there it remains.

This is where the difficulty comes about. It was only 55 years ago that a similar tattooing procedure existed in Europe. I do not want members opposite to get excited about this because I am not casting aspersions on their position. But the reality is that at one time in European history tattooing became a useful tool of the police forces to keep track of undesirables in society. These undesirables were Jews, gypsies and the mentally infirm.

We know where that led in the end. That led to a genocide that this world has not forgotten and I hope never will. It was a systematic genocide. It was conducted with the agreement of the state, using police forces.

The problem is that when we come to something like the absolute identification of us as individuals, we become that much closer to that type of state interference in our personal and private lives which led to the atrocities that finally occurred in Nazi Germany.

I am not saying that this could happen in Canada, although we have to always remember in a democracy that there is always the danger that if we allow the state too much intrusion into the privacy of the individual, into the identity of the individual, we run the very serious risk of becoming a cipher, of becoming a tattoo, and if the state or the police get a little out of control, then the rights of citizens can indeed be destroyed.

It is an ethical issue that disturbs me. I am not saying that a DNA sampling at charge is necessarily not the thing to do. What I am saying is that it is too early for us as a parliament to make that grand a decision. We have to go out into the community and, over time, talk to the people who are concerned about ethics in society: talk to the church, talk to all those who are worried about the human dignity of being an individual, rather than a number. When we look back at the tattooing that was done during the period of

Nazi Germany, what distresses us most is not just the death it led to, it is the fact that human beings were reduced to numbers.

I say that DNA itself is nothing more than a human bar code of the 1990s. Before we engage in using this as a tool for the police we have to have a very serious debate, not just with parliamentarians, not just with the police, but also with church leaders and others. I would think the Jewish community might have something to say about this whole question.

Nevertheless, the real point that I came before the House to discuss was not the DNA sampling because it is an ethical issue. I did not expect to change the minds of those opposite because they are charged to be in the opposition and to speak in opposition to government bills. But one of the things that disturbs me in this whole debate is that I, like every MP, received correspondence from the Canadian Police Association, lobbying heavily to have DNA sampling accepted at charge rather than after conviction. I have no problem with the Canadian Police Association lobbying for this because it is very concerned about successful law enforcement.

Where I have the problem is that the letter I received from the Canadian Police Association contained a threat. What it basically said was that if I as a parliamentarian did not agree with the Canadian Police Association, that if I chose not to—that is, not to support the position of the Canadian Police Association—the letter tells me that “we as police officers will be forced to explain to the grieving family members that his or her government had the information and the ability to prevent such an act of violence but chose not to”.

• (1310)

What is happening is that the Canadian Police Association has taken it upon itself, in this instance and in other instances, to apply political pressure on the people in this Chamber to do what the Canadian Police Association thinks is right.

Also I refer to the campaign that was conducted by the Canadian Police Association during the last election in which it took out huge billboards showing pictures of known murderers and compared those people to the local Liberal MPs who rejected the private member's bill that would have made retroactive the legislation regarding the faint hope clause. It would have made it retroactive so that no convicted killers could go before the early parole procedure which then existed. Our justice minister changed that provision but did not make it retroactive. The billboards occurred during the election campaign. They were propaganda and they lied.

During an election we accept a bit of stretching the truth. It occurs not only among politicians during an election, but among the special interest groups that back one political party or another. We accept that. However, what was happening in this case was that we had a police body engaging in an attempt to influence politicians.

Government Orders

This is an issue of great concern to parliamentarians. The British parliamentary tradition is that the legislators, the courts and the police are supposed to be separate. I cannot interfere in a police investigation or with the courts. The courts cannot interfere with the politicians, and so it should have been with the police. It has always been our tradition that the police do not attempt to put direct pressure on politicians.

This is now occurring in Toronto as well. The Toronto police association is attacking local politicians over their attitude toward the special investigation unit.

I suggest that this is a serious threat to our fundamental democracy in parliament and every parliamentarian has to be very concerned. The reason we have our own police force in the House of Commons and not a state police force, the RCMP or any other body, is because of the tradition that parliament has to keep the police and the military separate from politics. I hope the police association hears my remarks and considers very carefully what it has been doing in the past.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it is very interesting to hear the hon. member opposite from the Liberal Party talking about the arm's length independent relationship between the RCMP and the Prime Minister's Office and government given the facts that are now being examined regarding the APEC summit.

My question specifically relates to this legislation. I was a member of the justice committee when we debated the bill at that level. We know that DNA evidence is inculpatory as well as exculpatory. It is evidence that can be used to free individuals, not only to convict them.

The debate over intrusiveness has drawn a lot of fire from both sides of the House. Intrusiveness for whom? Intrusiveness for an individual charged and arrested? I would think that many individuals in this country, given the opportunity to clarify the situation, would voluntarily want to give their DNA if they truly felt they had nothing to do with a particular criminal matter.

My question specifically surrounds the assertion that this type of evidence is going to protect Canadians to the full extent that it could, given the fact that if an individual is picked up on a charge in one part of the country, this legislation, in its current form, will not allow the police to take a DNA sample to cross-reference it to an outstanding matter to which there may be DNA evidence at the crime scene that was entered into the DNA data bank. This hypothesis was brought forward by the police community.

If an individual is picked up in one part of the country and charged with an offence, the police cannot take the DNA. If there is existing DNA at another crime scene, a murder or a rape, the individual will be released because presumably there will be no evidence to hold him based on the seriousness of that particular crime. We do not have returnable warrants in most parts of the

country, so the person can then flee the jurisdiction and therefore be held unaccountable.

• (1315)

This scenario is a real one. It is something that will happen without a doubt.

I ask the hon. member to address that situation and tell us how that gives any assurance whatsoever to Canadians that this legislation goes far enough to address that.

Mr. John Bryden: Mr. Speaker, the hon. member was so lengthy in framing his question it was difficult for me to follow it. The danger with extending the legislation as proposed by the opposition to taking samples upon charge is that it would encourage police to go on a fishing expedition.

We have to protect the rights of the people who may be assumed to be the type that would commit crimes. We believe in this country that you are innocent until convicted and we must not lose sight of that. We must be very careful on how wide a mandate we give the police as far as their powers of arrest are concerned.

Mr. Jim Hart (Okanagan—Coquihalla, Ref.): Mr. Speaker, I think Canadians in general listening to the member's comments that somehow Nazi Germany and tattooing are associated with DNA testing would think that is a stretch. I think it is totally irrational.

On this side of the House we will continue to fight for increased health care so people can get the help they so desperately need. I think that is a principle we can all agree with.

I question whether seizing DNA is really an invasion of a person's privacy. DNA samples is like the member said, it is using a series of numbers from the chromosomes to make an identification.

It is very similar to fingerprinting, for instance. The difficulty here is that you cannot see that it is very similar to fingerprinting in that sense because it is more precise. It is the new technology we have available today and Canadians believe it should be used to solve crime. It is probably one of the best tools we have.

Why does this government continue to mislead the public in suggesting that this is an invasion of a person's privacy when it is not? It is a sample of hair or saliva. It is not going to give any information except whether that person matches the DNA found at a crime scene. It does not talk about their mental health, their health in any other way or release any other personal—

The Deputy Speaker: I am afraid the time for questions and comments is about to expire. The hon. member for Wentworth—Burlington can have a brief reply.

Government Orders

Mr. John Bryden: Mr. Speaker, following that logic, why should the government not take DNA samples of every individual at birth and order DNA samples from every individual that exists so that any time a crime is committed that tattooing mark is available to the authorities? That is too big a power for police to have and that is too big a power even for government to have. I would not support it.

The Deputy Speaker: It is my duty to inform the House that the five hours allotted for 20 minute speeches with 10 minutes for questions and comments has now expired. We are into 10 minute speeches without questions or comments.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, how come the House leader of the official opposition misses out on the 20 minute part?

I think I have heard it all in here today. I want to talk a little about some of the comments in a minute. What a lot of people do not understand here is that the DNA legislation does not apply to some 14,000 prisoners currently sitting in our prisons.

Once again the government feels that it is not quite appropriate to take DNA samples of those people. I will tell members the effects that will have on our country. It does, however, say it will take DNA samples of prisoners currently serving time for multiple murders, multiple sex offences and dangerous offenders. Keep those three categories in mind here.

I have seven federal penitentiaries within half an hour's driving distance of my house in Abbotsford, British Columbia. We have around 100 released prisoners on day parole, UTA and ETA at any given time.

• (1320)

Sumas Centre is a day care facility with no fences, no guards, and the inmates are basically walking our streets. They have a 7 or 8 o'clock curfew at night. I have long talked to the government about increasing security there. In the last 10 months, from April 14, 1997 to February 1998 we have had four sexual attacks in my area by residents of this facility. We have had well over 55 unlawfully at large from that facility and not one of them has had a DNA sample taken from them.

A person who sexually assaulted a lady and robbed her store was from this facility and had 63 prior convictions. There was not one DNA sample taken from this person.

When I stand up here I ask what part of this message do they not understand. Perhaps they do not have enough prisons in their ridings. Perhaps it has not affected them like it has many of us. However, this DNA sample is important. It is important to victims of crime and important to people who will become victims.

I sit here in the House and listen to members across talking about constitutional issues, the Canadian Bar Association and on and on it goes, what if, maybe, could be, but I never once heard a discussion about victims or potential victims.

I guess it does not come as a surprise to anybody why we still have the faint hope clause in this country, section 745, why prisoners now vote, why prisoners are entitled to overtime pay, and why we outlawed pepper spray for the law abiding Canadian citizen yet we use it on university kids if they get in the way.

What is wrong over there with the mentality? Let us look at some of this mentality and some of the quotes I just heard. "This could lead to the atrocities of Nazi Germany". I cannot believe Liberal members actually believe that. I am telling this government here and now that every day in my community the people walking out of prison are sex offenders, murderers, drug addicts and bank robbers. They are all sitting in there at night and come out in the day but the government does not have the courage to take a DNA sample of these people. In my community we have people who are victims every single week.

I do not know how anybody can compare tattooing with DNA. That is out of the blue. A Liberal member opposite says it is too early in this stage of parliament to make such a decision. When is the time to make a decision? How many people in my riding have to suffer as a result of indecision? When is it, the year 2006, 2010, when enough victims are stacked up in this country so that the public puts on the pressure and then there is change?

• (1325)

Are all these opposition parties here crazy? Are we making these stories up?

I made a presentation after forcing this government to have a review on the Sumas Centre in my riding. At that time in March there were approximately 43 unlawfully at large prisoners. We had all types of robberies committed by these individuals, three sexual assaults, no notice being taken. It fell on deaf ears over there.

I went to the review commission and I asked why not stop here and do something. DNA would be a good idea. Then when these individuals walk out and perpetrate a crime we will know immediately. In fact, many of them do not get caught perpetrating crimes so we would probably find out faster if, when and where these people were. Nothing happened with that.

Since I spoke to them just a few short months ago we have had 13 more unlawfully at large prisoners. Some are sex offenders. We had not taken DNA samples of them. Why? They were not multiple sex offenders. Two qualify and one does not. There is a brilliant concoction of reasoning to me.

Government Orders

James Armbruster has 63 prior convictions, one sex offence relating to his grandmother, and he is not DNA sampled. Why? He did not have two victims. But now he does.

I do not know if it makes much sense trying to convince those in a majority government when they refer to the potential of this leading to the same atrocities of Nazi Germany. How do you argue with that kind of reasoning? It is absolute nonsense.

We are sincerely in trouble in this country with logic such as this from across the way that is so illogical to victims of crime and potential innocent people.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I have been following the debate today on this bill to adopt legislation which would create a DNA databank for Canada.

This was a major piece of work for us sitting on the House of Commons justice committee earlier this year. As have all colleagues on the justice committee, I have had an opportunity to look at the legislation from several perspectives and now we have a debate in the House.

It is quite useful to all of us in the House to have an opportunity to look at the different aspects of the bill from a public interest point of view. I think we have done our very best to make this bill as good as we can, as good as it can be, so it will serve the public interest.

The perspectives of the opposition are useful here today. They like the principle of the bill, but they are suggesting the bill could be better. That is the way the opposition is supposed to operate around here, and I urge them to continue. All of us here in government and in opposition are listening and looking for ways to improve the content of our legislation all the time.

• (1330)

What does the bill do? We have heard that it creates a DNA data bank for the first time for Canadians. We have not had one up until now. We do use DNA in criminal investigations and in court prosecutions. We have embarked on that road. We have made amendments to our Criminal Code, and successfully so.

It is important to remember that although we are setting up a DNA data bank for certain classes of DNA samples, we do have outside of that DNA data bank a process for obtaining DNA samples on warrant for criminal investigations. That will continue. Just because the DNA data bank proposed here will not have a DNA sample from a particular class of convicted criminals or some other category, it does not mean that the police are not using DNA in criminal investigations and in the public interest.

I would also point out that the manner in which the DNA data bank is being created here is, from the point of view of govern-

ment, reasonably cost effective. There are methods of approach here that we could have spent a bundle on, but the minister and the Royal Canadian Mountain Police have made a real attempt to get the data bank up and running in a cost effective way and I think we should take note of that.

Dominating the discussion and leading up to this point in the House has been concern over the charter or civil liberty implications of the data bank. In fact it is true to say that those concerns have shaped the data bank itself, the design of it, and how the DNA will be used.

I can say right away and I think all members accept that the privacy provisions contained in the bill are as good as we can make them. Doubtless there are always privacy concerns, but the protection of the information is as watertight as we can make it in the public interest. The DNA analysis and the samples do have to be used for the purpose intended. That means real people doing real jobs. The police community will have to have access to the sampling and to the analysis, but there are serious penalties attached to the misuse of that information.

I accept, and colleagues all around the House note, that a DNA sample is capable of revealing an awful lot of information about a human being. Its use in the data bank is solely for the purpose of identification, nothing else. The material will have to be monitored and disposed of as quickly as the public interest will allow.

What are the charter concerns? I want to focus on the big one because I think there has been some misunderstanding of what the charter hurdle has been. Why were we not able to construct a DNA data bank that allowed the taking of a sample at the time of charge or at any time for that matter? Why did we insist that it be taken only at the time of conviction?

It is not the privacy concern. We have a privacy concern here no matter who the sample has been taken from. Whether the person is a convicted person or not, we still have a privacy issue. It is not privacy that is our hurdle. I believe the big charter problem, the big hurdle is the current intrusiveness of the sampling process.

• (1335)

At this point in time in order to get a DNA sample something actually has to be physically taken from the human body. It has to be scraped, it has to be gouged, it has to be expressed, a hair has to be yanked out by the root. The physical integrity of the human body has to be intruded upon in order to get that sample.

I am comfortable with the concept that at this point in our history our charter protects our bodily integrity from that type of state intrusion, unless we consent to it or unless the law allows it in some other way. I do not think we have made a case here that will allow under our charter the state to gouge or pull or scrape or express a piece of a person's body simply because a person has been charged on the basis of reasonable grounds. That is the hurdle.

Government Orders

Let us talk about what the future may bring. It may come to pass, it may already be here or we may be very close to it, that technology and science may allow the taking of a DNA sample without that degree of intrusiveness. The simple pressing of a finger or a palm against a plate may allow the taking of a DNA sample. If that is the case, if that is the degree of intrusiveness, then we may indeed have something similar to a fingerprint. We take fingerprints now not on conviction but at charge.

We have to get to the point where the sampling process is simply not intrusive, as non-intrusive as the taking of a fingerprint, and we are not quite there yet. There are half a dozen ways to get a sufficient sample for an analysis here and none of them are quite as simple as the thumbprint. We have not got that yet.

I am told and at committee we seemed to have information which indicated that technology is moving at a pace now where we may be able to extract a sufficient DNA sample from something similar to blowing into a breathalyser or taking a palm print. When we get there, society and the law may accept that we can take DNA samples at charge or at birth or whenever. This is an issue Canadians doubtless are going to have to address in the future.

I will leave the subject matter there. The 10 minutes has run by rather quickly. As a legislator, if I am still around in this place in a few years, one never knows, but the House will doubtless have an opportunity to enhance and upgrade the DNA provisions of the Criminal Code just as we have done for the last five or 10 years. We will get another kick at the cat, and no offence to the cats of Canada. I hope we do get there and I hope the DNA data bank created by the bill gets off and running quickly so the RCMP can do their best to enhance public safety as intended by the bill.

Mr. Jack Ramsay (Crowfoot, Ref.): Mr. Speaker, I have just a couple of points I would like to put on the record in this final reading debate of Bill C-3. I would like to follow up on the closing remarks of the hon. member for Scarborough—Rouge River.

During the examination of the bill by the justice committee of which we were both members, the record will show that the justice officials who appeared before the committee on two different occasions indicated there was a necessity to go slow on the taking of DNA samples. There must be some degree of reluctance to move into the area we are asking the government to take the bill. At a later date we could do that. I think this was the inference by my hon. colleague who spoke last, let us give this some time and let us advance the bill into these areas after some time has elapsed.

• (1340)

To me the inference of this is that the judges may rule something unconstitutional today that they are going to rule constitutional

tomorrow. If that is the case, then I would suggest the three independent legal opinions that were submitted late by the government on this bill are simply redundant and meaningless.

I add as well that I have listened to many of the speakers today. They do not seem to understand that their concerns over the intrusive nature of taking a blood sample, a hair sample or a saliva swab have already passed the constitutional test. It is there in the Criminal Code now for something that is not always tried by indictment, impaired driving. At least one of the former judges who submitted a legal opinion on this bill referred to that fact. If it is not a constitutional violation to take a blood sample in connection with an impaired driving charge which may be tried by indictment or summary conviction, then why would it be unconstitutional now to take a blood sample, the most intrusive of three methods of taking a DNA sample from a human being?

We examined these two very strongly presented arguments against going beyond what the bill does now, which is the intrusive nature of it as well as the privacy of the individual. We heard many times from witnesses as well as from members of the committee. I believe we heard it here today during this final debate that the extensive nature of the information gained from a DNA sample is what causes people to be concerned about allowing this to occur.

We know every day there are blood samples taken and lodged in clinics and in a bank somewhere. The detrimental or negative impact of having those samples somewhere in a data bank has not resulted in the negative aspects which many witnesses and members of the government have put forward would occur if we went beyond where the bill takes us today.

My colleague from Scarborough—Rouge River referred to another point, the rapid advancement of the technology to take DNA samples. There may come a day when we will leave a sample on the barbershop floor that will be suitable for DNA testing. We know that a blood sample is taken when every child is born. The sample is lodged somewhere in a data bank at least for a certain period of time.

When we examine the privacy aspect and the intrusive nature, and I can refer hon. colleagues back to the record of the witnesses who appeared before the committee, there is just not an arguable, sustainable, logical, comprehensive debate on either of these two issues to deny further advancement of the taking of DNA samples at the time of charge. It simply does not exist.

My hon. colleague from the Tory party who sits on the committee has touched upon the real reason we are not going as far as we should be going to satisfy the needs of the Canadian Police Association and other law enforcement spokespersons as well as members in the opposition parties. There is fear and concern and a

Government Orders

degree of timidity with regard to what the Supreme Court of Canada will say.

● (1345)

I go back to my opening comments. If we are to go slow or to go into the area we want the bill to cover at a later date because of a fear that if we bring it in too early the supreme court will strike it down, we are really saying that what it declares unconstitutional today it will not declare unconstitutional tomorrow as it gets used to it and as it becomes part of our legal system, the legislation and the process. That is wrong. What is constitutional today must be constitutional tomorrow. How can what is constitutional today be unconstitutional tomorrow?

I do not understand or comprehend that argument. Inasmuch as we have opened the door and entered the room of taking samples from those who are convicted and incarcerated for designated primary offences, we have taken that step and will take samples from certain individuals.

What is the difference in going beyond that? Why is there a reluctance to go beyond that and include all primary designated offences in that category? I do not understand. When we asked that question before the committee the answers were not comprehensible to me and were not justifiable in refusing to move further into that area.

I wrap up my comments by saying we all know the bill is moving in the right direction. However, the role of the opposition is to leave its concern indelibly marked on any document it does not feel is in the best interest of Canadians.

The government is to move this bill forward and it will pass. I hope members of the Senate will take a hard look at what we have been asking for, what the Canadian Police Association has been asking for and what others have been asking for. Some good work comes out of the other place regardless of our feelings about its make-up and constitution. When it gets to the Senate I hope the committee that looks at it will examine our concerns and why opposition members could not endorse the bill.

Perhaps the government is right. Perhaps in time all our requirements will be met. The problem is that it is a matter of safety, of concern and of providing the police with the tools they could have now but will not have on the passage of the bill. This is a shortcoming we cannot accept and must object to. We will do so by the way we vote on the bill in the House.

Mr. Jerry Pickard (Chatham—Kent Essex, Lib.): Mr. Speaker, it is a privilege for me today to speak to Bill C-3 which provides for the establishment of a national DNA data bank.

The DNA identification act will make Canada one of only a handful of countries in the world to have a national DNA data bank. I am pleased to inform the House that the ground breaking legislation this measure supports will signify Canada as a mover in the world community on a very special base as one of a handful of countries that has gone forward with this type of legislation.

This new legislation strengthens our commitment to combat crime, especially violent crime in Canada. The plan that was developed early in July 1995 gave provincial judges the power to put together warrants which allowed police, after they collected samples, to identify people who had committed serious offences. We have stepped forward today by adding a law which will usefully put together a framework for DNA samples in a data bank.

● (1350)

This is another concrete step toward protecting Canadians from violent criminals. We should make no mistake. Bill C-3 gives Canadian police access to a powerful tool in its fight against crime. As we all know, forensic DNA analysis has been instrumental in securing convictions. It has also been crucial in helping to exonerate wrongly condemned people, but it also raises potential privacy and charter concerns because it has the ability to reveal much more of a person than what a fingerprint would reveal.

Given the magnitude of these issues surrounded by the use or potential misuse of DNA information, the government has taken steps to ensure that a detailed and careful study of the legislation has taken place.

The legislation was referred to the Standing Committee on Justice and Human Rights before second reading. The government also went to Canadians to hear what they wanted to say. Bill C-3 reflects the views of Canadians across the country. The reflections came from a broad spectrum of Canadians which included police associations, victims groups, legal organizations, provincial attorneys general, academics, privacy experts and medical people. The committee was vigilant in making sure it heard from those with concerns over the charter and from those whose overriding concern was public safety. The goal has always been to protect Canadians from violent criminals.

Some other issues were discussed as well. The data bank will include two indexes: a scene of the crime index containing DNA profiles from actual crime scenes and a convicted offenders index containing profiles of offenders convicted of designated offences. With this structure, stored DNA information can be cross-referenced in order to identify linkages and to help solve serious crimes in any police jurisdiction anywhere in the country.

Sharing information is the key to successful arrests of offenders. Bill C-3 sets out the circumstances where samples can be taken and stored in a data bank. Where a person has been convicted of a

primary designated offence the court will, except in most exceptional circumstances, make an order requiring that person to submit bodily substances for data bank purposes. Where a person has been convicted of a secondary designated offence and where the crown makes an application to the court, the bill lets the judge make an order requiring the offender to provide bodily substances for DNA banking purposes. In making that order the court must satisfy that it has the interest of administration and justice in order.

The primary and secondary designated offences listed in the bill were developed on the basis of the serious nature of the offences and the likelihood of finding DNA evidence at the scene of the crime. DNA samples are most likely to be found at crime scenes of primary offences like those of murder and sexual assault. On the other hand, DNA evidence is less likely to be found at the scenes of secondary offence crimes such as those of robbery or arson.

Taking samples after an offender has been convicted balances an overriding concern for the safety of all Canadians. It also takes into account the need to respect the rights protected by Canada's charter. The accused has the right to presume innocence and protection from unreasonable search and seizure. I think members would agree with that statement.

The issue of when DNA samples should be taken has garnered much attention throughout the development of the bill. The vast majority of Canadians we spoke with said that taking samples from convicted persons is the only way to respect the rights of all Canadians under the charter. The majority of those consulted also took the position that taking samples at the time of arrest or charge would pose a very serious risk of being struck down as unconstitutional. Legal experts from the Department of Justice and three of Canada's most eminent justices have told the government that taking samples before a conviction would be unconstitutional. I think we can all agree developing legislation that will be thrown out by the courts is not useful for the justice system and not useful for Canadians who look to parliament to develop appropriate legislation.

• (1355)

Bill C-3 will not only capture serious offenders following conviction. It will also permit DNA samples to be collected from high risk violent offenders under penitentiary sentence who were convicted before the bill comes into law. Samples will be taken retroactively from the designations of dangerous offenders, repeated sex offenders and murderers who have killed more than once. Collection of DNA samples from these offenders will give police valuable information to help them solve outstanding criminal cases.

Young offenders will be treated in the same way as adults with respect to taking DNA samples for the purpose of data banking. The DNA extracted from a sample will be analysed with the resulting profile entered into the convicted offenders index of the data bank.

Bill C-3 authorizes the RCMP to establish and maintain a data bank. It is worth noting that access to DNA profiles contained in

S. O. 31

the convicted offenders index and the samples themselves will be strictly limited to those directly involved in the operation of the data bank.

There is no question that this law is very appropriate at this time. It will provide a service to Canadian police officers so that they will be able to pursue and follow up in a much more scientific way on actions of violent crime in the country. I recommend that every member of the House support the bill in the name of criminal justice.

* * *

[Translation]

SUPPLEMENTARY REPORT OF THE AUDITOR GENERAL OF CANADA

The Speaker: I have the honour to lay upon the table the supplementary report of the Auditor General of Canada to the House of Commons, Volume II, for September 1998.

[English]

Pursuant to Standing Order 108(3)(e), this document is deemed to have been permanently referred to the Standing Committee on Public Accounts.

STATEMENTS BY MEMBERS

[English]

HUMANITARIANS

Mr. Jerry Pickard (Chatham—Kent Essex, Lib.): Mr. Speaker, I am privileged to recognize Heather Bondy and Crystal Smith, two outstanding humanitarians from Chatham—Kent Essex.

Heather is the driving force behind Chatham Outreach for Hunger. She has raised thousands of dollars and collected tonnes of food, hospital and school supplies which have been taken to the Dominican Republic, Zaire and Uganda where she has personally delivered that aid. Heather is presently planning to deliver tens of thousands of dollars in aid to Haiti.

Crystal Smith, a 20 year old student, works in an orphanage in Ukraine that houses many victims of Chernobyl. The orphanage was called "The Place that God Forgot". Thanks to Crystal, it is now the place that God remembers.

S. O. 31

I thank Heather and Crystal for their great work. All the citizens of this country are very supportive of their efforts. I add a thanks to Air Canada, British Airways and the Department of National—

The Speaker: The hon. member for Calgary East.

* * *

FIRST MINISTERS CONFERENCE

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, at the December 1997 first ministers meeting the premiers and the Prime Minister agreed to begin a process which would result in a better, more efficient social union for all Canadians.

Since then the provinces and territories have been hard at work negotiating on issues vital to Canadians such as education, social welfare and health. They have unanimously agreed to an arrangement in the design of social programs in areas of provincial jurisdiction. In short, the provinces have embarked on a project which seeks to improve their partnership with the federal government.

How has the Prime Minister responded to these overtures? By stating "If the premiers do not want to take what I am offering, they take nothing". This is Liberal co-operative federalism in action.

The official opposition congratulates the premiers of Canada for working on behalf of all Canadians and we call upon the Prime Minister to begin doing the same.

* * *

• (1400)

ARTHRITIS

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, September is arthritis month in Canada.

Arthritis is a painful, debilitating disease that threatens the independence and quality of life of more than four million people in Canada. More than 600,000 Canadians are disabled by it. Direct and indirect costs associated with arthritis and related disorders in Canada are nearly \$18 billion a year.

With no cure yet, some symptoms and consequences can be lessened through research, education and healthier lifestyles.

September is the month we recognize the Arthritis Society's efforts and its thousands of volunteers. For 50 years the Arthritis Society has contributed over \$100 million for research, striving to find a cure.

I ask the House to join me in wishing the Arthritis Society a very successful month.

HEALTH

Ms. Bev Desjarlais (Churchill, NDP): Mr. Speaker, the Liberals have allowed health care to deteriorate and the lives of Canadians are at risk.

Nowhere is the problem more severe than among the first nations where diseases such as TB, diabetes and HIV are rampant. This problem is aggravated by unacceptable housing conditions in many first nations. Families live in overcrowded houses without modern sewage facilities and are deprived of safe drinking water.

It is reprehensible for the government to allow these third world conditions to persist. The government must honour its obligations to the first nations and take meaningful action to alleviate this crisis.

* * *

WILLIAM HANCOX

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I rise today to invite you and my colleagues in this House to pay tribute to the late Detective Constable William Hancox who was killed on duty August 4 of this year.

Billy Hancox was not a man the world would call a hero. He was not a famous general, a superior athlete or a noted statesman. He was our neighbour, a decent man whose wife Kimberley and daughter Sandra will remember his kindness and happy nature. His son Sean, born after his death, will tragically never know him.

Billy Hancox wanted to be a police officer to serve and protect the rest of us in the community and he lost his life doing so. Every time he went to work he knew there were risks but he accepted that responsibility.

We should expand our understanding of the word hero to include Billy Hancox, his wife and his family who represent everything that is honourable in Canadian society.

* * *

THE ENVIRONMENT

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, climate change is the greatest global environmental threat we face. It is imperative that we have an international plan to reduce greenhouse gases and meet the climate change challenge head on.

Last week this government co-hosted with Brazil a ministerial clean development mechanism forum. The purpose of the forum was to listen, ask questions and move toward an international consensus on what needs to be done to implement the CDM.

The CDM is one of the international mechanisms agreed on in the Kyoto protocol which will help parties to achieve their emission reduction obligations.

By working in a global partnership we can successfully reduce our greenhouse gas emissions while continuing to develop our economies in a sustainable manner. The forum is an example of this government's commitment to working co-operatively with all countries seeking to develop a global climate change solution which will work for developed and developing countries and the environment. This can be a win-win-win situation for all.

* * *

THE SENATE

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, the Prime Minister's arrogance in appointing a senator for Alberta has left a bad taste not only in Alberta but in British Columbia.

This approach, this total disregard for the citizens' desire to elect a senator, does nothing for unity in our country. How can the Prime Minister expect co-operation from any of the provinces when he shows such contempt for the people and their provincial governments?

In B.C. we experienced this contempt during the salmon dispute with the U.S. Atlantic Canada saw this arrogance with the east coast fishery. Manitoba saw it with the Red River flood and the federal election call. Ontario seems to be in constant conflict with the federal government.

This past spring the 10 provincial premiers met to discuss a social union and amazingly came out of this meeting with almost unheard of agreement with all 10 premiers on a social accord. What was the Prime Minister's response? Outright refusal to consider this agreement.

Prime Minister, how can this arrogant, combative approach help Canadian unity?

* * *

JOHN EAKINS

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, I rise today to pay tribute to a dedicated and hardworking former member of provincial parliament from my riding, the late John Eakins.

• (1405)

John Eakins passed away in Hamilton on September 16, 1998 while undergoing cancer therapy treatments where he was staying to be closer to his family.

Mr. Eakins was first elected to the Ontario legislature in the riding of Victoria—Haliburton in 1975 and served five terms until he retired before the 1990 election. From 1985-87 he was Minister of Tourism and Recreation and after that Minister of Municipal Affairs.

Prior to entering politics Mr. Eakins served as a councillor in the town of Lindsay for three years and mayor of the town for six

years. He was well respected by his constituents and he was a friend to many he served.

I would like to thank John for his many years of public service and ask that this House offer condolences to his family.

* * *

[Translation]

THE LATE PRIVATE GILLES DESMARAIS

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Mr. Speaker, it is with great sadness that I rise today to inform the House of the death of Gilles Desmarais, a Canadian serviceman who was serving with the NATO peacekeeping force in Bosnia. Private Desmarais died on Friday, September 25, 1998, after being accidentally electrocuted in a Canadian camp.

Private Desmarais was 23 years old. He was born in Noëlville, in my riding, and had been serving in Bosnia since early July. He was scheduled to return to Canada at the end of January 1999.

[English]

He was a three year veteran of the regular Canadian Forces, having also previously served as a reservist with the Second Battalion of the Irish Regiment in Sudbury, Ontario.

[Translation]

I wish to extend to the family and friends of Private Desmarais my most sincere condolences. My thoughts and prayers are with them as they go through this difficult time.

[English]

I take this opportunity to salute all our Canadian Forces troops serving on peacekeeping missions. These fine women and men put their lives at risk on a daily basis for their country and for—

The Speaker: The hon. member for Lotbinière.

* * *

[Translation]

SCRAPIE

Mr. Odina Desrochers (Lotbinière, BQ): Mr. Speaker, 11,000 sheep have been arbitrarily destroyed since January 1997. Who will put an end to this carnage, which imperils the entire sheep industry in Quebec?

No one in the Liberal government opposite can answer this question, as this government has put the management responsibility in the hands of the Canadian Food Inspection Agency, and this agency lacks transparency on this issue. Information is either diluted or non-available.

Officials of this federal agency—this commando created by the Minister of Agriculture and Agri-Food—are traumatizing sheep farmers by harassing them on the phone, showing up unannounced

S. O. 31

to inspect their sheep barns, threatening punitive action or providing them with incomplete information.

Enough is enough. The federal government must act and stop putting forward measures that do nothing except show how incompetent and arrogant the minister is.

* * *

[*English*]

VICTIMS OF VIOLENCE

Mr. Chuck Cadman (Surrey North, Ref.): Mr. Speaker, last Friday night my wife and I presented our son's memorial scholarship to a young aspiring musician. Our son had similar dreams. His drums are now silent in the basement and we think what if? Young adults leaving the nest, a ritual he was denied.

On Saturday we attended the annual soccer tournament held in his memory. More than 300 boisterous young boys. His goalie gloves were cremated with him. We remember.

On Sunday his mother presented trophies and then attended a bridal shower for one of his friends. Pain only a mother can know. Soon we will mark the sixth anniversary of the evil which cut his young life short.

I am privileged to be able to speak in this place not only for my family but for thousands of other families that endure a similar grief in silent anonymity.

Our laws allow too many excuses for violence, everything from a disadvantaged childhood to drug abuse. Predators forget. Families do not. Our considerations belong with them, the silent ones.

* * *

[*Translation*]

SOCIÉTÉ SAINT-JEAN-BAPTISTE

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, last Saturday, in Orford, a municipality located in Brome—Missisquoi, Prime Minister Jean Chrétien became a lifetime member of the Société Saint-Jean-Baptiste, in the diocese of Sherbrooke.

Like Sir Wilfrid Laurier before him, the Prime Minister reminded us that French Canadians have played a prominent role in the history of our country, as one of the two founding nations.

I would like to mention the hard work of Micheline Dupuis and Marcel Bureau, with the 11,000 members of the Société Saint-Jean-Baptiste in Sherbrooke, of Gaston Deschamps, with the 33,000 members of the society in the diocese of Valleyfield, and of Léo Gagné, with the 6,000 members of the society in the diocese of Quebec City.

Let us follow in the footsteps of Wilfrid Laurier, the first French Canadian to become Prime Minister of the country.

* * *

● (1410)

INTERNATIONAL YEAR OF THE OCEAN

Mrs. Suzanne Tremblay (Rimouski—Mitis, BQ): Mr. Speaker, the United Nations has declared 1998 International Year of the Ocean, in an effort to raise public awareness of the importance of our oceans and of the vital nature of the marine world.

In the Lower St. Lawrence region, the marine world impacts on our cultural and social reality, and it is an essential component of our economic life, partly because of its fishery resources and its potential for the tourist industry.

The riding of Rimouski—Mitis is known internationally in the field of marine sciences. In addition to the Institut maritime du Québec—the only institution to provide a college education program—we have distinguished professors and researchers at the INRS-Oceanology, UQAR's department of oceanography, the Fisheries and Oceans Research Centre, and the Maurice-Lamontagne Institute.

While respecting and preserving marine resources is definitely a collective responsibility, the government must act as a leader in improving management, at the international level, of the world's oceans.

* * *

MAISON PARENT-ROBACK

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I take great pride in reporting that the Maison Parent-Roback was officially opened last Sunday in Montreal.

It groups together 12 provincial women's groups working to improve the conditions of women in such varied areas as the economy, culture, health and the campaign to eradicate violence against women.

It is also worthy of mention that the secretary of state responsible for the status of women has contributed a total of \$795,000 since last April to 9 of these 12 provincial women's groups.

The corporation selected the name Parent-Roback for the building in order to pay tribute to the work and friendship of two pioneers in the women's movement, Madeleine Parent and Léa Roback.

We are very proud of this government for its support of this type of project for the women of Quebec and Canada.

*Oral Questions**[English]***JUSTICE**

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, seven years ago James Mills was murdered while a prisoner of the federal prison in Renous, New Brunswick. Yes, he was convicted of a crime but he was not condemned to death.

For seven years the Mills family has waited for justice to be served. For seven years the file has been passed from corrections Canada to the RCMP to the New Brunswick crown prosecutor.

I understand that on two previous occasions the RCMP turned the file over to the crown prosecutor and recommended that charges be laid.

Recently the RCMP have reported they have turned over new evidence to the crown prosecutor. Hopefully with the new evidence the crown prosecutor can now take action that will finally give the Mills family some closure.

I sincerely commend the solicitor general for his personal attention to this file and for pressing for further investigation.

Now I ask the solicitor general to do all he can to ensure that the appropriate authorities follow through to once and for all resolve the murder of James Mills.

* * *

LAND MINES

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Mr. Speaker, the land mines treaty, opened for signature in Ottawa last December and quickly signed by more than 120 states, has now entered into legal force, the 40th ratification having occurred this month in record time.

It may be argued on doctrinal legal authority that the treaty because of the number of state adherents has now become part of the general principles of international law and binding as such even on non-adhering states.

Apart from this a challenge of Canadian diplomacy may be to persuade the holdout states to declare significant parts at least of the new treaty as fully binding upon them in the conduct of their foreign policy.

* * *

VETERANS AFFAIRS

Mr. Mark Muise (West Nova, PC): Mr. Speaker, since being elected to represent West Nova I have worked diligently with World War II veterans and residents of Cornwallis for the return of their stained glass windows.

These memorial windows were donated to CFB Cornwallis by naval recruits who wanted to commemorate all those lost on our navy ships during the battle of the Atlantic.

Since the closure of the base the residents have demanded the return of the stained glass windows for display in their new naval museum. Sadly the Minister of National Defence has steadfastly refused to return these windows to their rightful place.

I ask all members of the House to look up at the beautiful windows and imagine what this place would look like if they were removed and replaced by a sheet of plexiglas. Perhaps now they understand why the residents of Cornwallis want so desperately to display the windows in their chapel.

● (1415)

Mr. Minister, perhaps you believe the battle over the stained glass windows is over, but let me tell you, for the residents of Cornwallis the battle has just begun.

ORAL QUESTION PERIOD*[English]***EMPLOYMENT INSURANCE**

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the law on employment insurance is clear. If there is a surplus because the government has been overcharging employers and workers, then the money belongs to them and it is illegal for the Prime Minister to take that money and use it for something else.

Why does the Prime Minister not obey the law and give those excess funds back to the workers and employers to whom they belong?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there is a debate going on at this moment in preparation for the budget and how to deal with the finances of the nation in the next budget. Some representations have been made to the government that it would be more advisable perhaps to cut income tax than to do that because it will go into the pockets of the taxpayers and not to the corporations.

There is a debate. I know that the Leader of the Opposition does not want that money to be used to cut income tax. We know that. It is part of the debate.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, why is the government even contemplating breaking the law? If the Prime Minister loots the employment insurance fund, who precisely is he taking this money from? He is taking it from the small business person, the factory worker, the construction worker, the clerk, the waitress, to whom these funds belong.

Who will stand up for the rights of these workers and employers if the Prime Minister will not?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is pretty nice to have a problem like this one when we have run the nation in such a way that we have a problem with surpluses. If we had operated a government the way that it was operated before, we would still be at a 11.4% unemployment level. Now we are at 8.3% and it is going down, and 1.2 million new jobs have been created in Canada in the last five years.

We have the problem that the government has probably been too good to the satisfaction—

The Speaker: The hon. Leader of the Opposition.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, we are talking about to whom do these surpluses belong. We are talking about obeying the law. We are talking about funds that were contributed in trust. We are not talking about general revenues and we are not talking about some Liberal slush fund that the government can spend however it pleases.

Will the Prime Minister tell his tax addicted finance minister to keep his hands off the employment insurance fund?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I think that the Minister of Finance has been pretty good. I see that we have reduced the deficit from \$42 billion to zero. I see that we have less than 1% inflation. I see that the *Financial Times* of London has said that in terms of finance management, we are the top dogs of the G-7.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, the government is calling for a debate to cover up its planned raid on the \$6 billion EI overpayment. We are no more entitled to debate the raiding of the EI fund than we are entitled to debate the raiding of the Prime Minister's own personal RRSP. The EI fund is not his money to spend. That is what the law says.

Why does the Prime Minister not respect the law and give workers and employers that money back? Respect the law.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the consolidation of this fund with the consolidated revenue of Canada was done long before we formed the government. There is no slush fund. It is just the money available to the government for the operation of the government. The Minister of Finance and rightly so is doing something that did not exist before, having a public debate before preparing his budget.

As usual, like the past five years, the Reform Party is all over the place.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, what the Prime Minister is saying is that the end justifies the means and they will break any law they have to in order to get their hands on taxpayers' money.

• (1420)

Mr. Speaker, if the government cannot—

The Speaker: I would ask the hon. member to go to his question, please.

Mr. Monte Solberg: Mr. Speaker, instead of trying to change the law to raid the money they are not entitled to by law, why do they not just obey the law and give that money back to workers and employers? Obey the law.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there are some people who think it would be better if the money was to go into the taxpayers' pockets rather than into the coffers of some corporation. Sixty per cent of the money is going to the corporations and 40% to the taxpayers. Some think it might be better to give it to those who earned the money working on an hourly basis.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, since the Minister of Finance was caught helping himself to the EI surplus, the only excuse he has managed to come up with is that a broad debate is necessary to determine the use to which this surplus should be put.

Will the Prime Minister admit that the real debate, the one that is urgently required, is not about what to do with the money lifted from the pockets of workers, the unemployed and small businesses, but about why the Minister of Finance took money that was not his to take?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would point out to the hon. member that, if we had stuck with the legislation passed by the Conservative government, premiums on January 1, 1994 would have been \$3.30 on every \$100, but we reduced them in successive budgets to \$2.70.

Before taking any further decision, the Minister of Finance wants to have everyone's opinion. But apparently the Bloc Québécois would like the money to go to companies rather than employees.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, my reading of the situation is that the Minister of Finance—aided and abetted by the Prime Minister—dipped into the pockets of workers, the unemployed and small businesses.

He should realize that the only reason there is a surplus is that there are unemployed workers who no longer qualify for benefits, even though they have paid their premiums, and that some workers are paying more than they need to. These are average folks whom the Prime Minister probably does not know, having spent so much time on Bay Street.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, people understand that 1.2 million new jobs have been created

Oral Questions

since this government was elected in 1993. They understand that the level of unemployment has dropped from 11.4% to 8.3%.

And they understand that, because the fund has been very well administered, we now have a surplus, which we are going to administer, as we have always done, with care so as to serve the interests of all taxpayers.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, yesterday, the Minister of Human Resources Development said in this House that he was trying, with the help of Statistics Canada, to figure out why the participation rate in the employment insurance system has been dropping, to the point where only two out of every five Canadians out of work now collect benefits.

Does not the minister not yet realize that, while he is trying to find out why an increasingly smaller number of unemployed persons qualify for benefits, his colleague, the Minister of Finance, has already made off with the fund and is now wondering how to spend money what belongs to the unemployed?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, first of all, we must understand that contributions to the employment insurance fund are not made exclusively by workers, but also by employers and major businesses. So, enough of the Bloc's demagoguery.

We are fully aware that we must take—

Some hon. members: Oh, oh.

The Speaker: The hon. Minister of Human Resources Development has the floor.

Hon. Pierre S. Pettigrew: So, we are aware that the participation of workers in the employment insurance system is extremely important to ensure the program's integrity, and that is why we want to make sure we fully understand the figures and numbers before taking appropriate action.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, what I understood is that the Minister of Human Development Resources is holding the bag while the Minister of Finance is digging into it with both hands.

How can the minister explain that, with the powers vested in him by law, he was unable to stop the Minister of Finance from plundering the employment insurance fund?

• (1425)

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I want to point out to Bloc Quebecois members that a decision has yet to be made.

Also, we have been working closely with the Minister of Finance for a number of years. This co-operation between the Minister of Finance and myself, under the direction of the Prime Minister and together with the support of our colleagues, has led to the national child benefit, aimed at eliminating family poverty.

We have also set up a transition program, the Transitional Job Fund, in regions where the unemployment rate is too high. We have created a fund to help students who had problems completing—

The Speaker: I am sorry to interrupt the hon. minister, but I now give the floor to the hon. leader of the New Democratic Party.

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

All workers in this country pay employment insurance premiums. Despite their contributions, however, three out of five unemployed persons do not receive any benefits. Yet the Minister of Finance is drooling at the prospect of getting his hands on a slice of the employment insurance pie.

Before he gets his hands on the whole thing, has this government given even one thought to the Canadians who contributed to this fund and yet are getting nothing from it?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Finance, the Minister of Human Resources Development and myself have said we want a debate on what should be in the next budget. There are all kinds of ideas on this. Some people feel the best thing to do would be to make the fund available to workers and not to employers.

We are going to look at things, we are going to get everyone's opinion, and we are going to find a reasonable solution, as we always do, one that has the interests of workers and of the Canadian economy at heart.

[English]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, 800,000 Canadians who are unemployed in this country today are not receiving any employment insurance benefits. That is because the government has changed the rules to make them ineligible.

The Prime Minister talks about choices, about a debate of what to do with the employment insurance fund but he never talks about reinvesting any of those funds in supporting the unemployed and their families. Is he saying that improving access or improving benefits are not among the choices?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are having a debate at this time. We want to make sure that the money is used for the interests of the workers.

Oral Questions

We have all sorts of programs being discussed to maintain what we have been able to do. We want to carry on helping those who need it most. That has been the policy of this government. We are having a public debate at this time and would like the contribution of her party.

The government will make a decision that will be part of the federal budget next February.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, yesterday the finance minister said that this government will not “give up that area of its financial manoeuvring” when asked about the surplus in the EI fund.

The EI fund was not set up to be the finance minister’s wriggle room. He is not being asked to give up something that belongs to him. The money in the fund is paid by Canadian workers and employers. That money does not belong to the finance minister or to any member of this government.

When will this government stop treating the EI fund like its personal line of credit and give back a tax break to the employers and the employees?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the leader of the Conservative Party is not interested in having a tax cut for employees only. She is very keen that we give the money to the employers. If we do that, 60% of the money will go to the employers and only 40% will go to the employees. If that is the position of the Conservative Party, fine. We know it prefers to give money to business instead of to employees.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I want to tell you that I heard here today from the Prime Minister about how the government has created jobs. Let me say that we have never had as high an unemployment rate in the city of Saint John in the last 25 years as we have today.

The Minister of Veterans Affairs, all the merchant navy vets who are on a hunger strike and who want their compensation—

Some hon. members: Oh, oh.

• (1430)

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

Mrs. Elsie Wayne: Mr. Speaker, the Minister of Veterans Affairs told the members of the merchant navy, who are on a hunger strike and who want fair compensation, “I am not offering anything”. The Minister of Health told the innocent victims of tainted blood that the file was closed.

Is the government now telling Canadian workers that the EI fund is its personal piggy bank, open for taxpayer contributions but closed for payroll taxes?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, perhaps the leader of the Conservative Party should talk to the member of parliament for the city of Saint John about its problem.

The reality is that 1.2 million new jobs have been created since October 1993. The level of unemployment that existed at the time of the Conservative government was 11.4%. Now it is 8.3% and going down.

We will not take the advice of the leader of the Tory party and go back to the good old days of the Tories.

* * *

ABORIGINAL AFFAIRS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, on August 24 Leona Freed wrote to the Minister of Indian Affairs and Northern Development and the Minister of Health complaining about the sewage system on her reserve. That letter was illegally leaked back to her chief and council and she is facing a lawsuit as a result.

Yesterday—

The Speaker: Colleagues, I appeal to you. We are having a tough time hearing the questions and the answers.

The hon. member for Skeena.

Mr. Mike Scott: Mr. Speaker, on August 24 Leona Freed wrote to the Minister of Indian Affairs and Northern Development and the Minister of Health complaining about the sewage system on her reserve. Her letter was illegally leaked to the chief and council and she is facing a potential lawsuit as a result.

Yesterday the Minister of Indian Affairs and Northern Development accused the Minister of Health of leaking that letter. We would like to know from the Minister of Health: Is that true? Did your office leak that letter?

The Speaker: Colleagues, please address the Chair when you are asking your questions and giving your answers.

The hon. Minister of Health.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, a letter of August 24 was received by a Health Canada official from Leona Freed complaining about a broken sewer pipe that was apparently draining into a creek. She was worried about it being a health threat and she demanded immediate action.

The Health Canada official, anxious to solve this problem, forwarded a copy of this letter to the tribal council which is responsible for fixing it, and then set to work on getting the problem fixed.

Sending on that letter was not in keeping with protocol. That official has written to Leona Freed to express regret. We have re-circulated the protocol to remind all officials—

Oral Questions

The Speaker: The hon. member for Skeena.

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, it is good to see the minister acknowledging wrongdoing.

Given the government's past performance with regard to confidentiality we would like to know: Is the minister aware that this is a breach of privacy? It was found to be so in the spring when the Minister of Indian Affairs and Northern Development violated Bruce Starlight's privacy. What is the government going to do to ensure this does not happen again? We do not want to be back here in six months with the same problem.

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, the letter that was sent to the health official was copied to the Reform Party's critic, the member for Skeena. It was also copied to the provincial minister. It was about a leaking sewage pipe. There was nothing on its face to demonstrate confidentiality.

The Health Canada official acted in good faith to get the problem fixed. I have already said that he has expressed regret and we have circulated the protocol.

In the meantime, the problem has been fixed. What we are left with is the Reform Party messing around with this issue.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, three unemployed individuals in five are no longer entitled to employment insurance benefits. In Canada now only one young unemployed young person in four is entitled to benefits. The employment insurance reform is a catastrophe.

• (1435)

After we thought we had hit the bottom of the barrel with Doug Young, we now realize that things are worse than ever for the unemployed.

Given the responsibilities of the Minister of Human Resources Development under the Employment Insurance Act, will he expressly oppose any change to the law?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, I want to tell the former leader of the Bloc Quebecois how committed the government is to young Canadians.

This is why we set up, outside the employment insurance fund, a youth employment strategy in order to help young people gain entry into the labour market. The hon. member is asking us to help

young people go on unemployment. What interests us is helping them enter the labour market.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, unlike what is happening opposite, every Bloc Quebecois member without exception is asking the minister to look after the unemployed.

Some hon. members: Right.

Mr. Michel Gauthier: Does the Minister of Human Resources Development realize that, through his incompetence and lack of concern, he has made the unemployed the government's cash cow, no more no less?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, what our government has done is put a lot more money in the pockets of the unemployed in terms of active measures to get them into the labour market.

We have invested more than any other government in training. We reached with the Government of Quebec an agreement on manpower under which we will transfer \$500 million annually to the province to provide training.

We have established a modern system adapted to today's labour market and we intend to continue serving Canadians well.

* * *

[English]

SOCIAL INSURANCE NUMBERS

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, the auditor general tabled his report today with the usual stories of mismanagement in government. We find that there are millions of social insurance cards circulating in Canada with no legitimate owners. In a sample test of 3,600 cards the auditor general found that one-third were being used to defraud the government of millions of dollars.

My question is for the Minister of National Revenue. Will he tell Canadians how many millions of dollars we are paying on these fraudulent cards and why he has not stopped this abuse already?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we have read the auditor general's report very carefully and we agree completely with the auditor general's recommendations. We need to improve the integrity of the social insurance number. My department has already begun to work on every one of the recommendations of the auditor general, both the recommendations on the social insurance number and on the registry. We intend to continue to have good collaboration with him.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, all I can say is thank goodness for the auditor general, but I do not know what to say about the government. It issued temporary cards with no expiry

Oral Questions

date. It has issued 600,000 temporary cards, yet there are only 200,000 legitimate users in Canada.

We have already heard the minister say they are going to fix this, but why has this not already been fixed? We have spent millions of dollars paying these fraudulent claims which should have been stopped years ago. When is the government going to be accountable for that type of inaction?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, we have already begun work on the integrity of the system. It is very important that we actually improve it. We are following up on the recommendations of the auditor general.

As the member knows, much of the information comes from the provinces, for instance when a Canadian citizen dies. Along with the provincial governments we are improving the situation. They are feeding information into our systems so the kind of anomalies and frauds the hon. member is referring to will not happen too often.

• (1440)

We are working hard at improving the system alongside the provinces and I am confident that it will be better very shortly.

[Translation]

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, according to Human Resources Development Canada data, there are more than 311,000 people over 100 years old in Canada. It would also seem that there are three times more temporary social insurance numbers than there are temporary residents in Canada.

Does the Minister of Human Resources Development realize that, by failing in the management of social insurance numbers, he is becoming a party to real or potential frauds?

The Speaker: The question, as it stands, is not acceptable. I would ask the hon. member to please move to his supplementary.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, not only should there be an RCMP investigation to shed light on this issue, but will the minister recognize it is his duty to explain to the public why it was only after the auditor general became involved that it was discovered that the minister had lost control over social insurance numbers?

Hon. Pierre S. Pettigrew (Minister of Human Resources Development, Lib.): Mr. Speaker, my department has been working very hard on this issue for quite some time now.

I want to assure this House and the Canadian public that we totally agree with the auditor general's recommendation that the integrity of the social insurance numbers and log must be improved.

My department has already initiated discussions with the provinces among others. We should be getting a great deal of information. For instance, when a death occurs, we will now be getting more information, through the partnership we are in process of creating, which will make our system more effective.

* * *

[English]

APEC SUMMIT

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, yesterday the foreign affairs minister said "Canada is very concerned about the use of the Internal Security Act to restrict the freedom of speech and the freedom of assembly in Malaysia". He was talking about Malaysia.

Why did he not express those same sentiments of freedom of speech and freedom of assembly when it came to APEC?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the fact of the matter is, that is exactly what we did during APEC.

This government provided substantial support to ensure that a people's summit was held. The people's summit brought together Canadians and people from around the world to discuss APEC, those who were in favour and those who were against. The people's summit had an opportunity to present its findings to ministers and to the Prime Minister. It was the most open people's summit ever held under APEC.

Mr. Bob Mills (Red Deer, Ref.): Mr. Speaker, a long, long time ago, when the foreign affairs minister was a young man, he believed in human rights and democracy. When he was a kid he even marched in civil rights marches in Alabama. Back then there was a bigoted sheriff. His name was Bull Connor. He sicced the dogs on the protesters.

What happened? Why did this 1960s hippie turn into a 1990s sheriff Bull Axworthy?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I have to admit that at heart I really am still a hippie.

* * *

[Translation]

SCRAPIE

Ms. Hélène Alarie (Louis-Hébert, BQ): Mr. Speaker, with each passing day, the sheep producers in Quebec become increasingly distressed. They are losing money and hope. Each day's delay brings a pile of worries.

Oral Questions

• (1445)

Does the minister intend finally to give them some help and what does he plan to do for all those whose herds have been infected with scrapie since January 1997?

[English]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, as I continually inform the hon. member, we are working with the unfortunate incident of the scrapie disease in the sheep flock in the province of Quebec in as equitable manner as we have in every other province. We are compensating them in the same way as we would with reportable diseases across Canada.

To date we have already compensated the affected producers to the tune of over \$2 million.

* * *

STEEL INDUSTRY

Mr. Carmen Provenzano (Sault Ste. Marie, Lib.): Mr. Speaker, my question is for the Minister for International Trade.

Is the minister aware that the Canadian steel industry is being seriously threatened by unprecedented steel imports at dumping prices from Japan, Korea, Russia and other foreign producers? If so, what action is the minister prepared to take to protect this important sector of our economy?

Hon. Sergio Marchi (Minister for International Trade, Lib.): Mr. Speaker, let me thank the hon. member for his question as well as for his leadership vis-à-vis Algoma Steel in Sault Ste. Marie.

I am certainly aware of the difficulties faced by our steel producers given the excess capacity in the world market. I recently met with the Canadian Steel Association, which is working on joint proposals with other industries in the NAFTA partners.

I assure the member and the House that the Canadian government will continue to work with the association as well as with our NAFTA partners to come up with the right remedies.

* * *

APEC SUMMIT

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, a purely riveting statement from another Liberal. Even hippies at heart should have the right to protest peacefully.

I would like to make a comment about this foreign affairs minister who supposedly supports Canadian values of free speech and democracy when he is travelling around the world, but at home it is a very—

Some hon. members: Oh, oh.

The Speaker: The hon. member for Edmonton North.

Miss Deborah Grey: This foreign affairs minister talks about free speech and democracy all around the world but just does not happen to do it at home.

Why is it that he cannot practice at home what he preaches abroad?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, I take it that this is a question coming from the resident biker of the House of Commons.

Some hon. members: Oh, oh.

The Speaker: Perhaps we could leave our outside activities out of the House of Commons.

Hon. Lloyd Axworthy: Yes, Mr. Speaker, I would be more than happy to. I hope members will understand on this very crucial question that during the APEC meetings the Government of Canada went to great lengths first to hold a year long consultation inviting Canadians from all walks of life to participate in exactly what they thought the direction of APEC should be.

Second, we supported a people's summit.

Third, we told all the leaders and their delegations that there would be demonstrations and that we would establish the proper sort of setting in which Canadians could express themselves. Furthermore, we maintain that right of free speech not only everywhere in the world but here in Canada.

• (1450)

Miss Deborah Grey (Edmonton North, Ref.): Mr. Speaker, the minister talks tough here on the floor of the House of Commons but what we see on TV is quite a different picture than that.

When the minister is visiting a foreign dictatorship he does not talk about those except maybe privately he lets us know that. He missed a chance to show dictators from around the world what real democracy should look like.

Just what lesson did the minister hope these foreign dictators would learn when he pepper sprayed peaceful protesters?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, frankly the premise of the hon. member's question is absurd.

The whole question about what happened on the UBC campus is under investigation by a commission. It will determine who is responsible.

I want to make very clear to the hon. member, because I do not think she understands, that during all these meetings we were able to demonstrate very clearly that the openness of this country was expressed at APEC. We raised issues that Canadians asked us to raise.

To use a comment of a previous speaker, her question was a lot of—

Oral Questions

The Speaker: The hon. member for Acadie—Bathurst.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, when he was Leader of the Opposition, the Prime Minister wrote “By lowering premiums and increasing the penalties for those who voluntarily leave their job, it is obvious that the government is not very concerned about the victims of the economic crisis. Instead of getting at the root of the problem, it targets the unemployed”.

Now the Minister of Finance has his eye on the surplus in the EI fund. Will the Prime Minister keep the promise he made in the spring of 1993 and come to the assistance of Canada’s unemployed workers?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is exactly what we have done. We have created 1.2 million new jobs in Canada since being elected to office.

The rate of unemployment has dropped from 11.4% to 8.3%. The Minister of Human Resources Development has implemented all sorts of programs to help people adjust to the workplace and get ready for new jobs.

That has been the focus of this government for the past five years, and it continues to be our focus.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, 60% of unemployed workers do not qualify for EI because you have forced them to go on welfare.

Some hon. members: Oh, oh.

The Speaker: My colleague, I must ask you to put your remarks through the Chair.

Mr. Yvon Godin: Mr. Speaker, as with the GST and pay equity, the Prime Minister seems to have forgotten the promise he made to unemployed Canadians.

To use the Prime Minister’s own words, the government should quit targeting the employed and get at the root of the problem. The problem is that over 60% of unemployed workers in this country do not qualify for benefits.

Will the government use the fund surplus to increase access to EI, instead of forcing people to go on welfare?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if the hon. member bothered to look at the facts, he would see not only that the number of unemployed workers has dropped, but also that the number of people on welfare has decreased in all provinces of Canada since we formed the government.

The number of unemployed workers has dropped, as has the number of people on welfare, because we had the right policies. We know what the facts are, and the member will not alter reality by choosing to ignore them.

* * *

[*English*]

APEC SUMMIT

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, last night the Prime Minister proved once and for all that his government really is the home of the whopper when he said that his government had never been involved in scandal in the last five years.

We now know that all but one of the RCMP public complaints commissioners were appointed by the Prime Minister. Why should Canadians have any faith that the public complaints commissioner will get to the bottom of the APEC peppergate scandal when this is not arm’s length or accountable?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, I think it is very inappropriate for a member of parliament to say that anybody who wants to do public service for their country to get to the truth in this matter can somehow not be independent. I do not accept that premise and I do not think Canadians accept it either.

• (1455)

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, not even the Prime Minister’s imaginary homeless friend believes that the government is not involved in this APEC matter. The mandate of the RCMP Public Complaints Commissioner is not holding him back. He admitted as much yesterday in his statement.

Will he commit to making a ministerial statement in the House to convene a public inquiry if the commission confirms next week that its mandate does not include the involvement of political interference?

Hon. Andy Scott (Solicitor General of Canada, Lib.): Mr. Speaker, the kind of interference the hon. member is suggesting is exactly the kind of interference he is condemning.

* * *

[*Translation*]

SCRAPIE

Mr. Denis Coderre (Bourassa, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and Agri-Food.

Since January 1997, nearly 12,000 sheep have been slaughtered because of scrapie.

Some hon. members: Oh, oh.

Oral Questions

The Speaker: The hon. member for Bourassa has the floor.

[Translation]

Mr. Denis Coderre: Mr. Speaker, on this side of the House we are serious.

Since January 1997 in Quebec, nearly 12,000 sheep have been slaughtered because of scrapie. We are wondering about the way the food inspection agency handled the matter, and especially how they treated the producers.

What does the minister plan to do today to respond to the legitimate demands of producers and to this problem, which has gone on too long?

[English]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we all know that this is a difficult situation. As a result of the actions of everyone to date we are making considerable headway and achieving success in the eradication of this disease.

As I said a minute ago, the affected producers have already received over \$2 million in compensation. I have asked for a review of the compensation levels. That is taking place.

Unfortunately the industry is not able to discuss that until October 16, but this Friday I will be meeting with industry representatives to discuss new and continuing measures in order to help eradicate this disease and to assist the affected producers.

* * *

FISHERIES

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, last week the minister of fisheries claimed success in negotiating with foreign nations to have observers on foreign fishing vessels while fishing off Canada's east coast. What he did not tell us was that once again he gave our stocks away, lucrative shrimp, to foreign nations by moving a boundary which is under moratorium.

What does the minister have to say to Canadian shrimp fishermen after giving their shrimp away to foreign nations while their boats are left at home tied up at the docks?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I welcome the hon. member back from Paris, but he has lost sight of the problem of shrimp fishermen.

We have dramatically increased the quota for east coast fishermen this year. In one of our major areas off the coast of Newfoundland it has in fact doubled this year. The shrimp species is in abundance and the east coast fishermen are enjoying that abundance at this time.

CHILEAN REFUGEES

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, my question is for the Minister of Citizenship and Immigration.

While the Government of Quebec is examining the cases of Chilean refugees, the federal Minister of Immigration is sending them back to their country before Quebec has even finished its analysis.

Can the Minister show some compassion and humanity, and stay the deportations of the Chilean refugees until Quebec has finished looking at their files? Will she have a heart?

Hon. Lucienne Robillard (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I wish to inform the hon. member for Hochelaga—Maisonneuve that we are working on this matter in close collaboration with the Government of Quebec. He may not be aware of this, but I have not received any request from the Government of Quebec to stay the deportations of Chileans.

I believe that Canada is honouring its humanitarian traditions. It has accepted applications from all these individuals. They were entitled to an independent hearing by two board members, who found that they were not refugees, and they had the possibility of appealing to the Federal Court.

Now they have reached the stage of having to exit the country if they wish to apply—

The Speaker: I am sorry but I must give the floor to the hon. member for Winnipeg North Centre

* * *

[English]

PHARMACEUTICALS

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the auditor general reported today that the board which sets the prices Canadians pay for patented prescription drugs relies essentially on information provided by the very drug companies that sell those drugs without checking the facts and without regard for the impact on consumers.

• (1500)

When will the government begin pricing drugs in the interests of Canadians instead of in the interests of international drug conglomerates?

Will the Minister of Health specifically take steps to ensure that drug pricing decisions are transparent and at least that information from the drug companies is checked for accuracy?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, I was happy to see that the auditor general himself observed that the

Tributes

Patented Medicine Prices Review Board, has been, as he put it, a constraining influence on the price of patented medicines in Canada. That is a good thing.

As to recommendations for change, the member may know that the board itself is in the middle of public discussions and consultations about changes in its mandate and the way it does business.

We will be happy to look at the auditor general's observations as part of that. I will make sure that the board and its chair take them carefully into account.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to hon. members' attention the presence in the gallery of three distinguished visitors.

First I would like to welcome to our House of Commons the hon. Dr. Peter David Phillips, Minister of Transport and Works of Jamaica.

Some hon. members: Hear, hear.

The Speaker: Colleagues, I would also like to welcome on your behalf the Hon. Trevor Sudama, Minister of Planning and Development for Trinidad and Tobago.

Some hon. members: Hear, hear.

The Speaker: Colleagues, I would like you to welcome to our House of Commons His Excellency Rinchinnyamyn Amarjargal, Minister of Foreign Affairs of Mongolia.

Some hon. members: Hear, hear.

The Speaker: Colleagues, we will now begin our tributes to a former member of parliament, Mr. Gilles Rocheleau. I would ask the first speaker to be the leader of the Bloc Québécois.

* * *

[*Translation*]

THE LATE GILLES ROCHELEAU

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I met Gilles Rocheleau in 1990. I had heard about him long before that, however, because he had been active in politics for many years.

• (1505)

He was a municipal councillor in Hull from 1967 to 1974, mayor of Hull from 1974 to 1981, an MLA and then a minister in the Quebec government from 1981 to 1988. He served as a Liberal MP in Ottawa from 1988 to 1990, and then as a member of the Bloc Québécois from 1990 to 1993.

One thing never changed. Gilles Rocheleau was a forthright man who always said what he thought. An admittedly sometimes rough

exterior concealed a sensitive man who took a close interest in those around him.

The Maison des Citoyens, of which he was rightly proud, was built while he was mayor of Hull, and its agora today bears his name. Gilles was a man of discipline, who defended his point of view with determination, but knew when to step back into line when his views were not shared. And step back into line he did, but not without good reason, for if his beliefs were questioned, Gilles Rocheleau did not hesitate to set aside his personal interests and take up the challenge. So it was that he joined the Bloc Québécois in 1990.

This is a path many Quebeckers have taken. Gilles Rocheleau was therefore also, if not primarily, a fighter. Sovereignists were happy to have him on their side, having seen what a strong opponent he could be. The militant federalist Gilles Rocheleau became a staunch sovereignist.

Gilles Rocheleau was also a man of some experience, having worked in many arenas, but he always kept the respect of his friends. He was not afraid to speak his mind, to put it mildly. He would not stand for duplicity and his tongue sometimes got away from him, but never out of spite. He was not politically correct, but he said what he was thinking, whether he was right or wrong.

I offer my condolences to his children, and to Hélène Roy, his wife and partner, who is with us today. I know that all those who knew him will never forget him, especially the people of Hull. On their behalf, I thank him.

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, this year, the people of Hull—Aylmer lost a man who had devoted his entire public life to the service of his fellow citizens.

Gilles Rocheleau served the City of Hull for 14 years as alderman and mayor. He then went on to represent his fellow citizens in the Quebec National Assembly for seven years, serving first of all under Claude Ryan and then as a minister under Robert Bourassa.

Finally, in 1988, his fellow citizens elected him to this Parliament to defend their interests on the federal scene. Gilles, as he was fondly referred to by everyone in the Outaouais, was a man with definite ideas and no hesitancy to express them, but he will long be remembered by all, primarily for his love and legendary devotion to his fellow residents of west Quebec.

On behalf of the Government of Canada, I offer sincere condolences to his wife and family.

• (1510)

Mr. Rahim Jaffer (Edmonton—Strathcona, Ref.): Mr. Speaker, I also wish to pay tribute to Gilles Rocheleau, who died on June 27, 1998.

A native of Rigaud, Quebec, Gilles Rocheleau devoted his life to serving the people of the Outaouais region. He was mayor of Hull from 1974 to 1981, and was elected to the House of Commons for the Outaouais region in 1988, where he sat until 1993.

He represented the riding of Hull—Aylmer in the Quebec National Assembly, and was also appointed minister. He was a Liberal member in Ottawa from 1988 to 1990. Then, until 1993, Mr. Rocheleau sat with the Bloc Québécois and contributed to that party's advancement.

The efforts of Mr. Rocheleau were invaluable, and they did not go unnoticed.

On behalf of the Reform Party, my most sincere sympathies to the Rocheleau family.

Hon. Lorne Nystrom (Qu'Appelle, NDP): Mr. Speaker, on behalf of my party, I would like to pay tribute to Gilles Rocheleau, who was the member for the riding of Hull—Aylmer in the House of Commons.

I knew him well, because we were both members at the same time. I recall that he was a two career man. He was a business man for many years and then he was in politics for 25 years.

If I am not mistaken, he was a provincial MLA in Quebec City and mayor of the fine city of Hull. He then became a member of the House of Commons for two parties: the Liberal Party and then the Bloc Québécois, of which he was a founding member, along with Lucien Bouchard and others.

He was a good MP, and I think the Outaouais has lost a great defender. He was widely known. For a number of years, when I came to Ottawa, I lived in Aylmer. He was very popular, widely known and a strong defender of Quebec.

On behalf of my party, I offer my condolences to his family and friends.

Mr. André Harvey (Chicoutimi, PC): Mr. Speaker, I pleased to say a few words about Mr. Rocheleau on behalf of the Progressive Conservative Party. While I did not have the opportunity to work within the same party with him, I can say he deserved our full respect.

I am not going to review his career, because my colleagues speaking before me have so. What struck me especially about him was his involvement, at a very early age, in the social and economic activities of his region.

At 27 or 28, he was I believe the chairman of the Association des hommes d'affaires. This was an indication of his passion in the defence of the interests of his region.

He then became involved at various levels of government, in Quebec City, among other places, and then in Ottawa. His involvement was marked by the effectiveness of his interventions. People

who had dealings with him when we were in government found his work to always be constructive.

On behalf of the Progressive Conservative Party I extend my condolences to his family and hope that Mr. Rocheleau will agree to pass on to us from above some of his fine qualities. What struck me most about him, obviously, was his huge disappointment—it was existential—at the failure of the Meech Lake accord. I think all Quebecers working to bring about national reconciliation at the time were struck by the decision Mr. Rocheleau made. I think we could learn something from it for future use.

The Speaker: We lost another of our number recently as well, Paul Tardif. Tributes to him will now follow.

* * *

THE LATE PAUL TARDIF

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, I would like to pay tribute to Paul Tardif, who died on August 2 at Ottawa, at the age of 90.

When he was the federal member for Russell, that riding ran from Ottawa to east of the present riding of Glengarry—Prescott—Russell.

• (1515)

Paul Tardif was elected four consecutive times to the House of Commons, and sat from 1959 to 1968. In all, he devoted 31 years of his life to politics, first as a school board member, then as a City of Ottawa alderman and councillor, and finally as an MP. He went on from there to become a citizenship court judge.

[English]

Mr. Tardif had a charming, colourful and gregarious personality. He was a master of grassroots politics and a master communicator. The media loved him. His constituents adored him. Those who knew Mr. Paul Tardif were always proud to be associated with him.

[Translation]

Mr. Lee Morrison (Cypress Hills—Grasslands, Ref.): Mr. Speaker, I am pleased to have this opportunity to honour the memory of Mr. Paul Tardif, a former MP, who died on August 3, 1998.

Born and educated in Ottawa, Mr. Tardif devoted his life to serving the people of his native city. In 1959, he was elected to the House of Commons for Russell in a byelection, and returned in 1962, 1963 and 1965. He retired undefeated in 1968. From 1968 to 1978, he was a citizenship court judge.

Before entering federal politics, Mr. Tardif sat on the school board from 1937 to 1943, and served in the municipal government as alderman, controller and finally deputy mayor.

Mr. Tardif was known for his lively wit, charm and public-spirit-edness. He clearly understood the saying that all politics are local

Government Orders

politics. An attentive listener, he could always find time to talk with anyone, anywhere. He was a true man of the people.

Mr. Tardif's efforts have been very much appreciated. On behalf of the Reform Party, my deepest sympathies to his family.

Mr. Odina Desrochers (Lotbinière, BQ): Mr. Speaker, I am pleased today to pay tribute to Paul Tardif, a former member of this House, who died in August at the age of 90.

He sat in this place from 1959 to 1968. Born in 1908, Mr. Tardif was a Quebecker born and bred, his father hailing from Kamouraska in the Lower St. Lawrence region.

Mr. Tardif always liked politics and worked hard to defend the public's interests. At the tender age of 29, he was elected a school board trustee, a position he held from 1937 to 1943. He also served as alderman for Ottawa's Victoria ward from 1942 to 1948, in addition to holding the position of controller in that city from 1949 to 1959.

It was during this period that Mr. Tardif frequently crossed swords with the well-known Charlotte Whitton, former mayor of Ottawa.

With his school board and municipal experience, he decided to go into federal politics. He entered the House of Commons on October 5, 1959, having won a by-election in Russell as a Liberal.

He was re-elected in the general elections of 1962, 1963 and 1965. He therefore served in the government of the Right Hon. Lester B. Pearson.

On June 22, 1967, he was appointed assistant deputy chairman of the House of Commons Committees of the Whole, having distinguished himself by his initiative, energy and integrity. In 1968, he left federal politics and was made a citizenship judge, a position he held until his retirement in 1978.

• (1520)

Throughout his political career, Mr. Tardif was known as someone who listened to what the public had to say and was very much in touch with the grassroots. He was deeply attached to his community.

On behalf of my colleagues in the Bloc Québécois, I would like to extend my deepest condolences to his friends and family.

Hon. Lorne Nystrom (Qu'Appelle, NDP): Madam Speaker, I also want to pay tribute to Paul Tardif, a former member of this House.

Mr. Tardif was not a member of Parliament in 1978, when I was elected, because he did not run in that election, but I clearly remember his good reputation as a member who represented his riding well and he was well respected by everyone here.

He was first elected in a 1959 byelection and re-elected in 1962, 1963 and 1965, while John Diefenbaker was in power. If I am not mistaken, he was deputy speaker of this House for a time.

On behalf of my party, I wish to extend my condolences to his family and to his many friends.

[English]

Mr. Jim Jones (Markham, PC): Madam Speaker, on August 3 of this year Canada lost a fine example of excellence in citizenship. Paul Tardif held office as a school board trustee and an Ottawa city alderman before serving as a Liberal member of this House for the riding of Russell.

Success in Russell was not to be ours during Paul Tardif's watch. In light of the fact that he was known for his keen mind and jovial wit, I know he would take it as high praise if I referred to him as a thorn in the side of the Progressive Conservative Party.

He was first elected in a 1959 byelection, just one year after the Diefenbaker sweep. He followed that up with three successive election wins, each with an overwhelming majority. The electoral success he enjoyed is only possible when candidates are able to transcend the process and compel people to vote with their hearts. In the hearts of the people of Russell and Ottawa is where Paul Tardif remains.

On behalf of the PC Party caucus I would like to extend our thoughts and prayers to the family of a man who defined the term public servant.

GOVERNMENT ORDERS

[English]

DNA IDENTIFICATION ACT

The House resumed consideration of the motion that Bill C-3, an act respecting DNA identification and to make consequential amendments to the Criminal Code and other acts, be read the third time and passed; and of the amendment.

Mr. Rob Anders (Calgary West, Ref.): Madam Speaker, we can hear the jackboots marching. A time allocation measure has been brought in on Bill C-3 and there is absolutely no good reason for it. Indeed, we did not have a situation where the opposition was trying to run up as many members as possible to speak to this bill. This was clearly a matter of the bill being earnestly debated because we saw honest problems with it.

I will tell the House how many times the government has brought in time allocation and I will point out how useless this last measure was. In the 35th Parliament some sort of restriction was brought in, either time allocation or closure, 35 times. In the last Parliament there were 32 time allocation motions and three closure

Government Orders

motions, which brings the total to 35, which matches the 35th Parliament.

In the first year of the 36th Parliament there have been seven time allocation motions. That means that this government has brought in either time allocation or closure 42 times since it took office in 1993. There have been 39 time allocation motions and three closure motions. There was absolutely no good reason for it. The government is shutting down honest debate.

When I hear the comments of people with regard to this bill I think of my seatmate. He was a member of the RCMP who has said that the police in this country should be able to effect these tools immediately. He says that they should not have to have a loophole or a restriction with regard to the use of some of this technology.

• (1525)

He brings forward a legitimate complaint, something that I know he has brought forward in committee a number of times. I know that his concerns are absolutely legitimate. I do not question anything he has to say with regard to this because I know that his interests are at the heart of the Canadian public.

The member for Langley—Abbotsford talked about the people in his riding who are suffering as a result of the seven penitentiaries that are within a half hour drive of his riding. He talked about honest, legitimate concerns that he has.

What do people across the way talk about? They talk about what the bar associations and the lawyers want.

The opposition is not running on and on about this. All we wanted to ensure was that there was legitimate debate on this bill. Everything I heard this morning brought forward by all opposition parties were legitimate suggestions to improve this legislation. It is a step in the right direction but it needs to be better. The idea to bring in time allocation on something like this is wrong.

Government members need to hear the questions that are important when we consider things like time allocation, restricting debate, or when we pass any piece of legislation.

What fruit will it bear? What fruit does it bear when there is not a long list of people who want to run on with the debate, when perfectly legitimate points are being made with regard to Bill C-3 and the DNA data bank? What type of fruit does it bear when they try to restrict debate? They bring forward closure. They end debate. How does that serve the Canadian public? How does that improve the legislation?

It is our job as the official opposition to question the government and to try to improve legislation. Forty-two times since the government was elected in 1993 it has brought in time allocation and closure to restrict our freedom of speech, to restrict our ability to constructively criticize government legislation and to make it better.

It fits in with what it did at the APEC conference in Vancouver. It likes to restrict freedom of speech. It is certainly doing it to members of parliament and to the opposition in the House today.

Who wants it? Who wants some of these things with regard to time allocation? Who does it serve? Nobody but the government. It is a public relations exercise to try to quell the debate on an issue, to try to silence it.

In terms of Bill C-3, maybe it serves the bar associations or the odd lawyer or two who happen to feel they are going to get more money or more cases from this. It certainly does not help the average citizen and the victims of crime. They do not want it. The Canadian taxpayers do not want it.

Who will slip through the cracks as a result of some of these things? That is another fundamental question. For example, the people who have been assaulted once, if they have been assaulted by somebody who has committed only one rape or one murder. Those are the types of people who are going to suffer. There are a lot of people out there who are included in that category of victims. By improving the legislation we would be able to address those things.

The government does not want to hear that. It wants to close its ears and stifle the debate. Maybe it feels that it has done its duty, that it has come through with this legislation. Even though there are good and legitimate arguments that the opposition is putting forward to make this legislation better, it wants to ram it through and not take any of those things into consideration.

The victims slip through the cracks. The police officers who want the tools to do the job slip through the cracks. The taxpayers who are being ill-served by this type of thing slip through the cracks. The opposition falls through the cracks as well because our ability to do our job is restricted by these closure and time allocation motions. The press, whose job it is to provide information to the Canadian public, slips through the cracks. Nobody benefits but the government.

Will it solve the problem it intends to address? This legislation is a move in the right direction, but we were trying to make it better than it is. That is our job. All of us in the House have an interest to try to improve the country and make it a better place. Canada is number one in our hearts and concerns and we were trying to make the legislation better than it is. Time allocation and not accepting some of the amendments and suggestions the opposition has made with regard to Bill C-3 does not solve the problem that the legislation can be better. Indeed it brushes it over and tries to rush it through.

• (1530)

Are they attacking a strawman? The government always tosses in a strawman. It says that the opposition, for example, is not addressing real concerns. Real Canadians are victims of crime. They toss a strawman or a red herring into the argument by saying

Government Orders

that there may be some potential problem with a constitutional aspect or some sort of suggestion on behalf of a bar association or a group of lawyers that do not happen to like something.

I can guarantee that in a large enough group of lawyers, as a matter of fact two, there will be some disagreements on opinion and if they have enough money to fund it they will continue with the debate for as long as it takes for the money to run dry.

That alone, the whole idea of a red herring or a strawman, is not enough to stifle debate on Bill C-3. I have heard very good arguments on behalf of the opposition side of the House today for why we need further debate and why improvements need to be included in the legislation.

Forty-two times closure and time allocation have been used in the House of Commons since the Liberals took power in 1993. It is a shame that it has happened on something like Bill C-3 because there was absolutely no justification for it. The types of arguments that are being put forward by the opposition were merely to improve the legislation to make it a better piece of work.

Mr. Gurbax Singh Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Madam Speaker, I am very pleased to rise to speak in support of Bill C-3 which, when it comes into force, will permit the creation of a national DNA data bank in Canada.

There has already been much public debate on the need for such legislation. I believe there is consensus in the House and across the country in support of the creation of a national DNA data bank as proposed in Bill C-3.

Canadians know that in 1995 parliament enacted amendments to the Criminal Code which introduced the DNA warrant scheme into our criminal law. This legislation has been successfully used in the three years since in the investigation of serious crimes such as sexual assault and murder. Criminals who might otherwise have gone undetected and unpunished have been brought to justice.

I do not intend to use my time today to add to the reasons we should all agree that Canadian law enforcement should be provided a tool which will allow it to take fuller advantage of forensic DNA science. Rather my comments today will focus on one issue, perhaps the most controversial issue dealt with in this important legislation, the timing of the collection of bodily substances for inclusion in the national DNA data bank.

It is no secret that the Canadian Police Association and the Canadian Association of Chiefs of Police would have favoured a scheme which permitted police to take DNA samples for the purposes of the DNA data bank from suspects at the time of charge rather than following conviction. This is what the government proposes.

Both organizations have appeared before the Standing Committee on Justice and Human Rights. Both are sincere in their views and both believe that a DNA data bank would be more effective if it was broader in scope. With respect, both have closed their eyes to the constitutional dangers of what they proposed.

• (1535)

While the Canadian Association of Chiefs of Police has taken the high road on this issue, the Canadian Police Association has persisted in a questionable campaign against Bill C-3. The CPA claims that if the bill is not amended in keeping with its wishes it will only be a matter of time before the government will be blamed for a murder or a rape or a child sex scandal.

In a letter recently written to all members of parliament the CPA had the nerve to criticize the independent legal opinions concerning this issue which were obtained by the government simply because they were obtained by the government. Or, was it simply because they support the legal advice provided to the standing committee by the justice department experts when they appeared before it and that of their counterparts from the ministry of the attorney general of Ontario and the department of justice of New Brunswick? Or, was it because they cannot bear that the legal opinions completely discredit the ones obtained by the association?

The CPA seems to suggest that the government's outside legal opinions are less independent than the one obtained by the CPA. Is it suggesting some indirect pressure was brought to bear on the legal minds that provided the government with their opinions?

On Friday, May 1, 1998, the Department of Justice released the legal opinions of three of the most respected legal minds in Canada, three former court of appeal justices, regarding the issue of when DNA samples can be collected for the purposes of the national DNA data bank.

Former Justice Martin Taylor of the British Columbia Court of Appeal and former Chief Justices Charles Dubin of the Ontario Court of Appeal and Claude Bisson of the Quebec Court of Appeal each concluded independently that the proposal to permit the police to take DNA samples from persons at the time of charge for the purposes of the national DNA data bank would not survive charter scrutiny.

The CPA has chosen to close its eyes and ears to the advice of legal experts. It continues to urge changes to the bill which would clearly be unconstitutional. It ignores the clear signs which exist for all to see. It is as though it has embarked on a high speed chase on black ice in a school zone and ignored the signs that warn of a school crossing ahead as it hurtled carelessly forward.

The government cannot act dangerously. It has the duty to anticipate the results of the legislation it presents to parliament and

to consider that if the legislation is found unconstitutional the results in terms of justice will be tragic.

Let us consider, for example, that any evidence resulting from a match of DNA profiles in the national DNA data bank would likely be thrown out in a criminal case. As well, persons convicted on the basis of such evidence could ask to have their convictions overturned and they might seek compensation for having been wrongly convicted. It is clear that the DNA profiles of these persons would have to be removed from the data bank. Canadians would be shocked by such a disaster, especially when it could have been avoided.

● (1540)

I will close my remarks by saying that Bill C-3 promises the proper blueprint for a national DNA data bank in Canada, one which is respectful of constitutional requirements and effective.

The views of the police in this matter are self-evident. Members of the House must carefully weigh, in deciding how they will vote on the legislation, the likelihood of the government's proposal surviving an obvious constitutional challenge as opposed to the chances of the police scheme meeting the existing constitutional requirements.

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Madam Speaker, I would like to take the opportunity to speak about two aspects of what has happened this afternoon and to Bill C-3.

First I will speak about time allocation which the government has used once again. I cannot believe the government would continue a practice that it started in the last parliament. There were 32 time allocations in the 35th parliament, and government members have already done it seven times in this parliament.

It is abhorrent to me and to Canadians that we have a government that is afraid of free speech, afraid of the opportunity for elected parliamentarians to come into the House to debate issues that are important to Canadians. Canadians deserve their elected officials having the opportunity to debate these issues, to debate government legislation, to make sure that the end product is the best that it can be for Canadians. If the government cannot stand criticism and is afraid of being honest and open with Canadians then government members have no business sitting there.

Bill C-3 establishes a DNA data bank. I do not think Canadians have any problem with establishing a DNA data bank. However, I think Canadians including the people in my riding have a problem with a data bank only collecting DNA samples from people who have been convicted. After the fact will not help the police solve the crime. I know people in my constituency would like the police to have everything at their disposal, everything that is available to

Government Orders

them by way of modern technology, to find some conclusive evidence to convict people and bring them to court.

The bill falls far short of providing our law enforcement people with the facilities and the analysis they need to bring some of these cases to conclusion. It is hard on families who know that only for DNA samples a suspect may be wandering the streets.

I suggest to the government that DNA is no different from fingerprinting. In the past when the government of the day wanted to institute fingerprinting as a normal investigative tool I am sure there was an outcry that it was an infringement on a person's right to have their fingerprints taken. I am sure a similar debate went on at that time and that it was considered to be the most intrusive measure on an individual's person.

I also suggest that it is now a matter of course, a matter of fact. It is just a natural thing that happens: suspects are charged, fingerprinted and become part of the collective knowledge of our system. We are overreacting to the business of DNA being intrusive. It is not intrusive to take a fingernail clipping. It is not intrusive to prick a finger to get a drop of blood. I mean, come on.

● (1545)

We are not talking about a hospital stay overnight. We are not talking about cutting a finger open. That is not what we are talking about. It is very simple and easy to get the required sample.

I would suggest that the day will come. Perhaps this government will not be the vehicle that will institute it but the day will come when DNA sampling is banked, when it is part of the normal course of investigation once a charge is laid.

Why are we wasting time? Why are we reluctant to take that step? Is it because it may be challenged in the supreme court? So what? Is the government not going to make legislation on behalf of the Canadian public, legislation that is good and beneficial for the future of this country because it is afraid it might end up in the supreme court? The role of this House, the role of the legislators who sit here is to make the law. If we are not going to make the law because we are afraid of the courts, then there is something serious here that we had better address.

If we have a government that is going to refuse to address the issues of the day and be aggressive and forthcoming in solving the problems we face in this country because of fear, then it does not deserve to be here. The government does not deserve to take this country into the 21st century if it is living in the 19th century.

Canadians are looking for a government that has guts, that has some fortitude to challenge things that are wrong in the Canadian system and to do things in a progressive manner, to move into the 21st century and provide our police with a tool that is available from technological advancement. Are we going to be driving horses and buggies, walking around, taking trains rather than flying

Government Orders

and going to the moon? Technological advancements such as DNA offer us opportunities. We are remiss if we do not take advantage of them.

People in law enforcement should have this tool available for their use in investigating crime and in laying charges, not just for use i after a person has been convicted. It is a little bit late to wait for that.

I hope the government will consider the arguments. It would be unusual for the Liberals to do so. They have invoked closure so they are obviously not willing to listen to the other side, not willing to listen to a debate and not willing to listen to logic. They have made up their minds. They really do not care what Canadians think. It is typical of the arrogant attitude of the government.

I hope that members on the government side will stop, look at the legislation, realize that it is a missed opportunity, that there is something there, that the timing is such that we can move on and will change their minds and make some adjustments to the bill. It has never happened before to my knowledge. I do not expect this government to be any different from the previous government. It would be nice if Canadians could feel that open, honest debate occurred in this House and that the government really took into account the comments, the positive and creative criticism from the opposition, and would make some attempt to improve legislation.

This is a good idea but it needs to be broadened and expanded. I am remiss in saying that I doubt there will be anyone in the official opposition who will be supporting it, simply because we feel it is not good enough to support. It is bad legislation. We do not get anywhere by supporting something that is not going to meet the needs of the law enforcement community.

If we support this bill and if it is enacted, which it probably will be anyway, then the government will put it aside and leave it alone. It will miss the opportunity of doing something very constructive in allowing our law enforcement people to have another tool to help them in protecting Canadians on a day to day basis.

• (1550)

I think it is negligent on the part of the government to continue this kind of posturing, the attitude that it knows best, that what it decides is good for all Canadians. It is not willing to listen to any kind of critique.

Again, I would urge the government to reconsider, to look at improving this legislation. Make it a piece of legislation that will actually do some good for the Canadian public. It may be a cold day before I see that but I hope this government is listening.

Mr. Lou Sekora (Port Moody—Coquitlam—Port Coquitlam, Lib.): Madam Speaker, I am pleased to address the House today on

third reading of Bill C-3, which provides for the establishment of Canada's national DNA data bank.

Bill C-3 will make Canada one of only a handful of countries in the world to have a national system of this kind. It is important to recognize that this is ground breaking legislation and a major milestone of the government's safer communities agenda.

Public safety is a priority of this government. To that end, Bill C-3 is an important part of our commitment to Canadians. We know that Canadians want a data bank for better public protection.

The intention of this legislation is to create an effective law enforcement tool, one that stands the test of time. We must be careful in creating this data bank so that it is a tool that balances public safety needs with the privacy rights which are highly valued by Canadians.

The government has heeded the call from those on the front lines who have told us that this new law must help them to do their jobs. We have taken the advice of those who have told us that it must not infringe upon basic rights under the charter. We have listened to those who have told us that we must get on with the business of putting this valuable enforcement tool in place. I believe that we have found the right balance in Bill C-3.

Since the bill was introduced last year, members of this House have proceeded cautiously in their consideration of this proposed legislation. The government has welcomed this debate. Given the scope of the issues surrounding the potential misuse of DNA profiles and samples as well as the legal and ethics concerns, it is vital that a bill of this nature be debated thoroughly, taking all views into account.

This is the very reason why Bill C-3 was referred to the all-party Standing Committee on Justice and Human Rights before it proceeded to second reading. The solicitor general did so at the time of introduction because he had the very expectation that we would come out of this exercise with a better bill. He expected that amendments would be made to improve it and in fact encouraged the committee to focus on making the bill better. In my view, this is exactly what has been achieved.

The committee examined this bill thoroughly. The policing community, those on the front lines included, provided their views. This government listened to those views and we acted on them.

Last week we heard from critics in this House who asked the very same questions that were brought and debated before the committee. We have heard those same concerns time and time again. We have addressed them in the amended bill before us today.

We must not lose sight of the benefits of Bill C-3 and of the value it will bring as one of the most powerful investigative police tools to date. To do that, we need only to reflect on the

Government Orders

development of Bill C-3 from the time it was introduced one year ago.

From there we can easily see how it has been improved as a result of extensive consultations at every stage along the way. Perhaps more important, it becomes apparent why this bill provides that bodily samples be taken for DNA testing at the time of conviction and not at the time of arrest or charge.

• (1555)

The introduction of the DNA identification act marks the second phase of the government's DNA strategy. The government recognized early in the process that the first important step involved laying out the requirements for when DNA samples could be obtained in order to be used in criminal investigations.

As a result in 1995 amendments to the Criminal Code allowed police to obtain DNA samples from suspects by using a warrant. That first step provided the police with an extremely effective tool that has helped them solve many serious crimes.

It has been effective because it has been used to help eliminate suspects and secure convictions. It has been effective because it has been instrumental in obtaining guilty pleas therefore sparing victims the trauma of testifying. It has been effective because it has helped to reduce overall court costs. It has also withstood constitutional challenges.

With the DNA warrant legislation now firmly in place in Canadian law and in the police investigation process, the government is now in the midst of the next phase of its DNA initiative. We are now creating the framework for storing DNA samples and for using that information in the investigation of serious crimes.

A national DNA data bank will be an important tool to help police link a suspect with evidence left at a crime scene. The ability to store and later retrieve DNA profiles will shorten investigations and help prevent further violence by repeat offenders. This means better public safety for all Canadians.

Bill C-3 will authorize police to collect DNA samples from offenders convicted of designated criminal offences. These include the most serious personal injury crimes such as homicide and sexual offences. They are crimes that are most likely to be associated with DNA evidence found at the crime scene.

Samples will be analysed with the resulting profile entered into the convicted offenders index of the data bank. The data bank will also have a crime scene index containing DNA information retrieved from crime scenes. The purpose of having this structure is to ensure that the DNA profiles in each index can be cross referenced and a match in the system can be identified.

The benefits of using the system like the one we have laid out in Bill C-3 are very clear. Stored DNA information will help the police more quickly identify suspects where they may otherwise not have had any leads. It will allow them to identify repeat

offenders no matter what police jurisdiction they are in. It will also have a deterrent effect as criminals will know that because their DNA profiles are already in the data bank they can no longer slip through the cracks.

Throughout the development of Bill C-3 the federal government has sought the advice and expertise of many groups and individuals. I want to make the point that those on the front lines have been consulted from the very beginning and throughout the process.

In addition the standing committee held 15 hearings on the bill and heard from representatives of 17 different organizations. Those 17 organizations, which included police, victims, and officials in our legal communities, represented thousands upon thousands of Canadians.

While it is true that one of the critics of this bill, the Canadian Police Association, may represent 35,000 front line police officers, we have heard from even more who support this bill wholeheartedly.

We have considered all views represented in our country. Our consultations revealed strong support for the creation of a national data bank.

There were also a number of concerns about fundamental values that make Canada unique and are reflected in the rights guaranteed to all Canadians by our charter. These include individual rights to privacy and equality under the law, as well as public protection. To respond to those concerns and to improve the strength of the bill, a number of amendments were made since the legislation was first introduced.

• (1600)

I would like to share some of those concerns and changes. Various interest groups, including the privacy commissioner, the Barreau du Québec and the National Action Committee on the Status of Women, have suggested that the bill did not contain sufficient safeguards.

The Acting Speaker (Ms. Thibeault): 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 Regina—Lumsden—Lake Centre, Railways; the hon. member for Acadie—Bathurst, Employment Insurance; the hon. member for Davenport, Environment.

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Madam Speaker, I rise today to speak to Bill C-3 with mixed emotions. I say that because this bill does not go far enough in addressing the concerns of the law-abiding citizens of this country.

Since I was elected to this House in 1993 I have listened to hon. members on the other side of the House who have stood here time after time to proclaim how concerned they are about the judicial system in this country, how concerned they are about the victims of crime in this country, how they are going to work toward stopping

Government Orders

crime in this country. Since 1993, I am sorry to say, I have seen them do absolutely nothing with regard to this.

They have come up with Bill C-3, respecting DNA. We all agree that DNA sampling is good. It has to come into play. There is no argument. But when we go through the bill and we see again our caring, sharing Liberal government on that side decide that the rights of criminals far outweigh the rights of victims, I have to wonder exactly what it is doing and how it keeps getting away with this.

I have said time and time again that the first priority of any government has to be the protection of its law-abiding citizens. I will say it again in this House. This government has no intention of supplying that. To me this bill shows it.

In this bill there is the authority to deny the taking of DNA samples from any individual if it is believed that by doing so it will impact the individual's privacy and security. This is somebody who has been picked up with regard to a crime. The government says they do not have to take this. The government says it infringes upon their constitutional right. Never mind the rights of the victims, it infringes upon this individual's rights.

If I am picked up, accused of committing a crime, and I know I am innocent, I will be the first one there to roll up my sleeve. I will let them take the hair. I will let them take fingerprints. In fact they can take fingerprints today. Is that not an infringement? They take breathalyser tests for drunk drivers. Is that not an infringement? They take blood samples today. Is that not an infringement?

I have to shake my head at the stupidity of what is going on here. The Liberals does not seem to understand. They forget the many victims who have come into this House, the many victims who have been to their offices and talked to them.

• (1605)

I want to speak of the concerns of the rape victims in this country who have had to sit and wait. They can sit and smile over there, but they know it is true. The victims have been to their offices to beg and plead for something to happen with regard to this DNA bill so they can go on with their lives. They want to know whether they have been infected with a disease or if there will be an impact on their families. They do not want to wait 12 months for the results. That is what this bill does not allow. This is the sharing, caring government of this country? It is a shame.

We have information from the police associations that this bill does not go far enough. It is a joke. The government gets support, the screaming and the hollering from the criminal lawyers, and it decides that maybe it can pick that up and run with it. It tries to offset this because it might be against somebody's constitutional rights.

The Liberals stand day after day to say that Canada has been voted as the best country in the world in which to live. By being here today the Liberals are pulling off a sick, sad joke on the law-abiding citizens of this country. We have seen it time after time.

We live in a democracy, a great democracy. The Liberals like to tell us about this great wondrous democracy called Canada. In this House of Commons, to which we have been sent, duly elected by people in our constituencies to represent them, we have today a thing called closure in regard to this bill. It is by the same bunch that sat over here and said they would never do what the Conservatives did when in power. That same bunch has moved time allocation and closure in this House more times than any previous government in the history of Canada. Some democracy. That is some way to look after the law-abiding taxpaying citizens of this country. They are the people who pay the government's wages and it shuts the door.

The Liberals will stand and say they do not understand how we could not vote in favour of this bill, that there is a little section in the bill that is good. There is a little section that is good, that can be covered in four words, while the remaining 36 pages are total garbage.

They want us to accept this. They would love us to stand here and sell out our principles for those three little words that are good in this bill. I absolutely refuse to do that. It is a shame that they play politics this way. Maybe it is time it changed. I think in the next election it will change because people are sick and tired of things like this coming down the tube.

Some hon. members: Oh, oh.

Mr. Darrel Stinson: They can laugh all they want over there, but the time is coming. Even some of them have not agreed with this. They will go along with it because they are whipped into shape to do it. It is unbelievable.

We have a multitude of unsolved crimes in this country. We spend hundreds of millions every year trying to solve these crimes. Yet with DNA sampling, most of these crimes could be solved at a minimal expense and it would clear up a whole backlog. It would clear up our courts. It would clear up a multitude of sins that have been committed in this country. But not for this government. It would not like to see that.

Again I have to come back to whether the government's first concern is for the criminal lawyer or whether it is for the law-abiding citizens of this country. I do not think I have to ask too many people on this side of the House who it is for. They do not leave too much doubt over here. I would sincerely like the people from the other side of the House to sit down with some of these victims when they come to them.

Government Orders

Ms. Shaughnessy Cohen: Been there, done that.

Mr. Darrel Stinson: Yes. Been there, done that. Have you? You have not listened one little bit though, have you?

• (1610)

Ms. Shaughnessy Cohen: I read more than you do.

Mr. Darrel Stinson: There is absolutely no concern at all. I cannot believe it. Yet we will hear the same thing from the justice minister tomorrow about how caring she is. Although we never know over there, do we?

I just have to say that this is a disgrace.

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Madam Speaker, the self-righteous prattle is certainly coming hard and strong from the other side. I wonder if the last speaker and the other speakers from the Reform Party on this debate today have ever heard of the Constitution or the charter of rights and freedoms because there is a balance that has to be struck here.

We have struck this balance before. Recently we struck a balance with Bill C-68, which was upheld today by the Alberta Court of Appeal, in spite of Reformers telling us last week, loud and strong, that they thought it was going to fail.

This government respects the constitutional balance that has been created in this country between parliament and the courts, and it respects the fact that the charter of rights and freedoms exists to protect all Canadians, including Canadians who are accused of crimes but who have not yet been proven guilty.

This balance is seen in Bill C-3. While the debate on Bill C-3 has interested me, I must say it is about time that we see an end to it. It is time to bring this debate to close. It is time that we move to make this bill law. We know that Bill C-3 will place Canada at the forefront in the use of DNA technology in criminal investigations in the world.

Canada will become one of only a handful of countries to have a DNA data bank. We know that once that bank is in place it is going to be a major milestone in policing technology and investigative procedures.

Public safety is a priority for this government, but public safety and privacy rights have to be balanced, understood and seen to be in sync with one another. To that end, Bill C-3 is an important part of our commitment to Canadians. It is a major achievement, a significant part of our government's safer communities agenda, and safer communities, after all, are what all Canadians want.

Canadians want the police to be able to use a tool like the DNA data bank to help ensure that safe communities stay that way.

However, Canadians do not want to give police powers that violate their rights to privacy and their rights pursuant to our Constitution.

The intention of this legislation is to create an effective law enforcement tool, a tool that will stand the test of time. I believe that Bill C-3, as written today, will do just that. I also believe that legislation of this kind needed to be developed very carefully and was developed very carefully. It was also studied very carefully in the justice committee last term.

It is my view that Bill C-3 balances the needs of Canadians who want public safety as their top priority with the need to take into consideration the privacy rights that Canadians value.

Criminal penalties have been included as a safeguard for any misuse or abuse of this data information bank and I do not think the Reform Party is objecting to that. However, in addition to that, the bill was drafted in accordance with Canada's Constitution. It has been drafted to ensure that the rights of all Canadians will not be infringed. It upholds one of the primary considerations in our legal system, one which I think the rhetoric today has left behind, and that is that an accused has the right to be presumed innocent and to be protected from unreasonable search and seizure.

Bill C-3 reflects the views of the highest court in the land which has said that the taking of DNA samples constitutes a search and seizure that requires judicial authorization. We see this in the most straightforward searches that police now conduct of homes or offices. Even for those, police must first get a warrant to search.

When asked for a bodily sample to be taken from an individual person, the importance of the court's authorization cannot be understated. A search of a person's bodily substances needs to be taken more seriously than the search of a home or an office because it involves bodily integrity and it undermines human dignity.

• (1615)

The supreme court has made that clear. Therefore, taking a DNA sample from a person for investigative purposes clearly demands a high standard of justification.

DNA samples taken from every suspect without a warrant, as the opposition would suggest, no matter how minor the offence not only would waste valuable law enforcement time and resources, but also would not meet the standards that have been clarified by our courts. We cannot forget the fact that police can already take a DNA sample from a person at the time of arrest or charge so long as they obtain a warrant to do so. Reform does not raise this because it does not fit its assault on the government.

The fact of the matter is that that DNA warrant legislation came in in the last parliament. It has been used very successfully in a wide range of cases. Warrants have been given upon the right grounds being ready.

Government Orders

The Criminal Code already provides a way of allowing police to obtain a DNA sample from a person they suspect of having committed a very serious offence, by using a DNA warrant. This provision is consistent with the charter, giving the police the assurance that their case will not later be thrown out of court. It gives individuals the assurance that indeed it is taken very seriously by police when they are about to invade someone's privacy.

Our colleagues are obviously overlooking the fact that DNA warrant legislation has been in place for three years. They are ignoring the fact that the Supreme Court of Canada has commended that legislation.

DNA warrants are well used by police. They have been helping investigations tremendously. They have been used to eliminate suspects and secure convictions. They have been instrumental in obtaining guilty pleas, thereby sparing victims the trauma of testifying. They have been cost effective because they have helped to reduce overall court costs.

The DNA warrant legislation has also survived all constitutional challenges to date. It has survived those challenges because the legislation provides that judicial authorization be obtained for the collection of DNA samples.

There is no doubt that over the past few years we have made enormous progress in our efforts to contribute to a safe, just and peaceful society. The addition of forensic DNA analysis and the ability to store DNA profiles will help us target those who commit the most serious of crimes and hold them accountable.

Canadians can continue to enjoy the safety of their streets and have a sense of security knowing that police forces across the country have access to some of the most sophisticated tools worldwide, but have restraints on their actions so that they cannot violate the privacy of individuals.

I urge all members of the House to support Bill C-3 so that we can proceed to create Canada's first national DNA data bank.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Madam Speaker, it is a pleasure today to speak on Bill C-3.

After listening to my hon. colleague's comments, we certainly understand her concerns and the concerns of others from the government and those civil libertarians who suggest that the taking of DNA is somehow a gross infringement on people's rights and has to be taken in a very narrow definition. This is what Bill C-3 does. That is the part we actually oppose. We believe that the taking of DNA samples as defined in this bill is too restrictive.

Let us look at the larger public good. That is what we are talking about and where a great deal of disagreement concerning this bill

exists between our party and the government. The government feels that the taking of DNA should be restricted to very narrow circumstances, such as multiple murderers and people who have committed sexual offences. In these cases DNA samples can only be extracted after the conviction has taken place. This does not help the police. It does not help the victims groups.

We suggest that DNA samples be taken beforehand. Why? It serves two purposes. Number one is very important in that it helps to exonerate the innocent. We have not heard much about this from the other side. It is a double edged sword. One would argue from the other side that this is restricting people's personal freedoms. We would argue that there is a larger public good here.

The larger public good refers to the protection of innocent people and the conviction of the guilty. The only thing Bill C-3 does in its current form is it helps to convict those individuals who have committed the most heinous of crimes.

• (1620)

The way the bill is configured, it can act as a shield behind which the guilty can hide themselves. It does little to protect the innocent. If we were more aggressive with this bill, if we were able to take DNA samples from people before they were convicted, then those DNA samples could be used to exonerate the innocent and convict the guilty. That is what we are trying to do here.

We in this party are trying to put faith back into the justice system. When we speak to Canadians, they have lost a lot of faith. It is not that they have lost faith in the Canadian police departments and the RCMP. They have a lot of faith in the men and women who put their lives on the line every day to protect us and keep us safe. It is in the process and the management of our justice system and the implementation of the laws of this land that the Canadian people are having less faith in all the time.

Bill C-3 could be a strong bill. Members from my party have put forth constructive suggestions, such as that the DNA be taken right from the word go, right from when a person is picked up and is suspected of having committed a crime, and that the breadth upon which the different types of offences that this can be applied to be extended beyond multiple murderers and multiple sex offenders.

Had we had this bill a few years ago and had it been appropriately applied, Clifford Olson would not have been able to kill the number of people he killed. He committed 80-odd offences before he even murdered one person. If this bill had been in place in the manner in which we would like, Clifford Olson would have been behind bars and a lot of people's lives would have been saved. A lot of families would not be enduring the pain and suffering that they endure to this day.

This bill needs a number of other amendments. The data bank that exists today is far too limited. The data bank should be formed

in such a way that the information is kept a long time after the person is convicted. That does not exist in Bill C-3.

The information, if utilized, would enable the police to pick up somebody very quickly if their bodily fluids were found at the site of a crime, in which case again we would be preventing further crimes from occurring. The government somehow fails to see this. Although we understand its concerns in dealing with civil liberties, we would argue that a higher good and the greater good is the protection of innocent civilians, including those who are falsely picked up for a crime they never committed.

There is a positive side to this bill in that it can be used to protect and also release the innocent. We would not get cases such as the Guy-Paul Morin case, which has been such a tragedy for him and the Morin family.

A lot of other aspects with respect to Bill C-3 can be dealt with here. I would ask that the government listen to the police departments who would like to see the DNA data bank go forth, as we would, but in a much stronger and effective fashion.

The government needs to pursue the issue of crime prevention. The Minister of Justice to her credit recently implemented a crime prevention strategy dealing with kids from zero to six, I believe, in Edmonton. This is a head start program. I would strongly urge the government to implement our motion that was passed in May of this year calling for a national head start program.

One of the great things that one can do, and the cabinet ministers can certainly take advantage of this in their position, is to take the leadership role that is desperately needed. Although the rights and responsibilities of various areas are divided up and parcelled off among three levels of government, the federal government has the unique opportunity to call together its provincial counterparts in a number of areas, put their minds together and come to the table to develop a comprehensive plan which people across the country would benefit from.

One of those areas is in the justice area and is associated with Bill C-3. It is the national head start program. The Minister of Justice along with the Ministers of Health and HRD, can take a leadership role. They can call together their provincial counterparts here in Ottawa or anywhere in this country and look at what is already on the table with respect to early detection and crime prevention strategies. Keep what is good, throw out what is bad, use existing resources and deal with crime prevention.

● (1625)

This should not be done when a person is 13, 14 or 15 years of age when they may be suffering from conduct disorders, have run afoul of the law, have endured years of sexual abuse, violence or perhaps have been subjected to alcohol while in utero with resulting fetal alcohol effects. It should be done before that.

Government Orders

In order to have an effective crime prevention strategy, it has to start in the first eight years of life. We know scientifically that in the first eight years of life the building blocks of a normal psyche are developed. Events such as being exposed to sexual abuse, violence at home or improper nutrition damage the building blocks of a normal psyche and at adolescence it is very difficult for that child to engage appropriately with the environment. Unfortunately many run afoul of the law.

Programs such as the Moncton head start program, in which the member for Moncton has taken a leadership role, the programs in Hawaii and the Perry Preschool Program in Michigan have clearly demonstrated that early intervention programs can be highly cost effective. On balance these programs save about \$30,000 per child. They lower dependence on welfare and keep kids in school longer. They have lowered teen pregnancy rates. They can have a dramatic effect at lowering child abuse. The program in Hawaii reduced child abuse by 99% in a cost effective fashion.

With the fragmented nature of social programs in the country, the federal government has an enormous opportunity to work with its provincial counterparts to implement a provincially managed but shared funded national head start program. One message apart from what we have spoken about in Bill C-3 would be to implement the program using existing resources.

The government could do what was done in Hawaii. It could use trained volunteers and the medical community starting before a woman becomes pregnant. Trained volunteers could be used for the child at birth up to age four and the schools could be used when the child is between the ages of four and eight.

If the government did that we would have a dramatic positive effect in decreasing youth crime and in improving the social welfare for the most underprivileged in the country. It would save the taxpayer billions of dollars and provide a more secure and safe environment for all Canadians.

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Madam Speaker, in the last 10 days I think I have heard it all.

I truly wonder if there is no depth to the rhetoric, the repetitive redundancy of the Reform Party members. They told us on the one hand last week that it is not okay to ask people to register deadly firearms. Today they tell us it is okay to take bodily fluids from a potentially innocent person. This is from one end of the spectrum to the other. I am absolutely amazed. They cite time and time again examples from the U.S. I cannot be any clearer on this. This is not the United States. It is Canada. We do things differently here.

Today I am extremely proud to stand up and show my support for Bill C-3. This is a good bill. As we have heard in the House time and time again, DNA analysis cannot be compared to a fingerprint which involves only a minor intrusion on privacy or the removal of bodily fluid. An argument that equates fingerprints with DNA is

Government Orders

simply a flawed argument. Fingerprints only reveal an impression of a person's extremities and allow that person's identity to be confirmed.

DNA samples reveal far more. A DNA sample is a part of a person and it contains that person's genetic blueprint. Because of that important distinction, Bill C-3 ensures that DNA information is safeguarded and used only for the purposes of forensic DNA analysis. In doing so it sets out very limited and controlled access to the data bank. It prohibits any improper use of information and limits access to only those directly involved in operation and maintenance.

• (1630)

The opposition in the House seems to think the police have automatic rights to search and seizure. That has never been the case in Canada because Canadians place a high priority on a reasonable expectation of privacy, on security and dignity of the person, and on the right to be free from unnecessary state interference in those rights. Taking samples automatically when a suspect is charged would be constitutionally indefensible.

Not only has the government taken the advice of those who have said that the legislation to create a national DNA data bank must not infringe upon our charter of rights. We have also listened to those who have said that it is important that this legislation be put in place as soon as possible.

The bill has seen introduction and reintroduction. It has been the subject of thorough review by the Standing Committee on Justice and Human Rights, yet I hear my Reform colleagues talk about closure and time allocation. They talk about limiting their right to offer constructive criticism to the bill, yet they spend 70% of their speeches talking about time allocation rather than actually talking about Bill C-3. If they have something positive to add, why do they not add it?

The bill has been reviewed by some of Canada's most respected judges. The opposition seems to be dismissing the validity of the intense scrutiny under which Bill C-3 has been developed. We cannot lose sight of the fact of the benefits of Bill C-3 and the value it will bring as one of the most powerful investigative police tools known to date.

The Liberal government and the police community have the same objective: to provide Canadian law enforcement officials with practical and effective access to DNA technology to solve crimes and to protect the public.

A national DNA bank will be an important tool to help police link a suspect with evidence left at a crime scene. The ability to store and later retrieve DNA profiles will shorten investigations and help prevent further violence by repeat offenders. This means

better public safety for Canadians, something that quite obviously Reform is prepared to compromise.

The DNA data bank will let police quickly identify suspects where they have been unable to do so in the past. They will be able to match profiles in the system to find repeat offenders no matter what jurisdiction they are in. Other suspects could be eliminated more quickly and the information will be stored so that police have access to it when it is needed.

Clearly the government is satisfied that Bill C-3 has been carefully drafted and on the basis of extensive consultation with various interest groups. Contrary to what we have heard in the House, taking samples for the data bank at the time of conviction will not prevent police from doing their job. Instead it will give police an effective investigative tool that will comply with our constitutional requirements as defined by the Supreme Court of Canada.

I believe Bill C-3 is a much stronger bill as a result of the extensive consultation and debate that has taken place. As it currently stands it is the government's view that Bill C-3 is fundamentally sound. There is no question that the use of DNA evidence has been a significant breakthrough in the criminal justice system. We must not forget that we are dealing with a powerful tool and one that must be safeguarded against potential abuse.

The creation of a data bank that can be upheld in the courts will go a very long way toward protecting Canadians from violent and repeat offenders, and that is what we are here to do.

There is also no question that Bill C-3 has been and will continue to be an important priority for the government. Public safety is one of the government's top priorities. We will stand behind that commitment 100%, unlike our Reform colleagues.

I believe all parties are motivated by the same goals: to establish a national DNA data bank system that helps our law enforcement personnel protect the public. The question is how do we get there?

The government's position is prudent, responsible and ultimately the best one for Canadians. It is a position that balances the need of law enforcement to protect the public safety, the interests of human rights and the democratic values of all Canadians, something time and time again my Reform colleagues seem to lose sight of.

• (1635)

The legal opinion of three former justices from three different provinces are entirely consistent with the opinion of the Department of Justice and legal opinions, including legal counsel for several provinces who testified before the standing committee. The legal opinions underline the danger of including provisions in Bill C-3 which would not withstand a charter challenge. To effectively

implement a DNA data bank, we need to do it right, and that is what the government is doing.

It is better to have a law that works than one that is certain to be struck down by the courts, which the Reform seems to have no regard for. I am confident that Bill C-3 finds the appropriate balance and I support it. I urge the members of the House to support Bill C-3.

Enough of party propaganda, enough of arm twisting and using special interest groups. Support it. It is a good bill. We can proceed and create one of our nation's most valuable policing investigative tools to date. This is a good bill and I am proud to stand here today to speak to it.

Mr. Gerry Ritz (Battlefords—Lloydminster, Ref.): Madam Speaker, it is certainly a pleasure to rise today to speak on behalf of my constituents of Battlefords—Lloydminster regarding Bill C-3, the DNA data bank.

The Reform Party continues to be firmly committed to restoring confidence in our justice system and providing Canadians with true security in their homes. This means providing the law enforcement agencies with the latest technological tools to detect and apprehend criminals. DNA identification is certainly this type of tool. If used to its full potential, the DNA data bank could be the single most important development in fighting crime since fingerprinting.

Bill C-3, in its present form, denies police the quality tools they need to fight and solve crime. At best Bill C-3 is a half measure aimed to placate Canadians.

DNA data banks are currently in use in the United States, Great Britain and New Zealand. DNA forensic analyses have been instrumental in securing convictions in hundreds of cases in Canada and have helped in the release of wrongly convicted persons.

Bill C-3 in its current form gives law-abiding Canadians a false sense of security. The Reform Party cannot support the bill in its current form because of that. We do support the creation of a DNA data bank, but the current scope of the bill is much too limited. It seems the government would rather protect the interests of criminals over those of law-abiding citizens, not an equitable trade-off I am sure.

The government cites finances as one of the reasons why it is not willing to expand the DNA data bank and allow for samples to be taken at the time of charge rather than conviction. The Reform Party proposed that samples be taken at the time of charge and not analysed until conviction. This would have satisfied the concern of the Canadian Police Association regarding offenders who are released on bail pending trial and constitute a flight risk.

Government Orders

The total cost of the DNA data bank, we are told, would be in the \$15 million to \$18 million range. We see Bill C-68 implemented at a proposed cost of \$85 million on the premise that it may save one life. The costs have now escalated to two, three, four times that. No one is sure. Again in order to save one life we are wondering why the implementation of a DNA data bank, which has proven to save lives and convict criminals in the long run, would not be a good buy.

Unlike Bill C-68 costs can be recouped. The conclusive nature of DNA evidence often results in substantial savings for police in their investigations and the courts since that investigation can be narrowed down and a trial simplified. Therefore in the long term this is a cost effective tool and a great protection to society. By analysing the DNA of all persons charged with violent offences we could have numerous samples in that data bank. We should think of the added security this would mean to Canadians.

There are hundreds of unsolved assaults, rapes and homicides where DNA evidence has been left at the scene. DNA identification now offers us an unparalleled opportunity to solve many of these cases. They have a real opportunity to strengthen our hand-cuffed justice system and they refuse to change.

People's lives are at stake here as well as their quality of life living in safer neighbourhoods. It is interesting to note that the taking of a blood sample in the case of a suspected impaired driver does not raise much concern. In fact society applauds that policy. Why is it different, then, in the case of DNA samples left at the scene of a crime? We take blood samples for purposes of determining impairment. There is no difference.

● (1640)

The invasion of privacy has already taken place. The Criminal Code looks after that. Is there a difference here? I think not. The authority to take samples is already in the Criminal Code and overrules the privacy issue.

The Canadian Police Association prepared and submitted a legal opinion to the justice committee concluding that there would be no constitutional concern about taking samples at the time of charge.

We all want to fight and reduce crime and reduce the time it takes to solve a crime. We have a tremendous backlog in our courts. If the fear is over the data bank and the keeping of blood or fluid samples, we just have to look at the thousands of samples taken by doctors and nurses each day and kept in some sort of bank. These bank files are not being exploited so why would a DNA data bank constitute any more of a risk?

This is certainly a major and very important piece of legislation. The government must justify to the Canadian Police Association and Canadian voters the reasons for invoking time allocation for

Government Orders

the seventh time to ram through a work in progress. Canadians deserve better from their elected officials.

Mr. Peter Goldring (Edmonton East, Ref.): Madam Speaker, I rise today to speak to Bill C-3 representing the constituents of Edmonton East.

A member earlier in the House compared data bank registering to tattooing during World War II. I thought at that time it was an outrageous comparison. How could this possibly be compared to something that evil done during the war? More likely I would compare it to the simple registering we have with our social security numbers. I think that would be a more apt comparison as a reference.

Do we need to wait for another Olson before the government gets serious and insists on a sample from all persons charged with indictable offences? The legislation is based on the false idea that DNA is useful in investigating some offences, mainly sexual, but does not help others.

The fact is that offenders like Clifford Olson commit both types of offences. He was convicted of more than 80 offences before he killed his first known victim. DNA, if taken on these previous charges, would have linked him to the first victim and led to his arrest. None of the convictions were for charges that the legislation covers. They were for theft, break and enter and armed robbery. Police and victims groups favour making the legislation more inclusive, but the government does not listen to their concerns.

Samples should be retained in the same way fingerprints are kept on file, essentially forever. Samples should be taken on charge just as with fingerprints. Collections of samples should be the same for the same offences as for fingerprinting. We should obtain DNA as routinely as we obtain fingerprints.

We take blood samples in certain cases. We utilize blood samples in the case of impaired driving and other charges. We take breath samples for liquor offences. Taking breath samples is a permanent record because the result of being over in the test will go on a permanent record.

We must make the best use of this tool but the Liberal bill is unduly restrictive. It costs only \$50 to \$60 to get a sample into the database. This is a drop in the bucket when compared to the costs, even the estimated costs, of what the gun registration program is expected to be.

Obtaining DNA is not an onerous process and involves no real invasion of the privacy of the person. It can come from saliva or from a single hair or a drop of blood. DNA identification does not endanger privacy since the information is just a series of numbers and tells nothing about the person's health or mental capabilities.

DNA can also exonerate a person suspected of a crime. I think that point is one of the most important. It can clear those who are

falsely accused. It can clear them quickly and clear the air forever. It will absolutely clear the person of having something hanging over his head of which he has been accused and the thinking that he just may possibly be guilty.

• (1645)

The bottom line is really the most important and it is that DNA has the potential to assist the police in their work and to save lives. It is a tool of today. It is a tool that certainly is used internationally in many countries. It is a tool as important as fingerprinting was when fingerprinting was first started and possibly is more descriptive than fingerprinting.

DNA is a tool that is useful. It is a tool police departments want. It is a tool that will be good for Canadians and I believe it is a tool that we must have now for all Canadians.

The Acting Speaker (Ms. Thibeault): Is the House ready for the question?

Some hon. members: Question.

The Acting Speaker (Ms. Thibeault): The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Thibeault): All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Acting Speaker (Ms. Thibeault): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Ms. Thibeault): In my opinion the nays have it.

And more than five members having risen:

The Acting Speaker (Ms. Thibeault): The vote will be deferred until 5.15 today.

SUSPENSION OF SITTING

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Madam Speaker, I rise on a point of order. The House is now through with debate and so I suggest you seek unanimous consent that the House suspend until the calling of the vote.

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

Some hon. members: Agreed.

(The sitting of the House was suspended at 4.48 p.m.)

● (1710)

[Translation]

SITTING RESUMED

The House resumed at 5.15 p.m.

The Acting Speaker (Ms. Thibeault): It being 5.15 p.m., the House will now proceed to the taking of the deferred division on the amendment to the motion for third reading of Bill C-3.

Call in the members.

● (1745)

[English]

(The House divided on the amendment, which was negated on the following division:)

(Division No. 231)

YEAS

Members

Abbott	Ablonczy
Anders	Bachand (Richmond—Arthabaska)
Bailey	Benoit
Bernier (Tobique—Mactaquac)	Borotsik
Breitkreuz (Yellowhead)	Brison
Cadman	Casey
Casson	Cummins
Doyle	Dubé (Madawaska—Restigouche)
Duncan	Elley
Epp	Gilmour
Goldring	Gouk
Grewal	Grey (Edmonton North)
Hanger	Harris
Hart	Harvey
Hill (Macleod)	Hill (Prince George—Peace River)
Jaffer	Johnston
Jones	Keddy (South Shore)
Kenney (Calgary-Sud-Est)	Konrad
Lowther	Lunn
MacKay (Pictou—Antigonish—Guysborough)	Manning
Mark	Martin (Esquimalt—Juan de Fuca)
Matthews	Mayfield
McNally	Meredith
Mills (Red Deer)	Morrison
Muisé	Obhrai
Pankiw	Penson
Power	Price
Ramsay	Reynolds
Ritz	Scott (Skeena)
Stinson	St-Jacques
Strahl	Thompson (New Brunswick Southwest)
Wayne	White (Langley—Abbotsford)
White (North Vancouver)	Williams—66

NAYS

Members

Adams	Alarie
Anderson	Assad
Assadourian	Asselin
Augustine	Axworthy (Winnipeg South Centre)
Bachand (Saint-Jean)	Baker
Bakopanos	Barnes
Beaumier	Bélaïr
Bélangier	Bellehumeur
Bellemare	Bennett
Bergeron	Bertrand
Bevilacqua	Bigras

Government Orders

Blaikie	Blondin-Andrew
Bonin	Bonwick
Boudria	Bradshaw
Brien	Brown
Bryden	Bulte
Caccia	Calder
Cannis	Cardin
Carroll	Catterall
Cauchon	Chamberlain
Chan	Charbonneau
Chrétien (Frontenac—Mégantic)	Clouthier
Coderre	Cohen
Collenette	Comuzzi
Copps	Cullen
Davies	de Savoye
Debien	Desjarlais
Desrochers	DeVillers
Dhaliwal	Dion
Discepola	Dromisky
Drouin	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duceppe	Duhamel
Dumas	Earle
Easter	Eggleton
Finlay	Folco
Fontana	Fournier
Fry	Galloway
Gauthier	Girard-Bujold
Godfrey	Godin (Acadie—Bathurst)
Godin (Châteauguay)	Graham
Guimond	Harb
Hubbard	Ianno
Iftody	Jackson
Jennings	Jordan
Karetak-Lindell	Keyes
Kilger (Stormont—Dundas)	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Laliberte	Lalonde
Lastewka	Laurin
Lavigne	Lebel
Lee	Lefebvre
Leung	Lill
Lincoln	Longfield
Loubier	MacAulay
Mahoney	Malhi
Maloney	Mancini
Manley	Marceau
Marchand	Marchi
Marleau	Martin (LaSalle—Émard)
Martin (Winnipeg Centre)	Massé
McCormick	McDonough
McGuire	McLellan (Edmonton West)
McWhinney	Ménard
Mercier	Mifflin
Milliken	Mills (Broadview—Greenwood)
Minna	Mitchell
Murray	Myers
Nault	Normand
Nystrom	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Peric	Perron
Peterson	Pettigrew
Phinney	Picard (Drummond)
Pickard (Chatham—Kent Essex)	Pillitteri
Plamondon	Pratt
Proctor	Proud
Provenzano	Redman
Reed	Richardson
Riis	Robillard
Robinson	Rocheleau
Rock	Sauvageau
Scott (Fredericton)	Sekora
Serré	Shepherd
Solomon	Speller
St. Denis	Steckle
Stewart (Brant)	Stewart (Northumberland)
Stoffer	Szabo
Telegdi	Thibeault
Torsney	Tremblay (Rimouski—Mitis)

Government Orders

Ur
Vanclief
Venne
Wappel
Whelan
Wood—193

Valeri
Vautour
Volpe
Wasylcia-Leis
Wilfert

Chrétien (Frontenac—Mégantic)
Coderre
Collenette
Coppes
Davies
Debien
Desrochers
Dhaliwal
Discepolo
Drouin
Duceppe
Dumas
Easter
Finlay
Fontana
Fry
Gauthier
Godfrey
Godin (Châteauguay)
Guimond
Harvard
Ianno
Jackson
Jordan
Keys
Kilgour (Edmonton Southeast)
Kraft Sloan
Lalonde
Laurin
Lebel
Lefebvre
Lill
Longfield
MacAulay
Malhi
Mancini
Marceau
Marchi
Martin (LaSalle—Émard)
Massé
McDonough
McLellan (Edmonton West)
Ménard
Mifflin
Mills (Broadview—Greenwood)
Mitchell
Myers
Normand
O'Brien (Labrador)
O'Reilly
Paradis
Patry
Perron
Pettigrew
Picard (Drummond)
Pillitteri
Pratt
Proud
Redman
Richardson
Robillard
Rocheleau
Sauvageau
Sekora
Shepherd
Speller
Steckle
Stewart (Northumberland)
Szabo
Thibeault
Tremblay (Rimouski—Mitis)
Valeri
Vautour
Volpe
Wasylcia-Leis
Wilfert

Clouthier
Cohen
Comuzzi
Cullen
de Savoye
Desjarlais
DeVillers
Dion
Dromisky
Dubé (Lévis-et-Chutes-de-la-Chaudière)
Duhamel
Earle
Eggleton
Folco
Fournier
Galloway
Girard-Bujold
Godin (Acadie—Bathurst)
Graham
Harb
Hubbard
Iftody
Jennings
Karetak-Lindell
Kilger (Stormont—Dundas)
Knutson
Laliberte
Lastewka
Lavigne
Lee
Leung
Lincoln
Loubier
Mahoney
Maloney
Manley
Marchand
Marleau
Martin (Winnipeg Centre)
McCormick
McGuire
McWhinney
Mercier
Milliken
Minna
Murray
Nault
Nyström
O'Brien (London—Fanshawe)
Pagtakhan
Parrish
Peric
Peterson
Phinney
Pickard (Chatham—Kent Essex)
Plamondon
Proctor
Provenzano
Reed
Riis
Robinson
Rock
Scott (Fredericton)
Serré
Solomon
St. Denis
Stewart (Brant)
Stoffer
Telegdi
Torsney
Ur
Vanclief
Venne
Wappel
Whelan
Wood—194

PAIRED MEMBERS

Alcock
Canuel
Dalphond-Guiral
Gagliano
Grose
Marleau
St-Hilaire
Tremblay (Lac-Saint-Jean)

Byrne
Crête
Finestone
Gagnon
Guay
Saada
St-Julien
Turp

The Speaker: I declare the amendment defeated.

Mr. John Harvard: Mr. Speaker, I would like to be counted in the vote in support of the government.

The Speaker: I have announced the results and your vote will not be counted on the last vote but will be counted on this one.

The next question is on the main motion.

Mr. Bob Kilger: Mr. Speaker, I would propose that you seek unanimous consent to apply in reverse the results of the vote just taken to the motion now before the House, adding the member for Charleswood St. James—Assiniboia.

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

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

(Division No. 232)

YEAS

Members

Adams
Anderson
Assadourian
Augustine
Bachand (Saint-Jean)
Bakopanos
Beaumier
Bélanger
Bellemare
Bergeron
Bevilacqua
Blaikie
Bonin
Boudria
Brien
Bryden
Caccia
Cannis
Carroll
Cauchon
Chan

Alarie
Assad
Asselin
Axworthy (Winnipeg South Centre)
Baker
Barnes
Bélair
Bellehumeur
Bennett
Bertrand
Bigras
Blondin-Andrew
Bonwick
Bradshaw
Brown
Bulte
Calder
Cardin
Catterall
Chamberlain
Charbonneau

Government Orders

NAYS

Members

Abbott	Ablonczy
Anders	Bachand (Richmond—Arthabaska)
Bailey	Benoit
Bernier (Tobique—Mactaquac)	Borotsik
Breitkreuz (Yellowhead)	Brison
Cadman	Casey
Casson	Cummins
Doyle	Dubé (Madawaska—Restigouche)
Duncan	Elley
Epp	Gilmour
Goldring	Gouk
Grewal	Grey (Edmonton North)
Hanger	Harris
Hart	Harvey
Hill (Macleod)	Hill (Prince George—Peace River)
Jaffer	Johnston
Jones	Keddy (South Shore)
Kenney (Calgary-Sud-Est)	Konrad
Lowther	Lunn
MacKay (Pictou—Antigonish—Guysborough)	Manning
Mark	Martin (Esquimalt—Juan de Fuca)
Matthews	Mayfield
McNally	Meredith
Mills (Red Deer)	Morrison
Moise	Obhrai
Pankiw	Penson
Power	Price
Ramsay	Reynolds
Ritz	Scott (Skeena)
Stinson	St-Jacques
Strahl	Thompson (New Brunswick Southwest)
Wayne	White (Langley—Abbotsford)
White (North Vancouver)	Williams—66

PAIRED MEMBERS

Alcock	Byrne
Canuel	Crête
Dalphon-Duval	Finestone
Gagliano	Gagnon
Grose	Guay
Marleau	Saada
St-Hilaire	St-Julien
Tremblay (Lac-Saint-Jean)	Turp

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

* * *

CANADA SMALL BUSINESS FINANCING ACT

The House resumed from September 28 consideration of the motion that Bill C-53, an act to to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses, be read the second time and referred to a committee; and of the amendment.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the amendment to the motion at second reading stage of Bill C-53.

Mr. Bob Kilger: Mr. Speaker, if the House would agree, I propose that you seek unanimous consent that members who voted on the previous motion be recorded as having voted on the motion now before the House with Liberal members voting nay.

The Speaker: Is there agreement to proceed in such a fashion?

Some hon. members: Agreed.

Mr. Chuck Strahl: Mr. Speaker, Reform Party members present will vote yes. I would like to note the absence of the member for Peace River for this vote.

[Translation]

Mr. Stéphane Bergeron: Mr. Speaker, Bloc Québécois members are opposed to the motion.

[English]

Mr. John Solomon: Mr. Speaker, members of the NDP vote no on this motion.

[Translation]

Mr. André Harvey: Mr. Speaker, members of our party will vote against this motion.

[English]

(The House divided on the amendment, which was negated on the following division:)

(Division No. 233)

YEAS

Members

Abbott	Ablonczy
Anders	Bailey
Benoit	Breitkreuz (Yellowhead)
Cadman	Casson
Cummins	Duncan
Elley	Epp
Gilmour	Goldring
Gouk	Grewal
Grey (Edmonton North)	Hanger
Harris	Hart
Hill (Macleod)	Hill (Prince George—Peace River)
Jaffer	Johnston
Kenney (Calgary-Sud-Est)	Konrad
Lowther	Lunn
Manning	Mark
Martin (Esquimalt—Juan de Fuca)	Mayfield
McNally	Meredith
Mills (Red Deer)	Morrison
Obhrai	Pankiw
Ramsay	Reynolds
Ritz	Scott (Skeena)
Stinson	Strahl
White (Langley—Abbotsford)	White (North Vancouver)
Williams—47	

NAYS

Members

Adams	Alarie
Anderson	Assad
Assadourian	Asselin
Augustine	Axworthy (Winnipeg South Centre)
Bachand (Richmond—Arthabaska)	Bachand (Saint-Jean)

Private Members' Business

Baker	Bakopanos
Barnes	Beaumier
Bélaïr	Bélangier
Bellehumeur	Bellemare
Bennett	Bergeron
Bernier (Tobique—Mactaquac)	Bertrand
Bevilacqua	Bigras
Blaikie	Blondin-Andrew
Bonin	Bonwick
Borotsik	Boudria
Bradshaw	Brien
Brisson	Brown
Bryden	Bulte
Caccia	Calder
Cannis	Cardin
Carroll	Casey
Catterall	Cauchon
Chamberlain	Chan
Charbonneau	Chrétien (Frontenac—Mégantic)
Clouthier	Coderre
Cohen	Collenette
Comuzzi	Copps
Cullen	Davies
de Savoye	Debien
Desjarlais	Desrochers
DeVillers	Dhaliwal
Dion	Discepola
Doyle	Dromisky
Drouin	Dubé (Lévis-et-Chutes-de-la-Chaudière)
Dubé (Madawaska—Restigouche)	Duceppe
Duhamel	Dumas
Earle	Easter
Eggleton	Finlay
Folco	Fontana
Fournier	Fry
Galloway	Gauthier
Girard-Bujold	Godfrey
Godin (Acadie—Bathurst)	Godin (Châteauguay)
Graham	Guimond
Harb	Harvard
Harvey	Hubbard
Ianno	Iftody
Jackson	Jennings
Jones	Jordan
Karetak-Lindell	Keddy (South Shore)
Keyes	Kilger (Stormont—Dundas)
Kilgour (Edmonton Southeast)	Knutson
Kraft Sloan	Laliberte
Lalonde	Lastewka
Laurin	Lavigne
Lebel	Lee
Lefebvre	Leung
Lill	Lincoln
Longfield	Loubier
MacAulay	MacKay (Pictou—Antigonish—Guysborough)
Mahoney	Malhi
Maloney	Mancini
Manley	Marceau
Marchand	Marchi
Marleau	Martin (LaSalle—Émard)
Martin (Winnipeg Centre)	Massé
Matthews	McCormick
McDonough	McGuire
McLellan (Edmonton West)	McWhinney
Ménard	Mercier
Mifflin	Milliken
Mills (Broadview—Greenwood)	Minna
Mitchell	Muise
Murray	Myers
Nault	Normand
Nystrom	O'Brien (Labrador)
O'Brien (London—Fanshawe)	O'Reilly
Pagtakhan	Paradis
Parrish	Patry
Peric	Perron
Peterson	Pettigrew
Phinney	Picard (Drummond)
Pickard (Chatham—Kent Essex)	Pillitteri
Plamondon	Power
Pratt	Price

Proctor	Proud
Provenzano	Redman
Reed	Richardson
Riis	Robillard
Robinson	Rocheleau
Rock	Sauvageau
Scott (Fredericton)	Sekora
Serré	Shepherd
Solomon	Speller
St. Denis	Steckle
Stewart (Brant)	Stewart (Northumberland)
St-Jacques	Stoffer
Szabo	Telegdi
Thibeault	Thompson (New Brunswick Southwest)
Torsney	Tremblay (Rimouski—Mitis)
Ur	Valeri
Vancielief	Vautour
Venne	Volpe
Wappel	Wasylcia-Leis
Wayne	Whelan
Wilfert	Wood—212

PAIRED MEMBERS

Alcock	Byrne
Canuel	Crête
Dalphon-Guiral	Finestone
Gagliano	Gagnon
Grose	Guay
Marleau	Saada
St-Hilaire	St-Julien
Tremblay (Lac-Saint-Jean)	Turp

The Speaker: I declare the amendment negatived.

● (1750)

[*Translation*]

The Deputy Speaker: Order, please. The House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CRIMINAL RECORDS ACT

The House resumed from May 15 consideration of the motion that Bill C-284, an act to amend the Criminal Records Act and the Canadian Human Rights Act (offences against children), be read the second time and referred to a committee.

Mr. Gerry Ritz (Battlefords—Lloydminster, Ref.): Mr. Speaker, it is a pleasure to stand here this evening and speak in the final hour of debate on the private member's bill put forward by my colleague from Calgary Centre. It is of profound importance for the health and well-being of our most important resource in Canada, our children.

Governments at all levels often say that they recognize the importance of children's welfare for the future of the country, but they often have a strange way of showing it. Our income tax structure encourages two income families and common law relationships, although there is overwhelming empirical evidence that

both these situations are among the least desirable for the healthy development of children.

Many members of this House have probably bought into United Nations documents that are supposed to protect the rights of the child. Because of manipulation by special interest groups, many subsidized by the Canadian taxpayer, these charters actually seem to undermine the ability of and the responsibility for parents to guide and nurture their children.

In a recent news article the Secretary of State for Children and Youth said "We feel our activities are child centred. Our main concern is what happens to children, and the issue of parents is very, very, I would say, controversial". If the concern really was for the child, then the well-being of parents and their families would be front and centre, not considered an annoyance by this government.

The term "child centred" also appears in education literature that was popular a few years ago. The philosophy that letting kids decide what they wanted to learn, when they felt like learning it, was somehow going to lead to happier, well adjusted students. The result, as we now know, is that a lack in direction and in an appreciation of the responsibilities that adults were supposed to provide them, many children felt no obligation to learn at all. Many jurisdictions across Canada are retreating from the failed experiment of trying to turn innocent children into miniature adults.

I am not claiming that there is a direct connection, but the policy of absolving adults of their responsibilities to behave properly seems to be the other side of the coin. We seem to have forgotten the social impact of giving individuals a free ride when it comes to the consequences of their actions. We often seem so concerned about the rights of the convict that we completely ignore the loss of dignity, privacy and the enjoyment of life that these criminals visit upon their victims and families.

• (1755)

Members on this side of the House recognize that all legislation must be concerned with balance.

The administration of justice requires not only a presumption of innocence for the individual charged with a crime, but that any punishment that results from a rightful conviction must fit the crime.

There is a process in place for dealing with criminal activity that has to include mitigating circumstances. We may stop a lot of thieves by ordering their hands to be cut off, but our society has decided that sort of punishment is too extreme.

We believe in mercy and we believe that people should get a chance to atone for their transgressions at a later date. At one time these were a couple of elements among many in our justice system,

Private Members' Business

but these days many Canadians feel that they have become the driving force.

Many Canadians feel that the balance has been upset and now the justice system assumes that criminals are always remorseful and will automatically respond to things like day parole and psychiatric counselling. Far from it.

Rightly or wrongly, the perception has been created that the justice system has been skewed to give every consideration to the criminal and little is being done to heal the wounds of the victims.

Many Canadians have expressed the desire to see more done on the side of prevention. They want more police officers on the street, more direct and immediate consequences for all criminal acts, more onus being placed on parents for the actions of minors, a greater emphasis on making criminals pay the full price for their crimes and less of a push to get them back on the street.

While opposing sides may argue about the efficiency of incarcerating versus rehabilitating criminals, police are aware that a rash of property crimes, for example, usually points to the recent release of a criminal who favours that sort of action. It is a fact of life.

There is no end of statistics to show the tendency of various criminals to reoffend and these are often used by people to prove their pet theories about justice.

I do not want to get into a numbers game, nor do I want to argue whether criminals need more or less jail or whether one kind of punishment is more effective than another. That is not what Bill C-284 is all about. It is not about tormenting a particular type of criminal for the rest of their life or imposing more jail time on someone who has supposedly served their time and is now trying to make a life for themselves.

It is true that Bill C-284 does target a particular kind of criminal and seeks to put at public disposal an item of personal information that our system has a method of keeping from the public under ordinary circumstances.

Some may interpret this as being unnecessarily intrusive, but this bill seeks to safeguard a particular kind of victim and is an attempt to bring balance to the system on that victim's behalf.

We recognize that criminals have certain rights and that the criminals who have served time for their crimes may have earned a certain relief from further punishment. However, the victims who we are concerned with here, like many victims who survived the violation against them, often serve a lifetime sentence themselves. They carry those emotional scars for life.

The victims who this bill concerns itself with are usually helpless, vulnerable and find it difficult to comprehend or deal with what is done to them. These victims are our children and our families.

Private Members' Business

The perpetrators of this most hideous crime are known as pedophiles or sex offenders. Despite what our deepest revulsion urges us to do to these people, we try to remember that we must have balance.

The members of this House should understand that Bill C-284 is not about the punishment of that individual based on suspicion or prejudice, it is about directing convicted criminals away from situations in which they have proven they cannot be trusted.

We are not asking that pardoned sex offenders be barred from society, but that people in positions of responsibility over children be given the opportunity to discover the true history of the potential employees they are looking at hiring.

This bill does not call for the public broadcast of anyone's criminal history. It merely allows for responsible parties to find out if an individual had ever been pardoned for a sexual offence, and then only if that individual actually applies for a job working with children.

When we consider the words of Correctional Services Canada that there is evidence of a substantial increase in the risk for sexual re-offending for that group of offenders with a prior history, and when we discover that the National Parole Board does not even keep track of the more than 16,000 pardons it hands out by type of crime, then we can say that there is a very small price to pay in terms of curtailing the freedoms of this group.

I would like to close by saying that the solicitor general already has the legal authority to override a pardon if it is in the interest of the administration of justice.

I believe it is only just that we work to prevent the tragedy of child victimization any way that we can, and this bill gives us one more tool to accomplish that end. I urge everyone in this House to support the bill.

• (1800)

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, I rise today to address a very important issue on behalf of the residents of Waterloo—Wellington. It is obvious the hon. member for Calgary Centre has worked very hard to bring this matter to the attention of the House as a votable item. His desire to improve the law, to redress the anomaly he perceives in the legislation and his suggestions for reform outlined in the bill before us today are examples of the impact private members can have in the Parliament of Canada.

The hon. member is doing the House and the government a service by identifying an area of the Criminal Records Act that affects the process of granting pardons and the subsequent treatment of both the pardoned records and the pardoned individual. He points out that the current provisions of the act could favour the pardoned individual to the possible detriment of society at large.

It follows therefore that the proposals put forward by the hon. member may adversely affect Canadians with criminal records even after they have successfully turned their lives around and been given the benefit of a pardon. Therefore by proposing solutions as he has done the member is contradicting the apparent intent of the legislation which at its inception was duly considered and approved by those who went before us and by the members of the other place.

While we might all benefit from his industrious example and emulate his thoughtful efforts, we must carefully consider what he is saying. He clearly believes that the reasoning applied in drafting our current Criminal Records Act and indeed the human rights act was somehow faulty. This is a level of intervention we must all take seriously. I find that my attention is immediately engaged when it becomes necessary to amend our human rights act to accomplish a legislative change that is otherwise put forward as a positive reform. Most often we discuss issues in terms of generalities or as they say now at the macro level.

However, in our jobs there can be insufficient time to respond fully to the concerns of individual constituents. This is particularly problematic when the issue concerns those citizens who do not have experience in dealing with the mechanism of government and who feel powerless in the face of bureaucratic rules. Also left out are those who do not have an organized or sophisticated proponent to speak loudly for their rights.

The hon. member for Calgary Centre has taken the time to be just such an advocate by responding to reports of harm done in a few individual cases. I am not saying for a moment that harm has not befallen Canadians or that individual tragedies are unimportant. They are. In particular I recognize the level of concern we must bring to bear on the protection of young Canadians from sexual predators. Nothing that may occupy our time in this place is more important than the safety of those least able to defend themselves.

Nonetheless, difficulties may arise from the pursuit of solutions based on specific experiences however distressing and tragic. I could offer as examples some of the most recent cases of deplorable, repeated and devastating child sexual abuse where the predators had no previous record to be found, pardoned or otherwise. In others, the organizations responsible for the offenders' involvement in positions of trust had not only made no effort to investigate the offenders' backgrounds but also had actively shielded them from complaints and possibility of investigations. In light of these examples, it is possible that the proposal put forth through Bill C-284 may be either incomplete or somewhat misdirected.

I believe that more and more the role of the private member may be to respond to the needs and aspirations of individual citizens. This is why I believe the effort of the member for Calgary Centre in identifying a possible source of inequity and harm and in proposing legislative solutions is so important. By sponsoring the

initiative before us today, my honourable colleague has fulfilled his most important obligation as a private member.

What problem has my colleague identified and what solutions does he propose? The purpose of Bill C-284 is to amend the Criminal Records Act to provide for the automatic revelation of the pardoned criminal records of offences relating to the sexual exploitation of children should the offender thereafter seek a position as a caregiver, coach or in another role in which he or she might have power and influence over young people.

Bill C-284 is limited in focus to a single primary objective. It seeks to address concerns over the current act which requires that the records of those who are granted a pardon be sealed and set aside to be revealed only in a very particular circumstance and only on the approval of the Solicitor General of Canada. The proposal suggests a pardon that could be set aside in a much more casual way at the stroke of a bureaucratic pen. We must proceed very cautiously in this regard.

• (1805)

It should be noted that regardless of the disposition of a criminal record reference to the particulars of a case may exist in various locations and be under the control of various authorities. When the Criminal Records Act was passed the limited effect of pardons granted under its auspices was acknowledged.

As I am sure other hon. members will mention, only the release of federal records is directly constrained through the granting of a pardon.

There may be local court and police records that persist and certainly the original media coverage and local knowledge of the crimes in question remain unimpeded except by the passage of time. Such historical records are becoming more available through the search capabilities of our society's increasingly sophisticated electronic research tools. The benefits of a pardon are limited but the hon. member nonetheless seeks today to remove even this relief from certain pardoned offenders.

My colleague's proposal for the revelation of records in a narrow and specific fashion may prove difficult to implement. I reiterate that there is no single exclusive record keeping system in the country. Due to the federal nature of our political arrangements, records of criminal occurrences including records of arrest, trial, conviction and conditional release and supervision may exist in many places. As mentioned, media reports are more likely to exist in cases that may be of such a serious and shocking nature that they may lend themselves to media sensationalization. These are the records the hon. member seeks to remove from the protection of pardons under the Criminal Records Act.

Private Members' Business

A further complication is that the pardoned record sought in the interest of a children's safety offence may form part of a series of charges and dispositions. Should these more or less related convictions also come to light? I think not.

Perhaps the most significant flaw in the hon. member's bill is that it ignores that the Criminal Records Act already provides for disclosure and indeed revocation of pardoned records where necessary and appropriate.

Under section 6 of the act the solicitor general may at any time disclose a pardoned record to any person where the minister is satisfied that it is desirable to do so in the interests of the administration of justice or for any purpose related to national or international safety or security. This is a very broad test if not an onerous standard to meet. Any person or organization may make an application for the unsealing and disclosure of an ex-offender's pardoned record.

Further, under section 7.2 of the act a pardon will be automatically revoked if the person is ever again convicted of an indictable federal offence. It does not end there. Under section 6.2 of the act there can be limited disclosure of the existence of a pardoned record to police forces under specified circumstances.

I mention all of this because the bill before us today seeks to provide corrective solutions to a factor that may not be as problematic as it first appears. Let us be clear that there are already a number of straightforward mechanisms for disclosing or revoking a pardoned record in appropriate circumstances. Many people have advocated more substantial reform during the past decade. Specific proposals have been developed which identify other provisions under the current act which would benefit from review and amendment.

Representatives of some provincial governments have made their views known, as has the voluntary sector active in the criminal justice system. These wider reforms are intended to address identified inconsistencies as well as important areas of possible improvement which have been put forward.

If the outcome of the member's work to date has been that the government is moving ahead to complete a review of outstanding issues focusing particularly on the areas to which my friend has drawn our attention, I suggest this has been an indication of the close collaboration between private members and the government. This would amount to proof of the effect that one member speaking for the rights of private citizens and constituents can have in changing the laws in Canada.

In wrapping up I return to a theme which I commented on earlier, the important role of private members' bills and the often unheralded accomplishments of those members who identify problems. I thank the hon. member for bringing that to our attention.

Private Members' Business

• (1810)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Madam Speaker, the aim of Bill C-284 is to provide for a specific instance where public interest so requires for a limited disclosure of a record of conviction for an offender who has been pardoned where the conviction was for a sexual offence against a child. Thus when a sexual offender applies for a position of trust with respect to a child or children, the employer could have access to the individual's criminal record.

Before looking at the individual clauses in detail, I think it would be a good idea to look at the clauses individually.

Clause 1 amends the preamble to the Criminal Records Act by providing for an exception whereby a criminal record may be disclosed where public interest so requires it.

Clause 2 amends section 6 of the Criminal Records Act by requiring—and this is very important—the minister to disclose information on the criminal history of a job applicant pardoned for a sexual offence against a child.

Clause 3 amends the Canadian Human Rights Act by providing that a hiring policy based on a criminal history is not discriminatory where the job involves young children.

The aim of Bill C-284 is to protect society and especially children against potential repeat offenders. Crimes involving violence against young children are probably the most repugnant of all. People find such acts both shocking and incomprehensible. It is difficult to comprehend how an individual can sully youth in this manner and, more importantly, then want to put themselves in a position to repeat the offence with young people in a job involving the care of children or such like.

The member for Calgary Centre is legitimately attacking this scourge. He proposes that someone who has committed a sexual offence against a child be never permitted to obtain work that would put children in his care or put him in a position of authority over a child.

We have already examined this in the past. Society has already looked at these problems, but there are perhaps loopholes in the law, and the hon. member's work is important.

Our community recognizes that everyone has the right to be free from all forms of discrimination on the basis of social conditions. In this respect, section 2 of the Canadian Human Rights Act states:

The purpose of this act is to extend the laws in Canada to give effect—to the principle that every individual should have an equal opportunity with other individuals to make

for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices based on—conviction for an offence for which a pardon has been granted.

The Quebec charter of human rights and freedoms more specifically provides that individuals may not be discriminated against upon hiring on the basis of criminal background. Let me read you section 18.2 of the charter, which provides for an exception that is extremely important and interesting in relation to our debate today. It reads as follows:

No one may fire, refuse to hire or penalize a person in any other way in his or her job by reason solely of the fact that this person has been convicted of a criminal or penal offence—

What follows is very important. I read on:

—provided this offence has no relation to the job or a pardon was granted.

The phrase “provided this offence has no relation to the job” is extremely important.

As we can see, the right to non-discrimination is not an absolute right; in some cases, the lawmaker saw fit to include exceptions. For example, section 15 of the Canadian Human Rights Act states:

It is not a discriminatory practice if (a) any refusal, exclusion, expulsion, suspension, limitation, specification or preference in relation to any employment is established by an employer to be based on a bona fide occupational requirement;

This means an employer may refuse to employ an individual who does not meet the skill requirements without this being considered a discriminatory practice.

• (1815)

On the other hand, recognition of the employee's right to not be penalized for having committed a criminal act under section 18.2 of the Quebec charter does not prevent the employer from acting. In fact, where the alleged offence is related to the job, the employer may take appropriate measures to bypass or sanction an employee whose duties are directly linked to a criminal past. This applies to positions considered ones of trust by the public, such as those held by peace officers, teachers and even lawyers.

Under the Criminal Records Act, rehabilitation and pardon are synonymous. It is therefore to be expected that an individual who has been given a pardon may enjoy unrestricted freedom. Rehabilitation should ensure that such an individual is no longer a threat to public safety. However, this is not always the case, even where rehabilitation has occurred. Certain illnesses, as I shall mention, are hard to treat.

Nevertheless, as responsible lawmakers, we must make sure that rehabilitation does not lead to recidivism. For example, some experts say that pedophilia is incurable and that no psychological

Private Members' Business

treatment can correct this deviance. If this were true, all penal corrective measures would be ineffective. Given that pedophiles are not in prison for life, it is reasonable to fear that on their release some form of recidivism is possible.

It is probably because of this uncertainty, which young people could pay for, that the lawmaker established ways to supervise and monitor sexual criminals after their release. I think the government member covered this earlier, but unfortunately, this monitoring and supervision is not foolproof.

Section 161 of the Criminal Code provides that the court may prevent a sexual offender from taking or keeping a job or volunteer work that would put him in a position of trust or authority with persons under 14 years of age.

The effectiveness of the process in section 161 of the Criminal Code is, however, contingent on the good faith of the offenders who want to comply with the court order. One only has to visit the courthouse on days when the court is sitting to realize that many orders are breached. Section 161 is a good section, it is a start, but it is too discretionary. It puts the onus on the offender to declare certain things. Follow up is a problem, because follow-up is based on the good faith of the offender.

A question arises here: Are we to enable employers to anticipate the bad faith of certain offenders by allowing them to have access to offenders' records and to deny employment as a result? I think this is a question raised by the bill, and with all I have said, we must say yes to this question in order to protect children.

In conclusion, non-discrimination implies the right to not be subjected to an illegal distinction based on criminal offences for which one has been pardoned. Non-discrimination is not, however, an absolute concept. Public safety may justify specific measures which take individuals' characteristics into consideration, their criminal background for instance, as well as giving consideration to those whom we wish to protect.

In the case of Bill C-284 introduced by the hon. member for Calgary Centre, those we wish to protect are children, and I wholly support that objective.

Since the safety of children necessitates unceasing vigilance and since the right to non-discrimination is not an absolute concept, in that the public interest could justify restriction of that right, a controlled disclosure of the records of sex offenders could be justified. For this reason, I can tell the hon. member introducing this bill that the Bloc Québécois is in favour of it.

Ms. Diane St-Jacques (Shefford, PC): Madam Speaker, it is with great interest that I take part in the debate on Bill C-284.

Let me say from the outset that this bill should get the unanimous support of the House, on behalf of all the children in this country.

• (1820)

[English]

I would first like to praise the member for Calgary Centre for tabling such a pertinent piece of legislation. Bill C-284 which proposes to amend the Criminal Records Act and the Canadian Human Rights Act with respect to sexual offences against children is important in the sense that it focuses on one of the highest priorities this assembly should have: the protection of children from abuse.

Indeed, as parliamentarians we have the responsibility to fulfil the fundamental role of government to ensure the protection of our citizens. This is especially true for the most innocent in society, our children.

[Translation]

Millions of them, throughout the country, are counting on us to find the path that will safely lead them to the adult world.

With the innocence and the openness that are their trademarks, children successfully meet sports, recreational and educational challenges; they take part in community activities with enthusiasm and creativity; they fill us with joy and contentment and give meaning to the role of guide and protector that society has bestowed on us, today's adults.

We must not betray the trust that children put in us. Better still, we must earn that trust. To this end, it is imperative that we shield their efforts and their valuable contribution to the building of tomorrow's society.

Unfortunately, children are all too often the victims of the trust and the authority they bestow upon us with such spontaneity and candour.

As a mother, I am always disturbed by statistics such as those telling us that one girl out of three is the victim of a sexual assault before reaching the age of 18, and that one out of every six boys suffers the same fate before the age of 16.

This is even worse when you consider that we, in this country, have the means to deal with sex offenders who, as you know, have one of the highest recidivism rate among criminal offenders.

These statistics suggest that we are sorely failing as legislators. The bill proposes a way to increase our vigilance by creating a fair balance between the right of offenders to return to society, and the right of our children to remain full members of our society and to be safe.

Some may wonder about the right to privacy. As the sponsor of this bill explained when he introduced his legislation in the House, the privacy commissioner has already ruled that the act he administers does not prevent the disclosure of personal information when this is done in the public interest.

Private Members' Business

[English]

It is without a doubt in the public interest for children not to be exposed to those who have abused them in the past and who are likely to do so again in the future as the relevant statistics so clearly show.

[Translation]

Who is targeted by this initiative? Any adult convicted of a sexual offence against a child who applies for a new job and could again be tempted to use a position of trust and authority to abuse, once too often, young victims placed under his care.

That is the only purpose of this bill. The proposed changes are explicitly aimed at people applying for a position of trust and authority with respect to children.

Who among us has never had to put a loved one under the supervision of a day care centre, a sports monitor or a recreation leader? Beforehand, we enquire about the reputation of the agency or the group in question.

This reputation, which is crucial to the survival of any organization dealing with children, can easily be tarnished by unscrupulous individuals who readily take advantage, to commit more offences, of the position of trust the organization or group put so much energy and patience into building up.

Make no mistake about it: when such a crime occurs, it is as much a tragedy for the organization as it is for the actual victims. Therefore, we have to provide these organizations with the tools they need to maintain a flawless reputation and significantly contribute to the harmonious development of the Canadian society.

[English]

We all know that Canadians need to believe that organizations in which they entrust their children's safety have taken all the necessary actions to protect them.

• (1825)

The bill would enable those responsible for children to make fully informed decisions about whom they hire by having the capacity to identify and eventually keep out those who present more of a risk when in a position of trust.

Let us be clear. Bill C-284 does not propose that sex offences against children can never be pardoned. It does not propose either that if one makes a mistake such as this it should be forever on one's criminal record. What the bill proposes is that if one sexually abuses children the person could effectively be prevented from holding a position of care or authority over children again.

[Translation]

Children must remain our absolute priority. They are the ones that will have to deal throughout their entire lives with the often

painful and sometimes disastrous effects of an experience they should have and could have been spared.

Permit me, if you will, to point out the government's position in this regard: "The experiences of Canada's children, especially in the early years, influence their health, their well-being, and their ability to learn and adapt throughout their entire lives".

This quote from the speech from the throne brings us back to the point and encourages us to assume our responsibilities towards those who represent our nation's future. I therefore encourage the government to support this bill, which invites us to assume our responsibility as lawmakers and to help all victims according to the widely shared principle of prevention.

In this regard, we will recall that the government made a commitment to provide an additional \$850 million annually to improve the Canadian child tax benefit. I congratulate it on this, although I maintain that the benefit should be indexed.

That said, would it not be ironic to hear our leaders say, on one hand, that they want to invest in our children while, on the other, refusing to take the measures necessary to protect this investment.

Yet there is no point in hoping that the government can successfully build a true partnership with the private and volunteer sectors for the development of our children, if it does not first and foremost take the necessary steps to protect both the organizations in question and the young people they serve.

I would like to point out, if I may, that this bill dovetails perfectly with the youth justice strategy announced by the Minister of Justice this past May.

At that time, one of the recommendations she made was publication of the names of all young offenders convicted of serious sexual assault charges.

What is being proposed here is merely an extension of that measure to adults, along with a framework for doing so. People must not draw the conclusion that what is involved is a blanket disclosure. On the contrary, these amendments would apply only within the context of an offender's applying for a position of trust with respect to children. As well, disclosure would not be done without his knowledge, because the bill stipulates that applicants are to be informed.

In closing, I am calling on all members of this House for unconditional support of Bill C-284, hoping that we can place the interests of our children foremost, before any partisan differences.

[English]

Mr. Grant McNally (Dewdney—Alouette, Ref.): Madam Speaker, it is an honour to be able to speak in support of my colleague's bill, Bill C-284. The member for Calgary Centre has done a lot of hard work on this very important issue.

Many in society are concerned about the safety of our children. Many are concerned about ensuring that those responsible for children will not abuse their position of trust. Many are concerned about how difficult it is for children's organizations to know whom it is they are hiring and to be sure they are not putting children at risk. These are the concerns which Bill C-284 intends to address.

The bill would enable those responsible for children to make fully informed decisions about whom they hire. Bill C-284 will give parents with children and third party care the assurance that those responsible for looking after their children have not abused this position of authority in the past.

Bill C-284 is specific in its intent to better protect our children from those who have been abusive toward them in the past. Bill C-284 proposes to allow for the limited disclosure of an individual's criminal record if the individual has been convicted of a sexual offence against a child and later applies for a position of trust with respect to children.

• (1830)

Such a disclosure will include an individual's criminal record for a previous sexual offence against a child or children, even if one had served one's sentence and had later received a pardon which had removed the notice of conviction from the individual's criminal record.

I am glad to note that this is a votable bill and that so many members are speaking in favour of this very important bill.

It is certainly in the public interest for children not to be exposed to those who have abused children in the past and are more likely to do so again. It is in the public interest for parents to have confidence in those who are caring for their children.

As a former teacher and child care worker I know the importance that working with children has and the position of trust individuals in those positions are entrusted with. I emphasize that the limited disclosure, which I mentioned earlier, will only take effect when an individual applies for a position of trust with respect to a child or to children, a point which we hope the government takes note of.

I also support this bill for other reasons. This bill does not propose that sex offences against children can never be pardoned. This bill does not propose if one makes a mistake such as that, it should be forever on one's record. Rather, Bill C-284 proposes that if one does sexually abuse children, that person should effectively be prevented from holding a position of authority with children again. Those responsible for children will be able to see that a job applicant has abused such a position of trust in the past and thus be more judicious in their hiring practices.

Private Members' Business

Why is Bill C-284 necessary? Essentially it sends a message that the protection of our children is of paramount importance. What more valuable resource do we have, as other members have alluded to earlier in this chamber, than our children? Not only as individuals, as families, but as a society we must protect our children.

We see that many statistics and reports have been made that show that individuals who have committed these types of offences are more likely to offend again. I am not saying that all do, but research shows that individuals are more likely to offend again if they have committed these types of offences before.

I would also like to mention the point of privacy which was brought forward by the government member. In a May 1996 discussion paper the Privacy Commissioner explained that the Privacy Act does not prevent the release of personal information if it is in the public interest to release such information. In fact the act specifically permits the release of personal information in the public interest.

In April 1996 an RCMP protocol manual said that they defined public interest as evaluated on the basis of whether it is specific, current and probable, and where there is a possible invasion of privacy balanced against the public interest consideration may be given to who would be receiving the information and whether any controls can be placed on the further use or release of this information.

I would submit to members of this House that the disclosure provisions of Bill C-284 fall well within the accepted protocol for the release of personal information of which one's criminal record is a part.

I would like to close by noting a particular case that happened in the town I lived in when I was a youngster. In fact, this story was brought to mind by an article written in the Ottawa *Citizen* back in November of last year by an individual whose name is Abby Drover. For those who have suffered from sexual abuse, she characterized it as a life sentence.

I remember this particular case because of its gruesomeness. I do not want to go into the details of it, but just say that those who would commit such offences against children violate not only our children but us as a whole and as a society. We must put the emphasis on protecting our children because they are the most valuable resource that we have.

• (1835)

As the father of four young children, I speak strongly in support of this bill. I urge all members when we vote on this very important bill next week to give it their full support.

Adjournment Debate

Mr. Eric Lowther: Madam Speaker, I rise on a point of order. I was wondering if it would be agreeable to the House that I might seek unanimous consent to conclude debate on this particular bill in the time remaining.

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

Some hon. members: Agreed.

Mr. Eric Lowther (Calgary Centre, Ref.): Madam Speaker, I want to thank all hon. members for the support that has been given to this bill. It clearly demonstrates that we can work occasionally in a non-partisan way. I also appreciate the comments.

I just conclude on some of the points that were made here today and give a clarification on some key themes that were repeated.

In Canada today almost 99% of those who apply for pardons actually get a pardon. It is almost a case that if you want one, you get one. Currently there is no information kept as to what kind of crimes are pardoned and which ones are not.

We know for a fact that pedophiles have a high rate of recidivism and we put people at risk who are in their care, particularly children of course. This is what the bill is trying to address which is what we have talked about.

Another key thing we have talked about is that this is in the public interest, so much so that it overrides the privacy concerns of the Privacy Commissioner and he has even said so.

It is an important bill to support. Sometimes what happens with specific bills like this is that the government says it has to do a much more comprehensive review of the issue. Things go on hold and we live with the status quo. Sometimes when we go with the comprehensive review, the idea is that it is too comprehensive and something more specific is needed so nothing ever happens.

This bill, if it can help one child being delivered from abuse and not having to experience the life sentence that abuse is, is worth us putting in place. If we want to do a more comprehensive review on a go forward basis, I have no problem with that.

My appeal to the House is that even if this just stops the abuse of one child then is it not worth it to move this bill along and make the larger changes if need be in the future.

The Acting Speaker (Ms. Thibeault): Pursuant to an order made earlier today, the question is deemed put and the recorded division is deemed demanded and deferred until Tuesday, October 6, 1998 at the expiry of the time provided for Government Orders.

ADJOURNMENT PROCEEDINGS

[English]

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

RAILWAYS

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Madam Speaker, on June 2 I urged the transport minister to ask CN for a standstill on rail line abandonments until Justice Estey's report is received at year end. This question was precipitated by CN's announced closing of the Imperial subdivision in my riding.

The transport minister said he was counting on the goodwill of the railways not to abandon lines until the grain transportation review by Justice Willard Estey was complete. So much for goodwill. Both CN and now the CPR have announced their intention to close branch lines under the new process implemented with changes to the Canadian Transportation Act.

This request seemed reasonable because every day in question period the government told us it was waiting for the MacKay report on the bank mergers. Well why wait for MacKay but not Estey? That is what I want to know and so do the farmers in Saskatchewan.

For the record, the mandate of Justice Estey's review includes "ensuring that Canada has the world's most efficient, viable, and competitive grain handling and transportation system to meet the ongoing and long term expectations and demands of all customers".

I guess there are a number of ways to do that but the way the Liberal government has approached the entire grain transportation system is not one of them. Here is what the Liberals did instead: They spent millions of taxpayers' dollars to upgrade CN's rail lines. Then they privatized the CN. Then CN announced it would abandon those lines for a salvage value of between \$25,000 and \$80,000 per mile, lines that will cost \$1 million per mile to rebuild.

• (1840)

The Liberal government also changed the Canadian Transportation Act to remove the federal transport minister's ability to say no to rail line abandonments. Now when asked to support a standstill he can say "my hands are tied". It is a great trick. Houdini ties his own hands. Just like Houdini, maybe the minister could untie them again by making amendments to the CTA, like the ones suggested by the Government of Saskatchewan.

I do not have time to go into the list today of what the government has proposed, but if there is no action from the Liberal side of the House, I will introduce a private members' bill to deal with those amendments myself.

A major cost associated with this policy of rail line abandonments is the increased wear and tear on Saskatchewan, Alberta and Manitoba highways. Justice Estey during public consultation meetings in Saskatchewan said that roads are the biggest single issue facing this review.

The provincial transportation ministers agreed at their May meeting on a proposal for federal participation in a national highways program. Canada is the only OECD country without one. They suggested that the federal government take the \$300 million it already spends on various highway programs, add \$500 million more from the debt reduction fuel tax, for a total of \$800 million which the provinces would then match. This proposal was endorsed by the premiers. As yet we do not know what happened to it from the federal government.

A number of new developments have occurred. A number of recent developments on the rail issue should be brought to the attention of the House today. It concerns me because it makes it seem like the tail is wagging the dog a bit.

The Sask wheat pool announced the closure of 235 elevators in 170 locations on September 15. Then the CPR announced six branch line closures on September 17. Then the transport minister told his provincial counterparts on September 25 that there can be no official moratorium on rail line abandonments. But CN officials told me months ago which elevators the wheat pool would be closing. The wheat pool told CN that it would not tell me as a member of parliament and it did not announce it for another four months publicly. I wonder, did they tell the transport minister? Did they tell Justice Estey?

To conclude, I believe that most participants in the grain transportation system have confidence in Justice Estey's work. That is why we should wait for the report. I worry that the federal government is undermining his work though by letting the railways get away with announcing closures now and that the wheat pool is doing more or less the same thing.

I encourage the Minister of Transport to step up his efforts with the railways, consider amendments to the transportation act to give himself back some clout in this regard, and to keep fighting the Minister of Finance so that we can get a national highways program in our country.

Mr. Stan Dromisky (Parliamentary Secretary to Minister of Transport, Lib.): Madam Speaker, I am pleased to respond to the matters raised by the hon. member for Regina—Lumsden—Lake Centre on June 9, 1998 regarding the discontinuance of operations over railway lines.

Mr. Estey, who is studying all aspects of the grain industry in western Canada, has been asked to recommend ways to ensure

Adjournment Debate

Canada has the world's most efficient, viable and competitive grain transportation and handling system to meet the ongoing and long term expectations of our customers. Mr. Estey's recommendations will not affect the economics of the operation of any prairie branch lines. Those lines with low or declining traffic owing to the closures of elevators by the grain companies will remain classified as uneconomical.

However, the rail network rationalization process was designed to encourage commercial purchases of low traffic density lines. In the event that commercial transfers are not possible, it will allow for provincial and municipal governments to preserve these lines by purchasing them at net salvage value.

Rail network rationalization in Saskatchewan is to be driven by the decisions of the grain companies. As grain companies divert grain to newer or expanded loading facilities, country elevators are closed and traffic disappears from these branch lines. The province of Saskatchewan has not exercised its right under the Canada Transportation Act to acquire these lines at net salvage value.

In closing, I would emphasize that the rail rationalization process has proven to be very successful. At the urging of the Minister of Transportation, the railways have not proceeded with the discontinuance of lines if community groups have expressed interest in acquiring them. For every line discontinued six lines have been transferred. Therefore, the government does—

The Acting Speaker (Ms. Thibeault): I am afraid I must interrupt the parliamentary secretary, but his time has expired.

• (1845)

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Madam Speaker, last April, I asked a question about employment insurance eligibility.

There is a problem in the maritime regions with all the cuts in cod and crab fishing quotas and even a moratorium on cod fishing. We have talked several times, here in the House of Commons, about the hardship experienced by fish plant workers. For the past three years, the federal government has had to send money to the provinces for what is called the black hole, which stretches from February to May.

People wonder if they will have to live like that for the rest of their lives. Will fishers and fish plant workers have to experience that kind of hardship for the rest of their lives? Will all seasonal workers have to experience that kind of hardship for the rest of their lives?

Adjournment Debate

Who can live on \$165 a week? Not the Minister of Finance, I can guarantee that. Neither the Minister of Finance nor the Prime Minister can live on \$165 a week less taxes.

Today, in fact, I asked the Prime Minister a question. In February 1993, when he was in opposition, he had taken the time to send a letter to a Canadian. In it, he said that when—he did not say if—he was elected in the fall, he would make sure that something was done about EI, as well as the GST and pay equity. But what kind of Prime Minister do we have? What are the Liberals now doing for Canadians? They are making find-sounding promises that they cannot keep.

The EI fund belongs to workers. It is not there to reduce taxes. It belongs to workers and businesses. Is it not their fund? Morally, the government has no right to touch the money.

It is disgraceful what is happening in our country, how the government wants to grab the money in the EI fund so that it can proudly tell us how it has balanced the budget. It has balanced the budget and reduced the deficit to zero. How has it done this? On the backs of workers.

It is not true that workers will put up with this. It is no different from an insurance company. Suppose that today you purchase an insurance policy for your car and that, ten years from now, you have an accident. You have paid insurance for ten years, and when you go to collect, you are told: Sorry, the insurance company has used the money for something else.

This is an insurance policy that belongs to workers. It is time the Minister of Human Resources Development stopped letting the Minister of Finance push him around. He should stand up to him, do the job he is supposed to do, and assume his responsibilities.

It is unacceptable. Today the Prime Minister told me I did not know what I was talking about. I would encourage the Prime Minister to pay a visit to my riding. We would love to see him.

Let the Minister of Human Resources Development come to my region, where winter finds 46% of workers on EI because there is no work.

The government should assume its responsibilities and quick.

[*English*]

Ms. Bonnie Brown (Parliamentary Secretary to Minister of Human Resources Development, Lib.): Madam Speaker, we are all concerned about unemployed workers in Atlantic Canada and we are working to improve their prospects. In response to the member's comments regarding access to EI, let me point out that nearly 80% of unemployed workers in New Brunswick receive EI benefits contrary to what the member continues to assert.

Second, I point out that the government is taking strong steps to help unemployed fishers and fish plant workers in Atlantic Canada.

Rather than trying to set up temporary programs for those affected by the collapse of the fishery we are trying to give workers the tools and programs they need to get on with their lives. This summer we announced \$730 million in fishery restructuring and adjustment measures for the Atlantic groundfishery. These measures include early retirement, active employment measures and economic development.

• (1850)

We also have the transitional jobs fund which has been very beneficial to Canadians living in areas of high unemployment. The transitional jobs fund has already created over 31,000 jobs. In New Brunswick alone we helped create over 2,300 jobs for New Brunswickers and we expect to create more.

Simply providing passive income support through regular EI benefits is not a sufficient response to the unemployment problem. That is why we have worked with the provinces and territories to develop labour market arrangements tailored to local and regional needs. These arrangements are aimed at providing real solutions for unemployed Canadians.

I wish to remind the member that we are transferring \$228 million over three years to the Government of New Brunswick so that New Brunswickers can access programs that better respond to the particular labour market challenges of New Brunswick than was possible in the past. In addition, many social assistance recipients will have access to these programs.

This is just a highlight of the steps we have taken to help Atlantic Canadians and Canadians in the member's own province, and I can assure the House that we will continue in our efforts.

* * *

ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Madam Speaker, last summer Canadians suffered from increased smog levels causing breathing problems, increased hospital admissions and premature deaths.

Smog results from the burning of oil and coal creating nitrogen oxides and volatile organic compounds together with other substances which lead to the formation of ground level ozone which is then part of the smog phenomenon. Scientists identify nitrogen oxides from the burning of fossil fuels not only because it forms smog but also because it is a component of acid rain.

We have here a domestic problem as well as an international one because at the Lennox plant in eastern Ontario, Ontario Hydro has not installed the equipment needed to reduce nitrogen oxide pollution. In addition new United States pollution regulations designed to reduce smog could force Ontario Hydro to install

Adjournment Debate

emissions abatement equipment if it wants to export power to the United States.

Selective catalytic reduction technology is available to reduce smog and Ontario Hydro should bite the bullet and install it. From an international perspective one must remember that in 1991 Canada and the United States signed the air quality agreement whereby each country is responsible for the effects of air pollution it causes in the other country. Canada and the United States also agreed to consult and deal with any existing transboundary air pollution problems.

Therefore what we do in Canada to reduce nitrogen oxide is desirable not only to improve air quality and prevent health problems but also to make a case to the United States that it should do its part in reducing air pollution. However the reverse also applies.

Last week we learned of a significant announcement by the United States Environmental Protection Agency that 22 eastern United States will be required to cut nitrogen emissions by 28% starting in the year 2003. Such steps could lead to a substantial reduction in smog formation.

Will Canada reciprocate? This is why I am asking the Minister of the Environment what progress has been made to ensure Ontario makes every effort to minimize air pollution through the reduction of nitrogen oxide emissions.

Unfortunately Ontario Hydro has apparently made the decision not to outfit an oil burning power plant in eastern Ontario with the next generation of pollution control devices which permit the reduction of nitrogen oxides.

As I did on March 30, I would like to inquire of the parliamentary secretary whether the Minister of the Environment will ask her Ontario counterpart to intervene with Ontario Hydro and see to it that its decision is reversed; that the nitrogen oxide reducing equipment is installed at the Lennox plant, thus permitting Canada to keep its international commitment; and to reciprocate to the United States Environmental Protection Agency initiative of issuing new tough standards for emission of nitrogen oxides aimed at reducing smog levels as reported today in a national newspaper.

• (1855)

Ms. Paddy Torsney (Parliamentary Secretary to Minister of the Environment, Lib.): Madam Speaker, I thank the member for

Davenport for raising this important issue which the Minister of the Environment has taken seriously.

In September 1997 the federal Minister of the Environment expressed her concerns regarding the Ontario Hydro situation in a letter to her provincial counterpart, Norm Sterling. She encouraged Mr. Sterling to ensure that Ontario Hydro took full account of environmental issues as it developed its recovery strategy.

As the House may know, Ontario has laid up some of its nuclear power plants and is using more of its fossil fuel fire power plants like the Lennox plant to ensure Ontario's energy demand is met. The member will be pleased to know that Ontario Hydro has indicated that it plans to modify two of the units at Lennox so that they will operate on natural gas, which of course is a cleaner fuel than oil.

In Mr. Sterling's response to the minister he ensured that they would look at the mitigation of the environmental impacts of Ontario Hydro's recovery plan and that it would be a major consideration for the all-party select committee on Ontario Hydro nuclear affairs formed by the provincial government as would the investigation of the economic and environmental viability of alternative energy supply options.

Our Minister of the Environment is prepared to discuss this issue again with Mr. Sterling to further impress upon him the need to ensure that the electricity supplied by Ontario Hydro is generated in a manner that is both safe and environmentally sound and to encourage him to consider actions to further reduce air pollution in Ontario.

Mr. Sterling's ministry has placed a cap on nitrogen oxides and sulphur dioxide emissions from Ontario Hydro facilities and the company has indicated that it will continue to meet those demands. Minister Sterling is also aware that further reductions in those emissions will be necessary in order to address both domestic and transboundary acid rain and smog issues.

The Acting Speaker (Ms. Thibeault): The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 6.57 p.m.)

CONTENTS

Tuesday, September 29, 1998

ROUTINE PROCEEDINGS

Criminal Records Act

Mr. Hill (Prince George—Peace River)	8497
Motion	8497
(Motion agreed to)	8497

Petitions

Marriage

Ms. Catterall	8497
---------------------	------

CRTC

Ms. Catterall	8497
---------------------	------

Multilateral Agreement on Investment

Ms. Catterall	8497
---------------------	------

Marriage

Mr. Morrison	8497
--------------------	------

Bill C-68

Mr. Morrison	8497
--------------------	------

Marriage

Mr. Wappel	8498
------------------	------

Mr. Johnston	8498
--------------------	------

Bill C-68

Mr. Stinson	8498
-------------------	------

Young Offenders Act

Mr. Ramsay	8498
------------------	------

Bill C-68

Mr. Ramsay	8498
------------------	------

Marriage

Mr. Ramsay	8498
------------------	------

Property Rights

Mr. Ramsay	8498
------------------	------

Questions on the Order Paper

Mr. Knutson	8498
-------------------	------

GOVERNMENT ORDERS

DNA Identification Act

Bill C-3—Time Allocation Motion

Mr. Boudria	8498
-------------------	------

Motion	8498
--------------	------

Motion agreed to	8499
------------------------	------

Third Reading

Mr. Myers	8500
-----------------	------

Mr. Lebel	8502
-----------------	------

Mr. Myers	8502
-----------------	------

Mrs. Chamberlain	8502
------------------------	------

Mr. Obhrai	8503
------------------	------

Mrs. Chamberlain	8504
------------------------	------

Mr. Obhrai	8505
------------------	------

Mrs. Chamberlain	8505
------------------------	------

Mr. Obhrai	8505
------------------	------

Mr. Discepola	8505
---------------------	------

Mrs. Longfield	8507
----------------------	------

Mrs. Longfield	8508
----------------------	------

Mrs. Longfield	8509
----------------------	------

Mr. Mahoney	8509
-------------------	------

Mr. Abbott	8510
------------------	------

Mr. Mahoney	8510
-------------------	------

Mr. Abbott	8511
------------------	------

Ms. Catterall	8513
---------------------	------

Mr. Abbott	8513
------------------	------

Mr. MacKay	8513
------------------	------

Mr. Abbott	8514
------------------	------

Mr. MacKay	8514
------------------	------

Mr. Abbott	8514
------------------	------

Mr. DeVillers	8514
---------------------	------

Mr. Hart	8516
----------------	------

Mr. DeVillers	8516
---------------------	------

Mr. White (Langley—Abbotsford)	8516
--------------------------------------	------

Mr. DeVillers	8516
---------------------	------

Mr. MacKay	8516
------------------	------

Mr. DeVillers	8516
---------------------	------

Mr. Bryden	8516
------------------	------

Mr. MacKay	8518
------------------	------

Mr. Bryden	8518
------------------	------

Mr. Hart	8518
----------------	------

Mr. Bryden	8519
------------------	------

Mr. White (Langley—Abbotsford)	8519
--------------------------------------	------

Mr. Lee	8520
---------------	------

Mr. Ramsay	8521
------------------	------

Mr. Pickard	8522
-------------------	------

Supplementary Report of the Auditor General of Canada

The Speaker	8523
-------------------	------

STATEMENTS BY MEMBERS

Humanitarians

Mr. Pickard	8523
-------------------	------

First Ministers Conference

Mr. Obhrai	8524
------------------	------

Arthritis

Mrs. Ur	8524
---------------	------

Health

Ms. Desjarlais	8524
----------------------	------

William Hancox

Mr. McKay	8524
-----------------	------

The Environment

Mr. Pratt	8524
-----------------	------

The Senate

Ms. Meredith	8525
--------------------	------

John Eakins

Mr. O'Reilly	8525
--------------------	------

The Late Private Gilles Desmarais

Mr. Serré	8525
-----------------	------

Scrapie

Mr. Desrochers	8525
----------------------	------

Victims of Violence

Mr. Cadman	8526
------------------	------

Société Saint-Jean-Baptiste

Mr. Paradis	8526
-------------------	------

International Year of the Ocean

Mrs. Tremblay	8526
---------------------	------

Maison Parent–Roback	
Mrs. Jennings	8526
Justice	
Mr. Casey	8527
Land Mines	
Mr. McWhinney	8527
Veterans Affairs	
Mr. Muise	8527

ORAL QUESTION PERIOD

Employment Insurance	
Mr. Manning	8527
Mr. Chrétien (Saint–Maurice)	8527
Mr. Manning	8527
Mr. Chrétien (Saint–Maurice)	8528
Mr. Manning	8528
Mr. Chrétien (Saint–Maurice)	8528
Mr. Solberg	8528
Mr. Chrétien (Saint–Maurice)	8528
Mr. Solberg	8528
Mr. Solberg	8528
Mr. Chrétien (Saint–Maurice)	8528
Mr. Duceppe	8528
Mr. Chrétien (Saint–Maurice)	8528
Mr. Duceppe	8528
Mr. Chrétien (Saint–Maurice)	8528
Mr. Crête	8529
Mr. Pettigrew	8529
Mr. Crête	8529
Mr. Pettigrew	8529
Ms. McDonough	8529
Mr. Chrétien (Saint–Maurice)	8529
Ms. McDonough	8529
Mr. Chrétien (Saint–Maurice)	8529
Mrs. Wayne	8530
Mr. Chrétien (Saint–Maurice)	8530
Mrs. Wayne	8530
Mrs. Wayne	8530
Mr. Chrétien (Saint–Maurice)	8530
Aboriginal Affairs	
Mr. Scott (Skeena)	8530
Mr. Rock	8530
Mr. Scott (Skeena)	8531
Mr. Rock	8531
Employment Insurance	
Mr. Gauthier	8531
Mr. Pettigrew	8531
Mr. Gauthier	8531
Mr. Gauthier	8531
Mr. Pettigrew	8531
Social Insurance Numbers	
Mr. Williams	8531
Mr. Pettigrew	8531
Mr. Williams	8531
Mr. Pettigrew	8532
Mr. Cardin	8532
Mr. Cardin	8532
Mr. Pettigrew	8532

APEC Summit	
Mr. Mills (Red Deer)	8532
Mr. Axworthy (Winnipeg South Centre)	8532
Mr. Mills (Red Deer)	8532
Mr. Axworthy (Winnipeg South Centre)	8532
Scrapie	
Ms. Alarie	8532
Mr. Vanclief	8533
Steel Industry	
Mr. Provenzano	8533
Mr. Marchi	8533
APEC Summit	
Miss Grey	8533
Mr. Axworthy (Winnipeg South Centre)	8533
Miss Grey	8533
Mr. Axworthy (Winnipeg South Centre)	8533
Employment Insurance	
Mr. Godin (Acadie—Bathurst)	8534
Mr. Chrétien (Saint–Maurice)	8534
Mr. Godin (Acadie—Bathurst)	8534
Mr. Godin (Acadie—Bathurst)	8534
Mr. Chrétien (Saint–Maurice)	8534
APEC Summit	
Mr. MacKay	8534
Mr. Scott (Fredericton)	8534
Mr. MacKay	8534
Mr. Scott (Fredericton)	8534
Scrapie	
Mr. Coderre	8534
Mr. Coderre	8535
Mr. Vanclief	8535
Fisheries	
Mr. Lunn	8535
Mr. Anderson	8535
Chilean Refugees	
Mr. Ménard	8535
Ms. Robillard	8535
Pharmaceuticals	
Ms. Wasylycia–Leis	8535
Mr. Rock	8535
Presence in Gallery	
The Speaker	8536
The Late Gilles Rocheleau	
Mr. Duceppe	8536
Mr. Massé	8536
Mr. Jaffer	8536
Mr. Nystrom	8537
Mr. Harvey	8537
The Late Paul Tardif	
Mr. Bellemare	8537
Mr. Morrison	8537
Mr. Desrochers	8538
Mr. Nystrom	8538
Mr. Jones	8538
GOVERNMENT ORDERS	
DNA Identification Act	
Bill C–3. Third reading	8538

MAIL  POSTE

Canada Post Corporation/Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

03159442

Ottawa

If undelivered, return COVER ONLY to:

Canadian Government Publishing,

45 Sacré-Coeur Boulevard,

Hull, Québec, Canada, K1A 0S9

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à:

Les Éditions du gouvernement du Canada,

45 boulevard Sacré-Coeur,

Hull, Québec, Canada, K1A 0S9

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

Aussi disponible sur le réseau électronique «Parliamentary Internet Parlementaire» à l'adresse suivante :

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

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Canadian Government Publishing, Ottawa, Canada K1A 0S9

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions du gouvernement du Canada, Ottawa, Canada K1A 0S9

On peut obtenir la version française de cette publication en écrivant à Travaux publics et Services gouvernementaux Canada – Édition, Ottawa, Canada K1A 0S9.